



**J&K State Information Commission
Wazarat Road, Near D.C. Office, Jammu /
Old Assembly Complex, Srinagar.**

File No. SIC/J/A/17/2016
Decision No. SIC/J/A/17/2016/346

Appellant : Shri Atta Mohammad
Respondent: ACD, Doda/BDO, Bhagwah.
Date of Institution: 25-04-2016
Date of Decision: 27-05-2016/
State Information Commissioner: Er. Nazir Ahmad
Decision: Appeal disposed of.

1. Brief facts of the case are that appellant filed 2nd appeal before the Commission on 25-04-2016 on the ground that BDO, Bhagwah/PIO has not provided information sought under RTI vide application dated: 17-02-2016 under BPL category, stating that appellant does not fall under BPL category, irrespective of fact that copy of BPL ration card was enclosed with the application. That ACD/FAA decided first appeal filed before him on 22-03-2016, vide order dated: 25-04-2016 with direction to the BDO to provide information to the appellant within 07 days under RTI Act, 2009/Rules, free of cost, if the appellant falls under BPL category. However, no information has been provided by the BDO till date.
2. Mr. Sushil Kumar, ACD, Doda/FAA along with BDO, Bhagwah and the appellant heard from NIC, Doda.
3. The RTI application has been filed by the appellant on 17-02-2016, which has been responded to by BDO, Bhagwah, PIO vide order dated: 15-03-2016, wherein,

appellant has been asked to produce BPL category certificate issued by the competent authority, as BPL Ration card can not be considered as valid proof for BPL category.

4. As per proviso to sub section 5 of section 7, it is provided that”no such fee shall be charged from the persons who are of below poverty line as may be determined by the Government.” Shri Atta Mohammad, information seeker has enclosed photocopy of BPL card, issued by Directorate of CAPD, J&K for the year 2012-13. This card is a valid documents, in so far as belonging to BPL category is concerned. However, copy of the card is for the year 2012-13. Therefore, PIO is within his rights to ascertain whether appellant is still continue to be person of BPL category, for which he may ask appellant to produce latest evidence regarding issue of ration under BPL card.

5. In view of above, order passed by the ACD/FAA is upheld and BDO, Bhagwah/PIO is directed to comply with the directions of ACD/FAA within one week, after ascertaining present status of the appellant with regard to BPL category and file compliance report to the Commission.

6. With above directions, the appeal filed before the Commission is disposed of.

Sd/-
(Er. Nazir Ahmad)
State Information Commissioner
Dated: -05-2016

No. SIC/J/A/17/2016

Copy to the:-

1. Assistant Commissioner, Development, Doda (FAA).
2. BDO, Bhagwah, PIO.
3. Pvt. Secretary to HSIC.
4. Shri Atta Mohammad S/o Shri Ghulam Qadir R/I Village Bair Bagh, Bhagwah C/o Saferullah Hair Dresser, Near Mandir, Main Bazar, Doda (Appellant).
5. Guard file.

(G.Q.Bhat)
Registrar,
J&K, State Information Commission

