



Jammu and Kashmir State Information Commission

جموں اینڈ کشمیر اسٹیٹ انفارمیشن کمیشن

(Constituted under the Right to Information Act, 2009)

Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937

Old Assembly Complex, Srinagar, 0194-2506660, 2506661

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- I.** File No. SIC/CO/SA/104/2017
Decision No. SIC/CO/SA/104/2017/**113**

Appellant: Sh. Rajinder Singh S/o Balwant Singh
R/o Azad Road, Sangri Kanlibagh,
Baramulla

Respondents: 1. FAA/Addl. Deputy Commissioner,
Baramulla
2. Public Information Officer (PIO) O/o
Deputy Commissioner, Baramulla
3. President/Administrator, Gurdwara
Prabhandak Committee, Baramulla

Date of Registration : 11-12-2017

Date of Decision : 16-03-2018

CLUBBED SECOND APPEALS VIZ:

Sh. Dhiraj Singh Vs FAA/Addl. Deputy
Commissioner, Baramulla & Others

Sh. Dhiraj Singh Vs FAA/Addl. Deputy
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Sh. Dhiraj Singh Vs FAA/Addl. Deputy
Commissioner, Baramulla & Others

Final Order

The second appeal Rajinder Singh Vs Gurdwara Prabhandak Committee, Baramulla came up for hearing today on 16-03-2018 after it was heard last time on 08-02-2018 in which it was decided to give opportunity of being heard to the Gurdwara Prabhandak Committee, Baramulla regarding the RTI application and two important issues, firstly, whether the Gurdwara Prabhandak Committee, Baramulla is a Public Authority under the provisions of the J&K RTI Act, 2009; and secondly, whether the information sought falls within the definition of “information” under the J&K RTI Act, 2009.

The 2nd appeal was attended for hearing today by the appellant Sh. Rajinder Singh S/o Balwant Singh R/o Azad Road, Sangri Kanlibah, Baramulla, Mr. Irfan Bahadur, PIO O/o Deputy Commissioner, Baramulla and the representatives of Gurdwara Prabhandak Committee, Baramulla led by Sh. K. S. Wazir.

As regards the first issue, it is clear that the Gurdwara Prabhandak Committee, Baramulla is a creation of the State Legislature namely, The Jammu and Kashmir Sikh Gurudwara and Religious Endowment Act, 1973, therefore, in terms of

Section 2 (f), the said Gurdwara Prabhandak Committee, Baramulla is clearly a Public Authority. As regards the information sought by the applicant, the same pertains to the day-to-day working and financial affairs of the Authority, so this also falls within the definition of “information”.

The representative of Gurdwara Prabhandak Committee, Baramulla led by Sh. K. S. Wazir agreed to provide the information from the available record and also conceded that the Gurdwara Prabhandak Committee, Baramulla is a “Public Authority”. However, they submitted that they will first appoint a PIO and a FAA within the Public Authority i.e. Gurdwara Prabhandak Committee, Baramulla and after that, the information as sought for will be provided.

This appeal is accordingly disposed of with the direction to the Public Authority i.e. Gurdwara Prabhandak Committee, Baramulla to appoint a PIO and FAA within a period of 15 days from the date of issue of this order and then provide the information within 30 days after the appointment of the PIO and the FAA strictly as per the contents of the RTI application and the provisions of the J&K RTI Act, 2009. The PIO, as will be

appointed by the Public Authority, shall ensure that information is provided within the time frame prescribed and that the appellant/RTI applicant is not made to run from pillar to post.

The registry will attach the RTI application which the appellant had already submitted to the PIO, D.C. Office Baramulla/Gurdwara Prabhandak Committee, Baramulla with this order so that the appellant does not have to submit a fresh RTI application.

The following three second appeals filed against the Gurdwara Prabhandak Committee, Baramulla also came up for hearing today:-

II. File No. SIC/CO/SA/102/2017

Appellant: Sh. Dhiraj Singh S/o Amar Singh R/o Kanth Bagh, Baramulla

Respondents: 1. FAA/Addl. Deputy Commissioner, Baramulla

2. Public Information Officer (PIO) O/o Deputy Commissioner, Baramulla

3. President/Administrator, Gurdwara Prabhandak Committee, Baramulla

Date of Registration : 11-12-2017

Date of Decision : 16-03-2018

III. File No. SIC/CO/SA/103/2017

Appellant: Sh. Harbans Singh S/o Doola Singh
R/o Kanth Bagh, Baramulla

Respondents: 1. FAA/Addl. Deputy Commissioner,
Baramulla
2. Public Information Officer (PIO) O/o
Deputy Commissioner, Baramulla
3. President/Administrator, Gurdwara
Prabhandak Committee, Baramulla

Date of Registration : 11-12-2017

Date of Decision : 16-03-2018

IV. File No. SIC/CO/SA/105/2017

Appellant: Sh. Nirmal Singh S/o Mangat Singh
R/o Singh Bagh, Baramulla

Respondents: 1. FAA/Addl. Deputy Commissioner,
Baramulla
2. Public Information Officer (PIO) O/o
Deputy Commissioner, Baramulla
3. President/Administrator, Gurdwara
Prabhandak Committee, Baramulla

Date of Registration : 11-12-2017

Date of Decision : 16-03-2018

All the appellants were present today except Sh. Dhiraj Singh.

This order will also apply to these three second appeals filed

before this Commission and accordingly they are also disposed of with the direction that the newly appointed PIO shall dispose of these RTI applications also within a period of thirty days from the date of his appointment as PIO.

With these directions, all the 2nd appeals filed before the Commission are disposed of. A copy of this order be placed in each file.

(Khurshid A. Ganai) IAS Retd
Chief Information Commissioner

Copy to the:-

1. FAA/Addl. Deputy Commissioner, Baramulla
2. Public Information Officer (PIO) O/o Deputy Commissioner, Baramulla
3. President/Administrator, Gurdwara Prabhandak Committee, Baramulla
4. Sh. Rajinder Singh S/o Balwant Singh R/o Azad Road, Sangri Kanlibagh, Baramulla
5. Sh. Dhiraj Singh S/o Amar Singh R/o Kanth Bagh, Baramulla
6. Sh. Harbans Singh S/o Doola Singh R/o Kanth Bagh, Baramulla
7. Sh. Nirmal Singh S/o Mangat Singh R/o Singh Bagh, Baramulla

(M. S. BHAT)
Deputy Registrar,
J&K State Information Commission, Sgr