



## Jammu and Kashmir State Information Commission

جموں اینڈ کشمیر اسٹیٹ انفارمیشن کمیشن

(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](http://www.jksic.nic.in)

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File No. SIC/K/SA/70/2017

Decision No. SIC/K/SA/70/2017/60

### Final Order

Appellant:	Mir Asif Mushtaq (Advocate) S/O Lt. Mushtaq Ah. Mir R/o Ward No. 6, Nishat Park, Bandipora
Respondent:	First Appellate Authority (FAA)/Director, Social Welfare Kashmir, Public Information Officer (PIO)/District Social Welfare Officer, Bandipora
Date of Registration	: 25-09-2017
Date of Decision	: 02-11-2017

### Brief Facts:

The brief facts of this 2<sup>nd</sup> appeal are that the appellant Mir Asif Mushtaq (Advocate) has filed the 2<sup>nd</sup> appeal before the Commission against the First Appellate Authority (FAA)/Director, Social Welfare Kashmir, Public Information Officer (PIO)/District Social Welfare Officer, Bandipora on 25-

09-2017 alleging therein that the PIO has failed to provide the remaining information to the appellant as directed by the FAA/Director Social Welfare, Kashmir while disposing of the first appeal on 04-08-2017. The appellant has requested the Commission to intervene in the matter and take strong action against the PIO under the provisions of the J&K RTI Act, 2009.

As per records of the 2<sup>nd</sup> appeal, the appellant vide RTI application dated 20-06-2017 has sought information on four queries which was provided to him by the PIO vide communication dated 15-07-2017 and in respect of query No. 4, the appellant was asked to deposit an amount of Rs. 1800/- for providing the said information, but the appellant failed to deposit the said fee.

**Proceedings before the Commission:**

In response to the notice of the Commission, the PIO has filed the written reply before this Commission vide communication dated 18-10-2017 stating therein that the appellant has failed to deposit an amount of Rs. 1800/- as fee so that the PIO would be able to provide the information sought vide query No. 4. The PIO in support of his contention has annexed postal evidence to the effect that the appellant has received the copy of information provided by him vide communication dated 15-07-2017. Though the appellant has refused to have received the said communication, but to cut short the matter, the appellant has requested the Commission that he may be allowed to inspect the said record and if

necessary, he may be allowed to take the relevant documents after payment of necessary fee prescribed under the J&K RTI Rules. The PIO has no objection in this regard.

**Decision:**

The parties were heard at length and record perused. From the records, it is clear that in response to RTI application received in the office of PIO on 20-06-2017, the appellant was informed through communication dated 15-07-2017 to deposit the Photostat charges for the information sought vide query No. 4 in his original RTI application. Admittedly, the appellant has not deposited the said fee and has requested the Commission that before depositing the fee, he may be allowed to inspect the records so that he can take the relevant documents only. The PIO has admitted that there is no objection on his part in this regard.

The 2<sup>nd</sup> appeal is accordingly disposed of with the directions to the PIO to allow the appellant to inspect the records pertaining to the query No. 4 of his RTI application on 13-11-2017 with further direction to the PIO to provide the relevant documents/information to the appellant on depositing of requisite fee as per the provisions of J&K RTI Rules, 2012.

With these observations, the 2<sup>nd</sup> appeal filed before the Commission is disposed of.

Sd/-  
(Mohammad Ashraf Mir)  
State Information Commissioner

Copy to the:-

1. Public Information Officer (PIO)/District Social Welfare Officer, Bandipora
2. Mir Asif Mushtaq (Advocate) S/O Lt. Mushtaq Ah. Mir R/o Ward No. 6, Nishat Park, Bandipora

**( M. S. BHAT )**  
Deputy Registrar,  
J&K State Information Commission,  
Srinagar