



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیری اسٹیٹنڈ کشمیری جموں ا

(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/J/A/21/2017

Decision No. SIC/J/A/21/2017/53

Final Order

(Second Appeal)

- Appellant : Sh. Avinash Razdan
- Respondents : First Appellate Authority (FAA)/Additional Superintendent of Police, District Poonch and Public Information Officer (PIO)/Deputy Superintendent of Police, Headquarters, District Poonch.
- Date of Registration : 15.06.2017
- Date of Decision : 13.10.2017

Brief Facts:

The appellant Sh. Avinash Razdan, S/o. Late Mohan Lal Razdan, R/o. 783, Subash Nagar, Jammu while exercising his right to information filed RTI application with PIO, O/O District Police Office (DPO), District Poonch, J&K State on 31.01.2017 through registered post seeking information on as many as 37 points.

Aggrieved by the non-response of the PIO, the appellant filed First Appeal before the FAA/Superintendent of Police, Headquarters, District Poonch through registered post on 16.03.2017. The First Appellate

Authority/Additional Superintendent of Police, District Poonch disposed of the First Appeal vide his order dated: 07.04.2017. Aggrieved by the disposal of the FAA, he approached the State Information Commission (SIC) by filing the 2nd appeal against the above mentioned respondents which was finally admitted in the Commission after completion of deficiencies on 15.06.2017.

Proceedings:

This 2nd appeal was admitted in the SIC on 15.06.2017 but owing to the need for conduct of more hearings for appropriate and final disposal of the appeal, the time period for disposal was accordingly extended by another 60 days up to a maximum of 120 days from the date of admission of the appeal in terms of Section 16 (11) of the J&K RTI Act, 2009.

The case was listed before the SIC for the first time on 01.08.2017. The respondents FAA/Additional Superintendent of Police, Poonch and PIO/Deputy Superintendent of Police, Poonch attended the hearing through Video Conferencing from NIC office, Poonch. The appellant attended in person. The case was adjourned with the following directions:

“In order to clear the confusion about different dates of RTI application shown by the appellant and intimated by the FAA and to obtain more clarity about other issues involved, the case is adjourned and will be listed again for further hearing. The FAA and PIO are directed to personally attend the SIC alongwith relevant record on the next date of hearing. The appellant is also directed to bring all the documents before the Commission. The Registry is directed to fix the case again for hearing on a next appropriate date.”

The case was again listed for hearing on 13.10.2017. Sh. Shahid Nahiem Ahmad, Deputy Superintendent of Police, Headquarters Poonch-cum-PIO attended the hearing at Srinagar office of the SIC, whereas, the appellant was heard through Video Conferencing from Jammu office of the SIC.

The PIO submitted that whatever information was available under his domain that has already been provided to the applicant (now appellant).

Directions:

In view of the above, the PIO is directed to furnish to the appellant an updated reply within 30 days from the date of issue of this order keeping in view the submissions of the appellant in his basic RTI application as well as taking into consideration the contents of the 2nd appeal while preparing the updated reply.

The reply/order of the FAA dated: 07.04.2017 is vague. The basic course of action for the FAA should have been to direct the PIO to collect the information from various authorities or issue formal orders under section 6(3) of the Act if the information sought pertained to another/other Public Authority/Authorities. But now that is too late. FAA should ensure that in future his disposal is as per section 16 of the Act and the RTI Rules of 2012. The PIO is now directed to collect the information from the concerned public authorities, compile it and provide to the appellant.

With these directions/observations the second appeal is disposed of.
Copy of this decision be given free of cost to the parties.

Sd/-

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

Dated: . . .2017

No: SIC/J/A/21/2017

Copy to:

1. Registrar, J&KSIC for information and necessary action.

2. FAA/Additional Superintendent of Police, District Poonch for information and necessary action.
3. PIO/Deputy Superintendent of Police, Headquarters District Poonch for information and necessary action.
4. Private Secretary to HCIC for information of the HCIC.
5. Appellant/Sh. Avinash Razdan, S/o. Late Mohan Lal Razdan, R/o. 783, Subash Nagar, Jammu.
6. Office file.

(Rita Koul)
Deputy Registrar
J&K State Information Commission