



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
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Old Assembly Complex, Srinagar. 0194-2484269, 2484262
www.jksic.nic.in

File No: SIC-K/Comp/56/2013

Decision No: SIC-K/Comp/56/2013/526

Title: Sh Arshid Ahmad Bhat S/o Ghulam Nabi Bhat

V/s

PIO/ Islamia College of Science & Commerce Srinagar

Srinagar
13.11.2013

This is a complaint filed by one Arshid Ahmad Bhat S/o Ghulam Nabi Bhat resident of the State received in the Commission on 08.10.2013. The brief facts of the complaint are that the applicant had filed an application under Section 6 of the State RTI Act on 22.07.2013 before PIO/Islamia College of Science & Commerce, Srinagar seeking certain information. PIO /Islamia College of Science & Commerce Srinagar vide his letter No. ICS/PIO/2712//R-12 dated 05.08.2013 has provided the information to the information seeker comprising of 27 pages which is within time. Not being satisfied with the completeness of the information, complainant has filed First Appeal before First Appellate Authority/Islamia College of Science & Commerce Srinagar on 26.08.2013 requesting First Appellate Authority (FAA) that he not has been provided complete information as asked for under his RTI application and PIO be directed to provide him complete information.

Subsequently the complainant has approached the Commission on 08.10.2013 with a complaint against PIO/FAA of the Islamia College of Science & Commerce Srinagar that he was aggrieved with the reply of PIO/Islamia College of Science & Commerce Srinagar and submitted First Appeal in the office of FAA on 26th August 2013 but the said appeal has not been decided by FAA till date. The Commission has heard to both the parties.

Under Section 16 of the RTI Act, FAA is under legal obligation to adjudicate the appeal within 30 days from the receipt of the appeal after duly hearing appellant and also PIO. It was the duty of FAA to go through the RTI application minutely and ensure that the information which is existing in the records has been provided to the information seeker if not otherwise prohibited under Section (8) of the RTI Act. As per provisions of Section (16) of the State RTI Act 2009, First Appellate Authority was under statutory obligation to adjudicate the appeal within 30 days which could have been extended by further 15 days after recording reasons for not adjudicating the appeal within original time of 30 days. FAA was also required to provide an opportunity of being heard to the appellant before adjudication of the appeal could have been made. It was also required that at the time of adjudication he should have heard PIO as well and gone through the records. The concept of appeal suggests that no appeal can be adjudicated without hearing both the parties to the dispute in the appeal. FAA has been given this public duty under the provisions of the State RTI Act and for this purpose they are designated as Public Authorities. As Public Authority they have to discharge all duties which are assigned to them as a public authority. Willful failure of discharging such duties will result into taking action as provided under Ranbir Penal Code and the State RTI Act.

PIO in this case has passed the order within time. However, it seems that order was deficient in certain respects. Therefore, FAA should have considered these points and should have directed the PIO to provide the information to the information seeker which is on record and which is sought by the information seeker. The Commission therefore, considers it appropriate to restore back the matter to the FAA who happens to be the Principal of the said College. He is directed to dispose of the appeal within 20 days from the date of pronouncement of this order which has been made in the presence of Sh. Altaf-u-Rehman, PIO Islamia College.

The Commission has gone through the contents of RTI application and has found that most of the information sought is directly related to the disbursement of funds and

budget given to the Islamia College by State and Central Governments and the audit conducted by Account General and Audit & Inspections Department of J&K Govt. As per information given to the Commission it seems that Audit & Inspections Directorate of J&K Govt. has not conducted audit of funds and budget allotted to the College for last several years. Not doing audit is obviously a serious lapse which will defeat the very purpose of objectives and purpose of the State RTI Act i.e. to “ promote transparency and accountability in the working of every public authority” in the State. The Commission would, therefore, expect the Directorate of Audit & Inspections J&K Govt. to immediately enquire into the matter and ensure that audit and inspection of all Govt. and semi Govt. bodies/institutions etc. is done regularly and as per the guidelines laid down in the Audit & Inspection manual.

The appellant/complainant is advised that in case this order of the Commission is not complied with, he should file a complaint before the Commission as provided under Section (15) of the State RTI Act for not carrying out the directions of the Commission.

The complaint is accordingly disposed of.

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

Copy to the:-

1. Commissioner/Secretary to Govt. Finance Department, Civil Secretariat, Jammu for information.
2. Director Audit & Inspections, Muthi near Directorate of School Education Jammu. He is requested to enquire as to why audit has not been conducted in respect of Islamia College of Science & Commerce, Srinagar and ensure that audit and inspection of all Govt. and semi-Govt. bodies/institutions is done regularly and as per the guidelines laid down in the Audit & Inspection manual.
3. Principal Islamia College of Science & Commerce, Hawal Srinagar (First Appellate Authority).
4. PIO/Islamia College of Science & Commerce, Srinagar.
5. Sh. Arshid Ahmad Bhat S/o Ghulam Nabi Bhat R/o Shahampora Nowhatta near Gunj Baksh Park, Srinagar.
6. Guard File.

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