



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/28/2013
Decision No: SIC-K/Comp/28/2013/66

Title: Shri Akbar Ali Bhat, v/s ACD Baramulla.
r/o Gund Ibrahim, Pattan (Respondent)
(Complainant)

Present: 1. Shri Shahnawaz Shah, PO Directorate of Rural Dev. Deptt. Kashmir.
2. Shri Abdul Rashid, BDO Zainageer.

Srinagar
30.07.2013

The Commission received a complaint from Shri Akbar Ali Bhat r/o Gund Ibrahim Pattan, Baramulla on 19.06.2013 under J&K RTI Act, 2009 against Director Rural Development Department Kashmir on the grounds that he filed an RTI application before Department of Rural Development (RDD) Civil Secretariat Jammu on 21.01.2013 which was forwarded to Director Rural Development Kashmir on 23.01.2013 with copy to the complainant, but the information asked for have not been provided. He has therefore requested the Commission to take action and provide him information under RTI Act.

Records enclosed with the complaint reveal that an RTI application filed by the complainant on 21.01.2013 has been transferred by PIO RDD Civil Secretariat Jammu to Director RDD Kashmir on 23.01.2013 under section 6 of the J&K RTI Act, 2009 requesting Director RDD to furnish information directly to the

information seeker. Simultaneously, RTI application has also been transferred to PIO Labour and Employment Department requesting him to provide information in respect of part C of the information. Deputy Director Employment (Central) has responded to this query vide letter dated 04.02.2013 informing that point No. (3) of the application does not pertain to their Department as no BE Rozgar Bata is being paid by the Employment Department. Copy of this communication has been marked to information seeker as well.

PIO Directorate of RDD Kashmir vide letter dated 05.02.2013 has transferred the RTI application received from Jammu from RDD, Civil Secretariat to Project Officer Wage Employment (ACD) Baramulla vide letter dated 05.02.2013.

During proceedings today, Shri Abdul Rashid BDO HQ, Office of the ACD Baramulla produced copy of communication dated 25.02.2013 addressed to the information seeker, whereunder Assistant Director (plg), ACD Baramulla has informed the information seeker to attend his office on 06.03.2013 to discuss the issue and deposit an amount of Rs. 2000/- as advance to Xerox details/records to be obtained from the Block Development Officers, as the information sought is bigger in quantum. AD has further informed the information seeker that the contact number he has recorded on his application had been found switched off whenever dialed. BDO submitted that this communication was sent through Orderly to the residence of the information seeker. As information seeker was out of station, the communication under reference was handed over to his family members. BDO further submitted that thereafter they sent another communication dated 30.03.2013 to the address of information seeker asking him to attend the office as his mobile phone was offline.

Perused records and heard the parties.

RTI application filed on 21.01.2013 has been transferred by the PIO RDD, Civil Secretariat vide letter dated 23.01.2013 to the Director RDD Kashmir who subsequently has transferred the same to Project Officer, Wage Employment

(ACD) Baramulla on 05.02.2013 asking him to provide point-wise information to the applicant directly. ACD Baramulla has responded to the RTI application vide letter dated 25.02.2013 asking the information seeker to deposit fee for getting the information. Therefore RTI application has been responded to within prescribed period including transfer period of 5 days in spite of the fact that the RTI application was filed at Jammu and transferred to Srinagar, which is likely to take some more time because of postal delay. The Commission has noted that complainant has recorded his BPL card number on the RTI application. However, BDO Office of ACD Baramulla submitted that copy of BPL card was not enclosed with the RTI application received from Directorate of RDD Kashmir and therefore they asked complainant to deposit fees as copying charges as provided under the Act.

In view of the fact that information seeker has now enclosed a copy of BPL card with the complaint, his BPL number recorded in RTI application is confirmed and the information seeker is entitled to information admissible under the Act, free of cost. It has also been noted that information covers the entire district and the RTI application has to be disposed of by Project Office (ACD). Accordingly ACD Baramulla is directed to dispose of the RTI application as per section 7(1) of the RTI Act within two weeks from issue of this order.

ACD Baramulla who is deemed PIO, did not appear before the Commission in response to the notice. Registry to issue notice seeking his explanation, returnable within two weeks from its issue, as to why he should not be fined for his non appearance and disregarding the notice of the Commission.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. ACD Baramulla.
2. Project Officer, Directorate of Rural Development Deptt. Kashmir.
3. Shri Akbar Ali Bhat r/o Gund Ibrahim Pattan, Baramulla.

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