



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262

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

www.jksic.nic.in

File No: SIC/J/C/30/ 2013

Decision No: SIC/J/C/30/2013/207

Sh. Shabir Ahmed	Complainant	Absent
Sh. Sarban Singh Executive Engineer, PHE Division, Rajouri.	PIO	Heard through video conferencing

**Jammu
24-07-2013**

Briefly the facts in this complaint are that Sh. Shabir Ahmed S/o Mohd. Bashir R/o Thanna mandi moved an application dated nil under J&K RTI Act, 2009 before the PIO, PHE Department, Rajouri seeking the following information:-

1. Photostat copies of cash Book showing the detail of expenditure, income for last 24 months (certified copies of documents demanded).
2. Photostat copies of Form No. 64 (alongwith CD) of the last 24 months .
3. Monthly Progress Report of the Civil works initiated, status of work undertaken for the last 24 months.

The Executive Engineer, PHE Division, Rajouri vide office No: PHER/2856-57 dated 12-09-2012 directed the information seeker to deposit/remit fee of Rs. 8836/- as photocopying charges in legal size paper containing 624 pages. The information seeker feeling aggrieved of the

aforesaid order of the Executive Engineer, PHE Division, Rajouri , filed complaint before the Commission requesting therein that he belongs to BPL category and have annexed BPL ration card in support of his claim and is entitled to seek information free of cost in terms of section 7(5) of the RTI Act, 2009 which ordains that no fee shall be charged from the persons who are below poverty line. The demand of fee by the PIO from persons below poverty line is unwarranted and contrary to the mandate of the RTI Act, 2009.

During the course of proceedings held today through video conferencing, PIO requested the Commission that the information seeker be directed to inspect the record in his office and in case he wants the photocopies of the relevant documents, the same shall be provided to him free of cost. In view of the aforesaid facts, PIO is directed to allow the information seeker a facility to inspect the record in his office and provide him the photocopies of relevant documents free of cost within 7 days from the date of receipt of this order under an intimation to the Commission. The PIO is further directed to fix the date and time for inspection of record in consultation with the information seeker which is mutually convenient to both the parties.

The complaint 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:-

1. The Public information Officer/ Executive Engineer, PHE Division, Rajouri.
2. Sh. Shabir Ahmed S/o Mohd. Bashir R/o Thanna mandi.

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