



**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. 0194-2484269, 2484262  
www.jksic.nic.in  
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File No. SIC-K/Comp/32/2013  
Decision No. SIC-K/Comp/32/2013/**118**

Title: Shri Mohammad Akbar **v/s** 1. Xen IFC Div. Sumbal  
r/o Gund Ibrahim Pattan 2. Sen IFC Div. Baramulla  
(**Complainant**) (**Respondents**)

Present:

1. Er. G. H. Gojree, Xen IFC Sumbal,
2. Sh. Farooq Ahmad Sultanpuri, AEE i/c ISD Baramulla.
3. Sh. Gh. Jeelani, AEE ic/ ISD Sumbal.

**Srinagar**

**31.12.2013**

The Commission received a complaint on 19.06.2013 from Shri Mohammad Akbar r/o Gund Ibrahim Pattan against Chief Engineer Irrigation & Flood Control, Kashmir on the ground that he lodged an RTI application to the address of Chief Engineer on 01.04.2013 but till 01.05.2013 he did not receive any from the concerned department. The complainant has accordingly requested the Commission to provide the information and take strict action under RTI Act.

As per records, the complainant filed an RTI application on 01.04.2013 before PIO Deptt. Of Irrigation & Flood Control, Srinagar seeking following information: -

**“Provide me a list of seasonal and casual labours of Irrigation & Flood Control Division Sumbal and Baramulla – year 2009 to 2012 (yearly).**

**Provide me a list of seasonal and casual labours of PHE Division Pattan year 2009-2012.**

**Provide us copy of transfer of field staff copy namely Manzoor Ahmad Khoroo s/o Gh. Rasool Khuroo r/o Trikolbal refer No. 1269-71 dated 20.05.2012”.**

This RTI application has been transferred to Executive Engineers Sumbal/Baramulla on 04.04.2013 with the request to provide the information to the information within stipulated time after obtaining requisite fee under intimation to their office and copy marked to information seeker as well.

In his reply dated 12.11.2013, Er. G.H. Gojree, Xen I&FC Division Sumbal has submitted that RTI application was received by their office on 06.04.2013 and accordingly information was prepared and applicant was informed vide letter dated 25.04.2013 to deposit the requisite fee and collect the information. He has further submitted that he did not know that information seeker is not supposed to deposit the fee on the plea that he is a BPL card holder. PIO/Xen has further submitted that the information was handed over the applicant personally under proper receipt dated 20.09.2013.

Xen I&FC Baramulla in his reply/counterstatement dated 13.11.2013 submitted that the information was sent to SE Hydraulic Circle Baramulla with copy to complainant on 30.04.2013 through post, which has reportedly been returned back undelivered due to non-availability of the parentage on the address. PIO/Xen has further submitted that the information stands delivered & given to information seeker through D/Runner (copy enclosed).

The Commission received a communication dated 24.10.2013 from the complainant acknowledging the receipt of information from J&FC Division Sumbal/Baramulla and has requested the Commission to close the case.

The Commission has noted that while PIOs have responded to the RTI application within prescribed time, PIO Sumbal has asked to deposit fee despite applicant being BPL card holder, which is not in accordance with provisions of the Act. . As per the Act, BPL card holders are exempted from payment of fee/ copying charges However, subsequently information has been given free of cost,

However, PIOs are directed to acquaint themselves with the provisions of the Act so that information seekers are not put to unnecessary inconvenience. It also appears that office of Chief Engineer has not taken necessary measures to sensitize PIOs regarding provisions of the Act. Chief Engineer I&FC Kashmir is accordingly directed to arrange/convene training

programmes for PIOs of his Department after consultation with J&K IMPA.

The complaint is accordingly disposed of.

Sd/-  
**(Nazir Ahmed)**  
**State Information Commissioner**

Copy to the:-

1. Executive Engineer, Irrigation & Flood Control Division, Baramulla. (PIO).
2. Executive Engineer, Irrigation & Flood Control Division, Sumbal.(PIO).
3. Sh. Mohammad Akbar Bhat R/o Gund Ibrahim Pattan.

**(M.S. Bhat)**  
**Deputy Registrar,**  
**J&K State Information Commission**