



J&K State Information Commission
Old Assembly Complex, Srinagar : 0194-2484267
Wazarat Road, Near DC office , Jammu: 0191-2520937.

www.jksic.nic.in

File No: SIC/CO/SA/192/2014
Decision No: SIC/CO/SA/192/2014/708

Title:- Khursheed Ahmad Dar V/s PIO SICOP

Jammu
24.12.2014

This is a second appeal filed by Shri Khursheed Ahmad Dar, a resident of the state in this Commission on 28.8.2014. Hearing was fixed on 24.12.2014. Shri R.L. Tikku, Managing Director-cum-FAA and Shri S.K. Jain, General Manager-cum-PIO SICOP attended. Besides, Shri G.H Mir, General Manager also accompanied the M.D.

Brief facts and grounds of this appeal are that appellant filed an RTI application before the PIO of SICOP on 7.6.2014. PIO was under legal obligation under Section 7 of the State RTI Act to pass an order "as expeditiously as possible but not later than 30 days". However, PIO failed to pass such order. Not having received any response from the PIO, the appellant filed first appeal before the Managing Director-cum-FAA which was received in his office on 18.7.2014. The FAA has submitted before this Commission that he had adjudicated the appeal on 11.8.2014 directing the PIO to provide the information. Copy of dispatch of such information has been submitted to the Commission. Therefore, the grounds of appeal raised before this Commission are

..2..

set aside. However, the information seeker is advised to confirm this Commission whether he has received information and if he finds information to be incomplete, incorrect or false, his attention is invited to Section 15 of the State RTI Act to file a complaint before the Commission to the effect. As the PIO passed order late beyond statutory time, therefore, the Shri Waseem Bashir Dev General Manager-cum-PIO is directed to explain why action under Section 17 of the State RTI Act, 2009 may not be initiated against him. His reply, if any, must reach this Commission within 15 days from the receipt of this order. Present PIO Shri S.K. Jain is directed to serve a copy of this order on Shri Waseem Bashir Dev.

First Appellate Authority's attention is invited particularly to provisions of Section 16(3) of the State RTI Act for his future guidance and action under similarly placed situations. The Commission has found that Shri R.L. Tiku being the Managing Director is a public authority of J&K SICOP. As Public Authority, he was under legal obligation under section 4 of State RTI Act, 2009, to make suo moto declaration about various kinds of information held by him as the public authority and as listed in section 4 which is reproduced hereunder. However, no such disclosure has been made till the hearing of this appeal before this Commission.:

Obligations of public authorities.-(I) Every public authority shall-

(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.-

1. the particulars of its organization functions and duties;
2. the powers and duties of its officers and employees :

3. the procedure followed in the decision making process, including channels of supervision and accountability;
4. the norms set by it for the discharge of its functions ;
5. the rules, regulations instructions m. manuals and records, held by it or under its control or used by its employees for discharging its functions ;
6. a statement of the categories of documents that are held by it or under its control ;
7. 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 there of;
8. 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 ;
9. a directory of its officers and employees ;
10. the monthly remuneration received by each of its officers and employees, including the system of compensation a s provided in its regulations;
11. the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made ;
12. the manner of execution of subsidy programmes, including the amounts allocated and details of beneficiaries of such programmes.
13. Particulars of receipts of concessions, permits or authorizations granted by it;
14. Details in respect of the information, available to or held by it, reduced in an electronic form;
15. 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;
16. The names, designations and other particulars of the Public Information Officer;
17. Such other information as may be prescribed; and thereafter update these publications every year;

The public authority is, therefore, directed to discharge his legal obligation within a period of 20 days from the receipt of this order and confirm the compliance of the same to the Commission.

Sd/-

(G.R. Sufi)

Chief Information Commissioner

Copy to:-

1. First Appellate Authority, J&K SICOP, Jammu
2. Public Information Officer, J&K SICOP, Jammu
3. Shri Khursheed Ahmad Dar, General Manager, J&K SIDCO, Drabu House, Ram Bagh, Srinagar.
4. Private Secretary to Chief Information Commissioner
5. Guard file

(G.Q. Bhat)

Registrar

State Information Commission