



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیشن اسٹیٹسٹونڈ کشمیر جموں ا

(Constituted under The Right to Information Act, 2009)

Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937

Old Assembly Complex, Srinagar, 0194-2506660, 2506661

www.jksic.nic.in

File No. SIC/K/SA/27/2016

Decision No. SIC/K/SA/27/2016/18

Appellant : Sh. Ashiq Rafiq Khan
Respondent : PIO J&K Tourism Department Srinagar
Date of Registration : 03.03.2016
Date of Decision : 07.05.2016

Brief facts of this appeal are that appellant has sought information from PIO vide application dated 09.11.2015 on format which was acknowledged by the PIO vide receipt dated 09.11.2015. As no information was provided within time, the appellant aggrieved by the Act of the PIO as deemed refusal, preferred First Appeal before the FAA i.e. Director Tourism Kashmir. That after the expiry of period of 30 days prescribed under the Act, appellant received a letter 19.12.2015 asking him to deposit a fee of Rs 360/- in the Government Chest, which the appellant deposited to avoid any controversy. However, the appellant was asked to deposit Rs 372/- instead of Rs 360/-. That after a delay of around 15 days appellant was provided 80

pages of information which too was insufficient, incomplete, misleading and incomplete vis-à-vis the information sought.

That the FAA has passed order dated 04.02.2016 which is alleged as abuse of power as the information sought by the appellant has still not been provided.

In view of the above, the appellant has prayed that order of the FAA dated 04.02.2016 be set aside and direct authorities to provide all documents as per details given and clarifications made. He has further requested the Commission to invoke penal action as per the provisions of law.

As per RI application dated 09.11.2015, appellant has sought information on 9 points related to civil and electric works executed by the Tourism Department in Kashmir Valley and Ladakh Province during the financial year's 2013-14, 2014-2015, for the current financial year 2015-2016 and documents related thereto.

During proceedings in the Commission on 18.04.2016, the information provided by the PIO was perused vis-à-vis the information sought. After hearing the parties, following directions were issued:

“Appellant shall inform PIO deficiencies in information provided by PIO Vis-à-vis information sought by him at Para (vi) and (vii) within one week and PIO shall give response to him within 10 days thereafter. PIO is further directed to file reply/counter statement with copy to the appellant.”

During proceedings in the commission appellant submitted an application/representation stating therein that he has already compiled his

part of direction by supplying written communication of deficient information through post with requisite period of six days to respondent; however respondents have desperately failed to furnish the information required. Further, the advance copy of counter reply to appeal has not been supplied to him by the respondents. The appellant has requested the Commission to impose penalty on the respondents in the larger interest of justice and direct them to compensate the appellant.

In compliance to the directions passed on 18.04.2016, PIO Tourism Kashmir has filed reply dated 29.04.2016 with copy to appellant Mr. Ashiq Rafiq Khan enclosing point wise reply, wherein details of information already provided and information ready for providing is given. During proceedings appellant pointed out that information in respect of Para-VI (i.e. Direct Agreements) have been provided only up to 10/2015 and information sought at Para-VII (i.e. Supplementary agreements) have been provided up to 11/2015. He submitted that information for the remaining period up to ending March, 2016 has not been provided.

In this connection, PIO has informed appellant vide letter dated 29.04.2016 that pending information sought is voluminous and it is not possible for them to provide the same within ten days. He has accordingly requested the appellant to visit the of Office M&W Wing of the Directorate on 10.05.2016 for collection of the said information.

The Commission has observed that the information already provided as produced before the Commission runs into hundreds of pages. It is therefore evident that information sought is voluminous. Accordingly, the Commission directs PIO to allow appellant inspection of records in respect of Point VI and

VII of the RTI application for the remaining period and allow him to taken relevant extracts.

PIO submitted that they will allow inspection of records on 10th of May 2016 as already communicated to the appellant.

A Compliance report in this regard be submitted to the Commission.

As regards allegation of delay, the RTI application dated 19.11.2015 has been responded to on 19.12.2015 asking appellant to deposit prescribed, which appellant has deposited. Therefore, application has been responded to within time prescribed under Section -7 of the Act.

The Appeal is disposed of with the above directions.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. PIO/Dy Director Central Directorate of Tourism Kashmir
2. Pvt. Secy to HSIC (K)
3. Sh. Ashiq Rafiq Khan S/o Mohd. Rafiq Khan R/o Barzulla Baghat Srinagar

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