



**Jammu and Kashmir State Information Commission**  
(Constituted under Right to Information Act 2009)  
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**Issues Raised and Discussed During the ROUND TABLE held with the Public Information Officers (PIOs)/ First Appellate Authorities (FAAs) and RTI Activists of Kashmir Division at Srinagar on 06-04-2017 under the Chairmanship of the State Chief Information Commissioner, J&K. Sh. Khurshid Ahmad Ganai, IAS (Retd.). The list of the participants is enclosed as Annexure.**

A. The following issues were raised and discussed.

1. Those private schools who have been allotted land by the Government should be declared as Public Authorities under the RTI Act so that the Act is made applicable to them.
2. Many RTI Applicants are facing difficulties in depositing fees with the Public Authorities/ PIOs. A simple procedure may be prescribed for depositing fees in cash.

3. There is ambiguity as to when an RTI applicant should file a complaint under section 15 or file an appeal under section 16. It has been seen that not many complaints under section 15 are being filed while the number of appeals under section 16 is quite large.

4. There should be provision for online filing of RTI Applications, Appeals and complaints. This can happen only if all the public authorities have a website and arrangements in place for such online filing of applications etc.

5. Many Public Authorities have not notified the names of PIOs and FAA even when they have their own websites. This needs to be brought to the notice of the Government.

6. Suo Motto disclosure of information under section 4 needs to be ensured in respect of all the public Authorities. The latest initiative of the SIC in this regard has been received well. It is now hoped that the notification issued by the SIC dated 17-03-2017 will ensure nearly 100% compliance of Section 4 by 30<sup>th</sup> June, 2017.

7. PIOs generally do not provide information within the stipulated time i.e. 30 days as provided under the RTI Act, 2009.

The SIC needs to issue instructions through a notification reminding the PIOs of the 30 days time limit.

8. Applications for Information in Urdu language are not always entertained and the PIOs insist on submitting the applications in English which is causing lot of hardship to many applicants. The PIOs need to be sensitized about it and asked to facilitate the RTI applicants which is also provided in the RTI Act.

9. SIC must contest the writ petition pertaining to J&K Bank to declare it as a Public Authority which is now pending for a long time for want of follow up in the Hon'ble High Court.

10. SIC should resort to imposition of penalty and recommendation of disciplinary action to enforce strict implementation of the RTI Act. Unfortunately, these positive provisions of the Act are not being used to enforce the Law.

11. Quite often Junior Officers are designated as PIOs and it is very difficult for Junior officers to obtain information from their senior colleagues. Therefore, PIOs must at least, be of the rank of Under Secretary/ Dy. Secretary.

12. The SIC should review the work output of the First Appellate Authorities (FAAs). The first appeal has been observed to be rarely effective. It has been observed that the First

Appellate Authorities are not taking their responsibilities seriously.

13. SIC must bring out a hand book for the PIOs and FAAs to facilitate their work . This will go a long way in ensuring smooth implementation of the RTI Act in the State.

14. The SIC may issue a circular stating that PIOs are free to make the record available for inspection in the event of any unreasonable demand for voluminous information requiring lot of effort and time on the part of the public authorities.

15. All Government departments may be asked to earmark certain budget for RTI Activities for publication of relevant material and for training.

16. The coverage of RTI activities by the Doordarshan and Radio Kashmir needs to be augmented as presently these two institutions in the state are not giving due coverage to the creation of awareness about RTI among the public.

17. The SIC may issue instructions to clarify the duties of the PIOs under section 6 and 7 of the RTI Act to cover such cases where the application is to be transferred to another Public Authority.

18. J&K RTI Rules 2012 need to be repealed and replaced by a new set of Rules to make the implementation of the Act easy and smooth.

19. Government of J&K needs to do more for creating awareness about RTI in pursuance of Section 23 of the Act. J&K SIC may be given adequate budget to undertake this work on behalf of the Govt.

20. The PIOs and FAAs need to show respect to all the RTI Applicants and Activists. They are free to take action against those applicants and activists who bring undue pressure on the PIOs with the aim to exploit or blackmail.

B. In his concluding remarks the CIC assured all the PIOs/ FAAs and activists that their views will be given due consideration and that appropriate action after examining all the issues raised will be taken. He emphasized the need to use RTI for expediting and monitoring development works in the far flung areas and response of the Government departments under the J&K Public Services Guarantee Act. He appealed to the activists to use the RTI Act for legitimate purposes only so that no undue pressure is brought on the PIOs and Public Authorities. He appealed to the PIOs and FAAs to realize and recognize that J&K RTI Act, 2009 is a reality and that they have no option but to comply with its

provisions whenever information is sought by the information seekers. He called for timely response in providing information so that the allegations of delay or concealment of information are no longer made by anyone. He complimented the PIOs and FAAs for doing a reasonably good job in the given circumstances and assured them of support in fulfilling the objectives of the RTI movement in the state of Jammu and Kashmir.

C. The CIC directed that minutes of the Round Table be drawn up and sent to the concerned quarters as also the State Government Authorities. He directed that a copy of the Minutes be uploaded on the J&K SIC Website so that all Stake holders are able to read and take appropriate action under Law and the Rules.

D. The meeting ended with a vote of thanks to the Chair.

## Annexure

### **List of Participants in the Roundtable on RTI at IMPA Srinagar convened on 06.04.2017**

<b>S No.</b>	<b>Name</b>	<b>Organization/Deptt.</b>	<b>Designation</b>
<b><u>Officials:-</u></b>			
1.	Mr Tehseen Mustafa	LAWWDA	VC LAWWDA
2.	Mr Manzoor Ahmad Khan	CCF Kashmir	FAA
3.	Ms Asmat Kawoosa	University of Kashmir	Dy. Registrar ./FAA
4.	Mr Saif Ali Chouhan	Education	Jt. Director / FAA
5.	Mr Mohd Qasim Wani	Deptt. of Food, CS&CA	Jt. Director /FAA
6.	Mr Ab. Rashid Dar	PHE Deptt. Kmr	SE/FAA
7.	Mr Bashir Ahmad	Uran Local Bodies Kmr	Dy. Director/PIO
8.	Mr Suhail Ahmad Lone	Social Welfare	DSWO/Anantnag
9.	Mr Manzoor Ali	Social Welfare	DSWO/Anantnag
10.	Mr Irshad Ahmad	JK PDD	AEE/PIO
11.	Mr Masood Ahmad Wani	Directorate of Social Welfare	PIO
12.	Mohammad Maqbool	O/o CE PWD(R&B) Kmr	PIO
13.	Er. Mohammad Shafi Bhat	Hydraulic Circle Ganderbal	PIO
14.	Mr Iftikhar Ahmad Khan	Deptt. of Food, CS&CA	Asst. Director/PIO
15.	Mr. Mushtaq Ahmad Wani	Deptt. of Food, CS&CA	Asst. Director/PIO
16.	Mr Ab. Rashid Sofi	University of Kashmir	Asstt Registrar/PIO
17.	Dr. Abida	DHS Kashmir	PIO
18.	Mr Z A Banday	Education	PIO
19.	Mr Hilal Ahmad Deewani	SMC	Secretary/PIO
20.	Mr Shakeel Ahmad	CCF Kashmir	PIO
21.	Mr Mohammad Ayoub	PHE Kashmir	Pvt. Secy/PIO
22.	Gh. Rasool Wani	LAWWDA	PIO

23.Dr. G M Dar	J&K IMPA & RD	Associate Professor
24.Dr. Jehan Ara	J&K IMPA & RD	Associate Professor
25.Dr. Rukaya Amin	J&K IMPA & RD	Associate Professor
26.Dr. Moieza Ashraf	J&K IMPA & RD	Consultant
27.Mr Shahzad Ahmad Wani	J&K IMPA & RD	Consultant
28.Dr. Qurat-ul-Ain Shah	J&K IMPA & RD	Consultant

**Non-Officials:-**

29.Dr. Raja Muazaffar Bhat	J K RTI Movement	CHAIRMAN
30.Dr. Sheikh Ghulam Rasool	J&K RTI Movement	Chairman and Founder
31.Shri Iqbal; Ahamd Wani	J&K RTI Movement	RTI Activist
32.Syed Nasrullah	-Do-	-do-
33.Dr. Fayaz Ahmad Lone	J&K RTI Movement	-do-
34.Sh. Mudasir Hussain Rather	-DO-	-do-
35.Advocate Bilal Ahmad Baht	-DO-	-do-
36.Dr. Syed Qadri	Initiative for development Alternatives.	
37.Advocate Syed Iram Quadri	-DO-	Legal Wing
38.Dr. Mushtaq Khan	-DO-	RTI Activist
39.Sh. Syed Naseer Khan	-DO-	-do-
40.Sh. Mohd Shafi Rangrez	-DO-	-do-
41.Er. Irfan Banka	J&K RTI Foundation	Chairman
42.Sh. Sartaj	J&K RTI Foundation	Editor in Chief
43.Sh. Taseen Hussain	-DO-	RTI Activist
44.Mr Mohammad Maqbool	-DO-	-do-
45.Sh. Gulzar Ahmad	-DO-	-do-
46.Sh. Arif Ismaiel Ganaie	-DO-	-do-