



J&K State Information Commission
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www.jksic.nic.in

File No: SIC/CO/SA/213/2014
Decision No: SIC/CO/SA/213/2014/711

Title:- Khawaja Ghulam Ahmad V/s PIO Labour Department

Jammu
29.12.2014

This is a second appeal filed by Khawaja Ghulam Ahmad, a resident of J&K State in this Commission on 9.10.2014. Hearing in this case was fixed on 29.12.2014. Shri Syed Mureed Hussain, CEO/Secretary-cum-FAA, Shri A.A. Bhatti, Assistant Labour Commissioner-cum-PIO and the appellant attended.

Brief facts and grounds of this appeal are that the information seeker filed an RTI application before PIO Labour Department Poonch on 2.6.2014 seeking certain information as per his RTI application. PIO passed an order on 14.6.2014. Commission has gone through the order of the PIO and following has emerged from this order:-

1. Information on point No 1 is given
2. Information on point No 2 is also given
3. Point No 3 has also been replied

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4. Information on second part point No 1 has been partly given. Appellant was not clear as to what kind of information regarding stipend to the card holders is given.
5. Information on point NO 2 part 2 is given – information already in public domain.
6. Information on point No 3 of second part also given. As per version of PIO, this information is already available on website and in Building & Other Construction Act 1966 and Building & other Construction Rules, 2006
7. Information on part 4 has not been given as the said information is available on the website www.jkbocwwb.org. This website is stated to have been operated since 2011 i.e before the date of RTI application. Information thus is in public domain. Likewise, information on all other sub points has been provided to the information seeker.

Information seeker not satisfied with the order of PIO preferred first appeal before the FAA on 12.7.2014. FAA adjudicated the appeal on 22.7.2014 giving the information sought by the appellant consisting of 37 pages and further advised the appellant to go through the website of the Department www.jkbocwwb.org where all the required information is available. He also advised the Assistant Labour Commissioner-cum-PIO, Poonch to extend all possible help to him. He further directed the PIO to provide record to the appellant for inspection after fixing the time and date as provided under J&K State RTI Act, 2009 and rules made there under. Aggrieved with the order passed by the FAA, the appellant filed second appeal before this Commission praying therein for issuing a direction/order to ALC Poonch for the inspection of record asked in the application. However, in his first appeal dated: 12.7.2014, the information

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seeker took the plea that he has not been provided enough cooperation and security by the PIO for inspection of record.

The Commission has gone through the RTI application and PIO's reply. The information given to the information seeker by PIO was tallied point wise and it was found that almost all the information has been provided to the information seeker. . However, it is seen that the FAA did not seriously adjudicate this issue rather he asked the appellant to go through the information already given to him and give suggestions for making the system more transparent. The last point of information as sought by the appellant vide his RTI application dated: 2.6.2014 was inspection of the record pertaining to the points of information raised above. The PIO vide his order dated: 14.6.2014 under No: ALC/P/TIB informed the appellant to come to the office and inspect the records on any days excepting holidays. The information seeker vide his second appeal to the Commission dated: 1.9.2014 has confirmed that he was given facility of inspection and he visited office for three days. However, the PIO did not cooperate. This plea was made even in first appeal. However, there has been some ambiguity with regard to inspection of the documents sought by the appellant. It is seen that in the order of PIO, the appellant was intimated to deposit the photocopy charges for getting the facility of inspection. However, it has been found from the records that PIO has not made the requisition for the copying charges strictly in accordance with the provisions of Section 7(3)(a)(b). This provision of law makes it mandatory on the PIO to make the calculation of the copying charges and requisition the copying charges accordingly. The appellant vehemently insisted before the Commission that he was not provided the facility of inspection whereas the FAA and PIO contended that the inspection facility was provided to the information seeker. The various documents attached by the appellant with his

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second appeal do suggest that the facility of inspection was provided to the appellant by the PIO. In this connection, an inspection report under the Right to Information Act 2009-12 Labour Department Poonch dated: June/July 2014 under No: JKSF/19/14/P dated: 07.07.2014 was attached with this second appeal. This inspection report runs on several pages and is based on the RTI application dated: 2.6.2014 which is under subject of this order. The inspection was conducted on 1st, 2nd and 3rd July 2014. The information seeker is a "Senior Vice President of J&K Sahara Federation" and three of its office bearers made the request for inspection of Labour Construction Card Beneficiaries from S.No 1 to S.No 23676. Similarly, information seeker inspected the records from S.No 23677 to 26086 and made the recommendations. Copies of this inspection report were made to various authorities including Hon'ble Governor, and Chief Minister of the State. Hence, the evidence on record does not support the contentions of the appellant that he was not provided inspection. The Commission is, therefore, at a loss to understand why the information seeker resorted to filing the second appeal. Before passing final orders on the second appeal, the Commission would like to remind the PIO and FAA that while disposing off RTI applications they have to constantly refer to provisions of J&K State RTI Act, 2009 so that they deal with RTI applications in accordance with law and not purely in an administrative and technical fashion. Similarly, the information seeker's who are using this Act should be clear headed and specific in their RTI applications and they will be given only that information which they can seek in RTI applications subject to exemptions made in Section 8 of the State RTI Act, 2009. While providing the facility of inspection PIO has to ensure that the appellant gives exact details and identifies the record in his RTI application which he wants to inspect so that the inspection does not clash with provisions of Section 7(9) of the

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J&K State RTI Act, 2009. In view of the evidence with regard to inspection obtained by the information seeker, the Commission does not pass any further directions to the PIO as requested by the information seeker/appellant. The appeal is accordingly disposed of.

Sd/-

(G.R. Sufi)

Chief Information Commissioner

No: SIC/CO/SA/201/2014

Dt:

Copy to:-

1. CEO/Secretary-cum-First Appellate Authority, J&K Building & Other Construction Workers Welfare Board, J&K Jammu.
2. Assistant Labour Commissioner-cum-PIO, Poonch
3. Sh. Khawaja Ghulam Ahmad, R/o W. No 6, Near All India Radio, Parwah Poonch
4. Private Secretary to Chief Information Commissioner
5. Guard file.

(G.Q. Bhat)

Registrar

State Information Commission