



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, 0194-2506660, 2506661
www.jksic.nic.in

File No. SIC/K/SA/60/2016
Decision No. SIC/K/SA/60/2016/42

Appellant : Sh. Shabir Ahmad Lone
Respondent : PIO/Xen ED Kulgam
Date of Registration : 24.05.2016
Date of Decision : 20.06.2016

Dated — 20.06.2016

1. Brief facts of this case are that appellant filed Second Appeal on 22.03.2016 (admitted after completion of deficiencies on 24.05.2016) under RTI Act, 2009. It is submitted that appellant filed an application to Xen Kulgam on 30.11.2015 seeking information regarding casual labourers, Daily wagers, Need Base Workers and other matters of the Division (copy enclosed). As no information was made available by 18.01.2016, he filed an application before FAA CE EM&RE Wing Srinagar and Chief Engineer vide letter dated 10.02.2016 directed Xen Kulgam to make information available to him. Although Xen furnished the information by post on 26.02.2016, but

information so furnished was fictions and incomplete. That on 22.03.2016 appellant submitted an application in the Commission, but it was pointed out that First Appeal filed before Chief Engineer had some deficiencies. Accordingly, he re-submitted First Appeal to Chief Engineer on 12.04.2016 and the Chief Engineer again vide letter dated 21.04.2016 directed the concerned Xen for doing the needful, but nothing has been done so far.

In view of the above, the appellant has prayed that appropriate action under rules be taken for not providing the required information and required information be made available to him.

2. In the RTI application, the appellant has sought information on 11 points which besides information of Daily Wagers, Casual Labourers, need base workers includes information on works under taken from 04/2014 to 10/2015, number of registered consumers, details of MLA/MP Fund and action taken by the Division on two communications of Chief Engineer EM&RE.

3. Mr. Mohammad Maqbool Naik, Xen Electric Division, Kulgam, Mr. Dar Zubair Altaf, Counsel for FAA and Mohammad Ashraf Lone authorized representative of appellant attended the hearing.

4. In compliance to the notice of the Commission, Xen ED Kulgam has filed reply vide his office letter dated 18.06.2016 and in reference to his office letter dated 26.02.2016 and Chief Engineer's letter dated 10.02.2016. Xen has submitted that para wise reply has been furnished to the appellant vide office letter dated 26.02.2016 and copy of the same is appended along with the documents available in the division. Further, additional points in the

RTI application and photocopies of records pertaining to these points have been responded to along with the information as enclosures A—F.

5. The Commission perused the information sought in the RTI application and information provided by the Xen in presence of the respondent's and representative of appellant. It is observed that Xen has given response to all the points of the RTI application. However, in respect of information sought at Point-6 and 11 Xen has informed that these letters are not available in record. The information sought at these points is with regard to action taken by the division in response to the Chief Engineers' Communication dated 04.09.2015 and 18.05.2015 respectively. Appellant submitted that copy of these communications are available with him and accordingly he shall provide copy of these letters to the Xen within one week for further action as per directions of the CE EM&RE.

6. The representative of appellant pointed out that list of CDL/need based workers provided vide letter dated 26.02.2016 pertains to 03/2015 and therefore, it is incomplete as information was sought in 11/2015. However, Xen has now enclosed list of 408 need base workers and 32 ITI workers enlisted in the Division marked as "B" and "C" respectively. In reply to Point-7 i.e., details of works from 04/2014 to 10/2015, Xen has enclosed details of works from 04/2015 to 12/2015. On being asked by Commission, appellant submitted that irregularities may have been committed in flood related works of September 2014 and the information has been sought to find out same. Therefore, Commission directs Xen to provide list/details of works of flood related works from 10/2014 to 03/2015 which has not been provided earlier.

7. The Commission has observed that Xen has created most of the information enclosed with the letter dated 18.06.2016, whereas, as per the provisions of the Act, he is required to provide information as is available on record and not create/collate information. It shows that PIO's/Xen's are not yet conversant with the provisions of the Act, even though 6 years have passed since the enactment of this Act.

8. The Commission, therefore, advises Chief Engineer EM&RE, Kashmir to organize awareness programme with regard to provisions of the RTI Act to the PIO's of his Department, so that they do not divert the resources of the Public Authority in creating information.

8. Xen handed over copy of reply dated 18.06.2016 along with enclosures to the appellant at the conclusion of hearing.

9. The information seeker has submitted that his RTI application dated 30.11.2015 was responded to by Xen on 20.02.2016. Since Xen has not explained the delay in his reply/counter statement dated 18.06.2016, he is directed to explain delay within two weeks, else proceedings under Section 17 of the Act shall be initiated against him.

Accordingly, appeal is disposed of with above directions.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Chief Engineer, EM&RE Wing Kashmir
2. SE/FAA Electric Division Bijbehara

3. Xen/PIO ED Kulgam
4. Pvt. Secy to HSIC (K)
5. Sh. Shabir Ahmad Lone S/o Gh. Rasool Lone R/o Mantribugh,
Shopian

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