



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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www.jksic.nic.in

File No: SIC/CO/Comp/48/2013

Decision No: SIC/CO/Comp/48/2013/534

Title:- Vilakshana Singh, Advocate

V/s

PIO General Admn. Department

Jammu

25.11.2013

This is a second appeal against the PIO's inaction of not passing order under Section 7 of the State RTI Act on the application of Advocate Vilakshana Singh filed by him on 17.1.2013 which was forwarded by the PIO to Under Secretary (Adm) for seeking assistance under Section 5(4)(5). The then Under Secretary vide communication dated: 4.2.2013 informed that no such information did pertain to administration section. The said official was required to respond to PIOs request within 5 days. He is advised that in future the time schedule laid down in the Act be followed strictly. The PIO accordingly passed an order on 13.2.2013 informing the appellant that no such information was available with him. Prima facie, this order has been sent through registered post. The appellant states that no such information was received by him. The present PIO is directed to submit to the Commission proof of dispatch of this order through registered post. The appellant filed first appeal before FAA on 14.3.2013 which was received by FAA's office on 25.3.2013 seeking his direction to PIO for disclosure of the information. Again, as per appellant this first appeal was not adjudicated. The FAA has pleaded that this appeal was adjudicated upon on 27.5.2013 and dispatched the order to the appellant on 28.5.2013 vide dispatch No: GAD/RTI/FAA-2/2013. The appellant contests this and states that order has not been received by him so

far. The FAA is, therefore, required to look into the matter and inform the Commission about the proper acknowledgement of registered post. The appellant later on filed second appeal before the Commission on 10.7.2013. The FAA and PIO did attend on 23.9.2013 and FAA was directed to pass a speaking order explaining under what circumstances the provisions of Section 8 were applicable and accordingly he had to pass a fresh speaking order. Consequently, order was passed on 21.11.2013 directing the PIO to provide the copy of the report of Justice H.S Bedi Commission to Shri Vilakshana Singh, Advocate, the appellant. The appellant has confirmed of having received such information. The PIO is directed to explain why penalty proceedings may not be initiated against him for not passing order on time as provided under Section 17 of the State RTI Act. His reply, if any, must reach this Commission within one month from the receipt of this order.

2. The Commission has perused the records and found that the information so asked is of very high public value. It is advised that in future such information instead of handing over to any private individual be uploaded on the official website of the public authority for wider dissemination and putting it in the public domain so that the objective of RTI Act is achieved.

3. The appellant had prayed for providing compensation for not providing information on time. The ground of appeal has been withdrawn by the appellant during the hearing.

The appeal is disposed of subject to above directions

Sd/-

(G.R. Sufi)

J&K State Chief Information Commissioner

Copy to:-

1. First Appellate Authority, General Administration Deptt. Civil Sectt. Jammu
2. Public Information Officer, General Admn. Deptt. Civil Sectt. Jammu
3. Shri Vilakshana Singh, Advocate, R/o Sidhra By Pass, Jammu
4. Private Secretary to Chief Information Commissioner.
5. Guard file

(G.Q. Bhat)

Registrar

J&K State Information Commission