



Jammu and Kashmir State Information Commission

شہنیشن کمیٹی انفارمیری اسٹیٹسٹ کشمیر جموں ا

(Constituted under the Right to Information Act, 2009)

Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937

Old Assembly Complex, Srinagar, 0194-2506660, 2506661

www.jksic.nic.in

File No. SIC/J/A/107/2017

Decision No. SIC/J/A/107/2017/19

Final Order

- Appellant : Sh. Ved Parkash Sharma
S/o. Sh. Jagar Nath Sharma
R/o. Village (Woni) Trigam
Tehsil and District Kishtwar
- Respondent : First Appellate Authority (FAA)/
Assistant Commissioner Development, Kishtwar
and Public Information Officer (PIO)/Block
Development Officer (BDO), Trigam
- Date of Registration : 29.03.2017
- Date of Decision : 15.06.2017

Brief Facts:

This is a second appeal filed under section 16 (4) of the J&K Right to Information Act, 2009 in the J&K State Information Commission by one Sh. Ved Parkash Sharma, S/o. Sh. Jagar Nath Sharma, R/o. Village (Woni) Trigam, Tehsil and District Kishtwar admitted on 29.03.2017 against the alleged non-furnishing of information by the concerned PIO/BDO, Trigam.

The appellant has sought information in his original RTI application on ten points regarding all schemes relating to the works taken in hand in

the Trigam Panchayat-A and payments made thereof from 02.01.2012 till date.

On perusal of record in file it transpires that the First Appellate Authority (FAA)/AC (D), Kishtwar disposed of the First Appeal on 29.06.2016 taking serious note of the BDO's failure to provide the requisite information to the RTI applicant and has directed him to provide the same within seven days from the issuance of the order. The Block Development Officer has not been able to take follow-up action on the order of the First Appellate Authority.

Proceedings:

During the first hearing on 24.5.2017 neither the PIO nor the FAA appeared despite issue of notice to them. From further perusal of record it transpires that the BDO vide letter dated 31.3.2016 informed the appellant to deposit an amount of Rs. 75,985/- as Photostat charges and stationery charges before the information could be provided. The Assistant Commissioner (Development), Kishtwar has also reminded the Block Development Officer through another letter dated 01.09.2016 to provide the information in terms of his final order issued on 29.06.2016.

The hearing in the appeal was adjourned on 24.05.2017 with the following directions:

"Since, it will be necessary to provide an opportunity to explain the cause of delay and also the rationale behind the total amount calculated as cost of providing information, the appeal hearings have to be continued for now. The fee and charges are laid down in the RTI Rules 2012 which are quite nominal, so therefore, the

BDO needs to explain as to how he has arrived at Rs.75,985/- as cost of providing information."

The appeal was again listed for hearing today on 15.06.2017. FAA/ACD, Kishtwar and PIO/BDO, Trigam were heard through Video Conference from NIC Kishtwar. The appellant attended the hearing at Jammu office of the Commission. The Commission observed that the FAA has passed various orders and directions even after the disposal of the First Appeal. Every FAA is bound to dispose of the First Appeal under section 16 within the statutory time period prescribed under section 16 (7) of the Act. In case circumstances of the appeal require more time for providing information to the information seeker, then FAA has to indicate in his order in the appeal the reasonable time frame within which his order has to be complied with in providing the requisite information.

Decision:

The Commission after hearing the parties and after going through the papers on record directs the PIO to take appropriate steps to allow and facilitate the inspection of documents/record by the appellant as provided in sections 7(9) and 2(i)(1) of the J&K Right to Information Act, 2009. In case the appellant chooses to obtain any document after inspection the same be provided under the relevant provisions of the J&K RTI Act, 2009 and the Rules of 2012.

The second appeal is accordingly disposed of.
Copy of this decision be given free of cost to the parties.

Sd/-
(Khurshid A. Ganai) IAS Retd.
Chief Information Commissioner
J&K State Information Commission

No: SIC/J/A/107/2017_____

Dated: . .2017

Copy to:

1. Registrar, J&KSIC for information and necessary action.

2. FAA/Assistant Commissioner Development, Kishtwar for information and necessary action.
3. PIO/Block Development Officer, Trigam for information and n/a.
4. Private Secretary to HCIC for information of the HCIC.
5. Appellant/Sh. Ved Parkash Sharma, S/o. Sh. Jagar Nath Sharma, R/o. Village (Woni) Trigam, Tehsil and District Kishtwar for information.
6. Office file.

(Dr.Gh.Mohi-Ud-Din)
Joint Registrar
J&K State Information Commission