

CENTRAL INFORMATION COMMISSION

August Kranti Bhawan, Bhikaji Cama Place,
New Delhi-110066

F.No.CIC/SA/C/2014/000090-YA

Date of Hearing : 08.06.2015

Date of Decision : 21.07.2015

Appellant/complainant : Shri S.K. Wadhwa
Delhi

Respondent : Shri Kavtik Taneja, Office Incharge
On behalf of PIO, Shri A.K. Meena EE(B)
Building Deptt., West Zone
South Delhi Municipal Corporation
Delhi

Information Commissioner : Shri Yashovardhan Azad

Relevant facts emerging from complaint/appeal:

RTI application filed on : 18.07.2012

PIO replied on : 10.10.2013

First Appeal filed on : Not attached

First Appellate Authority (FAA) order on : 10.01.2014

Complaint/ Second Appeal received on : 12.02.2014

Information sought:

The appellant/complainant sought information w.r.t. unauthorised construction at WZ-508/6 C Basai Darapur, New Delhi with complete inspection of record.

Relevant facts emerging during hearing:

Both the parties are present. The appellant/complainant filed an RTI application dated 18.07.2012, seeking the above information. PIO vide reply dated 10.10.2013 offered inspection to the appellant/complainant. The FAA vide order dated 10.01.2014, directed the PIO to allow inspection to the appellant/complainant. Not satisfied with the response of the public authority, appellant/complainant filed the present appeal to the Commission.

The appellant/complainant stated that PIO has not replied within the prescribed time period and only offered inspection. He further stated that at the time of inspection, when he wanted to scan the documents from his own equipment, the same was not allowed to him. He requested the Commission to consider his complaint as an appeal and direct the authority to allow scanning of the documents by his own equipment as the same is cheaper and easy. The respondent submitted that the inspection was allowed but he insisted for scanning of documents from his own equipment for which there is no provision under the RTI Act/rules and the same was disallowed.

Considering the request of the appellant/complainant, the Commission treats this case as an appeal.

Decision:

After hearing both the parties and on perusal of record, the Commission finds that the issue before the Commission is that scanning of the documents by the appellant's own equipment should be allowed or not. Section 2(j) of the RTI Act defines Right to Information as under:-

“(j) "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

- (i) inspection of work, documents, records;*
- (ii) taking notes, extracts or certified copies of documents or records;*
- (iii) taking certified samples of material;*
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or **in** any other electronic mode or through printouts where such information is stored in a computer or in any other device;”*

The Right to Information Rules 2012 provide minimum charges to be taken from the appellant for providing the information. The motto of the RTI Act is to disseminate information at minimum cost and in an unhindered manner. Section 4(1)(a) of the RTI Act also provides that Every public authority shall ensure that all records to be computerised for facilitating access, which reads as under:-

4. (1) *Every public authority shall—*

a) *maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;*

A bare reading of the above referred provisions reveals that the purpose of the RTI Act 2005 is to ensure that the information will be available to the information seeker at minimum cost and in an easy manner. If the information is not exempted under the RTI Act and public authority is ready to provide the information, as per the provisions of the RTI Act, then there is no difficulty in providing the same in electronic mode by scanning the same. The only issue here is that the appellant wants to scan the same with his own equipment.

Section 7 (9) of the RTI Act, 2005 provides that

(9) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.

Since the information is to be provided by the public authority, under Right to Information Rules 2012, in rule no. 4, rates/fees have also been specified for providing information as under:-

"4. 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) 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."

It is therefore a well laid down principle that the information will be provided after charging the stipulated fees. In the instant case, appellant wants to use his own scanning equipment, where as the public authority after offering inspection to him is ready to provide the necessary documents in the form that he desires. Hence, there has been no denial by the public authority to give the information in the form desired by the appellant. The Commission therefore does not find any reason for the appellant's request to be entertained which is for allowing scanning on his own. If in the instant case, scanning is allowed to the appellant by his own scanning equipment, it would set a precedent for similar demands in other cases. It is evident that scanning by appellant cannot be allowed in cases where copies of documents have to be given after redacting names or parts of the information/documents by invoking exemption under the RTI Act. Moreover, rules have already been notified w.r.t. information Act regarding established procedures/rules for providing information by the public authority. The Commission directs the respondent to provide the information in electronic format, as requested by the appellant, within four weeks of receipt of this order, under intimidation to the Commission.

The appeal/complaint is disposed of accordingly.

(Yashovardhan Azad)
Information Commissioner

Authenticated true copy. Additional copies of orders shall be supplied against application and payment of the charges prescribed under the Act to the CPIO of this Commission.

(B.D. Harit)
Deputy Secretary & Deputy Registrar

Copy to:-

Public Information Officer under RTI
Executive Engineer-(Bldg.)-I / West Zone,
South Delhi Municipal Corporation,
Building Department, West Zone,

First Appellate Authority under RTI
Superintending Engineer-I / West Zone,
South Delhi Municipal Corporation,
West Zone, Zonal Office Building,

**Vishal Enclave, Rajouri Garden,
New Delhi-110027.**

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New Delhi-110027.**

**Public Information Officer under RTI
Assistant Engineer-(Bldg.)-I / West Zone,
South Delhi Municipal Corporation,
Building Department, West Zone,
Vishal Enclave, Rajouri Garden,
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