



second appeal before the Commission dated 25-09-2013 in which he has alleged inter-alia that incomplete and malafide information has been furnished to him by the PIO. The Commission after receiving the appeal vide office notice No:SIC/J/A/240/2013/3987 dated 03-10-2013 directed the PIO to send counter reply to the Commission within 7 days from the receipt of the notice. In compliance to the aforesaid notice of the Commission, the PIO vide office letter No: RRCM/PIO/RTI/13/1294 dated 9-10-2013 filed counter reply stating therein that the information sought by the information seeker was furnished including hard copy of the reply on 23-08-2013 with enclosures by hand and the signatures of the applicant stand taken on the office copy. The copy of the aforesaid letter containing information has been brought on the file for reference and record.

However, during the course of proceedings held today, the appellant alleged that information relating to queries 4, 5 and 6 of his RTI application is incomplete and vague and requested that PIO be directed to furnish the revised information as per his RTI application. Keeping in view the request of the information seeker and factual status of the matter in hand, the PIO is hereby directed to provide the revised information regarding query No. 4, 5 and 6 to the information seeker within 10 days from the date of receipt of this order under an intimation to the Commission.

In the back drop of factual matrix of this case, it would be pertinent to comment upon the role of the FAA. The appellant brought to the notice of the Commission that his appeal has not been adjudicated and disposed of by FAA i.e Relief & Rehabilitation Commissioner (M), Jammu despite the lapse of statutory period as prescribed under Section 16(7) of the RTI Act, 2009. The mandate of Section 16(7) of the RTI Act, 2009 reads as under:-

*"An appeal under sub-section (1) or sub-section (2) shall be disposed of within 30 days of the receipt of the appeal or within such extended*

*period not exceeding a total of 45 days from the date of filing thereof, as case may be, for reasons to be recorded in writing."*

In this case, the FAA has failed to follow the mandate of the RTI Act, 2009 which amounts to flagrant violation of the fundamental right of a citizen. Such an attitude on the part of the FAA is detrimental to the cause of transparency and accountability as stipulated under the RTI Act, 2009. The FAA i.e Relief & Rehabilitation Commissioner (M), Jammu should treat this order as a wakening call and in future dispose of RTI matters within statutory period as mandated under the RTI Act, 2009. Had the FAA performed its quasi-judicial function within the statutory period that would have vindicated the right to information of a citizen and would have also saved him from the rigorous exercise of filing second appeal before the Commission? The FAA is hereby directed to act with care and circumspection in future while discharging its statutory obligations under RTI Act, 2009.

The appeal is accordingly disposed of.

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

**Sd/-**  
**( Dr. S.K. Sharma)**  
State Information Commissioner

Copy to :

1. The First Appellate Authority / Relief & Rehabilitation Commissioner (M), Jammu.
2. Public Information Officer/Asstt. Commissioner, Relief Organization, Jammu.
3. Sh. Rashu Kanna R/o H. No. 579, Near Subhash Nagar P.O Jammu.

**(Khalid A. Shah)**  
Dy.Registrar,  
J&K State Information Commission