

Name of State Commission : State Information Commission, Kerala
Order : AP No.2789(3)/2018/SIC Dt.26.03.2019
Subject / Issue : Appellant to access information by taking
photograph through Mobile Phone Camera
Operative section : Section 7(1) and 7(5)

The information sought by the appellant has to be made available to him even though the public authority should not be compelled to divert its human resources disproportionately for gathering information from a voluminous register as provided under Sec. 7(9) of the RTI Act. The Commission therefore give the appellant an option to peruse the suit register by himself for which the SPIO should make arrangements for such perusal and gathering of information. As the required information is scattered among various other information spread over different pages of the suit register the appellant can, if he so desire, take photographs of the relevant pages of the suit register with electronic Camera or his mobile phone.

A decision need be taken here as to whether any fee can be charged from the appellant for taking photographs of the information/ documents asked by him. As per Sec.7(5) "where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section (6), pay such fees as may be prescribed". In the Act or in the Rule framed by the Govt. of Kerala such a mode of accessing information as taking photograph with the appellants mobile phone is not envisaged. The electronic mode envisaged in the Act and the respective rules are those electronic mode which involves a cost to the public authority. Taking photograph is just like taking notes as specified under section 2(j)(ii) of the Act. As this mode of giving information is more economical to the public authority and also good to the safety of the records, I am of the view that as the public authority is not incurring any expense for giving information to the appellant, as envisaged in section 7(3) of the Act, the appellant shall not be required to pay any fees for taking copies with electronic camera or mobile phone camera by the appellant.

Sd/-
S. Somanathan Pillai
State Information Commissione



STATE INFORMATION COMMISSION, KERALA

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A.P.No.2789(3)/2018/SIC

(File No.10876/SIC-G1/2018)

Present

Sri. S.Somanathan Pillai, State Information Commissioner

Sri. K. Premachandran,
F-6, Amrutha Nager,
Pappanamcode P.O.,
Thiruvananthapuram-18.

} Appeal Petitioner

Vs

1. The State Public Information Officer &
Joint Director,
Kerala State Audit Department,
Vikas Bhavan, Thiruvananthapuram- 695 033.

2. The State Public Information Officer (Deemed) &
Director,
Kerala State Audit Department,
Vikas Bhavan, Thiruvananthapuram- 695 033.

} Respondent

ORDER

Heard both the parties and perused documents submitted before the Commission.

2. Having aggrieved by non receipt of information in full, sought by the appellant from the State Public Information Officer (SPIO for short) in the o/o the Director of State Audit Department, through the application submitted by him under Sec. 6(1) of the RTI Act, and from the Appellate

RTI Act. The Commission therefore give the appellant an option to peruse the suit register by himself for which the SPIO should make arrangements for such perusal and gathering of information. As the required information is scattered among various other information spread over different pages of the suit register the appellant can, if he so desire, take photographs of the relevant pages of the suit register with electronic Camera or his mobile phone.

6. A decision need be taken here as to whether any fee can be charged from the appellant for taking photographs of the information/ documents asked by him. As per Sec.7(5) "where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section (6), pay such fees as may be prescribed". In the Act or in the Rule framed by the Govt. of Kerala such a mode of accessing information as taking photograph with the appellants mobile phone is not envisaged. The electronic mode envisaged in the Act and the respective rules are those electronic mode which involves a cost to the public authority. Taking photograph is just like taking notes as specified under section 2(j)(ii) of the Act. As this mode of giving information is more economic to the public authority and also good to the safety of the records, I am of the view that as the public authority is not incurring any expense for giving information to the appellant, as envisaged in section 7(3) of the Act, the appellant shall not be required to pay any fees for taking copies with electronic camera or mobile phone camera by the appellant.

6. This appeal is thus ordered on this, 26th day of March, 2019.

S. Somanathan Pillai
State Information Commissioner