



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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www.jksic.nic.in

File No: SIC/CO/SA/118/2014

Decision No: SIC/CO/SA/118/2014/601

Title:- Ramesh Kumar V/s PIO Health & Medical Education Department

Jammu

07.03.2014

This is a second appeal filed by Shri Ramesh Kumar, a resident of the State before this Commission on 21.01.2014. Shri Des Raj Bhagat, Deputy Secretary-cum-PIO Health & Medical Education Department and Ms. Lotika Khajuria, Deputy Director-cum-PIO Drug & Food Control Organization Jammu attended the hearing. The appellant did not prefer to attend. The Commission has heard the PIOs. Commission, while going through the RTI application, has found 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, the application is liable to be rejected by the Commission. 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 which reads as under:-

“For providing the information under sub-section (1) of section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or bankers cheque of Indian Postal Order payable to the Accounts Officer of the public authority at the following rates:

a) rupees two for each page (in A-4 or A-3 size paper) created or copied

b) actual charge or cost price of a copy in larger size paper

c) actual cost or price for samples or models; and

d) for inspection of records, no fee for the first hour, and a fee of rupees five for each fifteen minutes (or fraction thereof) thereafter”.

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 PIO is advised that in future whenever he starts processing RTI applications, he should first give a finding whether the application itself is in accordance with law and rules. As per RTI Act, there is no bar for the appellant to file a fresh application before the PIO seeking the same information, however, ensuring that the fees and copying charges are deposited in accordance with the law and not according to his own wishes. 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

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