

CENTRAL INFORMATION COMMISSION

Room No. – 308, 2nd Floor, August Kranti Bhawan,
Bhikaji Cama Place, New Delhi – 110066.
Website: cic.gov.in

File No. CIC/KY/A/2016/001227

Appellant : Shri D T Eshwaran
L-13A, Sarvamangala Colony
Ashoknagar, Chennai-600083

Public Authority : The Asstt. Director (Fin) & CPIO
Ministry of Housing and Urban Poverty Alleviation
Central Government Employees Welfare Housing Organisation,
6th Floor, A-Wing, JanpathBhawan, Janpath, New Delhi-110001

Date of Hearing : 22.09.2016
Date of Decision : 22.09.2016

Presence:

Appellant : Absent
CPIO : Shri A K Purswani, Dy. Director (T) & FAA

FACTS:

- I. Vide RTI application dated **14.10.2015**, the Appellant sought information on **11 issues**.
- II. CPIO, vide its response dated **17.11.2015**, has provided the part information to the Appellant.
- III. The First Appeal (FA) was filed on **27.12.2015**, as desired information not provided.
- IV. First Appellate Authority (FAA), vide its order dated **05.05.2016**, disposed of the FA.
- V. Grounds for the Second Appeal filed on **27.06.2016**, are contained in the Memorandum of Second Appeal.

HEARING

Appellant opted to be absent despite of our due notice to him. Respondents appeared before the Commission personally and made the submissions at length.

DECISION

It would be seen here that the appellant, vide his RTI Application dated **14.10.2015**, sought information from the respondents on **11 issues**. Respondents, vide their response dated **17.11.2015**, allegedly not provided the required information to the appellant. Being aggrieved by the aforesaid response, FA was filed by the appellant on **27.12.2015** before the FAA, who vide his order dated **05.05.2016**, disposed of the FA. Hence, a Second Appeal before this Commission.

2. During hearing of the appeal, it is submitted by Shri A K Purswani, Dy. Director (T) & FAA, that he vide his order dated **05.05.2016**, disposed of the FA dated 27.12.2015 by providing the part required information to the appellant and also asked the appellant to deposit the requisite fee of ₹ 4250/- for getting the required information i.e. 17 drawings at the rate of ₹ 250/- per drawing from the respondents. However, appellant could not turn up in this regard.
3. On being queried by the Commission, as to under which provisions of the RTI Act 2005, respondents have asked the appellant to deposit the huge amount for getting the required information. On this very aspect, Shri A K Purswani, Dy. Director (T) & FAA, failed to pinpoint the provisions of the RTI Act 2005. For the purpose of clarity, it would be appropriate to quote the relevant Rules of RTI Rules 2012 provided under RTI Act 2005 i.e. **Section 4 of RTI Rules 2012**, under which the complainant has filed his complaint, which reads as under:

Fees for providing information.—

Fee for providing information under sub-section (4) of Section 4 and sub-sections (I) and (5) of Section 7 of the Act shall be charged at the following rates, namely:—

- (a) rupees two for each page in A-3 or smaller size paper;
- (b) **actual cost or price of a photocopy in large size paper;**
- (c) actual cost or price for samples or models;
- (d) rupees fifty per diskette or floppy;
- (e) price fixed for a publication or rupees two per page of photocopy for extracts from the publication;
- (f) no fee for inspection of records for the first hour of inspection and a fee of rupees 5 for each subsequent hour or fraction thereof; and
- (g) so much of postal charge involved in supply of information that exceeds fifty rupees.

4. By virtue of the above, the Commission feels that the respondents have asked the appellant to deposit the **unreasonable amount** (₹ 4250/-) for getting the required information, which is not only **legally untenable** but also **unjustified**.
5. The Commissioner heard the submissions made by respondents at length. The Commission also **perused** the case-file **thoroughly**; specifically, **nature of issues** raised by the appellant in his RTI application dated **14.10.2015**, respondent's response dated **17.11.2015**, FAA's order dated **05.05.2016**, other material made available on record and also the grounds of memorandum of second appeal.
6. In view of the position above and in the circumstances of the case, the Commission feels that it would be appropriate and even justified to direct the respondents to quantify the exact amount of requisite fee to be deposited by the appellant for providing the required information on his RTI applications dated **05.02.2016**, **under the Rule 4(b) of the RTI**

Rules 2012 as quoted above, within 30 days from the date of receipt of this order under intimation to this Commission. In case, the requisite fee is deposited by the appellant, the respondents are further directed to provide the **certified** required information to the appellant, within 30 days from the date of payment of requisite fee, under intimation to this Commission.

With these observations the appellant's instant second appeal is disposed of accordingly.

Sd/-

(M.A. Khan Yusufi)

Information Commissioner

Authenticated true copy

(Krishan Avtar Talwar)

Deputy Secretary

The Asstt. Director (Fin) & CPIO

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