



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262

Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937

www.jksic.nic.in

File No: SIC/CO/SA/100/2014

Decision No: SIC/CO/SA/100/2014-599

Title:- Madan Mohan Sharma V/s PIO Home Department

Jammu

06.03.2014

This is a second appeal filed by one certain Shri Madan Mohan Sharma, a resident of the State before this Commission on 27.12.2013. Shri Sudershan Kumar, Additional Secretary-cum-First Appellate Authority, Home Department and Shri Mohammad Yaqoob, Under Secretary-cum-PIO, Home Department attended the hearing. The appellant did not prefer to attend. The Commission has heard the FAA as well as the PIO. They have brought to the notice of the Commission that the fee of Rs.10/- which is the pre-requisite for filing of RTI application has not been deposited in accordance with law. Therefore, they have submitted that application be rejected by the Commission. The Commission has gone through the relevant section 6 of the State RTI Act which reads as under:-

“A person, who desires to obtain any information under the Act, shall make a request in writing or through electronic means in English, Urdu or Hindi accompanying such fee as may be prescribed, to –

- (a) the Public Information Officer of the concerned public authority
- (b) the Assistant Public Information Officer

Specifying the particulars of the information sought by him or her".
The mode of payment of the requisite fee enabling a resident of the State to seek information under the State RTI Act is laid down in Rule 4 of the State RTI Rules,2012. Thus, it is beyond any shadow of doubt that the application of the appellant seeking information is ab-initio bad in law and is hereby rejected. The appellant, if he chooses, has a right to move the Hon'ble J&K High Court in the shape of writ petition as per the constitution of the State read with Constitution of India.

Second appeal is accordingly disposed of.

Sd/-
(G.R. Sufi)

State Chief Information

Commissioner

Copy to:-

1. Shri Sudershan Kumar, Additional Secretary to Govt. Home Department, Civil Secretariat, Jammu.
2. Shri Mohammad Yaqoob, Under Secretary-cum-Public Information Officer Home Department, Civil Secretariat, Jammu
3. Shri Madan Mohan Sharma,Retd. Dy. Commandant CRPF, Old Satwari, Jammu Cantt. Jammu.
4. Private Secretary to Chief Information Commissioner
5. Guard file.

(G.Q.Bhat)
Registrar
State Information Commission