



## **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](http://www.jksic.nic.in)

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File No. SIC/CO/SA/509/2017

Decision No. SIC/CO/SA/509/2017/**1047**

### **Final Order:**

Appellant : Sh. Kirpal Singh,  
C/o Dogra Art, Museum Mubarak Mandi, Jammu.

Respondent : FAA/PIO, O/o Director Archives.

Date of decision : **26-12-2017**

Decision : Appeal disposed of.

### **Brief Facts:**

Briefly, the facts of this case are that the appellant Sh. Kirpal Singh, C/o Dogra Art, Museum Mubarak Mandi, Jammu, J&K while exercising his right to information filed an RTI application with the Public Information Officer (PIO) Directorate of Archives, Archaeology and Museums, Mubarak Mandi, Jammu on 04-02-2017 seeking following information:

1. Every kind of total leaves availed by the Editor, Dogra Art Museum, Jammu after her appointment till date.
2. Special written reasons and written permission under which she was exempted from marking attendance in the office register and also exempted from applying for the any kind of leave to her office incharge, including casual leaves when she did not attend the office.

3. Written permission granted to the Editor for attending out of office assignments by remaining absent from her office.

**Proceedings before the State Information Commission(SIC):**

The 2<sup>nd</sup> appeal came up for hearing before the SIC first time on 10-11-2017. The hearing was attended by Sh. M.S Zahid, First Appellate Authority (FAA)/Director, Department of Archives, Archeology & Museums J&K, Dr. Sangeeta Sharma, Assistant Director/Public Information Officer (PIO), Department of Archives, Archeology & Museums, Jammu and the appellant was also present.

During the hearing the appellant submitted that the requisite information has still not been provided to him. The PIO stated that the appellant is repeatedly filing RTI applications against the officials of the Department which is keeping the officials preoccupied with the RTI work and away from the main responsibilities and assigned work of the Department. FAA/Director Archives, Archeology & Museums J&K also confirmed that the appellant has filed many RTIs in the past pertaining to the Department which have bogged down the staff and adversely affected the normal working of the Department.

It was observed that the information sought by the appellant Sh. Kirpal Singh through his RTI application dated 14-02-2017, pertains to the PIO Dr. Sangeeta Sharma herself and therefore, the Director/FAA was advised to appoint another officer as the PIO to deal with the RTIs in his office.

The appeal was adjourned with the following orders:

***"After hearing the parties, the SIC observed that since the information sought for relates to the present PIO, therefore, it is necessary for the Department to appoint some other officer as the PIO to deal with this case in the capacity of the PIO as no one can be a judge in his own cause. Director, Archives, Archaeology & Museums, J&K is hence directed to do the needful, so that the RTI application of the appellant is dealt with by the new PIO in***

***terms of the provision of the J&K RTI Act, 2009. It was also observed that since the information sought for relates to a third party and may be personal in nature, the PIO may take recourse to the relevant sections and section 11 of the J&K RTI Act, 2009.***

***The SIC may be intimated in this regard within 10 days. The appeal shall come up for next hearing on the available date, which the Registry shall fix”.***

The appeal was finally heard on 26-12-2017. The hearing was attended by Sh. M.S Zahid, FAA/Director Archives, Archeology & Museums J&K, Sh. Tsering Tashi, the newly appointed PIO and the appellant Sh. Kirpal Singh. During the hearing the appellant reiterated his demand for information sought by him through his basic RTI application. When enquired the PIO could not fully explain the reasons for non provision of full information to the appellant. The PIO seemed to be not fully acquainted with the provisions of the RTI Act.

Both the parties were heard.

**Decision:**

*After hearing the parties and on perusal of the record it was observed that the respondents have apparently not disposed of the RTI application in terms of the SIC orders issued during the last hearing. The appellant complained of not having received the information sought by him.*

*In view of the above, the SIC directs the PIO, O/O Director, Archives, Archeology & Museums J&K to prepare a para-wise reply based on records in accordance with the specific points of information sought by the appellant in his original RTI application dated 04-02-2017 and in terms of the provisions of the J&K RTI Act, 2009 and furnish the same to the appellant within 15 days from the date of the receipt of this order. The appellant is free to file a complaint in case of any non-compliance of*

the SIC orders. The Director, Archives, Archeology & Museums J&K as Head of the Public Authority will ensure that access to the information is provided.

Further the SIC directs, Director, Archives, Archeology & Museums J&K Head of the Public Authority to organize a training session for the PIOs and officials of the Department in order to familiarize them with the provision of the RTI Act so that the RTI applications received by the PIOs are disposed of in accordance with the provision of the Act.

With the above directions the 2<sup>nd</sup> appeal is disposed of.

Copy of the order be provided free of cost to the parties.

**-sd/-**

(Khurshid A. Ganai) **IAS Retd.**,  
Chief Information Commissioner,  
J&K State Information Commission.  
\*/imi/\*

No. SIC/CO/SA/509/2017

Dated:        /        /2018.

Copy to the:

- 1 First Appellate Authority (FAA) Directorate of Archives, Archaeology & Museums, Jammu for information & compliance.
- 2 Public Information Officer (PIO) O/O Directorate of Archives, Archaeology & Museums, Jammu for information.
- 3 PS to CIC for information of HCIC.
- 4 Sh. Kirpal Singh C/o Dogra Art Museum, Mubarak Mandi, Jammu.
- 5 Guard file.

(Baldev Raj)  
Joint Registrar,  
J&K State Information Commission.