File No. SIC/J/A/288/2016
Decision No. SIC/J/A/288/2016/318

Appellant	:	Mr. Naveen Kumar
Respondent:		ACD, Rajouri/BDO, Nowshera.
Date of Institution:		29-03-2016
Date of Decision:		24-05-2016/
State Information Commissioner:		Er. Nazir Ahmad
Decision:		Appeal disposed of.

1.   Brief facts of the case are that appellant filed 2nd appeal before the Commission, stating that he filed an RTI application dated: 12-10-2015 before BDO, Nowshera and sought certain information, which was not provided by BDO within statutory period of time. That first appeal was filed before ACD, Rajouri (FAA) on 07-12-2015, which was not decided by FAA.

2.   The case was listed for hearing on 09-05-2016 and following directions were passed by the Commission;

   a) *The FAA/ACD, Rajouri neither attend hearing nor filed reply in compliance to notice dated: 27-04-2016 for hearing through video conferencing. Appellant also did not attend hearing, although notice was issued to him to appear at NIC, Office, Rajouri for hearing through video conferencing. Registry shall issue show cause notice to the ACD for non compliance, with copy to Director, Rural Development, Jammu, returnable within two weeks.*

b) BDO, Nowshera is directed to file reply/counter statement to the 2nd appeal within one week with a copy to the appellant.

3.   Shri Kulbushan Sharma, BDO, Nowshera and appellant Naveen Kumar heard from NIC, Rajouri. ACD, Rajouri (FAA) has neither filed explanation as sought by the Commission vide notice dated: 16-05-2016 nor attended hearing at NIC, Rajouri, as informed by I/c NIC, Rajouri, Mr. Pankaj.

4.   PIO/BDO, Nowshera submitted that he has filed reply/counter statement and thus complied to the directions of the Commission dated: 16-05-2016 and whatever information was available has been provided to the appellant. Appellant submitted that information provided to him is not in relation to RTI application dated: 12-10-2015, which is under appeal before the Commission. In the RTI application, appellant has sought information of all works done in panchayat Danaka in the year 2011-12, 2012-13, 2013-14 and 2014-15, including total amount spent on each work by name with ward no., photocopies of muster rolls for each and every work, photocopies of indents , bills/vouchers for each and every work. It is evident that the information sought is neither specific to any work nor any specific period. Therefore, it attracts the provisions of Section 7(9) of the Act, because compiling of this information would divert the resources of public authority. However, appellant cannot be denied information, as it is related to development works in Block Nowshera. The appellant agreed to the offer of inspection of records and take relevant extracts only.

5.   In view of the above, BDO/PIO, Nowshera is directed to allow appellant inspection of records as pointed in the RTI application and provide relevant extracts within next two weeks.

6.   Registry shall take further action as per provisions of the Act against FAA/ACD, Rajouri for his non compliance of directions conveyed vide notice dated: 16-05-2016.

7.   BDO/PIO, Nowshera has not justified/produced documentary evidence with regard to allegations of appellant that RTI application was not responded to by BDO, Nowshera within statutory period.   Therfore, BDO/PIO, Nowshera is directed to explain as to why penalty proceedings under Section 17 of the Act shall not be initiated against him.   His reply, if any shall reach the Commission within two weeks.

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

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Sd/-
(Er. Nazir Ahmad)
State Information Commissioner
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No. SIC/J/A/288/2016   Dated: -05-2016

Copy to the:-
1. Assistant Commissioner, Development, Rajouri (FAA).
2. Block Development Officer, Nowshera (PIO).
3. Pvt. Secretary to HSIC.
4. Mr. Naveen Kumar S/o Shri Jaswant Raj R/o Manpur Tehsil Nowshera district Rajouri (Appellant).
5. Guard file.

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(G.Q.Bhat)
Registrar,
J&K, State Information Commission
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