



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

Before the State Information Commissioner, JKSIC, Srinagar

File No. SIC/K/SA/19/2018
Decision No: No. SIC/K/SA/19/2018/20

Date of Decision: 14.05.2018

Subject: Proceedings under Section-17 of the J&K RTI Act, 2009
in the 2nd Appeal titled **Mr. Mehraj-ud-Din Mir V/s PIO,**
****J&K Muslim Waqf Board****

Whereas, Shri Mehraj-ud-Mir had filed 2nd appeal before the State Information Commission (SIC) on 15.02.2018 alleging that the PIO J&K Muslim Waqf Board, Srinagar had failed to respond to his RTI application filed on 21.11.2017 within the time period as stipulated under the J&K RTI Act, 2009. Thereafter, the FAA had also not provided him the information so sought;

Whereas, the 2nd appeal was disposed of by the Commission vide order dated 11.04.2018 interalia with the following directions:

1. The PIO shall furnish para wise reply to the RTI application within 21 days from the date of receipt of this order based on the available record with the Board including the compensation received by the Board on account of road

widening of Ali Jan road in Eidgah area. The reply must be para wise and clearly based on the record available with the Waqf Board.

2. As regards the non reply by the PIO and violation of section 7 (1) of the Act by him, he is liable for imposition of penalty under section 17 of the Act on the grounds of refusal to provide information read with Section 7 (2) of the Act. However, in terms of the proviso to the Section 17, the PIO is given an opportunity to explain as to why penalty may not be imposed on him.
3. The FAA shall explain as to why he has violated the provisions under section 16 of the Act as the FAA has never cared to dispose of the first appeal submitted to him by the appellant on 27-12-2017. Explanation may be sent to the SIC for record, reference and further necessary action;

Whereas, the PIO/Sr. Controller (A&I), J&K Muslim Board, Srinagar vide No.MVB/Legal/279-80 Dated 04.05.2018 has submitted reply/counter statement, which was taken on record;

Whereas the Secretary/FAA vide No.MWB/Legal/277 dated 28.04.2017 has submitted reply/counter statement interalia stating therein that the First Appeal was forwarded by him to GM (R&E)/Revenue Officer (N) for immediate action and report through

PIO. That the issue was followed by the PIO with the R&E Wing vide No.MWB/RTI/237-39 dated 01.02.2018. The information asked for by the FAA and subsequently by the PIO from General Manager/Revenue Officer was however not coming forth. The FAA has further submitted that the 1st Appeal was sought to be handled by FAA with due dispatch and diligence. As the post of General Manager (R&E) (as the officer incharge of assets and estates under the Wakaf Board) remained vacant, the subject issue did not receive the attention it deserved (in the R&E Wing). The FAA has further stated that there has been no deliberate delay or dithering whatsoever on the part of FAA. Nonetheless, the unintended and inordinate delay caused has been deeply regretted;

Whereas the explanation submitted by the FAA and the PIO was perused and the Commission accepted the explanation for the reasons submitted therein.

Accordingly, the penalty proceedings initiated against the FAA/PIO J&K Muslim Waqf Board, Srinagar are hereby dropped. However, the FAA and PIO J&K Muslim Wakf Board are directed to remain cautious in future while dealing with the RTI applications. The FAA is also directed to streamline the working of RTI Cell in the J&K Muslim Waqf Board, Srinagar so that RTI applications are promptly dealt with as per the provisions laid down under the J&K RTI Act, 2009.

Sd/-
(Mohammad Ashraf Mir)
Chief Information Commissioner

Copy to the:

1. FAA/ Secretary, J&K Muslim Wakf Board, Srinagar,
2. PIO/ Sr. Controller (A&I), J&K Muslim Wakf Board, Srinagar

(Sheikh Fayaz Ahmad)

Registrar

J&K State Information Commission,
Srinagar