



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
Old Assembly Complex, Srinagar, Fax No. 0194-2506661,
2506662
Wazarat Road Near DC Office, Fax No. 0191-2520947,
2520937
www.jksic.nic.in

File No. SIC/J/A/38/2018
Decision No. SIC/J/A/38/2018/289

Final Order

Appellant : Shri Raj Kumar
S/o Shri Krishan Lal
R/o Village Khori Saroor, Tehsil
Drabshalla, District Kishtwar

Respondent : FAA Assistant Commissioner Dev.
Kishtwar
PIO Block Development Officer,
Drabshalla

D . O . R : 07-05-2018
Date of decision: **29-08-2018**
Decision : Disposed of

The present appeal has originated from the RTI application dated 30.07.2017 filed by the appellant Shri Raj Kumar with the PIO, Block Development Officer, Drabshalla seeking photocopy of the Annual Plan for the year 2016-17 in respect of all works, copies of MB, cash book, contingency register, payments made in respect of all works executed in

Panchayat Khori Saroor. AS no information was provided by the PIO, the appellant filed 1st appeal before the Assistant Commissioner Development, Kishatwar on 13.09.2017. The first appeal was disposed by the First Appellate Authority on 30.10.2017 by directing the PIO to provide the complete information to the appellant within week's time. Since the PIO had failed to provide the information and also failed to attend the hearing before the FAA, the FAA also issued warning to the PIO to be careful in future. Even after the directions from the FAA, no information was provided by the PIO to the appellant forcing him to file 2nd appeal before the State Information Commission on 21.12.2017.

The appeal came up for hearing before the Commission on 29.08.2018. PIO, Block Development Office, Drabshalla attended the hearing. The appellant Shri Raj Kumar was also present during the hearing. The appellant submitted that he has not received information from the PIO even till date. PIO, BDO, Drabshalla present during the hearing submitted that he joined as BDO, Drabshalla in May 2018. On 30.07.2018, he informed the appellant through registered post that since the information sought by him was voluminous, therefore, the applicant should inspect the

records instead of seeking photocopies. He further submitted that the applicant did not turn up for inspection of record. The appellant however, submitted that he did not receive the communication from the PIO with regard to inspection of the records. However, the PIO produced the postal receipt indicating the communication dated 30.07.2018 was sent to the appellant through registered post.

While going through the RTI request made by the appellant, the Commission also feels that the information sought by the appellant is quite large and providing of photocopies of the entire information sought by him would disproportionately divert the assets of the PIO's office. However, the then PIO, Shri Nasir Hussain has not dealt with the RTI request in the manner he was supposed to do in terms of provisions of the RTI Act. In case, the information sought by the appellant was voluminous, it should have been conveyed to him within the period specified under section 7(1) of the RTI Act 2009 by the then PIO. The then PIO has caused delay in providing the information or affording the opportunity of inspection of the records to the appellant within the specified period.

The appeal is disposed of. The Registry is directed to issue a show cause notice upon Shri Nasir Hussain, the then BDO, Drabshalla and presently reportedly posted as Assistant Director, CAPD in Jammu Division as to why penalty under section 17 of the RTI Act shall not be imposed upon him and seeking his reply within 15 days from the date of receipt of the notice to be so issued. Shri Nasir Hussain be also directed to appear before the Commission on the date fixed for hearing of the penalty proceedings. Notice should be served upon Shri Nasir Hussain through Director CAPD Jammu.

The present PIO Shri Musharaff Ali is directed to provide another opportunity of inspecting the records to the appellant and the appellant is directed to have the inspection of records instead of seeking photocopies of the documents as sought by him in his RTI application dated 31.07.2017. With mutual agreement of parties, the week starting on 10.09.2018 was fixed for inspection of records by the appellant and the PIO is directed to inform the appellant about the exact day of the said week on which appellant should attend his office for having inspection of the records. The PIO is also directed to extend every possible facility to

the appellant for such inspection and provide the information as may be sought by the appellant after having such inspection.

With the above directions, the appeal is disposed of.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

No. SIC/J/A/38/2018

Dated. .09.2018

Copy to the:

1. FAA, Assistant Commissioner Development, Kishtwar for information.
2. PIO, Block Development Officer, Drabshalla (Kishtwar) for information and compliance.
3. Shri Raj Kumar, S/o Sh. Krishan Lal, R/O Khori Saroor, Tehsil Drabshalla District Kishtwar.
4. Office file.

(Zaheer Abbas)
Assistant Registrar
State Information Commission