



**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](http://www.jksic.nic.in)

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File No. SIC/J/A/16/2018  
Decision No. SIC/J/A/16/2018/**255**

**Final Order:**

Appellant : Sh. Lekh Raj, S/O Sh. Swami Raj,  
R/O Goli Bagh Tehsil & District, Doda.  
Respondent : FAA : ACD, Doda.  
PIO: BDO, Assar & BDO Khellani.  
Date of Registration : 23-04-2018  
Date of decision : **27-06-2018.**  
Decision : Appeal disposed of.

**Brief Facts:**

This appeal has arisen out of two RTI applications filed by the applicant Sh. Lekh Raj, one with BDO, Khellani and another with BDO, Assar, both dated 07-11-2017 seeking similar information in respect of two concerned Blocks as under:

- i. provide me detail record of unskilled payment alongwith muster roll sheet, invoices of said panchyats of Block Assar for the years 2013-14 to till date.
- ii. Period for which information asked for 2013-14 to till date.

- iii. Provide me detail record of skilled payment alongwith muster roll sheet, invoices of panchayats Ranka, Ramgrah, Kuthyara & Assar of Block Assar for the year 2013-14 to till date.
- iv. Provide me detail record material supplier/voucher, of sand Bajree and stone, invoices, vender list of said panchyat Block Assar for the year 2013-14 to till date.
- v. Provide a plan copy of said panchayats of Block Assar of all along with additional plan for the year 2013-14 to till date.
- vi. Provide me detail of CDF, MPLAD, BRGF, CD Panchayat, 13FC, 14FC along with muster rolls sheets, invoices/cheques of said panchayats of Block Assar for the year 2013-14 to till date.
- vii. Provide detail awareness camps under head SBM, MGNREGA for the year 2013-14 to till date of Block Assar.
- viii. Provide me details record of bills, MB along with attested photo copies under head CD panchayat, MGNREGA, BRGF, CDF, MPLAD, 13FC, 14FC for the year 2013-14 till date.
- ix. Provide me detail record construction of Panchayat Ghar, CFC Building, Foot Bridges, Anganwadi Building along with

approval and allotted funds bill muster roll sheet plan release of funds for the year 2013-14 till date.

- x. Provide me detail records of Vender list of Block Assar along with residential proof, resolution copy of Gram Sabha for the years 2013-14 to till date.
- xi. Provide me detail records of IHHL units/Targets, CSC Construction along with muster roll sheet and invoices of Block Assar for the years 2013-14 to till date; and
- xii. Provide me certified order copy of Technical Assistants who have framed the bill other than MGNREGA.

Both the PIOs, BDO Khellani and BDO, Assar vide their communication dated 17-11-2017 and 12-12-2017 respectively informed the applicant that the information sought by him was voluminous and therefore, he should attend the O/O the PIOs for inspection of records. The RTI application filed by the applicant was received by BDO, Khellani on 15-11-2017, while as the same was received by BDO Assar on 13-11-2017. Therefore, the response from two PIOs was within the specified period. The applicant choose not to avail the opportunity of having inspection of records and instead filed two separate 1<sup>st</sup> appeals with the

FAA/ACD, Doda against BDO Assar and BDO Khellani on 11-12-2017 and 16-12-2017 respectively. During the hearing of 1<sup>st</sup> appeal before the FAA, the applicant denied to have received the communication from BDO Assar and BDO Khellani regarding inspection of records. The FAA accordingly disposed of both the 1<sup>st</sup> appeals vide order dated 30-01-2018 directing both the BDO, Assar & Khellani to provide another opportunity to the applicant for inspection of records. Subsequently the applicant filed a 2<sup>nd</sup> appeal before the State Information Commission on 02-04-2018 alleging thereunder that he approached both PIOs, (BDO Assar and BDO Khellani) in pursuance to directions of the FAA, but both PIOs refused to provide the information. He accordingly prayed that the requisite information be provided to him and appropriate penalty be imposed on the defaulting PIOs, for not providing the information to him till date.

**Proceeding before the SIC/Decision:**

The appeal came up for hearing before the State Information Commission (SIC) on 25-05-2018. Mr. Ashfaq Ahmad, BDO Khalleni and Mr. Irshad Ahmad, BDO Assar were present during the hearing while as the appellant was not

present. Both the PIOs submitted during the hearing that the appellant has sought voluminous information and providing copies of such huge information would have diverted the resources of the Department disproportionately. As such, the appellant was asked to have an inspection of records. However, instead of having the inspecting of records, the appellant filed 1<sup>st</sup> appeals with ACD, Doda. The FAA disposed of the 1<sup>st</sup> appeals with direction to the PIOs to provide an opportunity to the appellant for inspection of records. Accordingly, the appellant was provided another opportunity of inspection the records by BDO Assar vide his communication dated 14-02-2018 and by BDO Khellani vide communication dated 15-02-2018. Both the PIOs provided postal receipt in support of their claim of having sent the communication to the appellant. Yet again the appellant choose to not avail opportunity of inspection of records and filed 2<sup>nd</sup> appeal before SIC.

The SIC adjourned the appeal and directed the appellant to avail the opportunity of inspection of records and thereafter submit a list of documents/records required by him to the concerned PIOs so that the information is furnished to him. The PIO were also directed to facilitate the inspection of records

by the appellant, if he so chooses, and thereafter furnish the information that may be asked for by the appellant after having such inspection.

The appeal again came up for the hearing before State Information Commission today on 27-06-2018. Both the PIOs were present and the appellant was again not present during the hearing. The PIOs submitted that the appellant did not turn up for inspection of records pursuant to the directions of the Commission dated 25-05-2018. Continued absence of the appellant during consecutive hearings of the appeal before the Commission and also not availing the opportunity provided to the appellant by the PIOs for having inspection of records indicates that the appellant is actually not interested in getting the information asked for by him. In terms of sub-section (1) of section 2 of the J&K RTI Act 2009, the Right to Information includes the inspection of records/documents. The PIOs have offered the opportunity of inspection of records to the appellant on multiple occasions in view of the fact that the information sought by the appellant was huge and voluminous. In view of the refusal of the appellant to avail the opportunities granted by the

PIOs, there is no merit in the appeal filed by the appellant. The same is accordingly dismissed.

**-sd-**

(Mohammad Ashraf Mir),  
State Information Commissioner,  
J&K State Information Commission.  
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No. SIC/J/A/16/2018

Dated: / /2018.

Copy to the:

- 1 First Appellate Authority (FAA) Assistant ACD, Doda for information.
- 2 Public Information Officer (PIO) BDO, Assar for information .
- 3 Public Information Officer (PIO) BDO, Khellani for information
- 4 Sh. Lekh Raj, S/O Sh. Swami Raj R/O Goli Bagh Tehsil & District Doda.
- 5 Guard file.

(Baldev Raj)  
Joint Registrar,