



**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/241/2018

Decision No. SIC/J/A/241/2018/224

**Final Order:**

Appellant : Sh. Balwan Singh, S/o Sh. Janak Singh,  
R/o Village Hunder, Tehsil Arnas, District Reasi.  
Respondent : FAA/PIO, Rural Development Department.  
Date of Registration : 08-03-2018.  
Date of decision : **23-04-2018.**  
Decision : Appeal disposed of.

**Brief Facts:**

The present appeal has arisen out of RTI application filed by Mr. Balwan Singh on 11-10-2017 seeking the following information from Assistant Commissioner Development (ACD), Reasi:

1. Copies of approved Plan under MGNREGA, CD Panchayat, Non Plan Schemes, TSP Plan, Work of CDF MLA/MP Schemes including the construction of new Panchayat Ghar for the year 2014-15, 2015-16 upto ending 9/2017 and work wise year wise, scheme wise expenditure including the subsidy cases of IAY/PMRY.

2. Copies of the Muster Roll, Scheme wise, work wise for the works executed paid with the vouchers of key materials supplied procured and consumed at site specially vouchers of Bricks, Cement, Sand bajri etc. consumed in Panchayat Ghar at Dhaman. Hunder panchayat and materials sand, Bajri at site being supply for the scheme.
3. List of works executed out of plan and their individual expenditure and vouchers, Muster Rolls for the aforesaid period.
4. Name of the VLW/GRS who worked with the breakup of period in Panchayat Hunder and the list of the beneficiary paid for the construction of toilet and the list of the beneficiaries yet to be paid.
5. List of drop out works from the approved plan for the aforesaid period and the percentage of expenditure made on approved plan works with compare to that the works executed out of plan.

The ACD, transferred this RTI application to the concerned PIO/BDO Arnas. The PIO provided part of the information to the applicant vide communication dated 08-11-2017. Not satisfied with the information so provided by the PIO, the applicant filed 1<sup>st</sup> appeal with First Appellate Authority (FAA), ACD,

Reasi on 15-12-2017. The FAA on 19-12-2017 issued a notice to PIO to attend his office along with point-wise, correct and complete information so that appeal can be heard and disposed of. Following this communication from the FAA, the PIO vide his communication dated 20-12-2017 directed the applicant to deposit a sum of Rs19050/- for the left out information consisting of 1905 pages @ Rs10/- per page of A-4 size.

The FAA vide his order dated 28-12-2017 directed the PIO/BDO, Arnas to provide complete information to the applicant free of cost after ascertaining that the applicant belongs to BPL category and otherwise provide the information to the applicant after he submits the fee as prescribed under J&K RTI Act, 2009. The applicant deposited a sum of Rs 19050/- on 02-01-2018 under the Object Head 0070 with Government Treasury, Arnas. In spite of depositing the said fee, the applicant was not provided the desired information forcing him to file 2<sup>nd</sup> appeal before the State Information Commission (SIC) on 22-02-2018.

**Proceedings before State Information Commission:**

The instant appeal came up for hearing before the State Information Commission (SIC) on 02-04-2018. The hearing was attended by the PIO/BDO, Arnas. The appellant along with his counsel were also present. During the hearing, the appellant through his counsel submitted that in response to his RTI

application dated 11-10-2017, the PIO provided incomplete information which replied only point-1 of his RTI application. He further stated that no information was provided to him in respect of point No-2,3,4 and 5 of his RTI request and instead the PIO through his communication dated 20-12-2017 directed the appellant to deposit an amount of Rs 19050/- as copying charges for providing 1905 pages @ Rs 10/- per page of A-4 size. The appellant further stated that in terms of the provisions of the RTI Act, the PIO was supposed to provide the information free of cost to the appellant as the information was not provided by the PIO within specified period. Moreover, as per the RTI Rules the fee chargeable as copying charges for creation and copying of each A-4 and A-3 size page was Rs 2/- per page but the PIO demanded copying charges @ Rs 10/- per page for A-4 size paper. The appellant therefore, urged the SIC to not only direct the PIO to provide the left out information to the appellant as immediately as possible but also to proceed against the PIO for not providing the information within the specified period and also for charging fee higher than what is prescribed under the RTI Rules. The appellant also submitted that soon after depositing the fee of Rs 19050/- in the Government Treasury, Arnas on 02-01-2018, the receipt of the same was submitted by the appellant to Accounts Officer of the O/O PIO who acknowledged the same on 03-01-2018. However, inspite

of having acknowledged the receipt by the Accounts Officer of the O/O PIO/BDO Arnas on 03-01-2018, the PIO again asked the appellant vide his communication dated 06-01-2018 to deposit the copying charges/fee @ Rs 10/- per page for getting the left out information.

The PIO submitted that part of the information was provided to the appellant within the specified period on 08-11-2017 and the appellant was directed to deposit copying charges @ Rs 10/- per page for the rest of the information as the information sought by the appellant was voluminous and the information sought by him was required to be copied and photo-stated from the open market as there was no Photostat machine in the O/O the PIO/BDO, Arnas. The PIO also submitted that he has no information about the fee having been deposited by the appellant on 02-01-2018. The PIO also submitted that the signature on the acknowledgement receipt are not of the Accounts Officer, Arnas. The PIO also submitted that on many occasions he directed the appellant to visit his office and have inspection of records instead of seeking copies thereof as the information sought by him was huge, but the appellant never visited his office in this regard. The PIO assured the SIC that he will provide the rest of the information to the appellant within a period of 20 days from that day. The appeal was adjourned with the direction to the PIO to provide the required information to the appellant. The appellant was also directed to file rejoinder in respect of the information that he will receive from the PIO by or before the next date of hearing.

The appeal again came up for hearing today on 23-04-2018. The appellant filed an application wherein he had stated that

he had received documents/statements/reply of point nos-2, 3, 4 and 5 of his RTI application from the PIO and is satisfied with the submission of the reply provided by the PIO. The appellant submitted that he does not want to pursue his appeal any more.

Since the appellant has received entire information so provided to him by the PIO, and is satisfied with the same, besides the fact that the appellant does not want to pursue his appeal any further, the appeal is disposed of without any order/direction.

**-sd-**

(Mohammad Ashraf Mir),  
State Information Commissioner,  
J&K State Information Commission.  
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No. SIC/J/A/241/2018

Dated:        /        /2018.

Copy to the:

- 1 First Appellate Authority (FAA) Assistant Commissioner Development, Reasi for information.
- 2 Public Information Officer (PIO), Block Development Officer, Arnas for information and compliance.
- 3 PS to SIC for information of HSIC.
- 4 Sh. Th. Balwan Singh S/o Sh. Janak Singh, R/o HUnder, Tehsil Arnas, District Reasi.
- 5 Guard file.

(Sheikh Fayaz Ahamd)  
Registrar,  
J&K State Information Commission.