



Jammu and Kashmir State Information Commission

جموں اینڈ کشمیر اسٹیٹ انفارمیشن کمیشن

(Constituted under the Right to Information Act, 2009)

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

Old Assembly Complex, Srinagar, 0194-2506660, 2506661

www.jksic.nic.in

File No. SIC/K/SA/54/2017

Decision No. SIC/K/SA/54/2017/56

Final Order

Appellant:

Mrs Amina Banu W/o Muhammad
Hassan R/o Tambis Tehsil Sankoo &
District Kargil

Respondent:

First Appellate Authority (FAA)/Project
Officer Wages Employment (ACD)
Kargil, Public Information Officer
(PIO)/Block Development Officer, TSG
Block, Kargil

Date of Registration : 24-07-2017

Date of Decision : 25-10-2017

Brief Facts:

The brief facts of this 2nd appeal are that the appellant Mrs Amina Bano has filed the 2nd appeal before the Commission against the First Appellate Authority (FAA)/Project Officer Wages Employment (ACD) Kargil, Public

Information Officer (PIO)/Block Development Officer, TSG Block, Kargil on 24-07.2017 alleging therein that the PIO has failed to respond to his RTI application filed on 27-02-2017 within the stipulated time. Thereafter, the appellant has filed the first appeal before the FAA who has also failed to provide the required information sought by him. The appellant has requested the Commission to intervene in the matter and take strong action against the FAA/PIO under the provisions of the J&K RTI Act, 2009.

As per records of the 2nd appeal, the appellant vide RTI application dated 27-02-2017 has sought information on seven queries pertaining to construction of footpath at Lamjing to Shagran under MG NREGA 2016-17 of Panch Mohalla Olsar Thagol Tambis but the same was not provided to him. Thereafter, the appellant filed first appeal before First Appellate Authority/Project Officer, Wages Employment ACD Kargil on 27-03-2017. Later on, the appellant filed the instant second appeal before the Commission on 24-07-2017 against the inaction of FAA/PIO.

Proceedings before the Commission:

In response to the notice of the Commission, Sh. Kachoo Turab Shah, FAA/ACD Kargil, Sh. Asgar Ali, PIO/BDO TSG Block, Kargil and the representative of the appellant Sh. Muhammad Hassan attended the hearing through video conference from NIC Kargil on 03-10-2017. During the proceedings, the FAA/ACD Kargil submitted that although the

requisite information comprising 31 leaves was sent to the appellant through registered post on 04-09-2017, but the same was received back through post on 12-09-2017 with the remarks “Except hand to hand, by post information not acceptable”. The representative of the appellant stressed that he want “hand to hand” information and not by post. The FAA/AC (D) Kargil submitted that the copy of the information sought is available with him and he is ready to hand over the same to the representative of the appellant. Accordingly, the hearing in the 2nd appeal was adjourned on 03-10-2017 with the following directions:-

1. The FAA/ACD Kargil is directed to hand over the copy of the information to the representative of the appellant under proper receipt after the conclusion of the hearing.
2. The FAA/ACD Kargil is directed to call an explanation from the then BDO TSG Block for not disposing the RTI application within the stipulated time as per provisions of the J&K RTI Act, 2009. It has also to be noted that intentional violation of the provisions under Section 7 (1) also invites imposition of penalty under Section 17 of the J&K RTI Act. The FAA will place before the Commission copy of the explanation from the then BDO TSG Block Kargil on the next date of hearing.
3. The appellant is directed to go through all the information handed over today and received previously and file rejoinder, if any, with a copy to the PIO/FAA before the next date of hearing.

The 2nd appeal again came up for hearing today on 25.10.2017 which was conducted through telephonic conversation. During the proceedings, the PIO submitted that in compliance to the directions of the Commission dated 03-10-2017, the point wise response to the queries of the RTI application has been provided to the appellant and has submitted a communication dated 07-10-2017 addressed to the representative of the appellant with copy to Commission as evidence thereof. The appellant has submitted that complete information sought has not been provided to him. He has filed the rejoinder also through fax in which he has mentioned the remaining information which has not been provided to him.

Decision:

Perused records of the 2nd appeal and heard the parties at length. The appellant admitted to have received 36 pages of information from the FAA/PIO. However, he informed the Commission that the same is incomplete. The appellant in his rejoinder received through fax substantiated as to what information has not been provided to her.

The 2nd appeal is disposed of with following directions:-

1. The appellant is directed to provide the copy of rejoinder to the PIO/FAA within one week from the receipt of this order.

2. The PIO/FAA is directed to go through the rejoinder of the appellant and provide the givable/remaining information to the appellant as per records available in his office within two weeks.
3. ACD, Kargil/FAA is directed to apprise the Commission about the action taken against the then BDO TSG Block in pursuance to the directions issued by the Commission on 03-10-2017.

With these observations, the 2nd appeal filed before the Commission is disposed of.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

Copy to the:-

1. First Appellate Authority (FAA)/Project Officer Wages Employment (ACD) Kargil,
2. Public Information Officer (PIO)/Block Development Officer, TSG Block, Kargil
3. Mrs Amina Banu W/o Muhammad Hassan R/o Tambis Tehsil Sankoo & District Kargil

(M. S. BHAT)
Registrar,
J&K State Information Commission,
Srinagar