

Central Information Commission

Shri S.Ramanujam vs Southern Railway, Chennai on 27 January, 2010

Central Information Commission

CIC/OP/A/2009/000107-AD

Dated January 27, 2010

Name of the Applicant : Shri S.Ramanujam
Name of the Public Authority : Southern Railway, Chennai
Background

1. The Applicant filed an RTI application dt.4.8.08 with the CPIO cum CE(Construction), Southern Railway, Chennai seeking authenticated copies of agreements & measurement books, all related to M/s.Simplex Concrete Pile Foundation. Shri R.P.Diwakar, PIO replied on 20.8.08 stating that information sought is from 1998 onwards and that huge quantum of manpower is needed for collection of data for reply and that cost towards the manpower charges are to be borne by the Applicant and requested the Applicant's confirmation for payment so as to arrive at and advise the cost. He further added that information is spread over nearly 1000 pages and requested the Applicant to pay Rs.2/- per page as photocopying charges. The applicant then wrote on 2.9.08 to the PIO informing his willingness to pay the cost of the copies @ Rs.2/- per page.Shri Rajesh Argal, PIO replied on 11.10.08 informing the applicant to deposit Rs.10,314/- also towards cost of materials and manpower. The Applicant, aggrieved with this reply, then filed an appeal dt.Oct, 2008 (Date not mentioned) with the Appellate Authority stating that despite expressing his willingness to pay the cost towards photocopying charges, till date he had not received any information. He also added that as per provisions contained in the RTI Act, PIO has to advise the information seeker the exact amount involved in photocopying charges which has not been provided. He further added that more than 30 days have passed and information has not been provided to him, he insisted that the same should be furnished to him free of cost. Shri R.P.Diwakar, PIO on behalf of the Appellate Authority replied on 28.10.08 informing the applicant that office has replied on 20.8.08 within the period of 30 days and with reference to the applicant's letter dt.2.9.08, office had replied on 11.10.08 informing him to deposit Rs.10,314/-. He added that as there is no delay, applicant is requested to pay Rs.10,314/-. The applicant then wrote a letter dt.4.11.08 to the Appellate Authority stating that as per the Cost and Fee Rules under the RTI Act, CPIO is expected to collect charges for photo copy of the relevant documents @ Rs.2/- per page. Collection of service charges in the form of wages of staff, as has been done by the CPIO is not permissible under the provisions of the Act. He also reiterated that since more than 30 days has lapsed, information should be furnished free of cost. Shri R.P.Diwakar, PIO replied on 24.11.08 stating that cost of manpower charges are made as per section 7(3) of the RTI Act and hence the total cost of Rs.10314/- was communicated vide office letter dt.6.10.08. He also relied on CIC Decision No.CIC/OK/A/2007/01430 dt.30.4.08. Being aggrieved with the reply, applicant filed a second appeal dt.8.12.08 before CIC reiterating his contention as given in the first appeal.

2. The Bench of Mrs. Annapurna Dixit, Information Commissioner, scheduled the hearing on January 27, 2010.

3. Shri Anil Kumar Khandelwal, Chief Engineer & PIO and Shri S.Mohandass, Head Clerk represented the Public Authority.

4. The applicant was not present during the hearing. Decision

5. Shri Khandelwal, PIO who had joined only 4 months ago on receipt of the hearing notice from the Commission wrote to the Appellant on 31.12.09 requesting him to inspect the records in view of the voluminous information sought by him and to take copies of documents he requires . The Appellant in his submission dt.5.1.10 stated that the PIO has not yet withdrawn his earlier letters whereby he has advised him to remit a sum of Rs.10,314/- towards staff charges. He also brought to the attention of the Commission that in CIC Decision No.4398/IC(A)/2009 dt.31.8.09 the Commission has deprecated the practice of asking for exorbitant charges from the information seekers by the Public Authorities.

6. After reviewing the submissions made and noting that information sought is indeed voluminous, the Commission advises the Appellant to inspect the information put together by the Public Authority and identify only the documents he requires so that there is no undue wastage of paper. As the Appellant was informed well within one month that there are 1000 pages to be photocopied, the Appellant is advised to pay Rs 2000/- after which information may be furnished to the Appellant. Any additional pages of information beyond 1000 pages may be provided free of cost. As for the Appellant meeting the cost of manpower and materials, the Commission holds that there is no such provision in the RTI Act.

7. The entire exercise should be completed by 28.2.2010 and the Appellant is directed to submit a compliance report to the Commission by 6.3.2010.

8. The appeal is accordingly disposed off.

(Annapurna Dixit) Information Commissioner Authenticated true copy:

(G.Subramanian) Deputy Registrar Cc:

1. Shri S.Ramanujam No.1/10, Sree Apartments 49th Street Korattur Chennai 600 080
2. The PIO Southern Railway O/o Chief Admn. Officer (Con.) Egmore Chennai 600 008
3. The Appellate Authority Southern Railway O/o Chief Admn. Officer (Con.) Egmore Chennai 600 008
4. Officer incharge, NIC
5. Press E Group, CIC