



Jammu and Kashmir Information Commission
(Constituted under Right to Information Act, 2009)
Old Assembly Complex, Srinagar, Fax No. 0194-2484269
Wazarat Road, Near D.C. Office, Jammu, Fax No.0191-2520947

The Special Secretary to,
Chief Secretary,
J&K, Civil Secretariat,
Srinagar.

No: SIC-J/15/2009-II

Dated: 15/06/2011

Subject: Implementation of Right to Information Act, 2009.

Sir,

The J&K Right to Information Act, 2009 has come into force from 20th March, 2009. Inter alia the Act provided for a time bound action by the Public Authorities vis-a-vis Section 4 and more specifically clause (b) of Section 4. It mandates Public Authorities to publish within 120 days from the commencement of the Act, the particulars of information about their organizations, functions and duties etc. etc. as set-forth in sub-clause (i) to (xvii) of Section 4(b). The General Administration Department vide its circular No. 25-GAD of 2009 dated 05.06.2009 circulated a uniform format to all the Departments for preparing the mandatory information about their organizations / departments and its dissemination through various means including booklets and departmental websites etc.

Ever since the Commission Office was setup in October, 2009, the matter has repeatedly been brought to the notice of the Government for impressing upon the Public Authorities to implement the mandate enshrined in Section 4(b) of the J&K Right to Information Act, 2009 to facilitate suo-motu disclosure of information about their organizations so that it can be easily accessed by the stake holders and the end users. Copies of these communications issued from the Commission as well as from the General Administration Department from time to time are enclosed.

However, inaction on the part of Public Authorities over last two years now has by and large resulted into lack of desired compliance with Section 4 (a) & (b) of the Act.

Among other means of communication, the official website of various departments/organizations is considered an effective show window for hosting the

mandatory information u/s 4(b) which can be largely accessed by the interested information seekers. In this context, sub-section (2) of Section 4 further provides as under:-

".....It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of the Act to obtain information....."

Therefore, the Govt. has to focus on capacity building of the various departments especially those which have not come up in computerization and use of internet facility. Those of the Public Authorities which have such facilities at their command and have also established their websites need to make better use of the technology and upload the Right to Information manuals as mandated under section 4(b) on their websites without further loss of time.

The Hon'ble Chief Information Commissioner has desired to bring this important issue to the kind notice of Worthy Chief Secretary. He may also be briefed about the observations made by Hon'ble Chief Information Commissioner in this regard, as under:-

".....That there is hardly any PIO or Appellate Authority i.e. junior or senior officer who has actually gone through the provisions of the State RTI Act 2009. The Appellate Authorities being senior officers have by and large failed to pass orders in such a manner which would show that they have understood the import of term "Appellate Authority". This pressing issue may be brought to the notice of senior officers, similarly there is not so encouraging response from the Public Authorities with regard to implementation of Section 4 of the State RTI Act 2009 i.e. making voluntary disclosures on their websites. The Commission has been flooded with number of complaints and queries regarding the failure of the public authorities to fulfill this statutory obligation to "maintain their records duly catalogued and indexed in a manner and the form which facilitates the right to information under the Act and ensure that all records that are appropriate to be computerized are within a reasonable time and subject to availability of resources, computerized and connected through a network all over the State on different systems so that access to such records and information under section 4(b) is facilitated within 120 days from the commencement of the Act". That the Act has come into operation with effect from 20th March, 2009

and it is sad commentary on the compliance of the public authorities with this piece of legislation which the legislature of the State has rightly termed the progressive and people friendly legislation. I would like to suggest the Chief Secretary of the State to go through the latest Office Memo dated 6th of May, 2011, of the DOPT, Government of India, (copy enclosed). The State Government may take similar steps with the consultation of the Commission. In case there is non-compliance and the mandate of the Act is not followed, the Commission would be constrained to hold Public Authorities responsible for failing in their duty.....”

Accordingly, I am directed to request that the matter may kindly be taken up on priority in the COS Meeting to impress upon the Administrative Secretaries to take necessary steps for implementation of the Act and carry out mandate of Section 4(b) of the Act, not only at the level of their own Departments but at the level of Organizations/Departments working under their administrative control in the State.

Yours faithfully

Sd/-

(M.A.Wani)

Deputy Secretary

J&K State Information Commission

Copy to the:

1. Commissioner/Secretary to Govt, GAD for information.
2. Private Secretary to CIC for information of HCIC.