



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

File No. SIC/J/A/34/2016
Decision No. SIC/J/A/34/2016/340

Appellant : Manzoor Hussain
Respondent: Directorate of Tourism, Jammu/Kashmir, CEO,
Surinsar-Mansar Development Authority.
Date of Institution: 16-05-2016
Date of Decision: 10-06-2016/
Decision: Appeal disposed of.

1. This is a 2nd appeal under Section 16(4) of the J&K RTI Act, 2009 for deemed refusal on part of respondents. The appellant filed 2nd appeal before the Commission on 16-05-2016, giving background of the case, which led to filling of the application and stating that RTI application dated: 08-07-2015 filed before PIO, Directorate of Tourism, Jammu has been responded to in a casual, non-serious manner and reluctance to provide information to the appellant for reasons fest known to the respondents. Appellant has prayed that complete information be provided to him and appropriate legal action be initiated against defaulting PIO.

2. Ms. Namrita Dogra, Joint Director, Directorate of Tourism, Jammu and Peerzada Zahoor Ahmad, Deputy Director/PIO, Directorate of Tourism, Kashmir attended hearing at Srinagar office of the Commission. Shri Vikas Gupta, CEO, Surinsar-Mansar Development Authority/PIO, Darshan Kumar, Executive Engineer, Surinsar-Mansar and the appellant Mr. Manzoor Hussain along with his counsel Shri Manohar Lal, Advocate attended hearing through video conferencing from Jammu Office of the Commission.

3. The background of the case has been summarized by Director Tourism, Jammu /FAA vide his order dated: 13-11-2015 as under;

“ That appellant submits that department of tourism has constructed a Dak Bungalow on the land of appellant comprising of different khasra numbers, aggregating to 02 kanals and 02 marlas situated at Village Surinsar, Tehsil and District Jammu. It is alleged that the land of the appellant has been illegally occupied by Tourism Department and constructed a Guest House. Accordingly, appellant has filed an application under RTI on 08-07-2015 addressed to PIO, Directorate of Tourism, Jammu, seeking information related to status of acquisition of land on which Dak Bungalow at Surinsar-Mansar has been constructed. That PIO, Directorate of Tourism, Jammu vide letter dated: 14-07-2015 transferred this application to Tourist Officer, Samba-Kathua for providing information directly to the appellant. That Tourist Officer, Samba-Kathua vide letter dated: 27-07-2015 informed the PIO that the area do not fall in the jurisdiction of Tourist Officer, Samba-Kathua. Thereafter, PIO, Directorate of Tourism, Jammu vide letter dated: 29-07-2015 forwarded RTI application to Deputy Director Tourism (M&W), Jammu for providing information to the appellant. The Deputy Director Tourism (M&W), Jammu vide letter dated: 18-08-2015 informed the PIO that the Dak Bungalow, Surinsar pertains to Surinsar-Mansar Development Authority and the building has been handed over to Surinsar-Mansar Development Authority in the year 2011 and no relevant record of land compensation is available in the office. Thereafter, PIO, Directorate of Tourism, Jammu vide letter dated: 14-08-2015 transferred RTI application to Chief Executive Officer, Surinsar-Mansar Development Authority under Section 6(3) of the Act. The Chief Executive Officer, Surinsar-Mansar Development Authority vide letter dated: 24-09-2015 provided information to the appellant as per record.

Not satisfied with the information provided by PIO, Surinsar-Mansar Development Authority, appellant preferred first appeal, which has been decided by Director Tourism, Jammu/FAA vide order dated: 13-11-2015. The FAA has observed that Dak Bungalow Surinsar has been constructed in early 1980's and the Directorate of Tourism, Jammu came into being in 2006 vide Government Order No. 252-F of 2006 dated: 11-08-2006. Therefore, before existence of Directorate of Tourism, Jammu, there was only one Directorate of Tourism, J&K, headed by then Director General, Tourism, whose office used to move along with Darbar Move. FAA has further observed that Directorate of Tourism, Jammu do not have any record regarding acquisition or otherwise of the land on which said Dak Bungalow has been constructed.

Therefore, relevant information, if any, at present stage can only be presumed to be available with the Directorate of Tourism, Kashmir. Accordingly application of appellant was transferred to PIO, Directorate of Tourism, Kashmir for disposal under rules.”

4. In compliance to the notice of the Commission, PIO, Directorate of Tourism, Kashmir filed reply/counter statement dated: 09-06-2016, interalia submitting that the application in reference was transferred to Deputy Director, Planning and Deputy Director, M&W, Directorate of Tourism, Kashmir. That Deputy Director, M&W vide his letter dated: 03-12-2015 informed that no relevant record of land compensation is available in his office and compensation cases are being processed by Planning Section of the Department, therefore, same can be had from them. That Deputy Director, Planning vide his letter dated: 07-12-2015 informed that whole record was destroyed due to devastating fire in TRC building in the year 2005 and then devastating floods of September, 2014 and therefore no relevant record is available. He further informed that land compensation cases were dealt by Deputy Director, Tourism, Kashmir and also suggested to approach Deputy Director, Tourism, M&W, Srinagar for said information. Accordingly, PIO approached Deputy Director, Tourism, Kashmir vide letter dated: 21-12-2015, who in turn vide letter dated: 08-01-2016 informed that whole records were destroyed in the fire incident of TRC building in the year 2005. Copy of this reply has been forwarded to appellant enclosed with letter dated: 13-01-2016. Appellant admitted receipt of said letter.

5. From perusal of documents produced before the Commission, it is amply evident that Tourism department has made sincere efforts to trace out the information with various offices, who were incharge of the records pertaining to Dak Bunglow at Surinsar. Accordingly, information as available on record has been provided to the appellant by PIO, Surinsar-Mansar Development Authority, PIO, Directorate of Tourism, Jammu and PIO, Directorate of Tourism, Kashmir, as per references referred to herein above. Further, from reply of the Deputy Director, Tourism, Kashmir /PIO, it is evident that all records prior to 2015 (date of filing RTI application) were gutted down in the devastating fire at TRC building in the year 2005.

6. In view of the above, Commission directs PIO, Directorate of Tourism, Jammu and PIO, Directorate of Tourism, Kashmir to file affidavits before the Commission with copy to the appellant in support of the communications / information provided by them to the appellant. Further, PIO, Directorate of Tourism, Kashmir is directed that copy of FIR regarding destruction of record due to fire incident and FIR regarding destruction of records in devastating floods of

September, 2014 be provided to the appellant within two weeks. PIO, Directorate of Tourism, Kashmir is also directed to provide copy of reply dated: 09-06-2016 along with copy of all communications, that has been referred in his reply/counter statement.

7. These directions be complied within two weeks.

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

Sd/-
(Er. Nazir Ahmad)
State Information Commissioner

No. SIC/J/A/34/2016

Dated: -06-2016

Copy to the:-

1. First Appellate Authority, Directorate of Tourism, Jammu / Kashmir.
2. Public Information Officer, Directorate of Tourism, Jammu / Kashmir.
3. Chief Executive Officer, Surinsar-Mansar Development Authority, Surinsar (PIO).
4. Pvt. Secretary to HSIC.
5. Manzoor Hussain S/o Din Mohammad R/o Village Surinsar C/o Malik Market, Channi Rama, Tehsil & District Jammu (Appellant).
6. Guard file.

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