



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/87/2013

Decision No: SIC/CO/SA/87/2013-604

Title:- Suresh Singh V/s PIO, PHQ Jammu.
Jammu
10.03.2014

This is a second appeal filed by Shri Suresh Singh, a resident of the State before this Commission on 2.12.2013. Shri Uttam Chand AIG(CIV)-cum-PIO, Police Headquarters, Jammu attended the hearing. The appellant was represented by his counsel Advocate Rahul Bahu. The Commission has heard both the parties. 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. It will be appropriate to reproduce provisions of section 6 of State RTI Act, 2009 read with RTI Rules, 2012:-

“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 3 of the State RTI Rules,2012 which reads as under:-

“ A request for obtaining information under sub-section (1) of section 6 shall be accompanied by an application fee of rupees ten by way

of cash against proper receipt or by demand draft or bankers cheque or Indian Postal Order payable to the Accounts Officer of the public authority”.

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. The PIO, Police Headquarters is also advised to furnish the information to the appellant as and when he approaches him with fresh RTI application alongwith the fee as prescribed under the State RTI Rules, 2012. The PIO's attention is invited to section 7 of the State RTI Act which enjoins upon the PIO to pass an order as expeditiously as possible.

Second appeal is accordingly disposed of.

Sd/-
(G.R. Sufi)
State Chief Information Commissioner

Copy to:-

1. Shri Uttam Chand (AIG CIV), Public Information Officer, PHQ Jammu
2. Shri Suresh Singh, S/o Shri Sukhdev Singh R/o Village Pargwal, Akhnoor
3. Private Secretary to Chief Information Commissioner.
4. Guard file.

(G.Q. Bhat)
Registrar
State Information Commission