



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262

Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937

[www.jksic.nic.in](http://www.jksic.nic.in)

\*\*\*\*\*

File No: SIC/CO/SA/86/2013

Decision No: SIC/CO/SA/86/2013/581

Title:- Vilakshana Singh, Advocate  
V/s  
PIO Directorate of CAPD and  
PIO CAPD Deptt. Civil Sectt. Jammu

Jammu

06.02.2014

This is a complaint filed by Shri Vilakshana Singh, Advocate, a resident of the State before this Commission on 26.11.2013. Registry of this Commission fixed the hearing accordingly and S/Shri G.S.Chib, Director CAPD Jammu, Reyaz Ahmed Choudhary, Joint Director CAPD Jammu, Riyaz Ahmed, Deputy Secretary-cum- PIO CAPD Civil Secretariat and Advocate Vilakshana Singh attended the hearing. Brief facts of the complaint are that the complainant had filed an RTI application before PIO Directorate of CAPD on 06.06.2013 which was received by the PIO on 14.6.2013. The PIO passed an order on 10.7.2013 providing information on 1<sup>st</sup> point and regarding other points of information, he informed the complainant that "it pertains to the Government". Being aggrieved with the order of the PIO, the complainant preferred first appeal before FAA i.e Director CAPD Jammu on 15.07.2013 who adjudicated the appeal in accordance with law on 24.8.2013. Adjudication has been done strictly within stipulated time which is appreciated. The FAA had directed the Deputy Secretary-cum-PIO CAPD, Civil Secretariat to provide the information to the complainant within a week's time as the information was in the records held by him. The complainant states that inspite of lapse of 142 days, the information has not so far been provided as on date of filing of complaint in the Commission. It is confirmed before the Commission that

neither compliance of section 5 nor section 16(1) has been made by the PIO CAPD, Civil Secretariat. As the complainant had fulfilled the mandate of law in terms of filing first appeal and FAA had given directions for disclosure of information within a week's time, therefore, the Commission directs the PIO to disclose this information on the website of the CAPD Department within 20 days. Non-compliance of this order will be viewed as failure of the public authority on his part to carry out its duties as a public authority. Action under section 17 of the Act will also be initiated against Shri Reyaz Ahmed Choudhary, Joint Director-cum-PIO CAPD Jammu who has also not acted as per the provisions of State RTI Act and has not sought assistance as provided under sections 5 and 6 of the Act. The PIO has also not informed the complainant about the particulars of the FAA in his order. Therefore, he is directed to explain why penalty proceedings under section 17 of the State RTI Act may not be initiated against him for not complying with the mandate of the Act. Reply of both the PIOs, if any, must reach this Commission within 15 days from the receipt of this order. The penalty for PIO in the Commr/Secretary CAPD's office will be reckoned from the date of receiving a direction from the FAA for disclosing the information till the date information is disclosed. He is further directed to upload the information sought by the complainant on the website of the Department within 20 days from the receipt of this order and inform the complainant to download the information sought from the website of the CAPD Department. Similarly, Shri Reyaz Ahmed Choudhary, Joint Director-cum-PIO in the office of Directorate of CAPD is also directed to explain why penalty proceedings may not be initiated against him under section 17 of the State RTI Act for not adhering to the provisions of the State RTI Act and passing incorrect order. His reply, if any, must reach this Commission within 15 days from the receipt of this order.

2. The attention of the FAA and PIO is also invited to the fact that the purpose and rationale of said RTI Act is to bring transparency and accountability in the working of every public authority as laid down in the preamble of the Act. The first ingredient for bringing transparency and accountability is that the public authorities higher or lower have to identify themselves by writing their names above their signatures in any official orders, circulars, notifications, letters and even office notings. Even before the RTI Act was enacted in this State, Government vide its Circular No: 10-GAD of 2004 dated: 14.7.2004 followed by further circulars and latest being Circular dated: 23.01.2014 had made all the officers incumbent to indicate their names and designation below their signatures while initiating or endorsing any noting/proposal for consideration of the

competent authorities and also on the communications exchanged with different departments. Not only the officers are to mention their names but they have been advised to mention their telephone numbers and e-mails on letters/letterheads/correspondence etc; to make communication specific and easier. If the officers and concerned authorities fail to disclose their names, it suggests that they want to defeat the very purpose of concept of accountability and responsibility.

Sd/-

( G.R. Sufi )

State Chief Information Commissioner

Copy to:-

1. Shri G.S. Chib, Director Consumer Affairs & Public Distribution Jammu
2. Shri Reyaz Ahmed Choudhary, Public Information Officer, Directorate of CAPD, Jammu
3. Shri Riyaz Ahmed, Public Information Officer, CAPD Deptt. Civil Sectt. Jammu
4. Shri Vilakshana Singh, Advocate, R/o Sidhra By Pass, Opposite Eicher Work Shop, Sidhra Jammu.
5. Private Secretary to Chief Information Commissioner
6. Guard file.

( G.Q. Bhat )

Registrar

State Information Commission