



Jammu and Kashmir State Information Commission

جھوں ایڈکٹیمیر سٹیٹ انفارمیشن کمیشن

(Constituted under The Right to Information Act, 2009)

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www.jksic.nic.in

File No: SIC/K/Comp/06/2013

Decision No: SIC/K/Comp/06/2013/**30**

Title: Sh. Shri Mudasir Ahmad Wani v/s BDO Shahabad
r/o Malmarg Guhan (Respondent)
(Complainant)

Present: 1. Sh. Shahnawaz Shah, BDO

Srinagar
04.04.2013

The Commission has received a complaint from Shri Mudasir Ahmad Wani r/o Malmarg Guhan on 16.01.2013 stating that he submitted an application on 11.10.2012 in the office of ACD Anantnag to seek information under RTI Act 2009 from BDO Shahbad (Copy enclosed) and that on 11.10.2012 ACD Anantnag requested the BDO Shahabad to provide the information to the applicant within the prescribed time followed by reminder on 02.11.2012 once again asked the BDO Shahabad to provide the information to the applicant within two days positively. As no response was received he has accordingly he has requested the Commission to view the matter seriously and initiate action as warranted under RTI Act 2009 and that information provided to him without further delay.

Records enclosed with the complaint reveal that an RTI application was filed on 10.11.2012 seeking following information: -

“Bank statement (bank sheets) of all NREGA and IAY accounts at Block level as well as Panchayat level w.e.f. 01.01.201 to 01.07.2012”.

This RTI application was transferred by ACD Anantnag under letter dated 11.10.2012 to BDO Shahabad requesting him to provide information to the information seeker as per provisions of the Act followed by reminder on 02.11.2012 once again requesting BDO Shahabad to provide information to the information seeker within two days otherwise further delay in the matter shall be viewed seriously. Therefore BDO Shahabad is deemed as PIO for disposal of this RTI application

In response to the notice of the Commission seeking reply in the complaint, BDO Shahabad vide communication dated 04.02.2013 submitted that the applicant approached FAA with an application for which the hearing had been conducted by the FAA on 22.01.2013; further submitting that information pertaining to BDO Office Shahabad was scrutinized by the applicant in presence of the FAA and BDO and due time was given to the applicant to scrutinize the information. However, after thorough scrutiny, the applicant requested for additional information, pertaining to 34 accounts of MGNREGA and 34 a/cs of IAY of the field staff. In order to facilitate the PIO to provide the additional information, an agreement was made to provide the same within one month i.e. upto 24th February 2013, to which both the parties agreed and signed an agreement before the FAA to that effect. Photocopy of that agreement has been enclosed.

The case was earlier listed for hearing on 25.03.2013 and complainant appeared before the Commission and denied to have received the information. He however admitted to have received a letter dated 19.02.2013 wherein he has been directed to deposit an amount of Rs. 4460/- as photocopy charges in the office of BDO Shahabad for information comprising of 466 pages. Subsequently in response to the notice of the Commission dated 25.03.2013, BDO Shahabad submitted that information comprising of 466 pages has been provided to him against proper receipt. The complainant did not appear before the Commission although copy of the notice was sent to him.

The Commission has noted with dismay that BDO is either not serious about the Act or he is not aware of the provisions of the RTI Act/Rules 2012 as is evident from fact that he has asked applicant for fee after prescribed period of 30 days @ Rs. 10/- per page. The PIO should know that applicant is entitled for information free of cost after expiry of 30 days and rate chargeable as per RTI Rules 2012 is Rs. 2/page and not Rs. 10/page.

The PIO submitted during hearing that information has been provided free of cost, however, he is directed to adhere to provisions of the Act in future.

The Commission has noted that although information has been provided as stated by PIO in his reply dated 01.04.2013 and confirmed by ACD Anantnag vide letter dated 02.04.2012, yet from perusal of records RTI application transferred by the ACD Anantnag on 11.10.2012 to BDO Shahabad has not disposed of within the mandatory period of 30 as per the Act.

In view of above BDO Shahabad is directed to explain why penalty proceedings under section 17 of the J&K RTI Act, 2009 shall not be initiated against him for delay in disposing of the RTI application beyond stipulated period.

Registry to issue notice returnable within two weeks.

The complaint is accordingly disposed of.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Assistant Commissioner Development Anantnag. He is directed to sensitize PIOs regarding provisions of RTI Act 2009 and RTI Rules 2012.
2. Block Development Officer, Shahabad.
3. Shri Mudasir Ahmad Wani r/o Malmarg Guhan, Kokernag, Anantnag.

(Mohammad Shafi)
Assistant Registrar,
J&K State Information Commission