

**Central Information Commission**  
Baba Gangnath Marg, Munirka  
New Delhi 110067

**Dated: 22.05.2020**

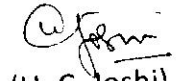
**F. No. CIC/Legal/2019/157**

**Sub: - Record of Discussions held on 14/05/2020 regarding implementation of RTI Act, 2005 in UT of Jammu and Kashmir.**

The undersigned is directed to refer to meeting held on 14.05.2020 at 1600 hrs regarding implementation of RTI Act, 2005 in UT of Jammu and Kashmir. The Record of Discussions is enclosed herewith for information and necessary action.

2. This issues with the approval of the Competent Authority.

Yours faithfully,

  
(U. C. Joshi)

Deputy Secretary

To

1. Secretary, CIC
2. Shri B.V.R. Subrahmanyam, Chief Secretary, UT of Jammu and Kashmir
3. Additional Secretary, CIC
4. Dr. Farooq Ahmad Lone, Secretary, GAD, UT of Jammu and Kashmir
5. Shri Achal Sethi, Secretary, Department of Law, UT of Jammu and Kashmir
6. JS(LAW)/JS(MR)/JS(P&B)/JS(Admn.)

Copy for information to:-

1. Cabinet Secretary- for kind information
2. Secretary, Ministry of Home Affairs- for kind information
3. Secretary, Department of Personnel & Training- for kind information
4. PPS to Chief Information Commissioner -for kind information of Chief information Commissioner
5. PPS to Lieutenant Governor, UT of Jammu and Kashmir- for kind information of Lieutenant Governor
6. PPS to IC(DP)- for kind information of IC(DP)

### **Record of Discussions**

A Video Conference Meeting regarding the implementation of Right to Information Act, 2005, consequent to the passing of J&K Reorganisation Act 2019 and to assess the preparedness to move ahead with the hearings, was held on 14<sup>th</sup> May 2020 at 1600 hrs between the CIC and the Lieutenant Governor of Jammu and Kashmir. The following were present.

#### **Central Information Commission, New Delhi:**

- Shri Bimal Julka, Chief Information Commissioner, Central Information Commission
- Shri Divya Prakash Sinha, Information Commissioner, Central Information Commission
- Dr Satbir Bedi, Secretary, Central Information Commission
- Mrs Meena Balimane Sharma, Additional Secretary, Central Information Commission
- Shri Anil Kumar Gehlot, Joint Secretary, Central Information Commission

#### **Union Territory of Jammu & Kashmir :**

- Shri Girish Chandra Murmu, Lieutenant Governor of Jammu and Kashmir
- Shri B. V. R. Subrahmanyam, Chief Secretary of Jammu and Kashmir
- Dr Farooq Ahmad Lone, Secretary GAD of Jammu and Kashmir
- Shri Achal Sethi, Secretary Law of Jammu and Kashmir

The meeting commenced with the warm welcome and introduction of participants from both sides .

2.1 Shri Bimal Julka (BJ) informed Shri Girish Chandra Murmu, Lieutenant Governor of Jammu and Kashmir (LG) that Shri D P Sinha, IC, hears the Second Appeals pertaining to all the Union Territories of India that now also includes Union territory of J&K (JK) and UT of Ladakh.

2.2 BJ mentioned that consequent to the J&K Reorganisation Act 2019, the Commission has registered 111 second appeals/ complaints from the of JK out of the total 167 cases received till 10<sup>th</sup> May 2020, on the Commission's Portal. 56 cases were returned with facilitation memos. He informed that the Commission has decided to start hearing of cases w.e.f 15.05.2020.

2.3 BJ mentioned that the Addl Secy, MHA had informed the CIC that the GAD, UT of J&K had issued a notification dated 08.1.2020 to all Public Authorities in JK to appoint CPIOs/ FAAs, and requested the LG that the list of CPIOs and FAAs be forwarded to the Commission for our records and further action. He also briefed the LG on the functioning of the Commission and steps taken during the lockdown for hearing the Appeals and mentioned that CIC disposed of around 1100 cases through Audio/Video conferencing during the lockdown period.

2.4 BJ requested that all second appeal/complaint cases (along with all documents/file) pending with the State Information Commission be transferred to the Central Information

Commission. Chief Secretary of JK (**CS**) may consider getting the scanned copies of the relevant files transferred electronically to the Commission.

3.1 Sh. D.P.Sinha, Information Commissioner(**DP**) flagged relevant issues relating to hearing of Second Appeals. He informed that hearing would commence w.e.f 15.04.2020 and notices have been issued to CPIOs who have been recorded in the Second Appeal applications. He requested that the list of Public Authorities and new CPIOs nominated under the Central Act be shared with the Commission.

3.2 DP stated that Commission holds Audio/Video hearings at the respective NIC studios which are located in the offices of Deputy Commissioners. Suitable instructions be issued to the concerned authorities, to help facilitate the applicants to reach the NIC studio in view of prevailing security situation in J&K. The hearing notice issued by the Commission could be used as 'movement pass' since it mentions the details of the applicant as well as the venue, date and time of hearing.

3.3 He requested that the pending second appeal/complaint cases (along with all documents/file) with the State Information Commission be transferred to the Central Information Commission.

3.4 DP also advised that the list of Public authorities needs to be shared and listed on the RTI portal of DoPT urgently to enable the citizens to file RTI applications electronically.

3.5 DP also suggested that JK should hold Webinar for sensitizing the CPIOs/FAAs on RTI Rules, 2012 and RTI Act, 2005 as these Rules are different from the J&K RTI Act, 2009 and Rules there under.


4.1 The Chief Secretary of J&K (**CS**) thanked for the detailed information shared by CIC and stated that around 243 second appeals/complaints were pending before erstwhile State Information Commission J&K, out of which 173 related to Jammu Region and 70 related to Kashmir Region. CS informed that J&K Commission was disposing around 1000 cases yearly, i.e; 70-80 cases per month.

4.2 CS informed that the case files will be transferred within a week. A consolidated list of CPIOs/FAAs under RTI Act, 2005 shall be shared with the Commission. CS assured the Commission that suitable instruction to all the Deputy Commissioners to permit movement /travel of the applicants to the district NIC centre, to attend the hearings, shall be issued immediately. He informed that they will take up the matter with DoPT for registration/alignment of Public Authorities of Union Territory of J&K on RTI online portal of DoPT. He also sought the assistance of the Commission in understanding the difference in the provisions of J&K RTI Act, 2009 and Rules thereunder vis a vis Central RTI Act, 2005.

5. The Chief Information Commission thanked LG and his team and assured full cooperation in assisting in all the issues relating to RTI and imparting training of CPIOs. BJ stated that holding of Webinar for sensitizing the CPIOs/FAA on RTI Rules, 2012 and RTI Act, 2005 would be beneficial, and offered that Information Commissioners of the Commission would be glad to address the CPIOs/FAA, if so desired.

6. LG was grateful for this meeting and he assured that he has noted all points discussed today and prompt action shall be taken on them to ensure early and smooth implementation of RTI Act 2005 in JK.

Both sides appreciated each others mutual concerns. It was agreed to convene such meetings periodically for smooth and effective implementation of the provisions of the RTI Act 2005.

  
22.5.2020  
(Anil Kumar Gehlot)  
Joint Secretary(P&B)