



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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www.jksic.nic.in

File No: SIC-CO-SA-114/2014

Decision No: SIC-CO-SA-114/2014-617

Title: Sh. Anil Kumar Raina
V/s
PIO Home Department

Jammu

01.04.2014

This is a second appeal filed by Shri Anil Kumar Raina, a resident of the State in this Commission on 15.01.2014. Accordingly, Registry of this Commission fixed date of hearing on 01.04.2014. Shri Ashok Kumar, Deputy Secretary-cum-PIO, Home Department and the appellant Shri Anil Kumar Raina were present and they have been heard.

The brief grounds of the appeal are that the appellant filed the RTI application before the PIO in the office of Chief Secretary, J&K State Srinagar vide his application dated: 25.09.2013. As the information was not pertainable to the office of Chief Secretary, the same was forwarded to PIO Home Department as provided under section 6 of the State RTI Act. The PIO Home Department found that the information was not pertaining to Home Department, hence he forwarded the application to the PIO, office of Deputy Commissioner, Kupwara on 02.10.2013. The PIO in the office of D.C Office Kupwara was under legal obligation to pass an order under section 7 and dispose of the RTI application accordingly. As the appellant did not receive any information, he filed first appeal before Additional Secretary-cum- First Appellate Authority, Home Department who disposed of the first appeal on 11.12.2013 directing the PIO, D.C Office Kupwara to provide the information to the appellant. Again no information having been received from PIO Kupwara, the appellant filed second appeal before this

Commission on 15.01.2014 which was defective. The defects were removed by the appellant vide his letter dated: 07.02.2014.

It is seen from the records that the PIO Home Department has taken action in accordance with law. However, it is the PIO DC office Kupwara who has not so far discharged his duty cast on him under State RTI Act. As the ADC-cum- PIO in the DC office Kupwara Shri Abdul Aziz Bhat has not proved before the Commission that he had provided the information sought by the appellant, therefore, he is liable to be penalized under section 17 of the State RTI Act. He is accordingly given an opportunity to explain why penalty may not be imposed @ Rs.250/- per day of default on him. The period of penalty will be reckoned from the date of receipt of application from the PIO Home Department till the date of disposal of the application. His reply, if any, must reach this Commission within 15 days from the receipt of this order. He is also directed to pass the order providing the information to the information seeker with a copy to this Commission.

The second appeal is accordingly disposed of subject to above directions.

Sd/-
(G.R. Sufi)
Chief Information Commissioner

Copy to:-

1. First Appellate Authority, Home Deptt. Civil Sectt. Jammu
2. Public Information Officer, Home Deptt. Civil Sectt. Jammu
3. Shri Abdul Aziz Bhat, Public Information Officer, office of the Deputy Commissioner, Kupwara.
4. Shri Anil Kumar Raina, S/o Late Jia Lal Raina, H. No: 30, General Lane, Saraswati Vihar Tomal Bohri, Jammu.
5. Private Secretary to Chief Information Commissioner.
6. Guard file.

(G.Q. Bhat)
Registrar
State Information Commission