



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. 0194-2484269, 2484262
www.jksic.nic.in

File No. SIC-K/Comp/68/2013
Decision No. SIC-K/Comp/68/2013/**108**

Title:- Shri Nisar Ahmad Bhat, V/s PIO/ BDO Keller
S/o Gh. Rasool Bhat (Respondent)
R/o Audoo, Shopian
(Complainant)

Present:-1. Peer Bashir Ahmad, BDO Keller
2. Sh. Nissar Ahmad Bhat, complainant

Srinagar
17.12.2013

The Commission received a complaint on 09.09.2013 from Shri Nisar Ahmad Bhat s/o Gh. Rasool Bhat r/o District/Tehsil Shopian against BDO Shopian stating that he has received no response from BDO Shopian in response to his RTI application dated 24.06.2013.

Records enclosed with the complaint reveal that the information seeker filed an RTI application through Registered Post on 24.06.2013 addressed to BDO Shopian seeking certain information on MGNREGA, IAY & SGSY for the year 2011 to

2012 of the Halqa Dompura comprising costs of the works and names/address of persons engaged in these works.

Not receiving any response from the PIO/BDO Shopian, the Information seeker filed First Appeal before Special Secretary to Government, Rural Development Department on 31.07.2013 through Registered Post on the ground that BDO has not responded to his RTI application within mandatory period as per the Act. This appeal has been forwarded by the PIO Rural Development Department Lalmandi Srinagar on 19.08.2013 directing him to provide information directly under Section 6(3) of the Act 2009.

The appellant subsequently made Appeal before the Commission on 09.09.2013. The Commission observed that Special Secretary Rural Development Department, before whom First Appeal was filed is not the designated Appellate Authority in this case. Accordingly the appeal filed before the Commission was treated as complaint on the grounds that First Appeal was not filed before prescribed FAA, against which appeal before Commission is admissible..

In response to the notice of the Commission, Peer Bashir Ahmad, BDO Shopian produced copy of letter dated 16.12.2013 under which he responded to all the queries of the RTI application. However, copy of this communication/information has not been provided/sent to the appellant. Set of information provided by the BDO to the

Commission is given to the information seeker. Perusal of the response of the PIO viz-a-viz queries of the RTI application revealed that information with regard query 4 i.e., names/address of persons engaged for carrying out works have not been given.

During proceedings BDO clarified that works under MGNREGA are being done through job-card holders for which muster sheet is maintained. BDO is accordingly directed to provide photocopy of muster-sheets in respect of 26 works under MANREGA for year 2011-12 to the information seeker within 15 days.

With regard to notice for non-appearance in the Commission on 18.11.2013, BDO submitted that he reached the Commission office in late hours after the proceedings were over. This was confirmed by the Personal Section of the Commission. BDO assured that in future he will attend the hearing in the Commission in time. In view of above, further proceedings under section 15 of the Act are dropped.

Prima facie it is seen that the RTI application has been filed through Registered Post on 24.06.2013 and as per available evidence no response has been given by the BDO till date. BDO Shopian is accordingly directed to explain as to why penalty proceedings under section 17 of the Act are not initiated against him for delay in disposing of the RTI application.

Compliance of BDO with regard to above directions and explanation for prima facie delay shall reach the Commission within 15 days from issue of this order.

Registry to put up case file within one week after expiry of period granted for explanation.

With the above directions the complaint is disposed of.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Block Development Officer, Keller, hopian.
2. Sh. Nissar Ahmad Bhat S/o Gh. Rasool Bhat R/o Audoo, Shopian.

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