



**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)

\*\*\*\*\*

File No: SIC/CO/Comp/72/2013

Decision No: SIC/CO/Comp/72/2013/532

Title:- Dharam Pal Gupta

V/s

PIO Amar Nath Shrine Board

Jammu

21.11.2013

This is a complaint filed by Shri Dharam Pal Gupta, a resident of the state in this Commission on 12.09.2013 against the failure of PIO to provide the information as sought by him in his RTI application dated: 10.7.2013. He has mentioned in his complaint that he has received no response from the PIO within the stipulated period. Accordingly, hearing of the case was fixed on 21.11.2013. Shri Preet Pal Singh, Additional Chief Executive Officer-cum-PIO, Shri Amar Nath Shrine Board and the complainant Shri Dharam Pal Gupta were present during the hearing. Both of them were heard. PIO mentioned that he has provided the information to the complainant vide his letter No: SASB/2013/2981 dated: 16.07.2013 i.e within the stipulated period of 30 days by speed post. However, the complainant refused to have received the said information. Complainant had to approach the FAA of the Board after the 30 days period was exhausted as required under law. But he did not file first appeal and filed complaint in the Commission. After going through the records, it established that the PIO has acted in accordance with the provisions of State RTI Act and provided the information to the complainant within the time. Complainant has also admitted during the hearing that he has now received the information. It would be appropriate to reproduce the information asked by the complainant and the reply given by the PIO in this case:-

Information Sought	Reply given by the PIO
Regarding the non sanction of permission for free langar at Pahalgam (Nunwan) and Baltal and reasons thereof in detail (Yatra 2013) in favour of Om Namah Shivai Sewa Mandal Jalandhar.	This office has received an application from Om Namah Shivai Sewa Mandal Jalandhar for permission to set up Langar. The application was examined and rejected on the grounds that a criminal case under FIR No: 283 dated: 29.12.2012 under Section 420/465/467/468/471/120-B of IPC stands registered against Shri Neeraj Mahajan and Dharam Paul of Om Namah Shivai Sewa Mandal Jalandhar as reported by SHO of Police Station Division No.8 Jalandhar.

From the above it is clear that the information has been provided to the complainant by the PIO and now onus is on the complainant to prove that the information given is wrong .

2. It has been observed during the proceedings that the public authority has not complied with the provisions of Section 4 of the State RTI Act 2009 which obliged him to make a suo moto disclosure of the information held and possessed by him as such public authority. This information was to be uploaded and disseminated within 120 days from the enactment of State RTI Act 2009 w.e.f 20<sup>th</sup> March, 2009. Unfortunately, inspite of lapse of four years no compliance has been made. As per Section 4 (2)(b) the public authority had to make a suo moto disclosure of information contained in said provisions of law. As enough time has been given for compliance, therefore, Commission directs that this information be uploaded and disseminated in the official website of the Shri Amar Nath Ji Shrine Board within 20 days from the date of receipt of this order. As per Section 4 read with Section 15 any resident of the State can file a complaint before the public authority and later on before this Commission if compliance with the provisions of Section 4 is not made. These directions are issued by the Commission in accordance with Section 16(8) of the State RTI Act. The suo moto disclosure of the following information has to be made:

- (i) the particulars of its organization, functions and duties;
- (ii) the powers and duties of its officers and employees;
- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions(v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- (vi) a statement of the categories of documents that are held by it or under its control;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether

meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public.

- (ix) a directory of its officers and employees;
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
- (xiii) particulars of receipts of concessions, permits or authorizations granted by it;
- (xiv) details of receipt of the information, available to or held by it, reduced in an electronic form.
- (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- (xvi) the names, designations and other particulars of the Public Information Officer;
- (xvii) such other information as may be prescribed; and thereafter update these publications every year.

The complaint is accordingly disposed of.

Sd/-

( G.R. Sufi )

J&K State Chief Information Commissioner

Copy to:-

1. First Appellate Authority, Shri Amar Nath Ji Shrine Board
2. Public Information Officer, Shri Amar Nath Ji Shrine Board
3. Shri Dharam Pal Gupta, Ward No: 1, Jawahar Nagar, Kathua
4. Private Secretary to Chief Information Commissioner
5. Guard File

( G.Q. Bhat )

Registrar

J&K State Information Commission