



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-Comp-6Nov-2011

Decision No: SIC/J-Comp-6 Nov-2011/454

Title:- Shri Raj Kumar S/o Shri Anant Ram, R/o 127/9
Keran Gurha, Bantalab, Jammu

V/s
PIO Jammu University.

Jammu
22.5.2013

This is a complaint filed by Shri Raj Kumar before this Commission on 20.12.2011 complaining therein that he had filed second appeal before this Commission against the PIO and First Appellate Authority of Jammu University for not giving the exact information as sought by the appellant vide his RTI application on 1.9.2011. The Commission disposed of the appeal vide Order No: SIC/J/Comp/6 Nov.2011 dated: 12.12.2011 directing the PIO to disclose information giving the names and full addresses of daily wagers who were terminated on 31st March 2003 in pursuance of Circular No: Estb/03/10176-255. The complainant mentions in the complaint dated: 20.11.2011 that the Commission did not fix the time limit for providing this information by the PIO to the information seeker. The Commission fixed hearing on this complaint vide Commission's Notice No: SIC/J/Comp/6.Nov.2011/809-10 dated: 22.2.2012 with a copy to Shri Raj Kumar, complainant with the intention that he may help the Commission to arrive at a correct decision and dispose of the complaint. Second plea in the complaint is that the State Information Commission did not initiate any proceedings under Section 17 against the PIO. Therefore, he was not satisfied with the Commission's order. He has also narrated number of allegations against the University authorities for making alleged irregular appointments. While concluding his complaint, the complainant has requested for fixing time limit for the PIO to disclose information and also impose penalty for delaying the information. The complainant did not

attend personally but he filed this complaint with another letter dated: 9.1.2012 vide which he has acknowledged that he received the order from PIO but the information which he wanted has not been provided and thus the information so provided by PIO is incomplete and is only a fulfillment of formality and had again requested the Commission to initiate penalty proceedings against the PIO and the First Appellate Authority under rules. This was followed by another letter dated: 13.1.2012 leveling several allegations against the PIO and at the top of it against an unnamed member of Hon'ble Judiciary, Hon'ble High Court Judge and several other Ministers, Commr/Secretaries and Vice Chancellors of Jammu University alleging without any proof of making irregular appointments. The Commission had again written to the complainant for informing the Commission whether he has received any information from the PIO and failing which it will be presumed that no information has been received. The complainant responded to this communication vide his letter dated: 30.1.2012. He again reiterated that he has received incomplete and irrelevant information from the PIO. The Registrar of this Commission has received another letter which is undiarised dated: 21.2.2012 received in the Commission on 27.2.2012 leveling number of unfounded allegations. As there were serious allegations leveled against the PIO, First Appellate Authority and number of senior dignitaries and as there were multiple allegations received from this complainant, therefore, vide this Registry's Notice No: 16163/32 dated: 12.4.2012 he was specifically requested to attend this Commission so that to prove that the information received from the PIO Jammu University in consequence of this Commission's order dated: 12.12.2011 was not in accordance with the RTI application. He was also requested on phone to attend this Commission. He was also informed about the slight rescheduling of the hearing date which was ultimately fixed on 22.5.2013. He did not attend in person. Therefore, the Commission has no alternative but to hear the PIO, to go through the records and decide the complaint. The Commission admits that because of some oversight the Commission's order did not give the time frame within which the information seeker was to be provided information by the PIO. However, the PIO vide his communication to this Commission under No: PIO/JU/13/61 dated: 23.4.2013 admitted that the Commission's order was complied with and desired set of information was sent to the information seeker vide letter No: PIO/JU/11/71/42 dated: 28.12.2011. Admittedly this has been acknowledged by the complainant. However, the only point in the complaint is to determine whether the information so given was in accordance with the application of the complainant filed under Section 6 before PIO and whether the information was provided within the time stipulated under Section 7 of the RTI Act. This is admitted fact that RTI application was received on 6.9.2011 which was to be replied within a maximum period of 30 days i.e 5.10.2011. Now, the point for enquiry is whether information so given is incomplete or incorrect. Though the complainant did not cooperate with the commission to prove how he treats the said information to be incomplete, the Commission on the basis of documents on record has found as under:-

“ It is a fact that the information provided to the information seeker was not provided within the stipulated time as provided under the State RTI Act and was provided late and that too incomplete information and not as per the request of the complainant which attracts the provisions of Section 17 of the State RTI Act”.

The erstwhile PIO Jammu University Dr. Arvind Jasrotia, who has not acted as per the provisions of the RTI Act in providing information to the information seeker, is directed to explain as to why penalty proceedings be not initiated against him and his reply must reach this Commission within 15 days. Present PIO Jammu University Shri Vivek Salathia is directed to inform the ex-PIO about the decision of the Commission. Besides, the complainant is also advised that in future he should confine only to the State RTI Act and not agitate those issues before the Commission which are not within its competence and which are not in accordance with the provisions of the Act as the Commission is not bound to take cognizance of the allegations leveled by the complainant.

Sd/-
(G.R. Sufi)
J&K State Chief Information Commissioner.

Copy to:-

1. Public Information Officer, University of Jammu
2. Dr. Arvind Jasrotia, Ex-PIO Jammu University
3. Shri Raj Kumar S/o Shri Anant Ram, R/O 127/9, Keran Gurha, Bantlab Jammu
4. Guard file.

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