



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. 0194-2484269, 2484262
www.jksic.nic.in

File No. SIC-K/Comp/74/2013
Decision No. SIC-K/Comp/74/2013/110

Title: Shri Mohammad Sidiq Khan **v/s** DFO Tangmarg
s/o Shri Ghulam Ahmad Khan **(Respondent)**
r/o Kawoosa Magam
(Complainant)

Present:

3. Shri Mehboob Ali, DFO Tangmarg.
4. Shri Mohammad Sidiq Khan, Complainant.

Srinagar

18.12.2013

The Commission received a complaint on 16.08.2013 from Shri Mohammad Sidiq Khan s/o Ghulam Ahmad Khan r/o Kawoosa Khalisa Magam Kashmir enclosed with complaint dated 16.12.2012 against DFO Tangmarg stating that he requested for information from the office of Special DFO Tangmarg through CCF Kashmir, but despite repeated instructions/ reminders the information is still awaited. The complainant

has further submitted that he requested Hon'ble CIC by name on 12.12.2013 but nothing is heard in this regard.

In reply/counter statement, Shri Mehboob Ali Bhat, DFO Tangmarg has enclosed copy of letter dated 08.01.2013 of his predecessor to the address of the Commission whereunder response to the queries of the RTI application has been given in abstract form. It has further been stated that after completing the requisite information, the applicant was informed on phone to deposit an amount of Rs. 810/- as Xerox charges, however, the applicant did not turn up till date. It is further stated that information comprising of 403 leaves is sent to the Information Commission for providing information to the information seeker after depositing an amount of Rs. 810/-.

On perusal of records it is found that RTI application transferred by Administrative Officer (PIO) CCF Kashmir on 2nd July 2012 is admitted to have been received in the office of DFO Tangmarg on 06.07.2013 but no response has been provided to the information seeker within the stipulated period except stating vide letter 08.01.2013 (enclosed with the counterstatement dated 14.11.2013) that the information seeker was telephonically asked to deposit an amount of Rs. 810/- on account of Xerox charges. The information seeker however denied to have been contacted by the PIO/DFO in this regard.

Upon perusal of the information sought, it is seen that the information sought under I & II is in the shape of proforma given by the information seeker. It is clarified that the definition of information provides that the PIO is required to provide information held by him/her in whatever form available/held by him.

Since RTI application has not been disposed as per Section 7 of the Act till date, DFO Tangmarg is directed to respond to the RTI application afresh within two weeks from issue of this order. PIO/DFO submitted that the information has been sought from all the ranges of the division, which is quite voluminous. However, the information seeker during proceedings clarified that he needs information for Forest Range Beerwah only.

In view of above DFO is directed to respond to RTI application with regard to forest range Beerwah only for the year 2011. The information shall be provided to the information seeker free of cost within two weeks from issue of this order.

It is prima facie established that there has been delay in disposing of the RTI application by the then DFO Tangmarg. DFO shall intimate within two weeks from issue of this order, particulars of the then DFO, in whose tenure RTI application was received and remained pending so that penalty proceedings under section 17 of the Act are initiated against him/her for causing delay in disposal of the RTI application.

The complaint is disposed of with above directions.

Sd/-
(Nazir Ahmed)

State Information Commissioner

Copy to the:-

3. Divisional Forest Officer, Special Forest Division
Tangmarg.
4. Sh. Mohammad Sidiq Khan S/o Gh. Ahmad Khan R/o
Kawoosa Khalisa, Beerwah Budgam.

(M.S. Bhat)
Deputy Registrar,
J&K State Information Commission