



Jammu and Kashmir State Information Commission

شہنیشن 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/CO/SA/552/2017

Decision No. SIC/CO/SA/552/2017/1089

Final Order

(2nd Appeal)

Appellant : Sh. Aditya Badyal.

Respondents : First Appellate Authority (FAA)/
Public Information Officer (PIO),
J&K State Sports Council.

Date of Registration : 20.12.2017

Date of Decision : 05.04.2018

Brief Facts:

The appellant Sh. Aditya Badyal (Advocate), Bar Room No. 2, Table No. 3, District Court Complex old Janipur, Jammu while exercising his right to information filed RTI application dated: 02.05.2017 with the PIO, J&K State Sports Council, M.A. Stadium, Jammu seeking information about 27 candidates who have applied for Special Certificate Course at NIS Patiala during 2016 for J&K Sports persons under Hon'ble Prime Minister's Special Package.

Aggrieved by the response of the PIO, the applicant (now appellant) filed First Appeal with the FAA/Secretary, J&K State Sports Council, M.A. Stadium, Jammu dated: nil.

Aggrieved by the reply to his First Appeal and non-provision of requisite information by the concerned PIO, the appellant approached the State Information Commission (SIC) by filing 2nd Appeal which was admitted on 20.12.2017.

Proceedings:

The instant 2nd Appeal came up for hearing before the State Information Commission (SIC) on 16.02.2018. Sh. Noor Muhammad, PIO, O/O J&K State Sports Council attended the hearing. The appellant did not attend the hearing, despite due notice. The hearing was adjourned with the following directions:

"The SIC observes that the presence of the appellant is necessary for disposal of this 2nd appeal. Accordingly, another opportunity shall be provided to the appellant to ensure his presence before the Commission. Hearing is therefore adjourned and Registry directed to fix the hearing in this 2nd appeal again on the next available date."

This 2nd appeal was filed in the SIC on 20.12.2017 and first sixty days expired on 20.02.2018 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 appeal again came up for hearing today on 05th of April, 2018. The PIO/Sh. Noor Muhammad, Administrative Officer, J&K State Sports Council and the appellant attended the hearing.

Both the parties were heard at length and record on file perused.

Decision/Directions:

From the perusal of the records and the submissions made by the respondents, it transpires that the information sought for by the appellant (the then RTI applicant) is not hit/covered by any of the exemptions under section 8 of the J&K RTI Act, 2009. The exemption under section 8(1)(d) quoted in the counter statement filed before the Commission does not apply as the appellant (the then RTI applicant) has sought documents of the applicants who have applied for Special Certificate Course at NIS Patiala during 2016 for J&K Sports persons under Hon'ble Prime Minister's Special Package which has no relationship with the type of information exempted under section 8(1)(d). However, the information sought for does fall under the purview of section 11 i.e. third party information, because the documents sought for have been supplied by the third party and also relates to the third party. Therefore, the PIO is well advised to conduct the third party proceedings in terms of the provisions of section 11 before disclosure of information to

the appellant/applicant. This may be done within a period of 30 days from the date of receipt of this order.

The delay in the disposal of the RTI application at the level of the PIO was explained by the PIO, J&K State Sports Council that it happened due to pressure of other official engagements and work in the Council but he assured that it will not happen in future. He also assured that the J&K Sports Council will take necessary steps to streamline the RTI cell in the Council so as to ensure timely reply to the RTI applicants.

With the above directions the second appeal is disposed of.

Copy of this decision be given free of cost to the parties.

Sd/-
(Khurshid A. Ganai)
Chief Information Commissioner
J&K State Information Commission

(P.A. Ajay)

No: SIC/CO/SA/552/2017_____

Dated:

Copy to:

1. First Appellate Authority (FAA), J&K State Sports Council for information.
2. Public Information Officer (PIO), J&K State Sports Council for information and n/a.
3. Private Secretary to CIC for information of the HCIC.
4. Appellant/Sh. Aditya Badyal (Advocate), Bar Room No. 2, Table No. 3, District Court Complex Old Janipur, Jammu for information.
5. Office file.

(Sheikh Fayaz Ahmed)
Registrar
J&K State Information Commission