



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262

Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937

www.jksic.nic.in

File No :- SIC/CO/Comp/30/2013.

Decision No - SIC/CO/Comp/30/2013/490

Title:- Deepak Sharma,H.No: 412 C

Jeevan Nagar, Jammu

V/s

PIO Home Department

Srinagar

16.08.2013

This is a complaint filed by Shri Deepak Sharma, a resident of the State on 28.5.2013. The complaint was fixed for hearing vide Commission's Registry notice dated: 17.07.2013. The complainant was specifically required to attend the Commission. However, he did not attend. The PIO Shri Bashir Ahmed Tameel, S.P CID attended alongwith Smt. Rita Koul, Under Secretary-cum PIO Home Department.

2. The complainant has submitted that he had filed an application under the State RTI Act before PIO Home Department on 25.3.2013 requisitioning certain information. The complainant has alleged that no order was passed by the PIO. The PIO submitted before the Commission that action under law on the application of the complainant was taken within time. The PIO Home Department also informed the Commission that as the information sought was available with the SP CID, therefore, application as per the provisions of the Act was forwarded to the concerned PIO. Therefore, the mandate of the Act has been carried out. The PIO Criminal Investigation Department (CID) which possesses the information informed the Commission that order on the application of the complainant was passed under No: CID/GB/RTI/2013-09/207-275 dated: 1.4.2013.

A copy of said order was submitted before the Commission. As the complainant has not substantiated his allegation that there was no order by the PIO, hence, in view of the Hon'ble Supreme Court of India's findings in the case of Chief Information Commissioner and Another v/s State of Manipur and Another on 12th December, 2011, Civil Appeal Nos:10787-10788 of 2011, the complaint is disposed of.

The complainant is advised to go through the above judgement of Hon'ble Supreme Court of India and

take necessary action as deemed fit by him in view of the law laid down by the Hon'ble Supreme Court. The complainant should invariably approach the FAA whenever he exercises his right to information and prefer an appeal before FAA. Otherwise the institution of FAA as created under the State Right to Information Act will become redundant.

3. With regard to the complainant's request that the public authority of Police Department be asked to comply with Section 4(1)(b)(xvii), the Registry of this Commission is directed to report whether the said public authority has complied with the provisions of law as contained under Section 4(1) of the Act and if no such disclosure has been made be put up to the Commission for further necessary action.

Sd/-
(G.R. Sufi)

J&K State Chief Information Commissioner

Copy to:-

1. Director General of Police and Public Authority of Police Department
2. Public Information Officer, Home Department, Civil Secretariat, Srinagar
3. Public Information Officer, CID Headquarters, J&K Srinagar
4. Shri Deepak Sharma, R/o H.No: 412-C, Jeevan Nagar, Jammu
5. Private Secretary to Chief Information Commissioner
6. Guard file

(M.A. Wani)
Deputy Secretary/Joint Registrar
J&K State Information Commission