



**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  
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File No: SIC/K/Temp/162/2013  
Decision No: SIC/K/Temp/162/2013/**46**

Title: Shri Abdul Rashid Bhat v/s BDO Bandipora  
s/o Habib Ullah Bhat **(Respondent)**  
r/o Watpora, Bandipora  
**(Complainant)**

Present: Syed Sajad Qadri, BDO Bandipora.

**Srinagar**  
**22.05.2013**

The Commission received a complaint from Shri Abdul Rashid Bhat s/o Habib Ullah Bhat r/o Watpora, Bandipora dated 17.12.2012 against BDO Bandipora stating that through an application dated 27.08.2013, he had sought information under RTI Act regarding IAY and CDF which has not been provided by the BDO concerned and has alleged embezzlement in these Schemes.

Documents brought on record reveal that an RTI application was filed by the complainant Shri Abdul Rashid on 27.08.2013 seeking following information: -

**“Photocopies of IAY/CDF works”.**

In response to the notice of the Commission, BDO Bandipora appeared in the Commission on 18.12.2012 and reply dated 27.11.2012 taken on records. It has been submitted submitting therein that the information sought by the

applicant was not maintainable as the period for which information was needed was not shown. BDO/PIO further submitted that since area and location of work not mentioned in the RTI application, information seeker was called upon to mention the period, place and name of work so that information could be made available to him and that the applicant turned up by 26-11-2012 and mentioned the already 3 programmes taken up in Pachayat Halqa Watapora which was made available to him. The Commission directed the PIO/BDO to produce evidence in support of his averments that the information seeker was contacted by him.

The evidence was provided by the BDO vide letter 24.12.2012 enclosing therein letters i) dated 28.08.2012 as disposal of the RTI application ii) letter dated 09.10.2012 addressed to the information seeker in response of notice of the Commission 03.10.2012 and iii) receipt of information seeker dated 08.11.2012 of having received the information in presence of witnesses.

Perusal of above documents reveal that PIO/BDO Bandipora, vide letter dated 28.08.2012, has responded to the RTI application by informing the information seeker as under: -

**“This office is in receipt of application for providing of information RTI Act wherein names of progresses like MGNREGA/IAY/TSC/CDF has been mentioned. The mentioned programmes are in force from village to national level and it is not known what kind of information you need regarding these programmes. You are hereby informed to come up with specific information period and place for which your information will be made available and provided to you. In this connection, you will attend this office on 13.09.2012 without fail, so that the information could be provided to you well in time”.**

Upon perusal of other documents referred to above, some discrepancies were observed in references and clarification was sought by the Commission vide notice dated 20.05.2013 from the BDO as under: -

- I) "The complaint has been filed in the Commission on 17.10.2012, it prima facie shows that the complainant was not in receipt of this letter No. BB/RTI/1119 dated 28.08.2012 upto date of filing of complaint.
- II) In a communication issued from the BDO office, Bandipora No. BBRTI/3972 dated 09.10.2012 reference has been made to the Commission letter dated 03.10.2012 whereas te notice has been actually issued on 31.10.2012".

The clarification sought has been responded to by the BDO vide communication dated 22.05.2013 as under: -

1. "That the RTI application of the complainant Shri Abdul Rashid Bhat s/o Habib Ullah Bhat r/o Watpora, Bandipora was received in the office of undersigned on 27.08.2012. The RTI application was disposed by the undersigned on 28.08.2012 by sending letter No. BB/RTI/1119 through Orderly of the Office against proper receipt (copy enclosed) by requesting him to come up with specific information period and place for which information had been sought so that same is provided to him, as no such specific mention was made in his RTI application except for that he requires information about MGREGA, IAY and CDF and had not mentioned year, date or place about which the information was required by him. The complainant presumably has thought that he was not provided the information and he therefore has made a complaint in the Commission on 17.10.2012 against the undersigned but the fact of the matter is that undersigned in compliance of provisions of RTI Act, 2009 disposed of the RTI application well within the statutory period as provided in the Act.
2. With regard to reference No. BB/RTI/3972 dated 09.10.2012 as pointed out by the Commission besides asking the undersigned to explain how reference has been made of the Commission letter dated 03.10.2012 whereas the notice has been actually issued on 31.10.2013. In this regard undersigned most humbly submits that this has happened because of clerical mistake. The actual date of issuance of letter No. BB/RTI/3972 is 09.11.2012 i.e., after the receipt the notice of the Commission dated 31.10.2012. The negligent dealing Assistant has now been warned to be extremely careful in future. In this regard photocopies of pages of Dispatch Register of the period when reference has been issued is enclosed for perusal of the Hon'ble Commission."

Having perused the records it is evident that RTI application has been disposed within specified period and upon receipt of clarification from the information seeker, information has been provided to the information seeker on 26.11.2012 against proper receipt. The Commission also perused Receipt Register and is satisfied with the explanation given by the BDO Bandipora with regard to discrepancy of the dates.

In view of above the complaint is disposed of.

Sd/-  
(Nazir Ahmed)  
State Information Commissioner

Copy to the: -

1. BDO Bandipora.
2. Shri Abdul Rashid Bhat s/o Habib Ullah Bhat r/o Watpora, Bandipora.

(Mohammad Sayed Shah)  
Registrar,  
J&K State Information Commission