



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

www.jksic.nic.in

File No. SIC/K /SA/31/2018

Decision No. SIC/K/SA/31/2018/**18**

Final order

- Appellant : Dr. Sheikh Gh. Rasool and others,
C/o J&K RTI Movement H.O. Malik
House, Hyderpora near Al-Amin
Hospital Airport Road, Srinagar.
- Respondents : First Appellate Authority (FAA)/
Public Information Officer (PIO), J&K
State Human Rights Commission,
Srinagar.
- Date of Registration : 09-03-2018.
- Date of Decision : 12-04-2018.

The second appeal came up for hearing today on 12-04-2018 at Srinagar. The appellant Dr. Sheikh Ghulam Rasool stated that he had to file the second appeal before the SIC as he did not receive complete information in response to his RTI application filed on 22-09-2017. Then in response to his first appeal, the FAA, J&K SHRC directed the PIO to provide the balance information but still the information was not provided and that is why this 2nd appeal. The appellant also sought

directions to be given to J&K SHRC for implementation of all the provisions of Section 4 of the J&K RTI Act and training for the officials in the Govt. i.e. PIOs and FAAs as there was wide spread ignorance about the RTI Act and the Rules among the PIOs and FAAs including that of SHRC. He demanded that information as prescribed under section 4 should atleast be made available on the notice boards if it is difficult to host it on the websites due to lack of funds and competencies etc.

In the counterstatement, the FAA and the PIO have stated that information was provided to the appellant through his representative one Gulzar Ahmad on 20-12-2017 and against which a receipt was also obtained. That the appellant did not deposit the fee of Rs. 448/- as copying charges of the documents despite notice sent to him and he also absented himself from attendance before the FAA and instead sent one Mudasir Ahmad Rather. That the demand of the appellant for imposing penalty on the PIO and action against FAA is not maintainable as both the PIO and FAA had taken appropriate action under the J&K RTI Act.

Directions:

From the statements of both parties made during the hearing, the memo of the 2nd appeal and counter statement submitted by the FAA/PIO, it transpires that most of the information sought has already been provided and on the assurance of the FAA that if any additional information is to be provided, the PIO will provide the same, this 2nd

appeal is disposed of with the direction that balance/remaining information as may be pointed out by the appellant may be provided to him as expeditiously as possible, not later than 30 days, after the appellant pinpoints the remaining information to be provided. The appellant is entitled to free of cost information in terms of Section 7 (6) as the PIO had informed him about the copying charges on 23-10-2018 i.e. on the expiry of 30 days after filing of RTI application on 22-09-2018.

The FAA/PIO shall also ensure implementation of Section 4 as expeditiously as possible and also brief the Hon'ble Chairman J&K SHRC about the action taken and to be taken. The first priority under section 4 disclosures should be the guidance that is required to be provided to those who approach the J&K State Human Rights Commission for redressal of their grievances and also for the RTI applicants and members of general public who want to know how the J&K SHRC functions to carry out the objectives enshrined under the J&K SHR Protection Act.

*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

(P.A. Ajay)

No: SIC/K/SA/31/2018_____

Copy to:

Dated:

1. First Appellate Authority, J&K State Human Rights Commission for information and necessary action.

2. Public Information Officer, J&K State Human Rights Commission for information and necessary action.
3. Private Secretary to CIC for information of the HCIC.
4. Appellant/Dr. Sheikh Gulam Rasool, C/o. J&K RTI Movement, Head Office Malik House Hyderpora Near Al-Amin Hospital, Airport Road Srinagar-190014 for information.
5. Office file.

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