



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-K/Comp/59/2013
Decision No: SIC-K/Comp/59/2013/524

Title: Sh Ali Mohammad Lone S/o Gh. Qadir Lone

V/s

PIO/ Medical Superintendent GB Pant Hospital Srinagar

Srinagar
11.11.2013

This is a complaint filed by one Ali Mohammad Lone S/o Gh. Qadir Lone received in the Commission on 07.10.2013. The brief facts of the complaint are as under.

The applicant had filed an application under Section 6 of the State RTI Act before Principal Govt. Medical College Srinagar on 26.07.2013 seeking certain information and PIO /Govt. Medical College Srinagar vide letter No. AH/RTI/2013/67/PIO/265-66 dated 01.08.2013 forwarded the said RTI application to Medical Superintendent GP Pant Hospital Srinagar. As per Section 7 of the State RTI Act 2009, the application of the complainant was to be disposed of by passing an order as expeditiously as possible but not later than 30 days. i.e. 25.08.2013 which has not been done in this case.

During hearing DVD of CCTV footage has been given to the information seeker. PIO is required to explain as to why order has not been passed within 30 days from receipt of the RTI application which was forwarded by PIO/Govt. Medical College Srinagar. PIO's attention is also invited to provisions of Section 7 of the State RTI Act whereby he is required while passing the order that he should inform the appellant/ information seeker about his right to file first appeal and provide particulars of First Appellate Authority. It is hoped that in future orders by PIO will be passed strictly within the time stipulated under law and in accordance with the provisions of the law. PIO's attention is also invited to Section 11 of the State RTI Act which makes it statutory obligatory on the PIO not to disclose third party information unless a proper procedure as laid down in the Act is followed i.e. an opportunity is given to third party to give objections, if any, for disclosing the information and then PIO has to take a decision whether the information so sought does over-weigh public interest and if so, then disclose the information. If the nature of information is such which does not over-weigh public interest otherwise, not to disclose third party information.

The information seeker's attention is also invited to the provisions of the Act particularly to the purpose and spirit laid down in the preamble of the Act which provides that the purpose for bringing transparency legislation in the State is to bring transparency and accountability in the working of the Public Authorities and not to score any personal points. It is hoped that right conferred by this Act on the residents of the State will be used for achieving such purpose and nothing else.

Sd/-
(G.R. Sufi)
Chief Information Commissioner

Copy to the:-

1. Medical Superintendent, G B Pant Hospital, Srinagar.
2. Sh. Ali Mohammad Lone S/o Gh. Qadir Lone R/o Sheikh Dawood Colony, Batmaloo, Srinagar.

(M.S. Bhat)
Deputy Registrar,
J&K State Information Commission