



J&K State Information Commission
Wazarat Road, Near D.C. Office, Jammu /
Old Assembly Complex, Srinagar.

File No. SIC/J/A/23/2016
Decision No. SIC/J/A/23/2016/345

Appellant : Shri Showkat Ali Batt
Respondent: ACD/FAA, Doda and BDO/PIO, Jakyas.
Date of Institution: 06-05-2016
Date of Decision: 23-06-2016/
Decision: Appeal disposed of.

1. Brief facts of the case are that appellant filed 2nd appeal under Section 16 of the J&K RTI Act, 2009 before the Commission on 02-05-2016, stating that he filed an application under RTI Act before BDO, Jakyas, Tehsil Chilly Pingal (PIO) on 01-01-2016 for some information under RTI, but BDO did not heed to the same. That aggrieved of the attitude of BDO, appellant filed 2nd application to SDM, Gandoh on 02-01-2016, who forwarded the same to BDO, Jakyas, but no information was provided by the BDO. That first appeal was preferred before ACD, Doda/FAA on 02-03-2016, but no response was received from said authority. Appellant has submitted that there is embezzlement of crores of rupees in cement, sand, bajri, job card payment under MGNRGA and in block funds and accordingly RTI was filed for information of six wards of panchayat Chanyas Block Jakyas. Appellant has made prayer before the Commission for necessary action in the matter.

2. Mr. Sushil Kumar, ACD, Doda/FAA, Mr. Dilmir Chaudhary, SDM, Gandoh, Mr. Mohammd Idrees, BDO, Jakyas/PIO and the appellant, Mr. Showkat Ali Batt attended hearing through video conferencing from NIC Doda.

3. BDO, Jakyas/PIO submitted that RTI application filed by the appellant was received by his office on 25-01-2016, forwarded by SDM vide letter dated: 22-01-2016. The RTI application was responded to vide PIO's letter dated: 11-04-2016, asking appellant to deposit an amount of Rs. 10000/- as photocopying charges.

4. From response of the PIO, it is evident that PIO has responded to the RTI application after the expiry of mandatory period as prescribed under the Act and it seems that the amount of Rs. 10000/- communicated to the appellant is a wild guess, as calculation on the basis of which this amount has been arrived is nowhere mentioned. It appears that an exaggerated amount was communicated to deter appellant from accessing information. Appellant submitted that he was offered an opportunity to inspect the record after filing of 2nd appeal in the Commission. Therefore, in view of the provisions of the Act, appellant is entitled to information free of cost.

5. In the RTI application, appellant has sought copy of invoices of all works done under MGNREGA in Panchayat Chinyas from 2010 to till date. BDO submitted that statement of works with expenditure under MGNREGA is available on the website of the department. BDO further submitted that copies of invoices are not available on line and these are maintained in records.

6. Commission is of the view that providing invoices of all works for the period of five years shall divert resources of public authority without achieving the objective of detecting irregularities in developmental works. Therefore, Commission directs BDO, Jakyas/PIO to provide statement of work with expenditure of the MGNREGA works in Panchayat Chinyas from 2010 to till date to appellant within one week from today. Appellant shall examine the information so provided by the BDO and on that basis, shall seek copy of invoices of specific works, where he finds prima facie evidence of irregularity on ground. BDO, Jakyas is directed to provide copy of invoices of such specific works to the appellant within two weeks thereafter.

7. RTI application received by BDO, Jakyas on 25-01-2016 has not been responded to by BDO within the period prescribed under the Act. Therefore, Mr. Mohammad

Idress, BDO, Jakyas/PIO is directed to explain along with documentary evidence as to why penalty proceedings may not be initiated against him for causing delay in responding to the RTI application. His reply along with compliance report shall reach the Commission within three weeks of the receipt of this order.

8. Commission would like to appreciate action taken by SDM, Gandoh in forwarding RTI application to BDO, Jakyas, although he is not concerned FAA/PIO in the case.

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

Sd/-
(Er. Nazir Ahmad)
State Information Commissioner

No. SIC/J/A/23/2016

Dated: -06-2016

Copy to the:-

1. SDM, Gandoh.
2. Assistant Commissioner, Development, Doda/FAA.
3. Block Development Officer, Jakyas, Tehsil Chilly Pingal/PIO.
4. Pvt. Secretary to HSIC.
5. Shri Showkat Ali Batt S/o Mohammad Sikandar Batt R/o Chinyas Block Jakyas, Tehsil Chilly Pingal, District Doda (Appellant).
6. Guard file.

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