



**Jammu and Kashmir State Information Commission**

شہن یشن کمیت انفارمیر اسٹیٹسٹ کشمیر 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](http://www.jksic.nic.in)

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File No. SIC/J/A/162/2017

Decision No. SIC/J/A/162/2017/220

**Final Order**

(Second Appeal)

- Appellant : Sh. Amarvir Manhas.
- Respondents : First Appellate Authority (FAA)/  
Public Information Officer (PIO), O/O Deputy  
Commissioner, Jammu.
- Date of Registration : 24.12.2017
- Date of Decision : 23.04.2018

**Brief Facts:**

The appellant Sh. Amarvir Manhas, R/o. Pine House, 18-A Bhawani Nagar, Janipur, Jammu filed 2<sup>nd</sup> appeal under section 16 (4) of the J&K RTI Act, 2009 with the J&K State Information Commission interalia stating that he had filed an RTI application with the PIO, O/O Deputy Commissioner, Jammu on 08.05.2017 and sought information on four points as under:

- (i) *Please provide the complete information of people who have been granted fresh gun licenses from 2015 to 2017.*
- (ii) *Have the gun licenses been suspended during the period of 2015-2017.*
- (iii) *If query no. (ii) is affirmative, then state the reasons.*

- (iv) *What is the present status of application of license no. APJK052015000714.*

Feeling aggrieved by the non-response of the PIO, the appellant preferred First Appeal on 12.07.2017 before the FAA/Deputy Commissioner (DC), Jammu. The FAA/DC, Jammu disposed of the First Appeal on 19.07.2017 with directions to the PIO to provide available information to the appellant within 10 days. At last, the appellant approached the State Information Commission (SIC) by filing 2<sup>nd</sup> appeal which was admitted on 24.12.2018.

### **Proceedings:**

The 2<sup>nd</sup> appeal came up for hearing before the Commission for the first time on 19.01.2018. Neither the appellant nor the FAA/PIO attended the hearing. Sh. Shafqat Ali Keen, Tehsildar Nazool appeared on behalf of the FAA and the PIO and submitted that due to cross border shelling on LOC, the FAA/DC, Jammu and the PIO/ADC (L&O), Jammu are deputed in the affected areas for relief operations. He further submitted that hearing may be adjourned by a few days on these grounds. The hearing was accordingly adjourned with the following directions:

***“In view of the submissions made by representative of the respondents FAA/PIO, the State Information Commission (SIC) deems it proper to adjourn the hearing today. The respondents FAA/DC, Jammu (or his duly authorized representative), PIO/ADC (L&O), Jammu and the appellant are directed to attend the hearing on the next date.”***

The appeal again came up for hearing on 16.02.2018. Neither the appellant nor the respondents attended the hearing. As such, parties were

granted another opportunity to remain present for hearing of 2<sup>nd</sup> appeal on the next date to be notified by the Registry.

This 2<sup>nd</sup> appeal was admitted in the SIC on 24.12.2017 and first sixty days expired on 24.02.2018 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 on 23.03.2018. The hearing was attended by PIO/Dr. Arun Manhas, Additional Deputy Commissioner (ADC) (L&O), Jammu and the appellant. The hearing was adjourned with the following directions:

***“The State Information Commission (SIC) after hearing both the parties and perusal of record observed that the then PIO did not take follow up action to provide the requisite information to the appellant even after the orders of the FAA. It was also observed that the present PIO has also not taken the follow up action to provide information after he took over as PIO. The non-disposal of the RTI application by both the PIOs who happen to be senior officers in the State Government was viewed seriously. The present PIO expressed regret and stated that due to transfer of the dealing assistant, the RTI application got held up and remained undisposed.***

***As such, the present PIO/ADC (L&O), Jammu is directed to provide the requisite information in terms of the RTI application and provisions of the RTI Act within three weeks from the date of receipt of this order and report compliance. He will also file a written statement as to the***

***reasons for delay in the provision of information to the RTI applicant. A copy of this order be also sent to DC, Jammu/Head of the Public Authority for information and corrective action.”***

Finally, the 2<sup>nd</sup> appeal came up for hearing today on 23.04.2018. Neither the appellant nor the respondents appeared before the Commission. The Commission observed that since both the parties are absent it could not be ascertained whether the PIO has complied with the interim directions of the Commission issued on 23.03.2018.

**Decision:**

**In view of the above, the present 2<sup>nd</sup> appeal is disposed of with directions to the PIO/ADC (L&O), Jammu to provide the requisite information, if not already provided, in terms of the RTI application and provisions of the J&K RTI Act, 2009. The PIO is further directed to comply with aforesaid directions within 15 days from the date of receipt of this order and in case of non-compliance, the appellant is free to approach the Commission by filing complaint under section 15 of the J&K RTI Act, 2009.**

*With these 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/J/A/162/2017 \_\_\_\_\_

Dated:

Copy to:

1. FAA/Deputy Commissioner, Jammu for information.

2. PIO/Additional Deputy Commissioner (L&O), Jammu for information and necessary action.
3. Private Secretary to CIC for information of the HCIC.
4. Appellant/Sh. Amarvir Manhas, R/o. Pine House, 18-A Bhawani Nagar, Janipur, Jammu for information.
5. Office file.

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