



**STATE INFORMATION COMMISSION, HARYANA**  
**SCO NO.70-71, SECTOR 8-C, CHANDIGARH**  
**APPEAL CASE NO. 4260OF 2017**  
**RIGHT TO INFORMATION ACT-UNDER SECTION 19**

Relevant facts emerging from the appeal

Name of the appellant	Shri Harinder Dhingra, D4A/7DLF, Phase-01, Gurugram.
Name of the Respondents	1. SPIO-cum-Superintendent, Chief Minister's Secretariat, Haryana, Chandigarh. 2. FAA-cum-Under Secretary, Chief Minister's Secretariat, Haryana, Chandigarh.
RTI-application filed on	06.02.2017
SPIO replied on	23.02.2017
First appeal filed on	23.03.2017
FAA decided the first appeal on	04.05.2017
Second appeal filed with Commission	03.05.2017
Date of hearing	<b>30.08.2017</b>
Heard by the Division Bench of	<b>Shri Yash Pal Singal, SCIC; and Shri Shiv Ramn Gaur, SIC.</b>
Present	None on behalf of appellant. Shri Tarsem Singh, SPIO-cum-Superintendent.

This case came up for hearing before the Commission on the ground that information has not been furnished by the respondent-SPIO.

2. The appellant is not present. However, grounds and contents of the appeal have been considered. The appellant had addressed RTI application dated 06.02.2017 to the SPIO of the office of Chief Minister, Haryana seeking following information:

- I. Kindly provide the total number of all the public announcements made by Chief Minister of Haryana since 1<sup>st</sup> November 2014 till 1<sup>st</sup> February, 2017.



- II. Further to point I, kindly provide the detailed information regarding the total number of announcements made and the total number of announcements which are in progress, not feasible, are pending and/or commissioned in the above mentioned period.
- III. Further to point I, kindly provide the copies of all record relating to the announcements made by Chief Minister in the abovementioned period which have not been implemented.
- IV. Further to point I, kindly provide the copies of all record relating to the announcement made by Chief Minister in the above mentioned period on which the work is still going on.
- V. Further to point I, kindly provide the copies of all record relating to the announcement made by Chief Minister in the above mentioned period which have been reported as not feasible.

Finding no response within the stipulated period, he preferred an appeal dated 23.03.2017 with the First Appellate Authority of the office of the Chief Minister, Haryana (henceforth called FAA). Aggrieved by the non-receipt of any response of the FAA, the appellant filed second appeal dated 03.05.2017 to seek Commission's intervention. Taking cognizance of the matter, the Commission entertained the request as second appeal under Section 19 (3) of the RTI Act, 2005 (hereinafter referred as Act). Notice dated 26.05.2017 was issued to the parties. Respondent SPIO was directed to submit comments latest by 25.06.2017.

3. The SPIO-cum-Superintendent submitted comments dated 12<sup>th</sup> June, 2017 which are taken on record. The respondent SPIO submitted that the RTI application dated 06.02.2017 was received on 15.02.2017.



While responding to the RTI application a copy of district wise summary report of CM's announcements was furnished to the appellant vide letter dated 23<sup>rd</sup> February, 2017. The appellant was intimated that details of announcements contained in 1585 pages. In case he wishes to obtain the copies of documents he will have to deposit ₹3170/- on account of additional fee plus postage charges extra. The appellant did not deposit the additional fee. However, he preferred first appeal with the FAA. The FAA responded to the appeal dated 23.03.2017 vide letter dated 04.05.2017 and intimated the appellant that respondent SPIO has already furnished the district wise details of CM's announcements vide letter dated 23.02.2013 advising him to obtain detailed information by depositing ₹3170/-. In case the appellant is interested to obtain information he can deposit the additional fee within ten days from the receipt of this letter. Even then the appellant did not deposit additional fee. Hence, documents of information could not be furnished.

4. The appellant filed rejoinder dated 24.07.2017. He submitted that despite receiving the RTI application on 15.02.2017 the respondent SPIO did not furnish information within the stipulated period. The FAA in his order had stated that information was furnished by the respondent SPIO vide letter dated 23<sup>rd</sup> February, 2017 which was blatant lie as no reply was furnished by the respondent SPIO with response to the instant RTI application. Further, the respondent SPIO has desired additional fee of ₹3170/- without proper calculation of fees by giving detail how much



fee was sought for which point as the RTI application had five points. He cited this Commission's decision dated 10.-6.2015 delivered in Appeal Case No. 2531 of 2015 wherein the Commission observes that the Act is citizen friendly which not only empowers the citizens but also promotes transparency, efficiency and accountability within an organization which further promotes confidence amount the public. The appellant prayed the Commission to pass an order by directing the respondent SPIO to furnish cost free information. The appellant further prays to initiate suitable action against the respondent SPIO for not furnishing information within the stipulated period and for not providing detailed calculation as stipulated in Section 7 (3) of the Act.

5. The Commission heard the averments submitted by both the parties and noted the past precedent cited by the appellant. To take a view whether the stand of the respondent SPIO was in consonance of the provisions made under the Act or not, it was decided to constitute a Division Bench. Shri Shiv Raman Gaur, State Information Commissioner was included in the Division Bench vide order dated 28<sup>th</sup> July, 2017.

6. The Division Bench heard the matter on 30.08.2017. The appellant again did not appear. However, the respondent SPIO attended the hearing with the submission that the letter dated 23<sup>rd</sup> February, 2017 containing information alongwith seeking additional fee for 1585 pages, was sent through ordinary post. The response was within the time as provided in Section 7 (1) of the Act. The appellant did not



deposit the additional fee despite FAA providing him another opportunity. Hence, documents of information could not be furnished to the appellant. He also placed copy of dispatch register to substantiate that letter dated 23<sup>rd</sup> February, 2017 was posted through ordinary post and which is taken on record.

7. The Bench carefully considered the matter. The records available on case file have been perused. The averments submitted by both the parties orally and in writing have been noted. The order of the Commission passed in Appeal Case No. 2531 of 2015 has also been perused. The issues which the appellant have agitated are that:

- (i) detail of point wise calculation, as per Section 7 (3) of the Act was not provided.
- (ii) the letter dated 23.02.2017 vide which the respondent SPIO furnished information and additional fee sought was a blatant lie as no reply was furnished by the respondent SPIO.

The Bench in this regard perused the provision contained in Section 7 (3) of the RTI Act, 2005 which reads as under:

*"Where a decision is taken to provide the information on payment of any further fee representing the cost of providing the information, the Central Public Information Officer or State Public Information Officer, as the case may be, shall send an intimation to the person making the request, giving—*

- (a) *The details of further fees representing the cost of providing the information as determined by him, together with the calculations made to arrive at the amount in accordance with fee prescribed under sub-section (1), requesting him to deposit that fees, and the period intervening between the dispatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to in that sub-section;*



- (b) *Information concerning his or her right with respect to review the decision as to the amount of fees charged or the form of access provided, including the particulars of the appellate authority, time limit process and any other forms."*

The term 'fee' is mentioned in the singular in Section 7 (1) of the RTI Act, 2005 and in the opening portion of clause (a) of sub-section 3. In clause (a) the term 'fees' is mentioned in the plural at three places and in the singular at one place. The use of the singular occurs again with reference to sub section (1). The use of the plural occurs always in relation to the actions of the SPIO. The Act does not restrict itself to the possibility of an applicant seeking information from the SPIO in one form only. An information seeker may seek multiple forms of access such as inspection of some records, photocopies or certified copies of others, certified samples of materials used and CDs etc., all in relation to one subject matter. For example, a citizen may make a request for inspection of all bills and vouchers submitted to a Public Works Department office in relation to the construction of a road, seek a photocopy of the contract awarded to the private agency undertaking the construction work, certified samples of materials used in the course of the construction and CD of photographs available in a computer. The SPIO is required to determine how much fee is required to be paid by the information seeker further to the application fee for each medium. He is required to provide 'details' of the fee chargeable for providing

access in each form requested. Hence, plural for the term 'fee' has been used in the case of the actions of the SPIO.

The reference to 'calculation' in clause (a) is indicative of the arithmetic that a SPIO is required to work out for arriving at the details of 'further fee' which the information seeker will be informed to pay for obtaining the information. The Act does not intend for this arithmetic to be worked out on the basis of the whim and fancy of the SPIO or any officer with the public authority or any other authority under the Act. The arithmetic must be based on the fee prescribed by the appropriate Government. All that the SPIO is required to do is to make a determination of the total amount of fees payable for certified copies, inspection of work, samples of material used based on the rules cost of CDs and inform the information seeker of its details and the calculations that form the basis for arriving of such a determination.

The above discussion stipulates that there is no confusion in the Act with regard to fees intended to be charged for providing access to information. The SPIO in the instant case was liable to give detail and calculation of the documents to be furnished against payment of additional fee. No other detail was required to be given e.g. bigger size of paper beyond the size of A4 or A3, inspection of work, drawing of samples of material and CD was not sought by the appellant. Hence, nothing wrong was done by the respondent SPIO. The SPIO is not obliged to give point wise detail for the documents to be furnished to

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the appellant under any provision of the RTI Act, 2005 or Haryana Right to Information Rules, 2009 as amended in 2016. Further, Model Form 'B' prescribed by the appropriate Government while notifying Haryana Right to Information Rules, 2009 does not contain any provision to give detail of additional fee point wise. The Bench thus finds no ambiguity in response of the respondent SPIO which was within the stipulated period. The respondent SPIO has been able to substantiate that he has dispatch the letter dated 23<sup>rd</sup> February, 2017 containing information and also the demand of additional fee which was in accordance with Section 7 (1) read with 7 (3) of the Act.

8. In view of what has been stated above, the appeal is dismissed having no merit. However, the Commission affords the appellant an opportunity to deposit additional fee with the respondent SPIO within fifteen days of the receipt of this order enabling the SPIO to furnish the requisite information within next fifteen days.

**Heard on 30.08.2017. Order kept reserved. Pronounced on the 11<sup>th</sup> day of September, 2017. To be communicated.**

Place : Chandigarh.  
Dated: 11.09.2017

  
Shiv Raman Gaur  
SIC

  
Yash Pal Singal  
SCIC