



**Jammu and Kashmir State Information Commission**

شہنیشن کمیٹی انفارمیری اسٹیٹ کنڈ کشمیری 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**

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**FINAL ORDER**

File No. SIC/K/SA/30/2017

Decision No. No. SIC/K/SA/30/2017/ **21**

Appellant : Mr Mohammad Shafi Dar  
(2<sup>nd</sup> Appeal)

Respondent : First Appellate Authority (FAA) Assistant  
Commissioner Development (ACD)  
Pulwama and Public Information Officer  
(PIO)/BDO Pampore

Date of Registration : 05.06.2017

Date of Decision : 04.07.2017

**Brief Facts:**

Brief facts of this 2<sup>nd</sup> appeal are that the Commission received the Appeal on 01.05.2017 from the appellant Shri Mohammad Shafi Dar S/o Ab. Salam Dar R/o Krenchoo Pampore against First Appellate Authority (FAA)/ O/o District Development Planning Commissioner Pulwama and PIO/Block Development Officer (BDO) Pampore. The appellant alleges that he filed an application under the RTI Act on 16.05.2016 through registered post before PIO/BDO Pampore and the respondent has not furnished to

him the requisite information. Thereafter, he filed First appeal before FAA on 19.12.2016 and on the basis of that he received a response from BDO dated 24.01.2017. That in response to aforesaid reply of BDO, an application dated 17.02.2017 was submitted whereby the PIO was requested to fix time for examination of records. It is also submitted by the appellant that till filing of this 2<sup>nd</sup> appeal before Commission, neither information was provided to him nor inspection/examination of records facilitated/ allowed to him. The appellant has requested the Commission to direct the concerned respondents to provide him the information sought free of cost or in the alternative allow him to examine the records.

As per the records enclosed with the 2<sup>nd</sup> appeal, the appellant vide RTI application dated 17.05.2016 sought detailed information in respect of 4 items to information received by him from PIO vide letter dated 31.03.2016 in response to his earlier RTI application. Against the inaction of the PIO, the appellant filed First appeal before FAA on 19.12.2016. Thereafter, Block Development Officer, Pampore vide letter dated 24.01.2017 informed the appellant interalia that application dated 16.05.2016 was not entertained as it was not accompanied with requisite application fee of Rs 10/-. Further, he was informed to deposit Rs 10/- as application fee and contingency charges about Rs 3332/- or in the alternate examine the records at the office for which he will be charged as per the rules. In response to the aforesaid letter the appellant vide communication dated 17.02.2017 requested the PIO to give him time and date when the records will be available for his examination. Thereafter, the appellant filed

the instant 2<sup>nd</sup> appeal on the ground that no date and time for inspection of records was communicated to him by the BDO Pampore.

On scrutiny of documents some deficiencies were pointed out and the 2<sup>nd</sup> appeal was barred by limitation as well. The appellant completed the deficiencies and the Commission was pleased to condone the delay in filing the 2<sup>nd</sup> appeal. The 2<sup>nd</sup> appeal was accordingly admitted on 05.06.2017.

### **Proceedings before the Commission.**

In response to the notice of Commission, PIO/BDO Pampore filed reply/counterstatement dated 28.06.2017. In his counterstatement PIO has reiterated that RTI application of the applicant under consideration was not accompanied with application fee of RS 10. Accordingly, the same was not entertained and rejected. Besides vide letter dated 24.01.2017 the applicant was informed that examination/inspection of records will be allowed subject to deposition of requisite application fee.

The 2<sup>nd</sup> appeal came up for hearing today on 04.07.2017. Dr Zahoor Ahmad FAA/ACD, Pulwama, Mr Syed Zahoor BDO/PIO, Pampore and Mr Malik Mushtaq, Counsel for the appellant attended the hearing. The counsel for the appellant submitted during the hearing that PIO has not responded to the appellants RTI application within stipulated time, as such, he is entitled to receive information and inspect the documents/records free of cost. Besides, FAA has not passed any formal order in the First Appeal. The PIO submitted that the information sought by the appellant is voluminous and time consuming but agreed to allow him to to examine the

records as per the charges provided under the provisions of the Act and Rules made there under.

**Directions:**

As the information sought by the appellant is voluminous, as such, PIO/BDO Pampore is directed to allow the appellant to have inspection of records in respect of all the information sought by him as per his original RTI application and for which the appellant will pay the charges provided under the J&K RTI Rules, 2012. The information to be provided by way of documents based on the available record may however be given free of cost in terms of Section 7(6) for the information not provided to him so far from out of the information sought through the RTI application subject to the condition that the photo copying charges do not exceed the cost of Rs 3332/- (Rupees Three Thousand Thirty Two only) communicated to him earlier by the PIO/BDO Pampore after nearly eight months of filing RTI application.

With this direction, the 2<sup>nd</sup> appeal filed before the Commission is disposed of.

**Sd/-**  
**(Khurshid A. Ganai)** IAS Retd  
Chief Information Commissioner

**Copy to:**

1. FAA/ACD Pulwama
2. PIO/BDO Pampore
3. Pvt.Secretary to HCIC

4. Appellant- Mohammad Shafi Dar D/o Ab. Salam Dar R/o Krenchoo Pampore
5. Office file

**(Sheikh Fayaz Ahmad)**

Registrar

J&K State Information Commission