



J&K State Chief Information Commissioner
Old Assembly Complex, Srinagar. Fax ;0194-2484268,2484269
Wazarat Road, Jammu. Fax No: 0191-2520947, 2520927

File No.SIC/CO/Comp/44/2012
Decision No.SIC/CO/Comp/44/2012/455

Title:- Shri Manzoor Ahmad Sidiqi, President People's Voice, Civil Society,
Srinagar.

V/s

1. First Appellate Authority,
Director Estates Department,
J&K, Srinagar.
2. Public Information Officer,
Deputy Director, Estates Department,
Srinagar.

Srinagar
28-05-2013

This is a complaint filed by Shri Manzoor Ahmad Sidiqi, a resident of the State before this commission on 28-02-2013 complaining there in that in response to his RTI application made before PIO Estates Department the information has not been given strictly in accordance with the RTI application. The PIO has received RTI application on 08-10-2011 seeking following information:-

1. Furnish Rules and procedure for transfer/subletting shops of Estates Department from original allottee to a third person.

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2. Allotment copies of original tenant with rules and procedure.
3. Some shops of Department of Partap Park, Western block and surrounding blocks stands transferred/sublet to third person from original allottee what procedure or rule adapted by the Department and under what law subletting is permissible give, full detail of the said shops with name, parentage and residential address along with name and style of shops.
4. Flats, quarters, rooms, sets and land provided to commercial establishments, N.G.O's and private persons under which law the same is provided to them and allowed raising of heavy construction in the open space of quarter, thereby violating Municipal laws and approved plans for commercial use at press Colony Partap Park. Furnish full detail of the same with name address of persons and name and style of Commercial Establishments with allotment copies and orders & authority letter for raising such illegal constructions.

The PIO passed order on 17-11-2012. The information seeker not being satisfied with this order preferred first appeal before FAA on 16-12-2011 stating therein that information so provided was irrelevant and misleading. The FAA passed order on 30-12-2011. Against this order the complainant preferred 2nd appeal before this Commission which was adjudicated upon vide this commission's order No.SIC/CO/Comp/44/2012/267 dated 23-08-2012. The matter was restored back to FAA because it was found that the FAA's order dated 30-12-2011 was deficient in number of respects and information as sought by the complainant seemingly was not given as per requirement of the RTI application. The FAA was also required to pass a fresh order within 25 days after giving an opportunity of being heard to the complainant. In compliance with these directions the then Director Estates (FAA) has passed order on 25-09-2012

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which was admittedly received by the appellant. The FAA has agreed with the contention of the complainant that the information so provided earlier by the PIO was not complete, hence, issued directions to the PIO to provide the requisite information within 15 days from issuance of this order, addressing all the points of the information sought by the appellant and also ensure that the information so provided is on the same lines as sought by the appellant. The PIO in compliance with the FAA's directions, passed order on 10-11-2012 providing further information in the shape of list of occupants who are in occupation of various quarters, flats etc. at Partap Park Estates Colony, Srinagar and informed the information seeker that this information is in addition to the information provided vide his office letter No.DDES/RTI/Shop/2011/927 dated 17-11-2011. The commission has found that premifacie information has not been provided in accordance with the RTI application.

The PIO insisted that whatever information was available with him he has provided. The information which arose on account of shop allotment committee, the meeting of which was held on 26-11-2011 and minutes of the meeting were not available with him. Secondly, the PIO insists that as there was no specific mention of providing copies of the minutes of the said meeting, therefore, the said information was not provided. However, after intervention of the commission the PIO has produced copies of the said minutes and the commission has found that part of information as asked by the complainant does emanate from such minutes, therefore the copies of the minutes have also to be disclosed for making the allotment of shops transparent. The pivot around which the RTI Act revolves is bringing the transparency, accountability in the working of public authorities. This golden principle is laid-down in the preamble to State RTI Act 2009 and commission has been entrusted with this noble task of bringing such transparency. The PIO is directed to give Xerox copies of minutes of the meeting

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to the information seeker along with list of occupants of the flats and their full antecedents of Partap Park flats within 5 days from the receipt of this order.

The complaint is accordingly disposed of.

Sd/-
G.R.Sufi,
Chief Information Commissioner, J&K.

Copy to the:-

1. First Appellate Authority, Director Estates Department, J&K Srinagar.
2. Public Information Officer, Deputy Director, Estates Department, Srinagar.
3. Shri Manzoor Ahmad Siddiqui, President People's Voice, Civil Society, Srinagar.
5. Private Secretary to Hon'ble Chief Information Commissioner.
4. Guard file.

(Mohammad Syed Shah)
Registrar,
J&K State Information Commission at Srinagar.