



Jammu and Kashmir State Information Commission
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Old Assembly Complex, Srinagar, 0194-2506660, 2506661

www.jksic.nic.in

File No. SIC/CO/SA/392 /2016
Decision No. SIC/CO/SA/392/201/1060

Final order **(Complaint)**

Complaint: : Smt. Shashi Bala, President Bharav Kali Mandir,
Dream City, Muthi Jammu 181205.
Respondent : First Appellate Authority (FAA)/Public Information
Officer (PIO) O/o DGP, J&K.
Date of Decision : 16.02.2018

Brief Facts:

The complainant (then appellant) Smt. Shashi Bala has submitted applications dated 15.06.2017, 31.07.2017, 04.09.2017 and 15.12.2017 stating that the order issued by the State Information Commission on 27.04.2017 in the 2nd appeal titled Ms. Shashi Bala Vs. Public Information Officer (PIO) PHQ has not been complied with and as a result the requisite information has not been provided to the complainant in terms of her original RTI application filed on 06.07.2016 before the PIO, PHQ. The complaint for non-compliance came up for hearing on 16.02.2018 which was attended by PIO, PHQ Shri Kulbir Singh and the representative of the appellant Shri Sandeep Sharma. The PIO stuck to his stand that the information as available has been provided and in this regard he submitted a communication dated 13.01.2018 which is para-wise. The representative of the complainant, however, stated that much of the information had not been provided and that the Police Department is avoiding to furnish the full reply to most of the 27 points.

Proceedings before the Commission

Both parties were heard at length. The RTI application has arisen from FIR No. 87/2014 u/s 381/309/406/411 RPC of Police Station Gangyal. The complainant who is mother of the person accused namely Sanjeev Kumar Sharma has repeatedly expressed her dissatisfactions with the handling of the enquiry/investigation and lack of faith in the Police authorities at the helm.

This Commission has disposed of the 2nd appeal and issued directions that the information will be provided by the PIO, PHQ in respect of the queries in the RTI application which have not been hitherto replied. The final order dated 27.04.2017 reads as under:

“ PIO, District Police Office (DPO) who was present is directed to provide the balance information to the appellant within 15 days from the receipt of this order.

Simultaneously, the PIO of the PHQ is directed to collect the balance information from the IGP(Jammu) and the CID and provide the information so made available to the appellant, preferably within a period of 30 days from the date of receipt of this order.

The Commission has taken a serious note of the non-appearance of FAA on the date of hearing before the Commission. FAA is one of the important pivots in the scheme under the J&K RTI Act,2009 for provision of information to the information seeker and his/her presence becomes necessary as 2nd appeal originates from the decision of the FAA. FAA is therefore, advised to desist from remaining absent in future hearing before the Commission, this may also be brought to the notice of the DGP(J&K) for appropriate action.

Hence 2nd appeal is disposed of subject to above directions.”

Decision

Since the appellant has come up with the complaints of non-compliance through letters addressed to the Commission dated 15.06.2017,31.07.2017,04.09.2017 and 15.12.2017 the same shall be sent to the Head of the Public Authority/DGP to assist him (PIO) in securing implementation of this Commission's Order dated 27.4.2017. In terms of powers vested in this Commission under Section 16(9)(a), the DGP/Head of the Public Authority shall take all necessary steps to ensure compliance of the Commission's Order dated 27.4.2017 and to specially nominate a more senior officer to supervise the collection and ensure provision of balance information by the PIO to the complainant (then appellant) Smt.Shashi Bala as the complainant(then appellant) has expressed dissatisfaction with the way her RTI application has been dealt with notwithstanding the efforts made by the PIO, PHQ.

With these directions, this complaint about non-compliance is disposed of. This order is being issued in continuation of order in 2nd Appeal dated 27.04.2017.

The copy of Order be provided to the parties free of cost.

Sd/-

(Khurshid A. Ganai)

Chief Information Commissioner

Copy to the :-

1. Director General of Police, J&K/Head of the Public Authority for information and n/a
2. First Appellate Authority (FAA) O/o DGP, PHQ, J&K for information and n/a
3. Public Information Officer (PIO) O/o DGP, PHQ, J&K for information and n/a
4. Pvt.Secy. to HCIC for information of the HCIC.
5. Smt. Shashi Bala, President Bharav Kali Mandir, Dream City, Muthi Jammu 181205.
6. Office Order file.

(Sheikh Fayaz Ahmed)

Registrar

J&K State Information Commission