



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/CO/Comp/58/2012 - II Part
Decision No: SIC/CO/Comp/58/2012-II Part/501

Title:- Munier Hussain Poswal
V/s

PIO Department of Wild Life Protection
J&K Srinagar.

Srinagar
17.09.2013

This is a complaint filed by Shri Munier Hussain Poswal, a resident of the State on 4.6.2013 in this Commission. The complaint was heard from time to time with the appearance of FAA, PIO and the Complainant. The main thrust of the complaint is that the complainant had filed an RTI application before Commr/Secretary to Government, Forest Department, Civil Secretariat Jammu seeking information on 27 points. Though the Commr/Secretary was not the designated PIO, he forwarded the application to PIO Wild Life Department vide his communication dated: 21.2.2013. The PIO was to take a decision within a maximum period of 30 days plus 5 days of forwarding the RTI application. PIO vide his order dated: 19.7.2013 intimated the complainant that as there was no application fees attached with the application, hence his application was rejected. The PIO before rejecting the application was expected to give an opportunity of being heard to the complainant. The appellant preferred an appeal before the FAA whose particulars were intimated by the PIO in his order referred above. The FAA heard the appeal vide his order dated: 12.4.2013. The FAA ordered for the disclosure of the information after being satisfied that fees has been paid on time. The complainant filed a complaint as referred above on 4.6.2013 in this Commission. It is stated that this complaint was filed as the order passed by the FAA dated: 12.4.2013 was received by the complainant very late. The PIO and FAA during the hearing have confirmed that the copy of this order was sent by speed post. The Commission is satisfied that there has been postal delay in service of the order which was passed otherwise on time. The complainant has complained that the order so passed by the FAA was deficient on a number of points in the sense that the information was not provided strictly in accordance with the application filed by the complainant.

During the last hearing, the complainant had stated that information was given only on 17 points which was also not complete. The information seeker was asked to identify the points of information which were not provided to him and complaint was accordingly posted for next hearing.

2. First Appellate Authority and Public Information Officer and complainant attended the hearing. The PIO admitted that information on certain points was deficient and accordingly passed a detailed order on 13.9.2013 with annexures that have been sent to complainant by registered post under No: EE87299 7931IN. It seems that because of law and order in the area, the delivery of the registered post has not been so far made on the information seeker. Therefore, a copy of above order has been served on the

complainant in person in the office of Commission. The Commission has closely examined the parawise information and has found the information in accordance with the application of the information seeker/complainant furnished by the PIO. However, Commission has found that reply sought on point No: 12 in the RTI application does not match. The PIO has admitted that this might be due to some typographical error or computer error. He has assured the Commission that information on this point will be furnished to him within a week's time.

3. While going through the RTI application, it has been observed that information seeker by putting certain irrelevant questions has not understood the real import and intention of the State RTI Act. The preamble of the Act clearly lays down that the intention of passing the legislation is to bring transparency and accountability in the working of every public authority. However, the purpose is to be fulfilled after ensuring harmony between transparency and the strains which are being put on the administrative machinery by seeking voluminous and some time non existing information in Government records. Users of RTI are advised not to seek personal opinions of the PIO as PIOs are not bound to give personal opinion or information which is not part of Government records. The complaint is accordingly disposed of.

Sd/-

(G.R. Sufi)

J&K State Chief Information Commissioner

Copy to:-

1. First Appellate Authority, Office of Chief Wild Life Warden, J&K Srinagar
2. Public Information Officer, Chief Wild Life Warden, Srinagar
3. Shri Munier Hussain Poswal, R/o Kadalbal Dobhajan, Shopian
4. Private Secretary to Chief Information Commissioner
5. Guard file

(Ghulam Qadir Bhat)

Registrar

J&K State Information Commission, Srinagar