



J&K State Information Commission

**Old Assembly Complex, Srinagar Fax ;0194-2506661,2506662,Wazarat Road, Jammu. Fax
No: 0191-2520947, 2520927**

Subject:- Implementation of the J&K RTI Act,2009.

**Circular No. 01 - SIC of 2017
Dated 29 - 07-2017**

The J&K RTI Act,2009 has entered its 9th year w.e.f March,2017. Although reasonably good progress has been registered with this relatively new transparency Law, there is great scope for further improvement. As per the provisional figures for the year 2014-15 over 27000 number of RTI applications were received by the Public Information Officers (PIOs) in the State, which means an average of 1227 number of RTI applications per district per year which in turn means about 3 to 4 RTI applications per day per district. This is a small number indicating low level(s) of awareness about RTI among the public.

The State Information Commission (SIC) is the 2nd Appellate Authority under Section 16 of the Act and also the designated authority to hear complaints under Section 15. During the hearings of 2nd appeals and complaints, a number of issues have come to the notice of the Commission which require corrective action/measures at the level of the Public Information Officers (PIOs), First Appellate Authorities (FAAs) and the Public Authorities. These issues are in the nature of deficiencies and weaknesses in implementation which require urgent corrective/remedial measures. Following deficiencies / weaknesses in implementation deserve priority attention:

1. Insufficient awareness about the J&K RTI Act,2009 and the Rules among the PIOs and FAAs. [Copies of the Act and the Rules are available on the websites of SIC, GAD, all Administrative Departments etc];
2. High incidence of PIOs not providing information to the RTI applicants within the stipulated period of 30 days prescribed under Section7(1);

3. Quality of orders/disposal by the PIOs and FAAs is not always upto the mark;
4. PIOs and APIOs have been found wanting in many instances in providing assistance to the RTI applicants in terms of the provisions of Section 5,6,&7 including Sections 6(1) & 7(4).
5. Incidence of less than desired assistance being provided to the PIOs by the officials in their own departments/ Organisations /Public Authorities in the collection of requisite information to be provided to the RTI applicant(s);
6. Difficulties faced by the RTI applicants in depositing of fees and photocopy charges; in many cases the exact amount to be deposited for charges is not communicated promptly by the PIOs;
7. Non-existence of special RTI Cells in most Government offices for providing assistance to the RTI applicants;
8. Instances of use of Section 6(3) for transfer of RTI application to another Public Authority without due application of mind and without informing the applicant in many cases;
9. Mechanical way of disposal by the FAAs as against the quasi-judicial manner intended in the Act for the 1st Appeal and non-invocation of Section 16(3) for making reference to the SIC against erring PIOs; and
10. High incidence of dissatisfaction with the type and quality of disposal of FAAs resulting in 2nd Appeals in most cases.

The SIC has also observed less than desired implementation or non-implementation of Section 4 pertaining to suo-moto disclosure of information through websites etc. Vide Notification No.SIC /J/15 / 2009-11/148-80 dated 17.03.2017, all the Public Authorities were enjoined upon to ensure strict implementation of Section 4 by or before 30th June,2017. They may now do so atleast by 30th September,2017.

Further, the SIC would like to invite the attention of all PIOs, FAAs and Public Authorities to the General Administration Department's Circular Nos. 20 – GAD of 2017 dated 21.4.2017 (Disclosure of information in terms of Section 4 of the J&K RTI Act,2009), 24-GAD of 2017 dated 25.05.2017 (Appointment of PIOs

& APIOs by all Public Authorities), 35-GAD of 2017 dated 25.07.2017(Appointment of PIOs and FAAs of appropriate seniority) and 36-GAD of 2017 dated 25.07.2017(Format for giving information to applicants under the Right to Information Act.2009).

It is therefore, enjoined upon all the Administrative Secretaries and Heads of Departments of the State to kindly bring the above observations to the notice of the First Appellate Authorities and Public Information Officers(PIOs) of their own Organisations as well as the Public Authorities under their Administrative control or within their jurisdiction for taking immediate corrective measures to ensure effective implementation of the provisions of J&K Right to Information Act,2009.

Sd/-
(Khurshid A.Ganai) IAS_(Rtd.)
Chief Information Commissioner

No. SIC/Adm/Circular/2017

Dated 29 -07-2017

Copy to the:

1. All Financial Commissioners.
2. Financial Commissioner (Revenue), J&K.
3. All Principal Secretaries to Government.
4. Director General of Police, J&K.
5. All Commissioner/ Secretaries to Govt.
6. Divisional Commissioner, Jammu/Kashmir.
7. All Dy. Commissioners.
8. All Heads of Departments.
9. All Managing Directors.
10. Secretary, J&K Public Service Commission.
11. Director Archives, Archaeology and Museums, J&K.
12. Secretary, J&K Human Rights Commission/ J&K Accountability Commission.
13. Secretary, J&K Vigilance Organization/J&K SSB
14. Pvt. Secretary to the Chief Information Commissioner, J&K
- 15 Pvt. Secretary to the Chief Secretary.
16. Circular file/Stock file/ SIC Website.

(Pardeep Kumar) KAS
Secretary
State Information Commission