



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/163/2012
Decision No: SIC-K/Comp/163/2012/70

Title: Sh. Bilal Ahmad Wani v/s BDO Ramhal.
S/o Sh. Gh. Mohd. Wani, **(Respondent)**
(Complainant)

Present: 1. Shri Mohammad Mushtaq, ACD Kupwara.
2. Shri Abdul Rashid, BDO Ramhal.
3. Shri Bilal Ahmad Wani, Complainant.

Srinagar
19.08.2013

A complaint has been filed in the Commission by Shri Bilal Ahmad Wani s/o Gh. Mohammad Wani r/o Kukroosa Tehsil Handwara dated 30.04.2013 (received in the Commission on 03.05.2013) alleging that as per the directions of the Commission SIC/K/Comp/163/2012/228 dated 07.12.2012, BDO Ramhal handed over the information without calling him with the intention to conceal the facts. It has further been alleged that the information provided is invisible, incomplete and confused one and hence facts cannot be got ascertained. He has further alleged that the FAA/ACD Kupwara vide letter dated 21.12.2012 apprised him on 23.12.2012 at 0430 pm for hearing the case on behalf of Commission fixed on 24.12.2012, when he was out of the town.

Thereafter another complaint was received by the Commission on 16.07.2013 stating that in response to directions vide NO. SIC-

K/Comp/163/2012/228 dated 07.12.2012, the information furnished in response to RTI application dated 10.12.2011 is totally invisible and unrequisite (copies enclosed). He has therefore prayed the Commission to take stern action against the erring officers and compensation may kindly be provided to him.

The case was listed of hearing for today. ACD Kupwara, BDO Ramhal and the complainant appeared. BDO Ramhal Shri Abdul Rashid produced original postal receipt bearing No. 3668 dated 14.09.2012 under which remaining information has been sent to the information seeker. Information Seeker acknowledged to have received this information. It is therefore evident that besides information received by information seeker on 07.02.2012, additional information has been provided on 14.09.2012 i.e., before the decision of the Commission on 07.12.2012. This fact was not brought to the notice of the Commission at that time and therefore it escaped attention of the Commission. The Commission has also noted that information seeker has hidden this fact in his complaint dated 30.04.2013 wherein he has only stated to have received information in compliance to directions of the Commission dated 07.12.2012, whereas as per evidence the additional information has been sent on 14.09.2012 and received by the complainant.

Upon perusal of the information so provided, it was observed that most of the information provided were legible except for one or two copies. It was also noted that bills are handwritten and therefore photocopy cannot be as clear as that of computerized or typed sheets. With regard to the alleged invisible and incomplete information, the appellant has not substantiated as to in what respect information is incomplete although he has received it long back initially on 07.02.2012 and subsequently by post on 14.09.2012. However, he has filed the complaint only on 30.04.2013, that too after the Commission vide letter No. SIC/K/Comp/163/2012-256 dated 28.02.2013 asked him to intimate whether he has received the information in full. Even after lapse of such long time, he has failed to substantiate as to in what respect the information is incomplete and has

merely stated in vague terms that the information is incomplete. Since this allegation is not substantiated/supported with facts, this aspect of the complaint is rejected.

In view of above findings, the Commission do not find any merit in his claim for compensation.

However, BDO Ramhal shall allow information seeker to examine those records, photocopy of which provided to the information seeker is not legible, on a date convenient to both the parties within two weeks from pronouncement of this order, under intimation to the Commission.

Registry to issue final show cause notice to the then BDO for initial delay in disposing RTI application to explain either in person or through written submission, returnable within three weeks from issue of this order.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Asstt. Commissioner Development, Kupwara.
2. BDO Ramhal.
3. Shri Bilal Ahmad Wani s/o Gh. Mohammad Wani r/o Kukroosa Tehsil Handwara.

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