



J&K State Information Commission  
(Constituted under Right to Information Act 2009)  
Old Assembly Complex, Srinagar, Fax No. 0194-2506661/2506662  
Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937  
[www.jksic.nic.in](http://www.jksic.nic.in)  
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File No: SIC/J/A/113/2015  
Decision No: SIC/J/A/113/2015/203

Sh.Dhian Singh,	Complainant	Present
Ms.Natasha Kalsotra, Dy.Director (Adm.), On behalf of Director, Rural Development Deptt., Jammu/F.A.A.		Present
Sh.Susheel Kumar, Block Development Officer, Nagrota.	PIO	Present
Sh.Zaheer Abass, Block Development Officer, Dansal.	PIO	Present

**JAMMU**  
**30.09.2015**

Briefly the facts in this complaint are that Sh. Dhian Singh, R/O 88/1-A, Chhani Himmat, Jammu-180015 moved an application dated 05.06.2014 before the Director, Rural Development Department, Jammu under the Jammu & Kashmir Right to Information Act, 2009 whereunder he sought the list of beneficiaries of MGNREGA, IAY and RAY schemes regarding certain villages of

Dansal Block for the year 2013-14. The Deputy Director (Adm.), office of the Director, Rural Development Department, Jammu vide office letter No.DRDJ/RTI/2014/120/4355-56 dated 10.06.2014 transferred the application of the information seeker to PIO/BDO, Dansal with a direction to provide the information to the information seeker in terms of J&K Right to Information Act, 2009.

The PIO/BDO,Dansal vide office letter No.BDO/Dnl/2014-15/230 dated 09.07.2014 informed the information seeker that the information sought is voluminous in nature which required Xeroxing of office record approximately 400 pages and requested the information seeker to pay an amount of Rs.2/- per page as Xeroxing charges. In compliance to the aforesaid direction of the PIO/BDO, Dansal, the information seeker deposited an amount of Rs.800/- in the Saddar Treasury, Town Hall, Jammu as cost of the information and intimated the same to the PIO/BDO, Dansal vide application through registered post on 28.07.2014. The BDO, Dansal vide office letter No. BDO/Dnl/2014-15/332 dated 04.08.2014 returned the Treasury Receipt for an amount of Rs.800/- to the information seeker on the ground that it does not correspond to the J&K RTI Rules, 2012, as the fees deposited in the form of treasury receipt has not been paid in favour of accounts officer of the public authority. The appellant submitted a demand draft for an amount of Rs.800/- drawn in favour BDO, Dansal on 07.08.2014. The BDO, Dansal vide office letter No. BDO/Dnl/2014-15/490 dated 08.09.2014 again returned the demand draft on the ground that it is not drawn in favour of the Accounts Officer of the public authority and is not covered under the J&K RTI Rules, 2012. The appellant again requested the BDO, Dansal vide his application dated 18.08.2014 to intimate him the mode of payment and the Accounts Officer of the public authority in whose favour the demand draft can be drawn. Both the treasury receipts as well as demand draft were returned to the information seeker vide office letter No. BDO/Dnl/2014-15/349 dated 09.08.2014 and the appellant was requested to deposit the fee payable to the Accounts Officer of the public authority so that the information can be provided to him. The BDO, Dansal also requested the appellant to visit his office during office hours to access the

information free of cost for which the office record will be made available to the information seeker in order to avoid further delay in providing the desired information.

The information seeker vide his application dated 13.09.2014 submitted the cost of information through the Indian Postal Orders drawn in favour of the BDO, Dansal and requested for the information sought in the RTI application and after that the BDO, Dansal wrote a letter vide his office No. BDO/Dnl/2014-15/583-86 dated 22.09.2014 to BDO, Nagrota for submitting the information to the information seeker relating to certain villages falling under his jurisdiction and also enclosed the Indian Postal Orders amounting to Rs.200/- on account of fee charges, received from the information seeker. The BDO, Dansal further wrote a letter to BDO, Nagrota vide office No. BDO/Dnl/2014-15/645-46 dated 13.10.2014 that new BDO Block Nagrota has been created and all the information is to be provided by the said Block as the area for which the information sought, falls in his jurisdiction and requested the BDO, Nagrota that in case, any information is required from the office of the BDO, Dansal, it will be made available to any person deputed by the office of the BDO, Nagrota for collection of the record/information at any time. The copy of the said letter was also endorsed to the information seeker. The BDO, Nagrota vide office letter No.BDO/Nagrota/2014-15/45 dated 01.12.2014 intimated the information seeker that the record is not available in his office and the same is lying in the office of the BDO,Dansal who has been directed vide letter No.BDO/Nagrota/20/2014 dated 15.10.2014 to provide the requisite information to the information seeker directly. The BDO, Dansal vide counterstatement No. BDO/Dnl/2015-16/643-647 dated 19.08.2015 submitted that the record was lying with Secretary, Panchayats of Block Nagrota and they were requested to provide the information to the information seeker vide office letters No. BDO/Dnl/2014-15/583-86 dated 22.09.2014, No.BDO/Dnl/2014-15/645-46 dated 13.10.2014, and No. BDO/Dnl/2014-15/1071-1084 dated 12.03.2015. The BDO, Dansal further submitted that some of the record was provided by the Secretary, Panchayats and the same was furnished to the information seeker vide office letter No.

BDO/Dnl/2014-15/818-21 dated 03.12.2014 and rest of the record was in the custody of Secretary Panchayats falling under the jurisdiction of BDO, Nagrota.

The perusal of the record shows that the complainant had filed an application dated 03.03.2015 before the Director, Rural Development Department, Jammu which is not in the form of proper appeal, however, the information seeker has alleged in that application that the information provided to him by the PIO/BDO, Dansal is incomplete, partial, irrelevant and requested the Director, Rural Development Department, Jammu to issue necessary directions to the BDO, Dansal for providing the requisite information sought in the RTI application. Finally, the complainant knocked the doors of the Commission by filing the second appeal which was admitted on 02.07.2015. The Commission after admitting the second appeal listed the matter for hearing on 02.09.2015. During the course of proceedings held on that day, it was brought in the notice of the Commission by Director, Rural Development, Jammu that his office has not received appeal from the information seeker and the Commission on his request treated it as a complaint. The BDO, Dansal submitted before the Commission that he has furnished the requisite information which pertained to his office and rest of the information sought by the information seeker pertained to BDO, Nagrota and accordingly, the notice was also issued to the BDO, Nagrota and matter was again listed for hearing on 30.09.2015. During the course of proceedings held today, PIO/BDO, Nagrota apprised the Commission that he has prepared the information as per the proforma submitted by the information seeker in his RTI application. However, the information seeker after examining the said information submitted that it does not contain the parentage of the persons relating to whom the information has been sought in MGNREGA, IAY, and RAY schemes.

The perusal of the RTI application shows that the applicant sought only names of the persons in the aforesaid schemes and nowhere he has requested for the parentage of the persons concerned, however, BDO, Nagrota agreed to furnish the parentage also and sought time from the Commission to do the needful. The information seeker also confined his request for three villages i.e. Jagati, Dhammi, and Panjgrain.

In view of the aforesaid observations and the submissions made by the parties, the PIO/BDO, Nagrota is hereby directed to furnish the requisite/revised information as per the request of the information seeker and as per office record, free of cost within two weeks from the date of receipt of this order under an intimation to the Commission. The PIO/BDO, Dansal is directed to refund the amount of Rs.800/- which was deposited by the applicant in favour of BDO, Dansal as cost of information in Saddar Treasury, Town Hall, Jammu on 24.07.2014 within two weeks from the date of receipt of this order.

The appeal is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

Sd/-

**Dr. S.K. Sharma**

State Information Commissioner

Vishwa

Copy to the:

1. Appellant/Sh. Dhian Singh, R/o. 88/1-A, Channi Himmat, Jammu-180015.
2. FAA/Director, Rural Development Department, Jammu.
3. Ms. Natasha Kalsotra, Deputy Director (Adm), Rural Development Department, Jammu.
4. PIO/Sh. Susheel Kumar, Block Development Officer, Nagrota for compliance.
5. PIO/Sh. Zaheer Abass, Block Development Officer, Dansal for compliance.

(Khalid A. Shah)

Deputy Registrar

J&K State Information Commission