



J&K State Information Commission
Wazarat Road, Near D.C. Office, Jammu /
Old Assembly Complex, Srinagar.

File No. SIC/CO/SA/351/2016
Decision No. SIC/CO/SA/351/2016/898

Appellant : B.C.Raina

Respondent: FAA/PIO, Directorate of Archives, Archeology & Museums, J&K.

Date of Institution: 11-02-2016

Date of Decision: 10-05-2016/

State Information Commissioner: Er. Nazir Ahmad

Decision: Appeal disposed of.

1. Brief facts of the case are that the appellant Shri B.C.Raina filed an RTI application before the PIO, O/o Registrar, NRR, Srinagar on 10-10-2015, who has responded to the RTI application on 01-12-2015 enclosing two copies of information, one signed by Registering Officer Antiquities, Incharge Deputy Director, Archives, Archeology & Museums, Srinagar and another signed by Shri Mohammad Yusuf Bhat, Photographer/Cashier, O/o Deputy Director, Kashmir. The appellant pointed out that response given by Shri Mohammd Yusuf Bhat, Photographer/Cashier is the same person in respect of whom he has sought the information and who has stated that the records have been washed out in the devastating floods of September, 2014. The objection of the appellant is that copy of order is marked to all concerned officials, therefore, how the Photographer/Cashier can say that records have been destroyed in floods. The Director submitted that Shir Mohammad Yusuf Bhat is incharge of all the records in the office of Deputy Director, Archives, Srinagar. The appellant pointed out that if the records in one office is destroyed, same can be traced from other offices also.

2. During proceedings in the Commission on 10-03-2016, following directions were passed;

" Commission directs the PIO of Directorate of Archives, Archeology & Museums and also PIO in the office of Deputy Director, Archives, Srinagar to make further efforts to trace out copy of the order sought by the appellant in view of the fact that the report regarding damage of records has been given by the same person in respect of whom information has been sought. Accordingly, both the PIOs shall file reply before the Commission with copy to the appellant and in case the records are not traced, they are directed to give affidavits before the Commission within two weeks with copy to the appellant."

3. Respondents, FAA, Mr. Mohammad Shafi Zahid, Director, Archives, Archeology & Museums, J&K and PIO, Mr. Peerzada Mohammad Ashraf, Deputy Director, Archives, Archeology & Museums, J&K attended the Commission. Appellant did not attend, although notice was issued to him to appear before the Commission in person or through his authorized representative.

4. In compliance to above directions, Peerzada Mohammad Ashraf, Deputy Director-cum-PIO, Archives, Department, J&K has filed reply dated: 16-04-2016, stating that information sought by the appellant has not been traced, hence affidavit submitted before the Commission. Similarly, Mr. Khadim Hussain, PIO, Archives Department, Srinagar has filed compliance report dated: 29-03-2016, stating that required record could not be traced out, hence affidavit submitted before the Commission. Copy of these communications have been marked to the appellant by both PIOs.

5. The Commission received rejoinder from the appellant, Mr. B.C.Raina dated: 25-04-2016, stating that affidavits submitted by both PIO's are without number and date of issue and name in whose favour same are issued. Commission perused the affidavits and noted that number and date of issue of the affidavits and name and other

particulars is recorded on the back side of the affidavits. The respondent PIO admitted that they have sent only photocopy of the front page of the affidavits to the appellant.

6. In view of the above, appeal is disposed of with direction to the respondent PIO, Peerzada Mohammad Ashraf, Deputy Director, Archives, Archeology & Museums, J&K to send attested photocopy of the front as well as back page of the both affidavits to the appellant within one weeks' time.

Sd/-

(Er. Nazir Ahmad)

State Information Commission

Dated: -05-2016

No. SIC/CO/SA/351/2016

Copy to the:-

1. Director, Archives, Archeology & Museums, J&K (FAA).
2. Deputy Director-cum-PIO, Archives, Archeology & Museums, J&K.
3. Pvt. Secretary to HSIC.
4. Mr. B.C.Raina R/o 219/19, Nanak Nagar, Jammu (Appellant).
5. Guard file.

(G.Q.Bhat)

Registrar,

J&K, State Information Commission