



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/68/2016
Decision No. SIC/K/SA/68/2016/44

Appellant : Sh. Ab. Salam Majrooh
Respondent : PIO/Tehsildar Pampore
Date of Registration : 09.06.2016
Date of Decision : 24.06.2016

Dated: 24.06.2016

1. Brief facts of this case are that appellant Sh. Abdul Salam Majrooh filed Second Appeal on 02.06.2016 against FAA/PIO O/o Dy. Commissioner Pulwama and PIO/Tehsildar Pampore interalia submitting that in response to his RTI application 26.11.2015 Tehsildar Pampore provided photocopy of information vide letter dated 30.12.2015 which is not legible and difficult to understand. That the First Appeal filed before ADC Pulwama on 04.01.2016 was decided on 19.01.2016 directing PIO to issue the fresh list which was denied by PIO for three months. That PIO was requested time and again for issuance of complete information vide letter dated 07.03.2016, 20.04.2016 for implementation of the order dated 19.01.2016 of FAA/ADC Pulwama. That

PIO/Tehsildar Pampore vide letter dated 21.04.2016 issued six page list, which is contrary to the basic request made by the Fallah Behbood Committee Pampore and also without authentication by the authority. The reply does not indicate the No. of the tents received, issued and balance. It also does not indicate the sanctioning authority, date of issuance, signature of receiver and contact details. That the list is incomplete, with the result the Fallah Behbood Committee Pampore is compelled to submit the Second Appeal as per Section 16(4) for the purpose. Under the circumstances appellant has requested for providing complete information as per basic request.

2. The RTI application addressed to PIO/Tehsildar Pampore in Urdu states that Government issued instruction for distribution of tents amongst people affected by floods of September 2014 and in this connection tents were issued to Tehsildar Pampore for their distribution to the needy ones.

Accordingly, appellant has sought following information:-

- I. No. of tents received/distributed and No. remaining in Tehsil Office.*
- II. Details of persons to whom these tents were distributed*
- III. Details of persons or organizations to whom these were issued indicating their name, parentage, residence and reasons for issuance.*

3. This RTI application has been responded by Tehsildar Pampore vide letter dated 30.12.2015 informing that information as per application column 1, 2 and 3 is enclosed as per records available in his office. It is further informed that tents have been issued in favour of the flood sufferers of September 2014 and it is learnt that distribution of these tents have been made on war footing in view of the directions as well as pressure of the higher ups and in view of the urgency of accommodation of the flood sufferers/needy persons.

3. Aggrieved by the order of PIO, appellant filed First Appeal before FAA on 8.01.2016. The FAA/DC Pulwama has disposed of the First Appeal vide order dated 19.01.2016 directing respondent Tehsildar to provide another legible copy of the requisite information to the appellant within one week.

4. Tehsildar Pampore submitted that directions of the FAA have been complied by him vide letter dated 12.02.2016 informing the appellant to collect the information. But they did not turn up.

5. During proceedings, appellant produced copy of the information provided under letter dated 30.12.2015 which is indeed not legible and therefore the FAA has directed Tehsildar to provide legible copy. Tehsildar submitted that thereafter he provided translated version of the information on 21.04.2015.

6. As per definition of “*information*”, PIO is required to provide attested copy of the information/documents as is available on record. Providing translated copy/handwritten copy of the original document, does not serve purpose of the provisions of the RTI Act. It seems that Tehsildar has not taken due care to check whether the information was legible, because the Commission made a Xerox copy of one page and it is clear and legible to the satisfaction of the appellant. The allegation of the appellant is that information was not available with them and therefore they took a long time in providing the same to them. He further submitted that in response to another RTI application, Tehsildar Pampore informed vide letter dated 26.02.2015 that 100 No. of tents were received, out of which 80 NO's are lying with the Nazir of Tehsil as flood victims refused to take this benefit because of harsh winters. The appellant also pointed out that as per information, 135 tents have been issued to 73 beneficiaries against availability of 80 tents only. He therefore wanted to know the source of remaining 55 tents when Tehsildar Pampore has confirmed that only 80 tents are available with them.

7. The Commission is of the view that prima facie there is contradiction in the information provided by Tehsildar vide letter dated 26.02.2015 and the list of beneficiaries now given by the Tehsildar. This being a serious issue, the Commission directs Deputy Commissioner Pulwama to conduct a time bound enquiry into the matter and take action as required under rules under intimation to the Commission. The Commission further directs Tehsildar Pampore to provide legible certified photo copy of the list of beneficiaries.

8. The Commission further directs Tehsildar Pampore to remain careful in future and ensure information whatever is provided should be legible and issued after due diligence with attestations.

Accordingly, appeal is disposed of with above directions.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the:-

1. Deputy Commissioner, Pulwama
2. PIO/Tehsildar Pampore
3. Pvt. Secy to HSIC (K)
4. Sh. Abdul Salam Majrooh, General Secretary, Fallah Behbood Committee Pampore

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