



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

File No. SIC/K/SA/10/2018

Decision No. SIC/K/SA/10/2018/19

Final Order
(2nd Appeal)

- Appellant : Dr. Sheikh Gulam Rasool.
- Respondents : First Appellate Authority (FAA)/
Public Information Officer (PIO), Directorate
of Tourism, Kashmir.
- Date of Registration : 16.01.2018.
- Date of Decision : 09.05.2018.

Brief Facts:

The appellant Dr. Sheikh Gulam Rasool, C/o. J&K RTI Movement, Head Office Malik House Hyderpora Near Al-Amin Hospital, Airport Road Srinagar-190014 while exercising his right to information filed RTI application dated: 08.06.2017 (sent by post on 20.06.2017) with the PIO, Directorate of Tourism, Kashmir seeking parawise information about the various activities of the Tourism Department and details of NGOs, Trusts, Voluntary Organizations, Adventure Bodies, clubs registered with the Tourism Department, criteria for selection of NGOs, Trusts/Voluntary Organizations, funds utilization, status of section 4 implementation,

expenditure of various funds etc. He has further stated that the information provided by the PIO was incomplete and misleading.

Aggrieved by the response of the PIO, the applicant (now appellant) filed First Appeal dated: 06.09.2017 (sent by post on 07.09.2017) with the FAA, Directorate of Tourism, Kashmir. Reportedly, the FAA too did not provide him the requisite information. As a result the appellant approached the State Information Commission (SIC) by filing 2nd Appeal which was admitted on 16.01.2018.

Proceedings:

The statutory time period of sixty days in this 2nd appeal has expired on 17.03.2018 and accordingly the time period for disposal was further extended by another sixty days in terms of section 16 (11) of J&K RTI Act, 2009 to enable the SIC to conduct more hearings for judicious and appropriate disposal in the interest of the objectives of the J&K RTI Act, 2009.

This second appeal came up for hearing before the State Information Commission (SIC) for the first time on 19.03.2018. The hearing was attended by the FAA/Director, Tourism Kashmir whereas the PIO and the appellant did not attend. The FAA stated that the appellant had been informed to attend first appeal hearings but he never attended and that information had been provided to him on 28.07.2017. The hearing was adjourned with the following directions:

“In view of the absence of the appellant, he could not be heard during the hearing. However, on perusal of the reply provided by the PIO to the appellant (the then RTI applicant) vide his No. PLN/DTK/23/DTK/689-92 dated: 05.07.2017, it transpires that the reply is incomplete as the PIO has not collected the information

from other officers/officials of the Public Authority which he could have done in terms of Section 5(4) of the J&K RTI Act, 2009 and instead he has provided part information only in respect of his area of responsibility. It is, therefore, directed that the PIO shall collect the balance information from the concerned officers/officials within the Public Authority in terms of section 5(4) of the Act and formulate a suitable reply to the RTI application submitted by the appellant. The FAA who was present in the hearing shall accordingly inform the concerned PIO to do the needful. This may be done within 30 days from the date of receipt of this order.”

The appeal came up for hearing once again on 09.05.2018. The hearing was attended by the present PIO/Sh. Masarat Hashim, Deputy Director, Tourism, Kashmir whereas the appellant remained absent.

During the hearing, the PIO who has taken over recently stated that he has provided the balance information to the appellant as per the interim directions of the Commission through registered post on 26.04.2018. He also submitted a copy of postal receipt which was placed on record for reference.

Decision/Directions:

In view of the submissions made by the PIO that he has provided the balance information to the appellant in terms of the Commission’s order dated: 19.03.2018, there remains nothing more to be done in this particular appeal. The appellant did not attend and, therefore, it could not be ascertained whether he has received the information, reportedly sent by the PIO through registered post bearing no. EE817325189IN on 26.04.2018. Be that as it may, the appellant is free to agitate for implementation of the directions issued on 19.03.2018 in

case he is not satisfied with the information provided by the PIO.

As regards the demand of the appellant for imposition of penalty, it transpires from the perusal of records placed on file that the PIO has provided the reply on 28.07.2017 although the information has been held to be incomplete by the appellant. Provision of information has also been delayed beyond 30 days and, therefore, the then PIO needs to reply/explain why penalty may not be imposed on him under section 17 of the J&K RTI Act, 2009. The Head of the Public Authority i.e. Director, Tourism Kashmir shall ensure to serve a copy of this order on the then PIO who reportedly stands transferred out of the Tourism Department, to enable him to send his reply to this notice under section 17 within 30 days from the date of receipt of this order.

With these observations the appeal is disposed of.

Copy of this decision be given free of cost to the parties.

Sd/-

(Khurshid A. Ganai)

Chief Information Commissioner

(P.A. Ajay)

No: SIC/K/SA/10/2018_____

Dated:

Copy to:

1. First Appellate Authority, Directorate of Tourism, Kashmir for information and necessary action.
2. Public Information Officer, Directorate of Tourism, Kashmir for information.
3. Private Secretary to CIC for information of the HCIC.
4. Appellant/Dr. Sheikh Gulam Rasool, C/o. J&K RTI Movement, Head Office Malik House Hyderpora Near Al-Amin Hospital, Airport Road Srinagar-190014 for information.
5. Office file.

(Sheikh Fayaz Ahmed)

Registrar

J&K State Information Commission