



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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www.jksic.nic.in

File No: SIC/CO/SA/61/2013

Decision No: SIC/CO/SA/61/2013/517

Title:- Vikram Singh

V/s

PIO JKTDC

Srinagar

15.10.2013

This is a second appeal filed by Shri Vikram Singh, a resident of the State, before this Commission on 02.09.2013. FAA & PIO JKTDC attended. Appellant did not attend.

Brief grounds of the appeal are that the appellant filed an RTI application before the PIO JKTDC on 08.05.2013 seeking the following information:-

1. Provide information about number of vehicles 2 x2 Deluxe Coach and 3 x 2 Coach attached with the JK TDC in Jammu province since 2010- 11, 2011-12 and 2012-13. And prior to 2010-2011.

2. Provide information of NITs were floated in News papers for attachment of above vehicle in J&KTDC, and if the NITs were floated through Information Department. Provide the Gist of NITs for above mentioned period, alongwith the name of leading news papers in which NIT was floated.

Provide information if no NITs were floated, provide the reasons under which rules norms and procedures of the Govt and that of JK TDC the vehicles have been

attached with the JK TDC. In case any approval from competent Authority has been obtained prior to attachment of vehicles. Provide true copy of the same.

3. Provide the details of vehicles with route permit, Registration Certificate, fitness certificate, passenger tax RC of the vehicles attached with JKTDC. Issue the authenticated copies of the same.

4. Provide the balance sheet of Transport wing of JKTDC for the last five years.

5. Provide the information about norms and rules adopted by the JKTDC for attachment of private vehicles.

Having not allegedly received any order within 30 days the appellant filed first appeal before FAA on 13.7.2013. The appeal was to be adjudicated upon within 30 days or further extended time of 15 days after recording the reasons. However, as no such order was passed, the appellant approached the Commission with filing of second appeal for direction for disclosure of information as sought in the RTI application. The FAA Shri Imtiyaz Ahmed Wani during hearing before the Commission has stated that the appellant had to deposit copying charges of Rs. 486/- for which a requisition was served on the appellant on 8.6.2013. It is stated that the order for copying charges was passed on 8.6.2013 under No: JKTDC/CS/516 and was served in person on the mother of the appellant. This order is passed by APIO who has not even identified himself. As already held in the Appeal No: SIC/CO/SA/63/2013, the APIO is not authorised to pass any order either for giving/denying information or for seeking copying charges. The requisition of copying charges is laid down in Section 7(3) where the PIO is authorised to make such requisition. As the PIO has only to seek copying charges within the time, hence the Act provides for providing information free of charges i.e the requisition for copying charges has not been issued within 30 days of the receipt of the application. The appellant after not having received any order filed first appeal before the FAA on 13.7.2013. This appeal was to be adjudicated upon by the FAA within a maximum period of 45 days with providing an opportunity to the appellant of being heard. The FAA has not passed the order so far on the plea that no payment of additional charges was made. As already stated the communication made by APIO under Section 7 is ab-intio bad in law thus legally not sustainable. The FAA was under legal obligation to pass the order within the time as prescribed under law. He is advised that in future he should discharge his public duties which are assigned to him in accordance with law.

2. As the information sought by the appellant is of high public value the disclosure of which is highly needed and justified under the RTI Act, the PIO is, therefore, directed to make this information public by uploading it on the website of JKTDC and the appellant is advised to download the same. The appellant is further advised to let this Commission know what has been the use of information after obtaining the same. The then PIO JKTDC Ms. Rifat Kohli is required to explain reasons why penalty under Section 17 of the Act may not be imposed on her for not passing the order within the time prescribed in the Act. Her reply, if any, must reach this Commission within 15 days of the receipt of this order. The present PIO Shri Reyaz Ahmed is directed to serve a copy of this order on the defaulting PIO.

3. The Public Authority of JKTDC i.e. Comr/Secretary to Government, Tourism Department's attention is invited to Section 4 of the State RTI Act which provides for making a suo-moto declaration of the information held by such public authority within 120 days from the enactment of the Act. The FAA and PIO of JKTDC informed the Commission that in the website of JKTDC there is a RTI link. The Commission has gone through this link and found that there is no suo -moto declaration of the items of information which are intended to be disclosed under law .

4. The Commission in accordance with powers laid down under Section 16(8) directs the public authority to uphold this information. The designated officers of the public authority Commr/Secretary Tourism Department i.e. FAA and PIO are requesting for providing further time for making compliance with the provisions of Section 4 of the State RTI Act. The Commission accordingly directs uploading of such information on the website of JKTDC within 25 days of the receipt of this order. The residents of the state particularly the complainant is required to make a complaint to this Commission under Section 15 of the State RTI Act. In case compliance with Section 4 of the State RTI Act is not made within the time laid down in this order. This is done in accordance with the preamble of the State RTI Act which enjoins upon the Commission to promote transparency and accountability in the working of every public authority.

5. It is also observed that the appellant has filed more than one application before the PIO of public authority. He is advised to use the State RTI Act diligently and cautiously and file only one application concerning one PIO seeking information on any number of points so that no strain is put on the administration and

resources of the administration are not disproportionately diverted. This is to be done in accordance with Section 7.

Sd/-

(G.R. Sufi)

J&K State Chief Information Commissioner

Copy to:-

1. Commr/Secretary to Government, Tourism Department, Civil Sectt. Sgr.
2. First Appellate Authority, JKTDC, Srinagar
3. Public Information Officer, JKTDC Srinagar
4. Shri Vikram Singh, S/o Shri Teja Singh, H.No 162 Gali Khilonia Danga, Jammu
5. Private Secretary to Chief Information Commissioner
6. Guard file

(G.Q. Bhat)

Registrar

J&K State Information Commission