



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

File No. SIC/CO/SA/362/2016  
Decision No. SIC/CO/SA/362/2016/905

Appellant : Mst. Saja  
Respondent: Financial Commissioner, Revenue, J&K.  
Date of Institution: 22-03-2016  
Date of Decision: 23-05-2016/  
State Information Commissioner: Er. Nazir Ahmad  
Decision: Appeal disposed of.

1. Brief facts of the case are that appellant filed 2<sup>nd</sup> appeal before the Commission on 22-03-2016 on the ground that in reply to her RTI application dated: 03-12-2015, PIO, O/o FCR, J&K vide his letter dated: 11-12-2015 has informed that RTI application is not as per section 2(d) of the Act, thus does not warrant any action. That FAA vide order dated: 26-02-2016 has defended stand taken by the PIO on one hand and on the other hand has directed Deputy Commissioner, Pulwama to expedite the report in the matter under intimation to the appellant. The Deputy Commissioner was to submit report within 15 days as required vide letter dated: 05-10-2015, issued by Administrative Officer, FCR, J&K. Accordingly, appellant has requested to obtain information from the respondents.

2. In reply /counter statement dated: 12-05-2016, Mr. A.H.Mir, Administrative Officer-cum-PIO, O/o FCR, J&K submitted that RTI application received in his office 08-12-2015 has been disposed of as per provisions of the Act and conveyed to the appellant vide letter dated: 11-12-2015. Similarly, first appeal filed on 18-01-2016 was disposed of on 15-02-2016 by FAA. It is further stated that joint compliant filed by

Mr. Sharief Mir and Ms. Saja on 28-09-2015 is a separate issue, which has been referred to Deputy Commissioner, Pulwama, as directed by the Financial Commissioner, J&K.

3. The case was listed for hearing on 11-05-2016, but neither the PIO nor the appellant attended Commission. Accordingly, explanation was sought from PIO for his non compliance vide Commission's letter dated: 16-05-2016. PIO filed his explanation on 18-05-2016, stating that his absence was not willful. The case was again listed for hearing today. PIO, attended the hearing, but appellant once again did not attend, although notice was served to her through registered post.

4. In the RTI application, appellant has referred to a complaint dated: 23-09-2015 against Tehsildar, Pampore, Mr. Mohammad Maqbool Ahangar and has asked PIO to provide information "what are the reasons for not taking action against Tehsildar till date.

5. On perusal of documents produced by PIO, it is observed that a complaint has indeed been received from appellant and one Mohammad Sharief dated: 28-09-2015 on the subject "complaint against Mohammad Maqbool Ahangar, Tehsildar Pamore." Therefore, this complaint is part of record. It is also observed that this representation has been marked by various officers/officials and forwarded to the Deputy Commissioner, Pulwama vide letter dated: 05-10-2015 followed by reminders. Therefore, information seeker is entitled to seek information on action taken by public authority on his representation.

6. PIO submitted that information seeker has sought information in shape of questionnaire and implied that it does not fall under the provisions of Section 2(d) of the Act. As per section 2(d) of the Act, "Information" means any material in any form including records, documents, ..etc,. Therefore, PIO is only obliged to give information as per record and need not give opinion or reasons or justification, other than what is on record.

7. In view of the above, PIO, O/o Financial Commissioner, Revenue, J&K is directed to provide all relevant communications/documents related to this complaint/representation to information seeker within two weeks and file compliance report before the commission.

8. With above directions, appeal filed before the Commission is disposed of.

Sd/-  
**(Er. Nazir Ahmad)**  
State Information Commission

No. SIC/CO/SA/362/2016

Dated: -05-2016

Copy to the:-

1. FAA, O/o Financial Commissioner, Revenue, J&K.
2. PIO, O/o Financial Commissioner, Revenue, J&K.
3. Pvt. Secretary to HSIC.
4. Ms. Saja C/o Farooq Ahmad Mir R/o Kadlabal, Pampore (Appellant).
5. Guard file.

(G.Q.Bhat)  
Registrar,  
J&K, State Information Commission