



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
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Old Assembly Complex, Srinagar. 0194-2484269, 2484262
www.jksic.nic.in

File No. SIC-K/SA/31/2013
Decision No. SIC-K/SA/31/2013/**101**

Title: Shri Wajahat Waseem Rather v/s BDO Budgam.
r/o Budina, Budgam. (Respondent)
(Appellant)

Present:

1. Shri Akram Ullah Tak, ACD Budgam.
2. Ms. Nuzhat K. Qureshi, BDO Budgam.
3. Shri Wajahat Waseem Rather, Appellant.

Srinagar
06.12.2013

The Commission received an Appeal from Shri Wajahat Waseem Rather r/o Budina Budgam on 07.10.2013 against Block Development Officer (BDO) Budgam on the ground that his RTI application dated 12.08.2013 was responded to by the BDO on 23.08.2013 stating that the information is available on the website but did not provide the required information. Not satisfied with the reply, he filed First Appeal before Assistant Commissioner Development (ACD) Budgam on

04.09.2013 and ACD Office directed BDO on 04.09.2013 to provide information which was ignored. He has accordingly requested the Commission for initiating action against the authorities under RTI Act and directed to provide information.

Records enclosed with the Appeal reveal that the Appellant filed an RTI application in the Office of BDO Budgam on 12.08.2013: -

“I require following information from Block Development Office regarding the work Code: - c/o dug wells 08 Nos at Budina (1404001001/ic/21803, 14040010/IC/23448) as mentioned on the website of MGNREGA.

- 1. Kindly provide me with the information, exact location/spots where these above mentioned 08(eight) dug wells have been dugged.**
- 2. Name and address of the unskilled labours used for the said work with number of work days alongwith amount credited to their MGNREGA account.**
- 3. Details of material used for these 08(eight) dug wells with detailed bill, item name, amount with suppliers name.**
- 4. And also total amount incurred/spent on the above mentioned work”.**

This RTI application has been responded to by the BDO Budgam on 23.08.2013 as under: -

“Since you have quoted the website, all information required by you is available on the website. Details of all the unskilled labour is available for your information. Amount used for material & labour and also the total expenditure incurred is available on the website.

Further if you have any more query you can come to this office during the office hours for perusal of records. For hard copy you will have to pay @ Rs. 2/Xerox copy charges and for printout @ Rs. 10/copy”.

Therefore BDO Budgam has responded to the RTI application within prescribed period of 30 days mandated under the Act.

Aggrieved by the order of the PIO, the appellant filed an Appeal before ACD Budgam on 04.09.2013. This appeal has been forwarded by the BDO HQ Office of ACD Budgam on 04.09.2013 directing PIO/BDO Budgam to provide complete information to the information seeker. Therefore First Appeal has not been adjudicated by the FAA/ACD Budgam.

The case was heard in the Commission on 11.11.2013 and it was observed *‘RTI application filed by Shri Wajahat Waseem Rather has been responded to by BDO on 23.08.2013. Upon close examination of the disposal order of the BDO, it is apparent that the order has been signed by some official on behalf of the BDO. On being pointed out, BDO Budgam Ms. Nuzhat K. Qureshi submitted that due to*

a tragedy in the family, she could not dispose of the RTI application herself and keeping in view the spirit/mandate of the RTI Act, response was signed by one of the officials on behalf of BDO'.

In view of the above explanation, the Commission directed BDO Budgam to again respond to the queries of the RTI application by informing the part of information available on the website and information that is held by her office in hard copy. BDO was further directed to convey amount payable on this account to the information seeker.

This order has been compiled by the BDO Budgam by informing the information seeker vide letter dated 11.11.2013 giving details of information available on the website and information available in the office. Information seeker has further been asked to collect information after paying an amount of Rs. 202/- i.e., Rs. 42/- for Xerox charges and Rs. 160/- as printing charges.

This communication of the PIIO has been rebutted by the appellant vide rejoinder dated 21.11.2013 stating that under provisions of sub-section (6) of Section 7 of J&K RTI Act, 2009, the information has to be provided free of charges now. He has further stated that the response received by him against application dated 12.08.2013 within time limit specified under the Act through letter dated 23.08.2013 was not specific and carried incomplete and misleading

information by writing 'all informatino required by you is available on the website' and did not fulfill the provision of clause (a) of sub-seciton (3) of section 7 of J&K RTI Act, 2009. He has therefore requested the Commission that information may kindly be provided free of charges without further delay.

Heard parties and perused records.

As per Section 7(6) of the J&K RTI Act, 2009, the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1). In the instant case, PIO has responded to the RTI application with 30 days period as specified under section 7 of the Act, which has been admitted by the appellant. Therefore this argument of the appellant is not tenable. In so far as section 7(3)(a) is concerned, PIO has informed the information seeker to pay Xerox charges @ Rs. 2/Xerox copy charges and for printout @ Rsl. 10/copy vide letter dated 23.08.2013. This has neither been responded nor contested by the appellant in his appeal filed before the Commission. Regarding alleged incomplete and misleading information, BDO while stating that all required information is available on website, has qualified it by stating that details of all skilled labour, amount used for material and labour and total expenditure incurred is available on website. This has again been affirmed by BDO in communication dated 11.11.2013. Further, BDO has offered inspection of records to the appellant and rate of copying charges have been communicated. Thus spirit of provisions of Section 7(3) (a) has been followed. The spirit of the RTI Act is divulgence of information under the Act and in this case at no stage information has been denied by the PIO/BDO Budgam. Accordingly the response of PIO dated 23.08.2013 followed by reply/response

dated 11.11.2013 in compliance to directions of the Commission is upheld. However, as per RTI Rules 2012, fee payable for each page (in A-4 or A-3 size paper) is Rs. 2/- Accordingly total charges for the information works out to Rs. 74/- for 37 pages of Xerox and printouts. PIO submitted that information is available in her office and can be obtained on payment of requisite fee.

Accordingly information seeker may obtain information from the Office of BDO on payment of requisite fee within 10 days from pronouncement of this order from the PIO.

The Appeal is disposed of accordingly.

Announced in open court.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Assistant Commissioner Development, Budgam (First Appellate Authority).
2. PIO/Block Development Officer, Budgam.
3. Sh. Wajahat Waseem Rather S/o Ahmad Ali Fayaz R/o Bodina Budgam..

(M.S. Bhat)
Deputy Registrar,
J&K State Information Commission