



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
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File No. SIC/J/A/46/2018
Decision No. SIC/J/A/46/2018/292

Final Order

Appellant : Shri Haq Nawaz Nehru
S/o Late Shri Assadullah Nehru
R/o Nehru Chowk, Doda

Respondent : FAA Assistant Commissioner Dev. Doda
PIO Block Development Officer, Uhyanpur,
Doda

D . O . R : 21-05-2018
Date of decision : **30-08-2018**
Decision : Disposed of

The present appeal has originated from the RTI application filed by Shri Haq Nawaz Nehru on 03.10.2017 before the PIO, Block Development Officer, Udhyanpur with regard to details of MGNREGA, 14th FC and SBM funds for the year 2015-16 and 2016-17 for Panchayat Kulhand and also copies of property statements of one Shri Mansoor Ahmad, VLW and also copies of his academic qualification. PIO, Block Development Officer, Udhyanpur vide his communication dated

20.10.2017 directed the applicant to deposit a sum of Rs.1500/- as photocopy charges so that the information sought by him is provided. However, instead of depositing the photocopy charges, the appellant filed first appeal before the First Appellate Authority Assistant Commissioner Development Doda on 16.11.2017 requesting for appropriate directions to the PIO for providing the information. The PIO vide his communication dated 22.12.2017 once again asked the appellant to deposit the amount of Rs.1500/- on account of photocopy charges in his office so that the information sought by him is furnished. The FAA disposed of the appeal on 01.01.2018 with the directions to the PIO to provide the requisite information to the appellant within 10 days. The appellant finally filed the 2nd appeal before the State Information Commission on 05.05.2018 submitting therein that no information has been provided to him by the PIO inspite of the directions of the FAA.

The appeal came up for hearing before the Commission today on 30th August 2018. The appellant did not attend the hearing despite due notice. The PIO was represented by Shri Majid Jahangir, AAO, O/o BDO Udyanpur in view of the pre-occupation of the PIO in connection with the DDB meeting. The representative of the PIO submitted that immediately after filing of the RTI application, the applicant was informed within specified period of time on 20.10.2017 to

deposit charges on account of photocopying for the desired information. However, the applicant instead of depositing the photocopy charges filed the first appeal before the First Appellate Authority. The representative of the PIO further submitted that the appellant was once again asked on 22.12.2017 to deposit the charges on account of photocopying. However, he did not deposit the said charges and instead filed 2nd appeal before the State Information Commission. The representative of the PIO also submitted that no delay has been caused by the PIO and the PIO has responded well within the period stipulated under the provisions of the RTI Act 2009. The information was not provided to the appellant as he failed to deposit the charges prescribed under RTI Rules.

While going through the information sought by the appellant through his RTI application dated 03.10.2017, it has been found that point Nos. 2 and 3 pertain to the information relating to a third party. The appellant has sought copies of property statement of one Shri Mansoor Ahmad, VLW and copies of his academic qualification. Such third party information cannot be disclosed by the PIO without following the due procedure as laid down in section 11 of the J&K RTI Act 2009. Besides, the appellant / applicant has to show existence of public interest in disclosure of the information relating to a third party in order to convince the PIO to disclose such information.

The order of the FAA also does not indicate whether the PIO had to provide the information free of cost or he had to seek payment of charges on account of photocopying from the appellant. PIO has well within the specified period informed the applicant to deposit Rs.1500/- as photocopying charges. The order of the FAA as such is not in consonance with the provisions of the RTI Act and rules framed thereunder. The Commission has also found that the present appellant has filed scores of RTI applications / appeals seeking same or similar information in respect of different CD Blocks of District Doda. He is a contractor by profession and almost in every appeal which landed in the Commission, the Respondents complained about repeated / multiple RTI applications being filed by the present appellant.

Since the PIO had duly informed the appellant within the period specified under the Act to deposit the photocopy charges for the information sought by him, there is no obligation on the PIO to provide the information to the appellant after he failed to deposit the requisite fee. The appellant has also not claimed to be a member of the BPL category and hence exempted from payment of charges / fees. As such the information cannot be provided to him if he has failed to deposit the photocopy charges which were duly communicated to him twice by the

PIO within the specified period. Therefore, there is no merit in the appeal and the same is accordingly dismissed.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

No. SIC/J/A/46/2018

Dated. .09.2018

Copy to the:

1. FAA, Assistant Commissioner Development, Doda for information.
2. PIO, Block Development Officer, Dali Udhyanpur Doda for information and compliance.
3. Shri Haq Nawaz Nehru, S/o Lt. Assadullah Nehru, R/O Nehru Chowk, District Doda.
4. Office file.

(Zaheer Abbas)
Assistant Registrar
State Information Commission