



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
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File No: SIC-CO/SA/131/2014
Decision No: SIC-CO/SA/131/2014/618

Title: **Sh Muzamil Ahmad Ahanger,**
V/s
FAA/PIO Legislative Council Jammu

Srinagar
07.04.2014

This is a second appeal filed by Sh. Muzamil Ahmad Ahanger, a resident of the State and an Advocate by profession. The hearing of this appeal was earlier fixed at Commission's office at Jammu and First Appellate Authority Sh. Ishfaq Ahmad Wani attended. However, appellant had requested for hearing of the appeal at Srinagar. Keeping in view the public-friendly spirit of the State RTI Act the Commission acceded to the request of the appellant and heard the appeal at Srinagar. The appellant attended in person. First Appellate Authority also attended in person.

The brief grounds of the appeal are that appellant had filed an RTI application on 14.10.2013 before the then Public Information Officer Legislative Council, Civil Secretariat Srinagar, Sh. G.M. Bhat. PIO did pass an order on 22.11.2013 after delay of a few days. Before the appellant could take any further action, the said PIO passed a corrigendum dated 06.12.2013 on the plea that due to computer error the earlier order was withdrawn and provided another set of information.

The appellant not being satisfied with both the orders preferred a complaint under Section 15 before the Commission on 16.12.2013 which was disposed of by the Commission on 28.01.2014. The appellant later on filed First Appeal in accordance with Section 16 which was entertained by the First Appellate Authority vide his Order dated 13.02.2014 in view of the Commission's directions contained in earlier order disposing of the complaint filed under Section 15.

Again not being satisfied with the information provided in pursuance to FAA's order, the appellant filed 2nd appeal raising grounds of appeal that the information provided was incomplete and misleading.

The Commission has gone through the RTI application and the orders passed by Public Information Officer and First Appellate Authority. During hearing it was found that the information at point No. 1 of RTI application was already in public domain in the shape of an advertisement for the post of Reporter and Translator. RTI Act provides for disclosures of such permissible information under the Act which was not already in public domain before filing RTI application. The information seeker has admitted that information at point NO. 1 was not maintainable. The 2nd point of information is with regard to the criteria followed in final selection of candidates for the post of reporter and translator. This information has been given by the PIO as admitted by the appellant. Hence no cognizance is taken and no direction is issued. With regard to information at point No. 3 as rightly pointed out by the appellant that there was contradiction on point 2 in previous orders passed by PIO which PIO attributed to computer error. This will be investigated separately during the penalty proceedings under this Act which have already been initiated against the then Public Information Officer, Sh. G.M.Bhat. Another point of information at point No. 4 is with regard to marks allotted to the appellant. This information has also been provided as admitted by the information seeker. The appellant had sought another information which is as under:-

“Notification regarding final appointment/selection of candidates for the post of Reporter and Translator.”

First Appellate Authority has brought the attention of the Commission to a communication titled “Departmental Selection Committee for Translator/Reporter/Photostat

Assistant” J&K Legislative Council Srinagar under No. Adm/Advt/220/2013 dated 27.09.2013. The appellant insists that the document given is not the information asked at point No. 5. However, no evidence has been provided by the appellant that the information is wrong . The information is treated to have been given. The information at point No. 6 has also been provided. The only point in this appeal is that the PIO provided information twice withdrawing the information provided earlier on the plea that there was a computer mistake. This is subject matter of penalty proceedings as already directed.

The Commission has further found that the appellant during the appeal proceedings had shifted his stand than the stand taken in the original RTI application. The appellant insisted before the Commission that he intended to get the information in a different format. The information seeker is informed that under the RTI Act only that information will be given which is explicitly sought in the RTI application. PIO is not supposed to read the mind of the information seeker to know what he intends. He is provided information on the basis of points raised in the RTI application. The Commission does not agree with this contention of the applicant.

With the above directions the appeal is disposed.

Sd/-
(G.R. Sufi)
Chief Information Commissioner

1. First Appellate Authority, J&K Legislative Council, Jammu.
2. Public Information Officer, J&K Legislative Council, Jammu.
3. Sh. G.M. Bhat, the then Public Information Officer, J&K Legislative Council Jammu.
4. Sh. Muzamil Ahmed Ahangar, R/o Lane No. 04 SDA Colony, Batmaloo, Srinagar.

(Mohammad Shafi)
Deputy Registrar,
J&K State Information Commission