



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/80/2013
Decision No: SIC/K/Comp/80/2013/116

Title: Inhabitants of village v/s PIO/BDO Kakpora.
Through Numbardar Sh.Habibullah Rather (Respondent)
(Complainant)

Present: 1. Sh. Habibullah Rather.

Srinagar
30.12.2013

The Commission received a complaint on 27.11.2013 from Numbardar Shri Habibullah Rather s/o Shri Abdul Aziz Rather r/o Hakripora Pulwama against Block Development Officer Kakapora for deemed refusal of information.

Documents enclosed with the complaint reveal that the complainant has filed an RTI application dated 22.10.2013 seeking information on 5 queries regarding MGNREGA and IAY for the years 2012-13 and 2013-14.

During proceedings, the information seeker submitted that he received information from the BDO on 30.11.2013 but without any forwarding letter and that he is not satisfied with the

information provided by the PIO/BDO. However, he could not substantiate the grounds of unsatisfaction.

The Commission has noted that though payment of fee through non-judicial stamp paper is not prescribed mode of fee under J&K RTI Rules 2012, yet BDO has accepted the RTI application and responded to it as admitted by complainant. However, PIO is not liable for any action due to deficiency in mode of payment of fee. With regard to alleged incomplete information, the remedy for the same lies in filing First Appeal before FAA under section 16 of the Act.

As per Section 7(8) of the Act, BDO Kakpora was required to provide details of FAA to the information seeker which has not been done in this case. The PIO is warned to be careful in future and adhere to all provisions of Section 7 of the Act, while responding to applications received by him under the Act.

The information seeker is therefore advised to file First Appeal before FAA/ACD Pulwama within 30 days from issue of this order. ACD Pulwama shall entertain such an appeal and pass a speaking order as per Section 16 of the Act after giving an opportunity of being heard to the appellant as also the PIO.

With the above directions the complaint is disposed of.

Sd/-

(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Assistant Commissioner Development Pulwama (FAA).
2. Block Development Officer, Kakpora.
3. Sh. Habibullah Rather, Nambardar S/o Abdul Aziz Rather R/o Hakripora Pulwama.

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