



Jammu and Kashmir State Information Commission

(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/J/A/128/2017

Decision No. SIC/J/A/128/2017/**160**

Final Order:

Appellant : Sh. Ram Lal, S/o Sh. Dev Raj,
R/o Chander Battan Dessa, District Doda.

Respondent : FAA/PIO, Rural Development Department (RDD).

Date of Registration : 01.11.2017

Date of decision : **28-02-2018.**

Decision : Appeal disposed of.

Brief Facts:

The applicant had filed RTI application with ACD, Doda for seeking details of works executed in Panchayat Gaie'B' from 2010 till date under MGNREGA, BRGF, CDF and other heads along with photocopies of job card holder. Photocopies of demand letters, bills and vouchers of material used was also sought by the applicant. Assistant Commissioner Development (ACD), Doda transferred the RTI application to PIO/BDO, Bhagwah on 02-06-2017. On 12-06-2017 the PIO asked the applicant to furnish proof of belonging to BPL category. On 14-07-2017 the PIO informed the applicant that the information sought by him was quite voluminous and as such, requested him to visit his

office and inspect the same personally on 24-07-2017. The applicant filed 1st appeal before the First Appellate Authority (FAA), Director Rural Development Department, Jammu on 18-07-2017. The appeal was disposed of by the FAA with the directions to ACD, Doda to provide the requisite information to the applicant free of cost within one weeks time positively. The ACD, Doda vide his letter dated 28-08-2017 directed the PIO/BDO Bhagwah to provide the required information to the applicant within one weeks time. Finally, the applicant filed 2nd appeal before the State Information Commission (SIC).

Proceedings before the State Information Commission(SIC):

The case was listed for hearing on 17-01-2018. The PIO stated that he has provided part information containing list of works executed and list of job card holders to the applicant on 06-09-2017 and asked the applicant to attend his office for inspection of the rest of the records. However, the applicant stated that he received the information on 11-11-2017 which is incomplete and is not satisfied with the information so provided to him by the PIO. The PIO failed to produce postal receipt of having sent the part information to the appellant on 06-09-2017 as claimed by him. The appeal was adjourned with the directions to the PIO to explain as to why he has not provided the requisite information to the appellant within specified time and was accordingly directed to show cause as to why penalty proceedings should not be initiated against him under section 17 of the Act and also allow the appellant to inspect the records so that he is in a position to access the rest of the information sought by him.

The instant case came up for hearing on 20-02-2018. The hearing was attended by Mr. Narayan Singh, AAO of the O/o PIO/BDO Bhagwah through video conferencing from NIC Doda on behalf of the PIO/BDO Bhagwah. The respondent

stated that as per the directions of the Commission dated 17-01-2018, the appellant was informed by the PIO/BDO Bhagwah, vide communication dated 19-01-2018 to attend the office of PIO on 25-01-2018 to collect/inspect the requisite records as sought by him. The respondent further stated that the appellant did not attend the office. The appeal was adjourned and appellant was provided final/last opportunity to attend the Commission for hearing failing which it will be presumed that the appellant is not interested in pursuing appeal any further.

The appeal came up for final hearing on 28-02-2018. The hearing was attended by PIO/BDO Bhagwah. The appellant did not cause his appearance despite due notice. Therefore it is quite apparent that he is not interested to pursue the matter any further.

The PIO/BDO, Bhagwah filed his reply to the show cause notice issued by the Commission for not having provided the information to the appellant within the specified time. In his reply, the PIO submitted that the appellant had misdirected his RTI request dated 12-05-2017 to the O/o ACD, Doda. The ACD, Doda forwarded the RTI application of the applicant to the PIO on 02-06-2017 which was actually received by the PIO on 10-06-2017. Since the applicant had claimed to belong to BPL category, but had not attached any proof of being BPL with his RTI application, he was therefore asked by the PIO vide his communication dated 12-06-2017 to furnish the proof of being BPL so that information is provided to him free of cost. As the appellant failed to produce any document in support of his claim of belonging to BPL category, the PIO vide his communication dated 14-07-2017 asked the appellant to attend his office and inspect the record as the information sought pertain to six years and was thus voluminous. However, instead of attending the office of PIO for inspection of records, the appellant filed 1st appeal on 25-08-2017. The First Appellate Authority (FAA) disposed of the appeal on 28-08-2017 directing the PIO to provide information to the

applicant. The said communication was received by the PIO on 02-09-2017. After receipt of such communication, part of the information sought by the applicant was provided to him on 06-09-2017 through registered post and with respect to the rest of the information sought by him, he was asked to clarify the period for which the information is required as his RTI application was salient about the period for which information in respect of point 2 and point 3 was sought by him. No response was received from the appellant in this regard.

Decision:

In pursuance of the direction of the State Information Commission dated 17-01-2018, the appellant was asked to attend the O/o PIO for verifying the records so that the information required by him after such inspection could be provided. However, the appellant did not attend his office for such inspection. Therefore, there was no willful or deliberate attempt by the PIO to withhold the information to the appellant.

The explanation given by the PIO/BDO Bhagwah, has been accepted by the Commission and the Commission is satisfied that the delay in furnishing information to the appellant has occurred as a result of misdirecting of the RTI application of the appellant and the delay in providing information on part of the PIO was not deliberate or intentional. However, keeping in view the purpose for which the Right to Information Act has been enacted by the State Legislature particularly the objective of ensuring transparency in administration, the PIO shall remain cautious in future and dispose of the RTI requests as expeditiously as possible but within 30 days in any case as specified in sub-section (1) of section 7 of the J&K RTI Act, 2009.

Since the appellant seems to be not interested in pursuing the appeal and has also failed to clarify the period for which the information was required by him with regard to point 2 and 3 of his RTI application in spite of communication in that regard from the PIO, the appeal is disposed of without any further order or direction.

-sd-

(Mohammad Ashraf Mir),
State Information Commissioner,
J&K State Information Commission.
/imi/

No. SIC/J/A/128/2017

Dated: / /2018.

Copy to the:

- 1 Registrar, JKSIC for information.
- 2 First Appellate Authority (FAA) Assistant Commissioner Development, RDD, Doda for information.
- 3 Public Information Officer (PIO), Block Development Officer, Bhagwah, Doda for information.
- 4 PS to SIC for information of HSIC.
- 5 Sh. Ram Lal, S/o Sh. Dev Raj, R/o Chander Bathon Dessa, Tehsil Bhagwah, District Doda.
- 6 Guard file.

(Baldev Raj)
Joint Registrar,
J&K State Information Commission.