



**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](http://www.jksic.nic.in)

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File No: SIC/CO/Comp/29/2013

Decision NO: SIC/CO/Comp/29/2013/494

**(Hearing through Video Conferencing)**

Title: \_ Gurbaksh Singh, Managing Director  
Kisan Institute of Technology. R.S. Pora  
Jammu

V/s

Public Information Officer, Technical Education Department

Jammu

27.08.2013

This is a complaint filed by Shri Gurbaksh Singh, a resident of the State before this Commission on 21.5.2013. The complaint was fixed for hearing. PIO Shri Syed Taha Andrabi, Technical Education Department appeared through video conference. Complainant Shri Gurbaksh Singh and his counsel Shri Sanjeev Kumar attended in person. They have been heard.

2. Brief facts of the complaint are that the information seeker/complainant filed two RTI applications before PIO one on 20.2.2013 which was received in the office of PIO on 26.2.2013 and second application filed on 6.4.2013 which was received by PIO on 10.4.2013. The PIO had to pass an order as expeditiously as possible but not later than 30 days. The complainant vide his complaint has requested the Commission that an enquiry be conducted for not providing information and his failure in passing an order within the stipulated time. The complainant has further prayed for providing information as sought by him. The Commission has heard the complainant as well as his counsel. The mandate of Section 15 is for the Commission to conduct an enquiry why information has not been provided on time and as a first stage the PIO Shri Tak is directed to explain why penalty under Section 17 of the State RTI Act may not be imposed on him. His explanation, if any, must reach this Commission within 30 days from the receipt of this order failing which proceedings will be completed as per law. Complainant's attention is also invited to the findings of the Hon'ble Supreme Court in the case of Chief Information Commissioner of Manipur and another v/s State of Manipur and another in the Civil Appeal No:

10787-10788 of 2011 wherein the Hon'ble Supreme Court in detail has dealt with the mandate of Section 18 of the Central Information Act 2005 which is akin to Section 15 of the State RTI Act 2009. As both the sections are identical, therefore, Hon'ble Supreme Court's findings are squarely applicable to the facts of the case under consideration. The Hon'ble Supreme Court has observed that under the Act there is an institution which is created in the shape of FAA and if information seekers don't approach the FAA for getting a direction for disclosure of information then the institution will become redundant. The complainant is accordingly advised that as and when he uses his right to information he should act in accordance with the provisions of the Act. The complaint is accordingly disposed of subject to the completion of penalty proceedings.

Sd/-  
( G.R. Sufi )

J&K State Chief Information Commissioner

Copy to:

1. Public Information Officer, Technical Education Department, Srinagar
2. Shri Gurbaksh Singh, Managing Director, Kissan Institute of Technology R.S. Pura, Jammu
3. Private Secretary to Chief Information Commissioner
4. Guard file.

( Khalid A. Shah )  
Deputy Registrar  
J&K State Information Commission, Jammu