



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
Wazarat Road, Near DC office Jammu, 0191-2520947, 2520937
Old Assembly Complex, Srinagar. 0194-2484269, 2484262
www.jksic.nic.in

File No: SIC/CO/SA/25/2013
Decision No: SIC/CO/SA/25/2013/431

Title:- Suresh Kumar, Scholar Buddhist Studies, University of Jammu.
V/s
Public Information Officer, University of Jammu.

Jammu
03.04.2013

This is a second appeal filed by Shri Suresh Kumar, Research Scholar in the Department of Buddhist Studies, University of Jammu and a resident of the State. The application of the information seeker was received by the PIO on 12.11.2012 and accordingly order was to be passed on 11.12.2012. The PIO passed order on 27.11.2012 providing a part of information to the information seeker. Part of information was not provided as the same was to be collated and collected from three different offices i.e Dean Students Welfare, Dean Research Studies and Head of Department of Buddhist Studies. Therefore, the PIO passed another order on 3.12.2012 providing the information. The appellant not being satisfied with the completeness of the information provided to him filed first appeal before First Appellate Authority on 10.12.2012. First Appellate Authority had to adjudicate the appeal by 09.01.2013 or within further extended time of 15 days provided reasons for delay were recorded. The First Appellate Authority passed order on 1.4.2013 which is quite late. It is submitted by the First Appellate Authority that the intention was to dispose of the appeal within the scheduled time which is evident from the fact that hearing of the appeal was fixed vide his No: 1stFAA/13/5/6 dated: 11.1.2013 and the appellant was required to attend before him on 14th of January 2013. The appellant attended on the said date and his attendance is marked on the order sheet. However, file could not be put up to the First Appellate Authority by the subordinate staff for adjudication within the time. The First Appellate Authority vide order dated: 1.4.2013 directed the PIO to provide the complete information as asked by the appellant. Before this order could be passed, the appellant had already approached the Commission vide his second appeal dated: 3.2.2013. The Commission has observed that there is variance between what the RTI seeker wanted and what has been given to him. The Act provides that information be given exactly what the RTI seeker wants if such information otherwise is not protected under any

exempted clause of Section 8 of the State RTI Act. It would be relevant to reproduce from the RTI application what information the RTI seeker wanted:-

1. Please indicate whether any norms/statutes/rules are framed by the Department of Students Welfare for the election/nomination of Department Representatives in various teaching departments of the University. If yes, provide details and if no then what is the criteria framed/fixed for holding elections of Department Representatives.
2. Please indicate whether after the submission of PhD thesis, does any scholar remain the bonafide scholar of the department. If yes, provide details under what statutes.
3. Please indicate does a PhD. scholar after the submission of thesis can contest or cast vote in the department representative elections. If yes provide details under the support of University statutes.
4. Provide details of the comments of the Head, Department of Buddhist Studies on the representation dated: 10.10.2012 submitted to V.C Jammu University over which a inquiry was initiated through your office.

Prima- facie, it seems that the RTI seeker wants transparency in the system of electioneering for scholars and adoption of norms and rules for their stay in the University even after completion and submission of PhD thesis. Hence the issue assumes the importance. The PIO is, therefore, directed to provide the exact information on the lines sought in the RTI application and both the parties have agreed that a further time of (8) eight days may be given to the PIO to provide such information which hereby granted. The PIO is advised to send compliance report to this Commission after providing the requisite information. The Complainant should also inform the Commission on receipt of the information from the PIO.

Sd/-
(G.R. Sufi)

J&K State Chief Information Commissioner

Copy to:-

1. Registrar-cum-First Appellate Authority, University of Jammu
2. Public Information Officer, University of Jammu
3. Shri Suresh Kumar, Scholar, Department of Buddhist Studies, University of Jammu
4. Record file.

(Mohammad Syed Shah)
Registrar
J&K State Information Commission, Jammu