



## **Jammu and Kashmir State Information Commission**

(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](http://www.jksic.nic.in)

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File No. SIC/J/A/146/2017

Decision No. SIC/J/A/146/2017/**166**

### **Final Order:**

Appellant : Sh. Keemat lal, S/o Sh. Paras Ram,  
R/o Rathua, Jammu. Ex-Sarpanch Rathua,  
Block Marh, Jammu.

Respondent : FAA/PIO, Rural Development Department.

Date of Registration : 09.11.2017

Date of decision : **07-03-2018.**

Decision : Appeal disposed of.

### **Brief Facts:**

This appeal has arisen out of RTI request made by Mr. Keemat lal through his RTI application dated 18-12-2016 seeking information on 11 points with respect to works executed in Block Marh under different schemes including CDF, MPLAD and non plan for the year 2013-14 and 2014-15 in respect of all Panchayat Halqas of Block Marh and also works executed under MGNAREGA for the year 2014-15, 2015-16 and 2016-17 in respect of Panchayats Saharan, Sohagani, Karloop, Rajpura, Sangrampur, Kalyanpur, Gangochak, Gangwan Parwah and Rathua. In response to the request of the applicant, the PIO/BDO Marh vide his communication dated 09-01-2017 asked the applicant to deposit an amount of Rs 8500/- as Photostat charges as the information sought by him

was voluminous. The applicant has also filed another RTI application on the same date i.e 18-12-2016 where under he had sought information with respect to J.E Mr. Sarabjeet Singh and also information with respect to funds allocated under annual plan 2014-15, mode of allotment/execution, mode of payment and details of payment with copies of M. Book and Cheques/invoices/final bills in respect of all Panchayats of Block Marh. The PIO vide his communication dated 9-01-2017 informed the applicant that the information sought by him is huge and hence he should deposit an amount of Rs 9500/- as copying charges.

The applicant filed 1<sup>st</sup> appeal before Assistant Commissioner Development (ACD), Jammu against both the communications of the PIO dated 19-01-2017. The FAA disposed of both these appeals vide order dated 08-03-2017 with the direction to the PIO to provide complete information to the appellant after receiving the requisite fee. Aggrieved by this order of the FAA, the appellant filed 2<sup>nd</sup> appeal before the State Information Commission.

**Proceedings before the State Information Commission (SIC):**

The appeal came up for hearing before the SIC on 19-12-2017. During the course of hearing, the appellant submitted that the PIO has not provided any information in response to his two RTI applications both dated 18-12-2016 till date and instead has asked the appellant to deposit huge amount of Rs 8500/- and Rs 9500/- respectively. The PIO submitted that the information sought for by the appellant through these RTI requests was huge and voluminous. As such the appellant was informed to personally visit the O/O the PIO to examine the available records. However, the appellant never turned up to have inspection of records. While going through the records sought by the appellant, the SIC felt

that the information sought by the appellant was really huge and would have diverted the resources of the public authority disproportionately in collecting the said information and making copies of the same so as to provide to the appellant. As such, the offer made by the PIO to the appellant to have inspection of records instead of seeking copies thereof was proper and justified. However, the appellant during the hearing submitted that he was ready to pay Photostat charges and therefore, the PIO should compile the information and get it copied as the expenditure on copying of such documents would be borne by the appellant. The SIC accordingly vide its interim order dated 19-12-2017 directed the PIO to compile the information sought by the appellant with respect to only 09 Panchayat Halqas of Block Marh, instead of all Panchayat Halqas and thereafter calculate the amount on account of copying charges and inform the appellant accordingly, so that he can deposit the same and get copies of the said information.

The case again came up for hearing before the SIC on 08-02-2018. The appellant submitted the receipt of treasury voucher of the payment made by him towards the copying charges as calculated by the PIO. The PIO assured the SIC during the hearing that the information would be provided to the appellant by next date. Vide interim order dated 08-02-2018, the appellant was also directed by the SIC to collect information from O/O the ACD, Jammu on 10-02-2018 and thereafter file a rejoinder in case he was not satisfied with the information so provided by the PIO.

The appeal again came up for hearing before the SIC today on 07-03-2018. The appellant filed his rejoinder submitting that the information provided to him is incomplete in as much as the details of cheque number/bank invoice and date has not been indicated and that the information with respect to utilization certificate has not been provided. The appellant also submitted in respect of his 2<sup>nd</sup> RTI request that no information has been provided by the PIO. However, the PIO submitted that as many as 580 pages of information have been provided to the appellant which covers all queries raised in his 1<sup>st</sup> application. The PIO also submitted that the information with regard to details of cheque numbers/invoice numbers and utilization certificates have already been provided to the appellant through the reply dated 09-02-2018. On insistence of the SIC the appellant could not specify as to how the information provided to him was incomplete. The appellant only submitted that he should be given time as he does not have the information provided by the PIO with him at this time. However, the SIC expressed its inability to adjourn the appeal any further as the statutory period for disposal of appeals by the SIC was expiring on the next day.

In respect of the 2<sup>nd</sup> RTI application, the PIO submitted that through point No-1 the appellant has sought information regarding the outcome of the complaint filed by the appellant against J.E Mr. Sarabjeet singh. The said inquiry was instituted by Director Rural Development department (RDD) and the inquiry report as well as the outcome of the complaint is available only with the O/O Director RDD. The O/O PIO has no information about the said outcome. As regards point No-2 of said RTI application, the Directorate of RDD had sought a report from the PIO and the PIO has already submitted the information with

respect to this point to Director, RDD on 18-07-2017. However, in case the appellant seeks a copy of the communication of PIO to the Director, RDD, the same can be provided to him. As regards point 03 to 08 of the said RTI application, the PIO submitted that these issues has already been raised by the appellant in his 1<sup>st</sup> RTI application and have been replied and information provided by the PIO. The same would hold good in response to point No-3 to 8 of the 2<sup>nd</sup> RTI application as well.

Since the information sought by the appellant has been provided by the PIO, the cause of this appeal no longer survives. The appellant could not convince the SIC about how the information provided to him was incomplete. However, the SIC feels that the response with regard to 2<sup>nd</sup> RTI has not been conveyed properly to the appellant. Since the maximum period allowed for the disposal of appeal in terms of sub-section (11) of section 16 of RTI Act is expiring only the next day, this appeal has to be disposed of. The appeal is accordingly disposed of with the direction to the PIO to provide a revised information in respect of 2<sup>nd</sup> RTI application of the appellant within a period of one month from the date of receipt of this order. The appellant shall be at liberty to file a complaint in case he feels that such reply is in any way incomplete, misleading or false.

Accordingly, appeal is disposed of.

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(Mohammad Ashraf Mir),  
State Information Commissioner,  
J&K State Information Commission.  
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Copy to the:

- 1 First Appellate Authority (FAA)/Assistant Commissioner Development, Jammu for information and compliance.
- 2 Public Information Officer (PIO)/BDO, Marh,for information and compliance.
- 3 PS to SIC for information of HSIC.
- 4 Sh. Keemat Lal, S/o Sh. Paras Ram, R/o Rathoo, Jammu, Block Marh, Jammu.
- 5 Guard file.

(Shiekh Fayaz Ahmad)  
Registrar,  
J&K State Information Commission.