



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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www.jksic.nic.in

File No: SIC/J/A/08/2014

Decision

No: SIC/J/A/08/2014/588

Title:- Radha Krishan Bhat
V/s
FAA & PIO Relief and Rehabilitation
Commissioner (M) Jammu

Jammu
17.02.2014

This is a second appeal filed by Shri Radha Krishen Bhat, a resident of the State in this Commission on 08.01.2014. Shri R.K. Pandita, Relief Commissioner-cum FAA, and Shri Rajinder Sharma, Assistant Commissioner (R)-cum-PIO attended. Shri Radha Krishan Bhat, appellant also attended. They have been heard.

2. The brief grounds of the appeal are that the appellant filed an RTI application before the PIO on 17.10.2013 which was received by the PIO on 18.10.2013. PIO was under legal obligation to pass an order as expeditiously as possible but not later than 30 days. That means that the order was to be passed by 17.11.2013 which has been passed and it is admitted to have been received by the appellant but the order so passed is not in accordance with the RTI application. PIO states in his order that "as soon as the information is provided by the administrative department, same will be provided". PIO has not gone through the provisions of RTI Act particularly section 7 of the State RTI Act which provides that "the Public Information Officer on receipt of a request under section 6 shall as expeditiously as possible and in any case within thirty days of the receipt of the

request either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and .” In other words, the PIO has refused the information to the appellant. Therefore, the PIO Shri Radha Krishen is directed to explain reasons, if any, why penalty is not imposed under section 17 of the State RTI Act. His reply, if any, must reach to this Commission within 15 days from the receipt of this order. The information has been denied to the information seeker within the stipulated period of time. The appellant filed first appeal on 28.11.2013 sending it through Registered Post. The FAA had to adjudicate this appeal within 30 days which is further extendable by 15 days after recording the reasons. The FAA did not adjudicate the appeal on the plea that first appeal was not received in his office. But the appellant insists that the first appeal was sent through registered post which has been delivered in the office of Relief Commissioner, Jammu. He is required to make an investigation in his office how the registered post has not been put up to him and who is the incharge staff responsible for neglecting his duty to put up the first appeal to the FAA for adjudication within time.

3. It is further seen that the information so asked by the appellant pertained to a Kashmiri Migrant who had to get his Ration Card transferred from Udhampur to Jammu and had applied in the Relief Commissioner’s office in August,2013. It is submitted by the Relief & Rehabilitation Commissioner that normally the transfer of the migrant ration card takes place expeditiously and it does not take such long time.

4. 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 it incumbent on all the officers to write 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 accountability and responsibility as laid down in the RTI Act.

5. Under section 4 of the State RTI Act responsibility has been cast on all public authorities to take necessary steps to maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under the Act. The records were to be computerized within a reasonable time and subject to availability of resources. The Commission has gone through the website of the Relief & Rehabilitation Commissioner (M) Jammu and has found that there is no RTI link or separate site for making suo moto disclosure of the information held by the organization. It has also been observed during the proceedings that the office of Relief and Rehabilitation Commissioner has not complied with the provisions of Section 4 of the State RTI Act 2009 which obliged the public authority to make a suo moto disclosure of the information held and possessed by him as such public authority. This information was to be uploaded and disseminated within 120 days from the enactment of State RTI Act 2009 w.e.f 20th March, 2009. Unfortunately, inspite of lapse of four years no compliance has been made. As per Section 4 (2)(b) the public authority had to make a suo moto disclosure of information contained in said provisions of law. The website of Relief & Rehabilitation Commissioner (M) Jammu does not reflect any link for RTI. As enough time has been given for compliance, therefore, Commission directs that this information is to be uploaded and disseminated in their official website of within 15 days from the date of receipt of this order. As per Section 4 read with Section 15 any resident of the State can file a complaint before the public authority and later on before this Commission if compliance with the provisions of Section 4 is not made. These directions are issued by the Commission in accordance with Section 16(8) of the State RTI Act. The suo moto disclosure of the following information has to be made:

(a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under the Act and ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the State on different systems so that access to such records is facilitated ;

(b) publish within one hundred and twenty days from the commencement of the Act.-

- (i) the particulars of its organization functions and duties;
- (ii) the powers and duties of its officers and employees :
- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions ;
- (v) the rules, regulations instructions m. manuals and records, held by it or under its control or used by its employees for discharging its functions ;
- (vi) a statement of the categories of documents that are held by it or under its control ;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by the members of the public in relation to the formulation of its policy or implementation thereof;
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more person constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public ;
- (ix) a directory of its officers and employees ;
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made
- (xii) the manner of execution of subsidy programmes, including the amounts allocated and details of beneficiaries of such programmes.
- (xiii) particulars of receipts of concessions, permits or authorizations granted by it;
- (xiv) details of receipt of the information, available to or held by it, reduced in an electronic form.
- (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- (xvi) the names, designations and other particulars of the Public Information Officer;

(xvii) such other information as may be prescribed; and thereafter update these publications every year.

The second appeal is accordingly disposed of.

Sd/-

(G.R. Sufi)

State Chief Information Commissioner

Copy to:-

1. Commr/Secretary to Govt. Revenue Department, Civil Sectt. Jammu
2. First Appellate Authority, Relief & Rehabilitation Commissioner(M) Jammu
3. Public Information Officer, Relief & Rehabilitation Commissioner (M) Jammu.
4. Shri Radha Krishan Bhat S/o Shri Govind Ram Bhat, R/o Upper Burnai, P.O Muthi Jammu.
5. Private Secretary to Chief Information Commissioner
6. Guard file.

(G.Q. Bhat)

Registrar

State Information Commission

File No: SIC/CO/SA/112/2014

Decision No: SIC/CO/SA/112/2014/585

Title:- B.R. Manhas
V/s
FAA & PIO Health & Medical Education Department

Jammu
13.02.2014