



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/Comp/66/2013
Decision No. SIC-K/Comp/66/2013/111

Title: Shri Abdul Rashid
s/o Shri Mohammad Maqbool
r/o Pattan Baramulla
(Complainant)

v/s TSO Pattan
(Respondent)

Present:

1. Shri Abdul Rashid War, Joint Director CAPD Kashmir.
2. Shri Nazir Ahmad Zargar, TSO Pattan.

Srinagar
19.12.2013

The Commission received a complaint on 21.10.2013 from Shri Abdul Rashid s/o Shri Mohammad Maqbool Khuroo r/o Pattan Baramulla on the ground that he filed an RTI application before TSO Pattan on 18.08.2013 and as per the Act the last date for receipt of information was 18.09.2013 but the same has not been received by him till filing of complaint. He has therefore requested the Commission to take action under J&K RTI Act.

Records enclosed with the complaint reveal that the information seeker has sought following information from TSO Pattan:

1. "Copy of recently issued encode list.
2. Details of APL and BPL ration cards and quantity of rice, sugar and kerosene oil distributed per person.
3. List of person who have been issued APL and BPL cards recently".

Notice for appearance was sent to TSO Pattan (deemed PIO) on 29.10.2013 for his appearance on 12.11.2013. As the TSO Pattan did not appear on scheduled date, show cause notice was served upon him asking him to explain as to why action under section 15 of the J&K RTI Act, 2009 read section 32 CPC Samvat, 1977 may not be taken against him for non-appearance and willful and intentional disregard to the notice of the Commission.

In his explanation dated 25.11.2013 Shri Nazir Ahmad TSO Pattan Circle submitted that he joined as TSO Pattan in the month of October 2013 and that he was unaware of the fact that he had been called to appear before the Commission on 12.11.2013 and he came to know about the hearing after the receipt of show cause notice dated 14.11.2013.

During proceedings the PIO/TSO Pattan again submitted through written submission that the notice of the Commission dated 29.10.2013 was receive by him on 28.11.2013 and as evidence, he produced original envelope of the Commission showing dispatch date as 26.11.2013. upon perusal of evidence, Commission is convinced of the explanation for non-appearance.

As regards response to the RTI application, TSO submitted that the information asked for by the complainant has been sent through Registered Post on 02.12.2013 and original receipt of the Post Office was shown as evidence in the Commission.

The Commission earlier noted that information sought relates to *suo-motto* disclosure of information and accordingly Director CAPD Kashmir was directed to file his response to the directions of the Commission dated 02.03.2012. Director CAPD Kashmir, in his response dated 25.11.2013 submitted that:-

'the District officers and field officers have been instructed from time to time to ensure display of list of BPL/AAY beneficiaries and display of rate list at the prominent place at the sale outlets for information of general public during the review meetings held by the undersigned for implementation. The copies of the minutes of the meetings are enclosed for your perusal and reference. However, it cannot be ruled out that some storekeepers may not have displayed the information for which this Directorate will take strict action against the Storekeeper if brought to the notice of this Directorate'.

He enclosed copy of minutes of meeting/office circulars whereunder among other instructions, all the TSOs have been asked to ensure maintenance of proper records and ensure display of rate lists, BPL, AAY and ANP lists at their respective at Sale Centers and Fair Price Shops.

Joint Director CAPD Kashmir, Shri A.R. War submitted that standard format has been devised for display of information of ration and scale of ration on sale centers and as evidence he also showed photograph of one such sample. Shri Nazir Ahmad TSO Pattan also submitted that rate list of ration is displayed at all sales centers.

Upon perusal of records, the Commission is satisfied that Directorate of CAPD Kashmir has taken measures to comply with the directions of the Commission.

However, there has been delay in responding to the RTI application filed before TSO Pattan. Incumbent TSO Shri Nazir Ahmad submitted that the RTI application was filed during the tenure of Shri Abdul Rashid presently posted in Srinagar city.

Registry to issue show cause notice to Shri Abdul Rashid, the then TSO Pattan through Director CAPD Kashmir to explain as to why penalty under section 17 of the J&K RTI Act, 2009 shall not be imposed against for delay in disposing of the RTI application within the mandatory period as per the Act. His explanation should reach within two weeks.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Director CAPD Kashmir.
2. Assistant Director CAPD Baramulla.
3. TSO Pattan.
4. Shri Abdul Rashid Khuroo s/o Shri Mohammad Maqbool Khuroo r/o Pattan Baramulla.

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