



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/133/2017

File No. SIC/J/A/137/2017

File No. SIC/J/A/138/2017

File No. SIC/J/A/139/2017

File No. SIC/J/A/140/2017

Decision No. SIC/J/A/**133,137,138,139 & 140**/2017/**165**

Final Order:

Appellant : Sh. Farooq Ahmad Keen, S/o Mohammad Sultan,
Respondent : R/o Patnazi – Banjwah (Kishtwar) J&K. FAA/PIO, Rural Development Department.
Date of Registration : 06.11.2017
Date of decision : **05-03-2018.**
Decision : Appeal disposed of.

Brief Facts:

These 5 appeals have been filed by Mr. Farooq Ahmad Keen against PIO, Thakrie, PIO, Mughal Maidan, PIO, Drabshalla, PIO, Inderwal and PIO, Banjwah of District Kishtwar. The applicant vide his RTI application dated 14-06-2017 submitted to Assistant Commissioner Development (ACD) Kishtwar sought information with regard to details of works executed and particulars of

beneficiaries in whose favour the payment has been released under CDF and MPLAD Fund in respect of Block Thakrie, Block Mughal Maidan, Block Drabshalla, Block Inderwal and Block Banjwah from the year 2012 till date and also details of plantation purchased and block-wise supply orders issued with copies of to NOC issued by Agriculture and Sericulture Departments for purchase of such plantations for these blocks. ACD, Kishtwar vide his order dated 19-06-2017 transferred the RTI application to the respective PIOs/BDOs of the concerned Blocks with a direction to provide the required information to the appellant within the stipulated time. The PIOs of these five Blocks failed to provide the requisite information to the applicant resulting in filing of five separate 1st appeals by the applicant with the First Appellate Authority (FAA) ACD, Kishtwar. The FAA vide his order dated 05-08-2017 disposed of all these appeals with a direction to the concerned PIOs to provide all requisite information to the applicant within 10 days positively from the date of issuance of order free of cost. In spite of the order of FAA, the concerned PIOs did not provide the information to the applicant forcing him to file these five 2nd appeals against the above referred PIOs before the State Information Commission (SIC).

Proceedings before the State Information Commission (SIC):

The appeal No. SIC/J/A/133/2017 against BDO, Mughal Maidan came up for hearing before the SIC on 16-01-2018. The PIO/BDO Mughal Maidan, Dr. Najeeb Latif submitted that he joined as BDO, Mughal Maidan on 18-09-2017 and was not aware why the then BDO Mr. Mohsin Raza did not dispose of the RTI application within the time. He further stated that he came to know about the RTI application only after he received notice from the State Information Commission (SIC) on 12-01-2018. He submitted a copy of the reply to the SIC during the hearing. However, the same could not be handed over to the appellant as he was not present during the hearing. Accordingly, the PIO was directed to send a copy of information to the applicant directly through registered post.

Other appeals were clubbed and heard together on 24-01-2018. The appellant was present during the hearing. The FAA in respect of all the respondents PIOs was also present besides, APIO, Drabshalla. Since all the PIOs were under the Administrative Control of ACD, Kishtwar (FAA), therefore, ACD, Kishtwar represented all the PIOs during the hearing. The ACD submitted that the information sought by the appellant in respect of five Blocks of District Kishtwar was voluminous and therefore the appellant be directed to have inspection of records. The appellant expressed his willingness during the hearing to have the inspection of records in respect of all five Blocks provided he is informed about the date of inspection for each Block well in advance. The PIOs of Block Drabshalla, Block Mughal Maidan, Block Banjwah, Block Thakrie and Block Inderwal were accordingly directed to fix and intimate the date of inspection to the appellant on five separate days so that the appellant is able to

inspect the records and seek relevant information from the concerned Blocks. The FAA/ACD, Kishtwar assured the Commission that he will ensure every possible assistance to the appellant to have the inspection of the records with the relevant PIOs.

The clubbed appeals again came up for hearing today on 05-03-2018 through video conferencing from NIC Kishtwar, which was attended by the appellant as well as all the PIOs and also the FAA. The FAA/ACD, Kishtwar informed the Commission that in pursuance of the directions issued by the Commission on 24-01-2018, the following schedule was finalized in consultation with the appellant and communicated to him:

S. No	Name of Block	Date of Inspection
1.	Drabshalla	28-02-2018
2.	Banjwah	02-03-2018
3.	Thakrie	03-03-2018
4.	Mughal Maidan	05-03-2018
5.	Inderwal	06-03-2018

In accordance with the above referred schedule, the appellant inspected the records of Block Drabshalla, Block Banjwah and Block Thakrie. After such inspection the appellant has specified the information he now required in respect of these Blocks. The information with regard to Block Banjwah has been furnished to him while as the information with respect to Block Drabshalla and

Block Thakrie would be provided to him within next five days. ACD, Kishtwar further submitted that the inspection in respect of Block Mughal Maidan which was scheduled to be held today could not be held in view of the hearing of the appeal today. Therefore, the inspection of records in respect of both Blocks of Inderwal and Mughal Maidan would now be held on 06-03-2018 and the information sought by the appellant after such inspection would be provided to him within 10 days from today. The appellant admitted to have inspected the records in respect of Block Drabshalla, Block Banjwah and Block Thakrie and also admitted to have received the information with respect to Banjwah Block. He also expressed his satisfaction with such information.

With the agreement of both parties i.e the appellant and the concerned PIOs, the clubbed appeals are disposed of with the direction to the FAA and also to the concerned PIOs to facilitate inspection of records by the appellant in the left over Blocks and also to furnish information as may be sought by the appellant in respect of Block Drabshalla, Block Thakrie, Block Inderwal and Block Mughal Maidan within a period of 10 days from today. In case the concerned PIOs fail to provide information to the appellant as he may seek after having inspection of records within the above referred period, the appellant shall be at liberty to file a complaint with the Commission in terms of section 15 of the J&K RTI Act, 2009.

Disposed of accordingly.

-sd-

(Mohammad Ashraf Mir),
State Information Commissioner,

No. SIC/J/A/133,137,138,139 & 140/2017

Dated: / /2018.

Copy to the:

- 1 Registrar, JKSIIC for information.
- 2 First Appellate Authority (FAA)/Assistant Commissioner Development, Kishtwar for information and compliance.
- 3 Public Information Officer (PIO)/BDO, Mughalmaidan, Kishtwar for information and compliance.
- 4 Public Information Officer (PIO)/BDO, Drabshalla, Kishtwar for information and compliance.
- 5 Public Information Officer (PIO)/BDO, Banjwah, Kishtwar for information and compliance.
- 6 Public Information Officer (PIO)/BDO, Thakrie, Kishtwar for information and compliance.
- 7 Public Information Officer (PIO)/BDO, Inderwal, Kishtwar for information and compliance.
- 8 PS to SIC for information of HSIC.
- 9 Farooq Ahmad Keen, S/o Sh. Mohammad Sultan Rafiq, P.O Patnazi-Banjwah, Kishtwar.
- 10 Guard file.

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