



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

File No: SIC/CO/SA/66/2013

Decision No: SIC/CO/SA/66/2013/557

Title:- Balvinder Singh
V/s
PIO Office of Resident Commissioner
New Delhi.

Jammu
01.01.2014

This is a second appeal filed by Shri Balvinder Singh, a resident of the State in this Commission on 8.10.2013. Brief grounds of the appeal are that the appellant had sent an RTI application on 29.4.2013 through Registered Post to the PIO, office of the Resident Commissioner, New Delhi. The PIO in accordance with section 7 of the State RTI Act 2009 was under legal obligation to dispose of this application as expeditiously as possible but not later than 30 days. As the information seeker did not receive any response to his application, he preferred first appeal before the FAA who happens to be the Principal Resident Commissioner. The appellant has submitted before the Commission that the FAA as per section 16(7) was under legal obligation to adjudicate the first appeal within 30 days further extendable by 15 days after recording the reasons, if any, for not disposing of first appeal within 30 days. The FAA has not passed any order so far. Hence the second appeal. The FAA being a quasi judicial authority had to adjudicate the appeal after hearing both the parties. The FAA being a public authority is assigned the public duty under the Act to adjudicate the appeal which he has failed to do. The Commission would like to remind the FAA that the FAA's

under the Act are senior authorities who are obliged to comply the provisions of law.

2. The information so asked is with regard to the predecessor of present PIO and is givable. Therefore, the PIO is directed to provide this information within 8 days from the receipt of this order and he is also required to explain why penalty proceedings under section 17 may not be initiated against him for not passing the order within the time prescribed under the Act.

3. The appellant has also made a prayer to the Commission for being awarded "suitable compensation" under section 16 for the "harassment" being caused to him. The appellant is required to substantiate his claim for compensation and lead evidence before this Commission how non disclosure of information has led to "any loss or other detriment suffered by him:.". His submissions in this regard be made to the Commission within 15 days.

4. It is noted with regret that inspite of State RTI Act being in operation since March 2009 and public authorities being made responsible for making a suo mote disclosure under Section 4 within 120 days, the public authority has failed to do it so till today. The concerned public authority's attention is invited to the provisions of Ranbir Penal Code read with State RTI Act with regard to failure of a public authority to do a public act as assigned to him without any reasonable cause. The public authority is once again directed to send compliance report to this Commission within 15 days from the receipt of this order with regard to compliance made with section 4 of the State RTI Act.

The second appeal is according disposed of subject to above directions

Sd/-

(G.R. Sufi)

State Chief Information Commissioner

Copy to:-

1. First Appellate Authority, Office of Resident Commissioner, 5- Prithvi Raj Road, New Delhi.
2. Public Information Officer, office of Resident Commissioner, 5-Prithvi Raj Road, New Delhi
3. Shri Balvinder Singh, H.No: 127, Lane No-2, Sector-2, Nanak Nagar, Jammu
4. Private Secretary to Chief Information Commissioner
5. Guard file.

(G.Q. Bhat)

Registrar

State Information Commission