

CIC DECISION ON DOCUMENT
CHARGES ON PRIZED DOCUMENTS

RTI CELL

Research Designs & Standards Organisation

No. A/RTI ACT-2005


Dated: 28.2.2012

Sub.: CIC's decisions of the pricing of access to the records under RTI Act-2005.

Ref.: 1. CIC decision No.CIC/AD/A/2012/000066 dt. 05.01.2012
2. CIC decision No.CIC/AD/A/2012/000068 dt. 05.01.2012

A copy of the CIC's decisions cited above contents of which are self explanatory, is enclosed for information & necessary guidance please.

DA: As above


(A.K. Mathur)
ED/Admn. & CPIO
RDSO, Lucknow

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वितरण

कार्यनिदेश/ कर्षण संस्थापन	कार्यनिदेश/ विद्युत	वरिष्ठकार्यनिदेश/ सिगनल
कार्यनिदेश/ यातायात	कार्यनिदेश/ भू-तकनीकी	कार्यनिदेश/ वित्त
कार्यनिदेश/ गुणवत्ता आश्वासन (Mech)	कार्यनिदेश/ इंजन विकास	कार्यनिदेश/ रेलपथ- I
कार्यनिदेश/ गुणवत्ता आश्वासन (Civil)	कार्यनिदेश/ अनुसंधान	कार्यनिदेश/ रेलपथ- II
कार्यनिदेश/ गुणवत्ता आश्वासन (S&T)	कार्यनिदेश/ पुल एवं संरचना	कार्यनिदेश/ वी०डी०जी०
कार्यनिदेश/ रेलपथ मशीन	कार्यनिदेश/ सवारी डिब्बा	कार्यनिदेश/ मनोतकनीकी
कार्यनिदेश/ ईएमयू एण्ड पीएस	कार्यनिदेश/ परीक्षण	कार्यनिदेश/ दूरसंचार
कार्यनिदेश/ सिविल	कार्यनिदेश/ माल डिब्बा	कार्यनिदेश/ धा० एवं रसा०
कार्यनिदेश/ स्टोर	वरिष्ठकार्यनिदेश/ चालन शक्ति	सी०पी०ओ०
मुख्य चिकित्सा अधिकारी, अ०अ०मा०सं०, लखनऊ।	निदेशक/ इले०मेन्टीनेन्स	निदेशक/ विजीलेन्स
डीआईजी/ आरपीएफ	निदेशक (विशेष) एवं महानिदेशक के सचिव	कार्यनिदेश/ सीएनजी
प्रधान निजी सचिव/ महानिदेशक - महानिदेशक महोदय के लिए।		कार्यनिदेश/ हाई स्पीड
प्रधान निजी सचिव/ अपर महानिदेशक - अपर महानिदेशक महोदय के लिए।		

**In the Central Information Commission
at
New Delhi**

File No. CIC/AD/A/2012/000066
File No. CIC/AD/A/2012/000068

ORDER

Background

1. These two appeals relate to the Applicant's two separate RTI-applications (dated 23.04.2011 and 04.06.2011) which he filed with the PIO, RDSO, Lucknow seeking information in respect of two reports prepared by the public authority on the subject, which he has described as "rail fracture". The PIO responded to these applications vide letter dated 19.05.2011 and 30.06.2011 respectively. The PIO informed the Applicant that documents requested by him are prized documents, which can be obtained on the payment of Rs. 100 per page. The Applicant, aggrieved with the PIO's reply, filed his first appeals dated 09.06.2011 and 13.07.2011 respectively with the Appellate Authority (AA). The Appellate Authority in response passed two separate orders dated 20.07.2011 and 03.08.2011 respectively by which he upheld the PIO's replies. The Appellant, aggrieved with the decision of the Appellate Authority, filed the present petitions before the Commission on 01.10.2011 challenging the Respondents' denial.

Decision

2. Heard submissions.
3. It is noted that the Commission through its earlier decision in Deepak Agnihotri Vs State Bank of India; F.No.CIC/SM/A/2009/001883AT; dated 11.11.2010, has already decided a similar matter. The operative portion of the said decision reads as follows:

"...The appellant had brought up the issue of the overarching power of the RTI Act under Section 22. This Section of the Act states that the provisions of the Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act. In his view, the pricing of the access to the records and information by the public authority at a scale different from the rates / fees for accessing the information prescribed under the Act amounts to inconsistency. A closer look at the provision shows that this is not so. As has been explained in the preceding paragraphs, the fees prescribed for access to information under the RTI Act applies only to information 'held' or 'under the control of' the public authority. It does not apply inferentially to the information not held or not under the control of the public authority having been brought into the public domain suomotu in terms of subsection 3 of Section 4

The price and the cost of access of information determined by the public authority applies to the latter category. As such, there is no inconsistency between the two provisions which are actually parallel and independent of each other. I therefore hold that no ground to annul the provision of pricing the information which the public authority in this case has done, exist."

4. In view of the above decision of the Commission, the Appellant is advised to make the requested payment, if he is interested in receiving the above priced documents.
5. Apart from the above, it is also noted that the Appellant, in addition to the above mentioned reports, also requested for copies of certain other documents (like correspondences exchanged etc.) which would not be part of the said reports. The PIO is, therefore, directed to examine each item of the Appellant's RTI-queries (figuring in the above two RTI-applications of the Appellant) and provide the information, which is not part of the said reports, to the Appellant on payment of usual charges i.e. Rs. 2/- per page. Wherever the information is not present in the records, the PIO shall formally communicate this fact to the Appellant. The PIO may do so by 01.03.2012.
6. Appeals are disposed of with the above directions.

A. Dixit
(Annapurna Dixit)
Information Commissioner

Authenticated true copy

(G.Subramanian)
Deputy Registrar
Cc:



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