



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2506662, 2506661

Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937

www.jksic.nic.in

File No:
SIC/CO/SA/250/2015
Decision No: SIC/ CO/SA/250/2015/784

Appellant : Nazir Ahmed Mir
Respondent : PIO General Admn. Department
Date of hearing : 04-08-2015
Date of Decision: 04-08-2015
Chief Information Commissioner: G.R. Sufi
Referred Sections: Section 5, 6, 7,16 of the J&K RTI Act, 2009.
Result: Appeal allowed/ disposed of.

Mr. Shakir Altaf Haqani, Advocate J&K Hon'ble High Court Srinagar and a resident of the State had filed an RTI application on 5.8.2014 before the PIO GAD, Civil Secretariat. Later on, certain Shri Nazir Ahmed Mir filed what he calls an appeal "under Section 16 r/w Rule 6 of the J&K State RTI Rules, 2012". The Commission fixed this appeal to decide its admissibility under the Act. The Commission vide its notice under No: SIC/CO/SA/250/2015-325-28 dated: 10.6.2015 had informed Mr. Naziir Ahmed Mir that he is not an appellant before the Commission as the information seeker in this case is Mr. Shakir Altaf Haqani, Advocate who has filed RTI application before the PIO as provided under Section 6. Mr. Shakir Altaf Haqani was required to attend the Commission which he did not. The Commission is, therefore, adjudicating the issue as under:-

" Under Section 3 of the J&K State RTI Act, 2009, every resident of the State has a right to information. This right is exercised under Section 6 of the J&K

RTI Act, 2009 r/w Rule 3 and 4 of the J&K State RTI Rules, 2012. Under Section 6, a person who wants and desires to obtain any information has to make a request in writing or through other means as described in section 6 in the manner prescribed under rules and if any person is denied information or provided information late or given incorrect, incomplete or false information then he is vested with the power of an appeal as envisaged in section 16. Section 16 lays down that a person who does not receive a decision within time or is aggrieved by a decision of the PIO may file an appeal. In this case, such person is Mr. Shakir Altaf Haqani in whom right of appeal is vested. Whereas "Appeal" before this Commission is filed in the name of Shri Nazir Ahmed Mir. Mr Nazir Ahmed Mir has no local standi to file an appeal because right of appeal in this case is not vested in him. He has not filed an RTI application before the PIO invoking his right to information as provided to him under section 3 of the J&K State RTI Act, 2009. As no right has been denied to Mr. Nazir Ahmed Mir, therefore, he is not an appellant before this Commission. The Commission wanted to hear Mr. Haqani who is the original RTI seeker vide his RTI application dated: 5.8.2014. But he did not avail the opportunity.

The "Appeal" so filed in this Commission is thus declared to be infructuous and is hereby filed."

Sd/-

(G. R. Sufi)

Chief Information Commissioner

No: SIC/CO/SA/250/2015

Dt:

Copy to:-

1. Public Information Officer, General Admn. Deptt. Civil Sectt. Srinagar
2. Shri Shakir Altaf Haqani, Advocate, J&K High Court, Srinagar
3. Shri Nazir Ahmed Mir R/o Chittibandi, District Bandipora
4. PS to Chief Information Commissioner
5. Guard file

(G.Q. Bhat)

Registrar

State Information Commission