



**Jammu and Kashmir State Information Commission**

شنیشن کمیٹی انفارمیشن اسٹیٹ کنڈ کشمیر جموں ا

(Constituted under The Right to Information Act, 2009)

**Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937**

**Old Assembly Complex, Srinagar, 0194-2506660, 2506661**

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File No. SIC/K/SA/18/2016

Decision No. . SIC/K/SA/18/2016/01

Appellant : Sh Gh. Hassan Pinchoo S/ o Gh. Mohd  
Pinchoo R/o Kulhama Nadihal-B

Respondent : BDO Bandipora

Date of Registration : 16.02.2016

Date of Decision : 02.04.2016

**Brief facts:-** The appellant filed Second appeal on 16.02.2016 against PIO/BDO Bandipora and ACD Bandipora. That appellant submitted an application under RTI Act to ACD Bandipora on 02.11.2015, which was forwarded to BDO Bandipora on 02.11.2015. That he deposited an amount of Rs 200/- in the bank Account as requested (receipt enclosed). That after 2 ½ months, the said office provided information, which is allegedly fake and false. It is alleged that bathroom , Protection wall from Mohammad Ramzan Pinchoo house and others has been shown constructed and bills have been drawn, while as said construction had not taken place at ground level. That Protection wall around grave yard of Masjid Mohalla , drains, paths, kananls,

boat ways, beaches etc. have been done, but not shown in papers. Ex. MLA Bandipora has released funds from his Constituency Development Fund, but work was not done at ground level.

Keeping in view the above facts, he has requested to look into the matter and authorities be directed to provide information as requested in the RTI application and action may be taken against defaulters.

As per RTI application enclosed with the appeal, it is addressed to PIO/ACD seeking following information:

1. Details of the works executed by Block Bandipora in village Kulhama Nadihal Bandipora 2012-13, 2013-14, 2014-15 and 2015-16 under centrally state sponsored scheme.
2. Total amount involved for the execution of these works with work wise and year wise.
3. Details of public servants and private persons who have remained associated with these works.
4. Status of all these works.

This application has been transferred by ACD Bandipora on 02.11.2015 to BDO Bandipora asking him to provide the information under norms under intimation to his office. Thereafter, BDO vide letter dated 12.02.2015 has directed Programme Officer MG NREGA and Secretary Panchayat Nadihal-B to provide information to his office so that the same can be provided to the information seeker as desired by ACD Bandipora. Copy of this letter is marked to the appellant asking him to deposit an amount of Rs 500/- so that information to him can be provided. Thereafter, the appellant

has filed First Appeal on 18.12.2015 alleging that information has not been provided.

In response to the appeal, BDO Bandipora has filed counter reply dated 25.02.2016 interalia stating that RTI application was received by his office on 21.11.2015 seeking information regarding details of works executed in Panchayat Village Kulhama from 2012-13 to 2015-16 and number of Public servant and private persons who remained associated with these works. That the information as per application has been provided to him well in time vide letter dated 11.12.2015. However the information seeker has approached ACD Bandipora asking him for the same information. That his offices vide letter dated 29.12.2015 again provided information to the appellant in the presence of the appellant authority as per copy of receipt enclosed.

The appellant admitted to have received the information and pointed out that in the statement of beneficiaries for the year 2011-12 under NBA/TSC, Shri Zahoor Ahmad S/o Gh. Mohammad has been shown as a beneficiary, whereas no such construction have been done by the said beneficiary on ground.

BDO clarified that this scheme is assistance for sanitation purposes given to IHHL families for construction of toilets. Since the appellant has made an allegation regarding non-existence of toilets, the Commission directs ACD Bandipora to enquire into the matter and take action under rules under intimation to the Commission.

The appellant also pointed out that there is variation in the payments made for work at S No. 7 during year 2012-13 in respect of construction of wall vis-a-vis information provided to him earlier showing a payment of Rs

89000/- for said work. In this regard, he has produced a copy of the information signed by Panchayat Secretary. Since variation in the figures of payments made in two sets of information is evident, the Commission directs BDO to provide a copy of passed voucher to the appellant.

The appellant has filed Second Appeal on the ground of non-existence of some works, in respect of which payments have been made as per information given to him. This being a serious allegation, Commission directs Director RDD Kashmir to inquire into the matter and appraise the Commission of its outcome within one month. Further, the appellant has also identified some works, which have reportedly been done but not shown on the papers. On this issue, the Commission is of the view that “*information*” means information available on record, which has been provided. However, BDO Bandipora shall verify from records and inform appellant accordingly.

At point 3, the appellant has sought details of public servants who have been associated with these works. On this issue, the Commission is of the view that disclosure of names of Public servants associated with these works could lead to compromises/consequences and therefore, these need not be disclosed unless appellant makes a case of larger public interest.

Registry shall mark a copy of this order along with copy of Second Appeal to the State Vigilance Commission in view of the allegations made by the appellant.

With the above directions, the appeal filed before the Commission is disposed of.

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

**Copy to the:-**

1. Secretary, State Vigilance Commission, J&K Jammu for information and necessary action.
2. Director Rural Development Department Kashmir
3. ACD Bandipora
4. BDO Bandipora
5. Pvt. Secy to HSIC (K)
6. Sh. Gh. Hassan Pinchoo S/ o Gh. Mohd Pinchoo R/o Kulhama Nadihal-B

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