



Jammu and Kashmir State Information Commission,
(Constituted under Right to Information Act 2009)
Old Assembly Complex, Srinagar, Fax No. 0194-2484269
Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947
(www.jksic.nic.in)

Subject: **Weeding out and destruction of judicial/other records of State Information Commission.**

Reference: Minutes of the Commission meeting held on 11.2.2013.

Office order No: 72 - SIC (Adm) of 2014
Dated: 19 -12- 2014

In exercise of powers conferred by Section 12 (4) of the J&K RTI Act, 2009, the State Chief Information Commissioner, J&K is pleased to lay down the following procedures and norms to regulate maintenance and weeding out/destruction of records :

1. Description of Records:

Record pertaining to Complaints or 2nd Appeals filed before the State Information Commission under sections 15 and 16 of J&K RTI Act 2009 respectively, including all documents, papers, affidavits, reports, replies, rejoinders, submitted or produced or taken on record of the case file in such complaint or 2nd appeal cases, as the case may be, and includes any interlocutory or final orders passed in such complaint and appeal cases and any registers maintained with regard to complaint/2nd appeal cases.

2. Completion stage of records:

The records in a case file as defined in S.No.(1) above, shall be treated as having reached completion on:

- (a) passing of a final decision/order by a Bench of SIC and its subsequent compliance by the concerned parties; or
- (b) in the event of a writ petition if any preferred against the decision of the State Information Commission in High Court of J&K/Supreme Court of India, the completion shall be deemed to have been reached on the date of compliance of final decision/order of respective Court, as the case may be.
- (c) in case of Registers and other papers in the Registry, the date of

completion shall be the date on which the Registers were closed and in the case of files and other papers, the date on which final decision/order was passed thereon.

3. Categorisation and preparation of index of records:

Records on having reached completion shall be weeded out and consigned to a separate record room of the Commission/or stored in a separate almira as may be practicable, latest by 30th December every year. A fresh Index will be prepared for each category of records as shown in the table below and all papers/files will be numbered and entered in the index under the appropriate category :and preserved/retained for the period as mentioned against each and thereafter destroyed in the manner laid down in this order:

| Category of Record | Nature of Record | Retention period in Record Room. |
|--------------------|--|--|
| A | Cases where final decision/order of the Bench of SIC has been passed whereby complaint/2 nd appeal has been decided/disposed of. | One Year from the date of reaching completion. |
| B | Cases in which an appeal or petition is pending in any court of law | Retained till the final decision of appeal Writ petition is pronounced by such court of law . |
| C | Cases where a penalty or fine was imposed or compensation awarded by a Bench of the SIC or in which disciplinary action had been recommended | Retained and not destroyed till such a time as the penalty or compensation or fine has been realised or disciplinary action under rules initiated u/s 17 has attained finality. |
| D | Registers in which complaints/2 nd appeals are registered and decisions of the Commission are entered/given a Decision No. | Ten years after the Register is closed. |
| E | Quarterly/annual progress reports of public authorities under section 22 (Monitoring & Reporting) | Retained till the Annual Report of the particular financial year is tabled in two houses of State Legislature |
| F | Files of RTI applications u/s 6 of the Act disposed of by the Public Information Officer(s) of State Information Commission; and First Appeal files decided by the FAA of the Commission u/s 16(1) of the Act. | Retained for one year from the date of complete disposal. During pendency of appeal/complaint u/s 15 or 16 against the order of PIO of the Commission, the concerned file shall be retained till action under relevant sections has attained finality. |
| G | Administrative record and Accounts Registers and files maintained for administrative purposes | As per Secretariat Manual/J&K Financial Code. |

Notwithstanding the retention period shown against category A,B,C,D & E the process of destruction of these records shall not be taken up unless the Annual Report of the Commission relating to the year to which these records pertain has been tabled in both Houses of the State Legislature as required u/s 22 of the J&K RTI Act 2009.

Provided further that original record, if filed by any PIO or Public Authority or officer of Government or produced by such officer shall not be destroyed but invariably returned to the PIO or Public authority or office from which these were produced, if not previously so claimed.

Important files, if needed off and on for reference should be retained by the Section concerned, with the permission of the Secretary, even after expiry of the prescribed retention period.

A notice shall be issued in January every year specifying the record which will be destroyed during the year and this notice shall be displayed on the notice board/website of the Commission and destruction of record will follow after expiry of one month from the date of issue of such notice.

4. Manner/supervision of destruction:

The destruction of record shall be effected by tearing and burning it under the supervision of a committee to be constituted by CIC. A certificate will be placed on record by the committee that records as per the Index have been destroyed in the laid down manner.

By order.

-Sd-
(Peerzada Haffizulla Shah)KAS
Secretary,
J&K State Information Commission.

NO:SIC/CO/Adm/22/2014/506-19

Dated:- 19 - 12 -2014

Copy to:-

1. Registrar, J&K State Information Commission
2. Deputy Secretary, J&k State Information Commission
3. Dy. Registrar, J&K State Information Commission
4. Chief Accounts Officer, J&K State Information Commission
5. Under Secretary, SIC Jammu/Srinagar
6. PS to CIC for information of CIC
7. PS to SIC Jammu/ Srinagar for information of SIC Jammu/Srinagar.
8. SO/All Legal Assistants of J&K SIC
9. I/c Website.
10. All Record keepers/Dealing Asstts.
11. Office order file.
12. Concerned file