



## **Jammu and Kashmir State Information Commission**

(Constituted under the Right to Information Act, 2009)

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**Old Assembly Complex, Srinagar, 0194-2506660, 2506661**

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File No. SIC/J/A/157/2017

Decision No. SIC/J/A/157/2017/**164**

### **Final Order:**

Appellant : Smt. Janko Devi, W/o Sh. Mohinder Lal,  
R/o Shekhupur P.O Adkhar, Tehsil Bishnah,  
District Jammu.

Respondent : FAA/PIO, Rural Development Department.

Date of Registration : 15.11.2017

Date of decision : **05-03-2018.**

Decision : Appeal disposed of.

### **Brief Facts:**

The applicant vide his RTI application dated 10-06-2017 sought information from PIO, Directorate of Rural Development Department (RDD), Jammu with regard to 15 points relating to JKSRML. The Directorate of RDD, Jammu transferred this RTI application to Additional Mission Director, JKSRML in his capacity as PIO of the said organization. The Additional Mission director/PIO furnished the information to the appellant on 14-07-2017. Not satisfied with the information so provided by the PIO, the appellant filed 1<sup>st</sup> appeal with Director, RDD, Jammu on 11-08-2017 on the ground that the public authority has failed to invoke the provisions of section 5(4) and 5(5) of the J&K RTI Act and also that the information furnished to the appellant was misleading. The Director, RDD,

Jammu vide his communication dated 16-08-2017 informed the appellant to approach Mission Director, JKSRML, who is the First Appellate Authority in this matter as her RTI application was already transferred to Additional Mission Director (PIO). Feeling aggrieved by this communication from RDD, the appellant filed 2<sup>nd</sup> appeal before this Commission on the following grounds:-

1. That the PIO never sought the assistance from JKSRML to collect the requested information.
2. That JKSRML, Jammu was approached by the Director RDD, Jammu for furnishing requested information without any express law on the RTI.
3. That Additional Mission Director, JKSRML furnished information which does not bear the date.

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

The appeal came up for hearing before the SIC on 10-01-2018. Since the FAA and PIO were not present during the hearing, the appeal was adjourned. The appeal again came up for hearing before the Commission on 15-02-2018. The parties were heard at length. The appellant submitted that the information provided by the PIO through his undated communication is incomplete in as much as the said reply does not inform about the amount provided by the Government to the JKSRML, though the amount spent has been indicated in response to query No. xiv of the RTI application. The registration number of JKSRML under the Societies Registration Act has also not been furnished. The case was adjourned with the directions to the PIO of the O/O Director Rural Development Department, Jammu to be present on the next date of hearing. The PIO JKSRML was also directed to provide the information with regard to the amount given by Rural Development Department to the JKSRML and indicate the registration number of the Society to the appellant.

The case again came up for hearing before the Commission today on 05-03-2018. The appellant was not present during the hearing. However, the PIO (Additional Mission Director) of JKSRMLM and also the PIO of Directorate of Rural Development Department, Jammu were present. The respondents informed the Commission that JKSRMLM is a separate organization. Additional Mission Directors of Jammu and Srinagar are the PIOs of the organization in the respective Divisions, while as Mission Director, JKSRMLM is the First Appellate Authority. Therefore, the PIO of the Directorate of Rural Development Department had rightly transferred the RTI application of the appellant to the PIO of the JKSRMLM.

The assistance of any other officer is sought by the PIO under section 5(4) of the RTI Act only when public authority is the same and the information is available with an officer other than the PIO of the said authority. In case the public authority is different, section 6(3) of the RTI Act is applicable and the PIO is required to transfer the RTI application to the PIO of the concerned public authority. In the present case, JKSRMLM, being a separate organization, has its own PIO and the FAA and therefore the PIO of the Directorate of Rural Development Department was required to transfer the RTI application under section 6(3) of the RTI Act to the PIO of JKSRMLM. The PIO of Directorate of RDD could not have invoked the provisions of section 5(4) and 5(5). Therefore, the contention of the appellant in the appeal that the PIO of Directorate of Rural Development Department should have sought assistance from JKSRMLM under section 5(4) in this case is misconceived and, therefore, rejected.

As regards the information provided by the PIO being un-dated, the said information is signed by the PIO with date as 12-07-2017. The PIO has also produced a photo copy of the postal receipt dated 14-07-2017 under which the

said information was dispatched to the appellant. The PIO again sent a copy of the said information to the appellant on 01-09-2017. Hence the error on the part of the dispatch clerk in not mentioning the date on the communication is not material so long as the said communication bears the signature of the PIO with date. The challenge of the appellant on this ground to the information furnished by the PIO also does not sustain.

The appeal is accordingly disposed of with the observations made herein above. However, the PIO is directed to provide information to the appellant with respect to the amount of money provided to JKSRML by the Rural development Department/Government and also indicate the registration number under which JKSRML has been registered as a Society under the J&K Societies Registration Act. The said information shall be provided to the appellant within a period of 15 days from the date of this order.

**-sd-**

(Mohammad Ashraf Mir),  
State Information Commissioner,  
J&K State Information Commission.  
\*/imi/\*

No. SIC/J/A/157/2017

Dated:     /     /2018.

Copy to the:

- 1 Registrar, JKSIIC for information.
- 2 First Appellate Authority (FAA) Director, Rural Development Department, Jammu for information.
- 3 Public Information Officer (PIO), O/o Director Rural Development Department, Jammu for information.
- 4 Public Information Officer (PIO)/Additional Mission Director, JKSRML, Jammu for information and compliance.
- 5 PS to SIC for information of HSIC.
- 6 Smt. Janko Devi, W/o Sh. Mohinder Lal R/o Shekhupur, P.O Adlechar, Tehsil Bishnah, District Jammu..
- 7 Guard file.

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