



State information Commission

(Constituted under Right to Information Act 2009)

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Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937

www.jksic.nic.in

File No: SIC/J/A/60/2013

Decision No: SIC/J/A/60/2013/174

Sh. Mohd. Khaliq Appellant Absent

Dr. K. Anand PIO Present
Divisional Forest Officer,
Rajouri Forest Division,
Rajouri

**Jammu
02-07-2013**

Briefly the facts in this appeal are that Sh. Mohd. Khaliq S/o Kalam Din R/o Village Dhangri Mora (Doba) Post Office Dhangri, Tehsil and District Rajouri moved an application dated 17-12-2012 under J&K RTI Act, 2009 before the PIO, Divisional Forest Officer, Rajouri seeking the following information:-

1. Provide a copy of latest action taken of letter of Deputy Secretary to Government, Forest Department addressed to Principal Chief conservator of Forest J&K Srinagar vide No. FST/Land/49/2011 dated 07-09-2011 regarding encroachments over vast forest land by vested interested persons in village Dhangri Rajouri-Request for investigation and action thereof. Provide complete correspondence related to above cited subject.

2. Provide a copy of latest action taken of letter of Chief Conservator of Forest, Jammu vide No. CCF/R/Ench/27/1079-80 dated 05-03-2012 regarding illegal encroachment of forest land. Provide complete correspondence related to above cited subject.
3. What action has been taken by the above officers and provide a details as the whole forest land of Dhangri has been encroached and various unauthorizedly construction work are taken up under NREGA in the forest land, without forest department clearance or NDC for its concerned.
4. Provide the details of constructions works taken up under MGNREGA and other schemes on Forest Land Dhangri (Rajouri).
5. How many officers/official involved in the presence this encroached land of village Dhangri i.e. road constructed from house of Rajinder Kumar to near Devi Naka (Dhangri).
6. Forest Land Range Kandi Compartment 209/R situated at Dhangri (Rajouri) where whole NREGA work allotted for the execution/construction/Land Development/Excavation work on the above State Forest Land (Range Kandi Compartment 209/R) and how many piles trees are damaged with cost and how much funds transferred from MG-NREGA (Rural Dev. Department) to Forest Department. Provide copy of said land paper with award copy thereof. In case the illegal encroachment what actions have been taken by your department?

The application of the information seeker was transferred to the office of APIO (Range Officer, Rajouri Forest Range) for furnishing point wise replies vide No. 3384-RFD dated 18-12-2012. Perusal of the record shows that information seeker has also filed the same application before the Commissioner Secretary, Forest Department, Civil Secretariat, Jammu on 18-12-2012 and said application was also forwarded to the office of DFO, Rajouri. The DFO, Rajouri approached BDO, Rajouri vide No. 3685-89/DFOR dated 16-1-2013 for collection of information for the applicant. The collected information was forwarded to the Range Officer, Rajouri for clarification of the status of land vide No. 3694-97/DFOR dated 21-01-2013.

After collection of information from various sources and verification in the field, DFO, Rajouri communicated to the applicant to deposit the fees as cost of the information and collect the same vide No. 3886-87 dated 11-02-2013. However, the applicant refused to deposit fee and collect the information stating that he has appealed to the authorities for delay in response. The demand for depositing cost of information in this case is time barred as it has to be made within 30 days from the date of filing of the RTI application. Whereas in this case the demand has been raised on 11-02-2013 i.e beyond the statutory period and this lapse on the part of the PIO entitles the information seeker to receive the information free of cost. In view of the aforesaid facts, PIO is hereby directed to send information to the information seeker at his residential address, free of cost under a registered cover within 10 days from the date of receipt of this order. The PIO is further directed to file compliance 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 :

1. The First Appellate Authority/ Chief Conservator of Forest, Jammu.
2. The Public Information Officer/ Divisional Forest Officer, Rajouri Forest Division, Rajouri
1. Sh. Mohd. Khaliq S/o Kalam Din R/o Village Dhangri Mora (Doba) Post Office Dhangri, Tehsil and District Rajouri

(Khalid A. Shah)
Dy. Registrar
J&K State Information Commission