

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, 0194-2506660, 2506661

www.jksic.nic.in

File No. SIC/CO/SA/433/2017
Case No. SIC/CO/SA/433/2017/958

(Final Order)

Appellant : Sh. S. Kumar.
Respondent : Public Information Officer (PIO)
Department of Culture
Date of decision : 31-05-2017
Decision : Appeal disposed of.

I. Brief facts of the case.

The Appellant while exercising his Right to Information under section 6 of the J&K RTI Act, 2009 filed RTI application dated 09-09-2016 before the PIO, O/o Executive Director, Heritage Society, Mubarak Mandi, Jammu, seeking information on (11) points. As he did not receive the requisite information from the PIO, he filed 1st appeal before the First Appellate Authority (FAA) O/o Commissioner/Secretary to Government, Culture Department, J&K Civil Secretariat on 20-10-2016 with the request to provide him the information sought in his RTI application. FAA vide her order dated 30-11-2016 directed the PIO to provide the appellant the requisite information.

The appellant at last approached the Commission in 2nd appeal against the inaction of the respondents in providing him the information. His 2nd appeal was finally admitted in the Commission on 07-02-2017 after he made up the deficiencies.

II. Proceedings before the Commission on 31-05-2017.

The case came up for final hearing before the Commission on 31-05-2017. The appellant and PIO were heard through video conferencing from Jammu office of the Commission. FAA attended the Srinagar office of the Commission.

Decision:

The appellant submitted that he has not received full information from the PIO. It was however observed that the FAA has not handled the Ist Appeal in terms of the provision of the RTI Act, 2009 (Section 16), has not conducted the hearings in the laid down manner and has also not issued an elaborated order thereof. Therefore, following directions are issued:

- 1. Since the appellant has admitted to have received the information in full, the appeal is therefore dispose of on this ground.*
- 2. The First Appellate Authority is advised to familiarize herself with the provisions of RTI Act, 2009 particularly those pertaining to the First Appeal and issue well reasoned orders in future as and when required to do so.*

Sd/-

(Khurshid A. Ganai) IAS Retd.
Chief Information Commissioner
J&K State Information Commission

No: SIC/CO/SA/433/2017_____

Dated: 31 .05.2017

Copy to:

1. FAA/Special Secretary to Govt., Department of Culture Civil Sectt. Srinagar
2. PIO/ Mubarak Mandi Heritage Society Jammu
3. Appellant/Sh. S Kumar S/o M/S Kashmir Type Writers, Mubarak Mandi, Old Sectt. Jammu.
4. Office file.

(Sheikh Fayaz Ahmad)
Registrar
J&K State Information Commission