



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262
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File No: SIC/J/A/293/2013
Decision No: SIC/J/A/293/2013/13

Sh. Mashkooor Ahmed	Appellant	Present
Sh. Rattan Singh Inspector Panchayat Block Marmat, Doda on behalf of Block Development Officer/PIO Marmat.		Present

Jammu
20-01-2014

Briefly the facts in this appeal are that Sh. Mashkooor Ahmed & Sh. Jaffer Hussain S/o Shair Mohd. Khan R/o Mangota, Tehsil & Distt. Doda moved an application dated 22-07-2013 under J&K Right to Information Act, 2009 before the Assistant Commissioner Development, Doda wherein they sought certain information (from 01-04-2009 to 15-07-2013) of various schemes such as MGNREGA, BRGF CDF and other schemes in Block Marmat, Doda.

The PIO/BDO, Marmat did not provide the requisite information to the information seekers within the statutory period. Thus, feeling aggrieved of inaction on the part of the PIO, the appellants preferred 1st appeal dated 16-09-2013 before the FAA/Director, Rural Development Department, Jammu which was disposed of vide order no. DRDJ/RTI/13571-75 dated 12-10-2013 directing the PIO/BDO, Marmat to provide the requisite information as desired by the appellant within 10 days free of cost through registered post. The PIO/BDO, Marmat was also warned to be careful in future while dealing the cases pertaining to J&K RTI

Act, 2009. The appellants filed 2nd appeal dated 19-11-2013 before the Commission and alleged non compliance of the order of the FAA and requested that PIO/BDO, Marmat be directed to furnish the requisite information as sought in the RTI application. After receiving the 2nd appeal of the information seekers, the matter was listed for hearing on 30-12-2013 and again on 20-01-2014.

During the course of proceedings held today i.e. 20-01-2014, Sh. Mashkooor Ahmed one of the information seeker brought to the notice of the Commission that he belongs to BPL category and is as such entitled to seek information free of cost, though in an earlier case BDO, Marmat has charged Rs. 10,000/- as cost of the information sought by him in his RTI application and is again demanding from him cost of information with respect to his application dated 22-07-2013. The PIO/BDO, Marmat is hereby reminded of his duty under the RTI Act that he is under a statutory obligation to provide the requisite information to the information seekers who belong to BPL category free of cost. Sh. Mashkooor Ahmed the appellant also produced a BPL category certificate for the perusal of the Commission. On the basis of submissions made by the appellant, PIO/BDO, Marmat is hereby directed to provide the requisite information free of cost to the information seeker within 10 days from the date of receipt of this order under an intimation to the Commission.

Sh. Rattan Singh, Inspector Panchayat, Block Marmat, Doda appeared on behalf of BDO, Marmat and requested the Commission that the BDO has recently took over the office and was not in a position to attend the hearing before the Commission and requested for exemption from personal appearance before the Commission. Sh. Rattan Singh, Inspector Panchayat, Block Marmat, Doda further identified the predecessor Sh. Umesh Shan who was BDO, Marmat and has now been posted as BDO, Gool, Distt. Ramban. The perusal of the facts in this case reveal that there is a delay in furnishing the information to the information seeker. Sh. Umesh Shan BDO, Gool Distt. Ramban (the then BDO, Marmat) is hereby directed to show cause why penalty U/s 17 of the J&K RTI Act, 2009 may not be imposed upon him for causing unreasonable delay in furnishing the information to the information seekers within 2 weeks from the date of receipt of this order.

The appeal is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

Sd/-
Dr. S.K. Sharma
State Information

Commissioner

Copy to the:-

3. Public Information Officer / Block Development Officer, Marmat, Distt. Doda.
4. Sh. Umesh Shan BDO, Gool Distt. Ramban (the then BDO, Marmat).
5. Sh. Mashkoor Ahmed & Sh. Jaffer Hussain S/o Shair Mohd. Khan R/o Mangota, Tehsil & Distt. Doda.

(Khalid. A. Shah)
Dy. Registrar
State Information Commission