

GOVERNMENT OF JAMMU AND KASHMIR GENERAL ADMINISTRATION DEPARTMENT (Administration Section) Civil Secretariat, Jammu/Srinagar

Subject:- Implementation of the Jammu and Kashmir Public Services Guarantee Act, 2011.

Circular No. 25- GAD of 2011 Dated: 23.08.2011

The Jammu and Kashmir Public Services Guarantee Act, 2011 has come into effect from 10th of August, 2011. The Act provides for the delivery of public services by the designated officers to the eligible persons of the State within the specified time limit. To carry out implementation of the Act, the State Government has notified the rules for the purpose vide SRO 223 of 2011. Further vide SRO 224 of 2011 the State Government notified the services to be delivered to the eligible persons under the Act, time limit for providing the notified services, particulars of the designated officers, first appellate authorities and second appellate authorities.

Under section 5 (2) of the Act any eligible person can file application with the designated officer for providing of notified service within the stipulated time. The designated officer shall within the specified time limit as provided in SRO 224 of 2011, either provide the service or reject the application with reasons to be recorded for the same.

Under section 6 (1) of the Act any person, whose application has been rejected by the designated officer or who does not receive the public service within the specified time limit or where the service received is deficient in any manner can file an appeal to the first appellate authority, as notified in SRO 224 of 2011, within 30 days from the date of such rejection or expiry of the time limit or receipt of deficient service. The first appellate authority shall dispose of the appeal within 45 days and may direct the designated officer to

provide the public service within such time as it may specify or to remove the deficiency in the service provided or reject the appeal, as he may deem fit.

Under Section 7 (1) of the Act any person aggrieved by the order passed by the first appellate authority may file an appeal to the second appellate authority, as notified in SRO 224 of 2011, within sixty days from the date of the order passed by the first appellate authority. The second appellate authority shall within 45 days dispose of the appeal directing the designated officer to provide the public service within such time as he may specify or to remove the deficiency in the service provided or reject the appeal, as he may deem fit. Where the second appellate authority is of the opinion that the designated officer has failed to provide service to the eligible person or has caused delay in providing the service or has provided a service which is deficient in any manner, he shall impose a fine of ₹ 250/- for each day of such delay or ₹ 5000/- whichever is less, in case of non providing of service or delay in providing service and ₹ 2000/- in case of deficiency in service.

Under Section 10 of the Act, if the designated officer does not comply with the orders or directions passed by the first appellate authority or the second appellate authority the aggrieved person may file an application before the second appellate authority. The second appellate authority may impose a fine on designated officer which shall not be less than ₹ 500/- but may extend upto ₹ 5000/- if the second appellate authority is of the opinion that the designated officer has not complied with the orders or directions without reasonable cause.

Under Section 11 of the Act, if the second appellate authority is of the opinion that the first appellate authority has failed to decide the appeal within the time specified without any reasonable cause, he may impose a fine which shall not be less than ₹ 500/- and not more than ₹ 5000/- on the first appellate authority. Further, under Section 13 of the Act, the second appellate authority may also direct that such portion of the fine imposed on designated officer or the first appellate authority shall be awarded to the applicant/appellant, as compensation as he may deem fit.

Under Rule 4 of the Jammu and Kashmir Public Services Guarantee Rules, 2011 (SRO 223 of 2011) the designated officers shall acknowledge receipt of every application on form 1 annexed with SRO 223 of 2011.

Under Rule 6 of the Jammu and Kashmir Public Services Guarantee Rules, 2011 (SRO 223 of 2011) the designated officers shall display all relevant information related to the notified services to be provide by him under the Act on the notice board installed at a conspicuous place of the office for public knowledge. In the event of non display of such information appropriate action shall be initiated against the designated officer. The information shall be displayed on form 2 annexed with SRO 223 of 2011.

Under Rule 16 of the Jammu and Kashmir Public Services Guarantee Rules, 2011 (SRO 223 of 2011) the designated officers, first appellate authorities and second appellate authorities shall maintain the records on form **3**, **4** and **5** annexed with SRO 223 of 2011 respectively.

The Jammu and Kashmir Public Services Guarantee Act. 2011 alongwith the Rules and notified services is available on the website of General Administration Department (www.jkgad.nic.in). However, copies of the same are enclosed for ready reference. All the concerned Administrative Secretaries are requested kindly to personally supervise implementation of the Act in letter and spirit. Thev shall make suitable arrangements for monitoring implementation of the various provisions of the Act and for adherence to the time schedule for delivery of notified services. A massive programme shall be undertaken by the individual departments for capacity building and for providing stationary for maintenance of records consistent with the relevant provisions of the Act and Rules. A status report shall be furnished by each concerned Administrative Secretary to the General Administration Department within a period of one month detailing out the infrastructure and other logistic arrangements for facilitating the proper monitoring of the implementation of the Act and Rules.

The General Administration Department shall monitor implementation of the provisions of the Act, superintendence of the

cases filed under the Act and shall also conduct inspection of offices of the designated officers, first appellate authorities and second appellate authorities in due course.

The above instructions are brought to the notice of all the concerned for strict compliance.

Sd/-

(Mohammad Sayeed Khan) IAS Commissioner/Secretary to Government,

General Administration Department

Encl: As above.

Dated: 23.08.2011 No: GAD(Adm)66/2011-V

Copy to the:-

- 1. All the Administrative Secretaries to Government.
- 2. Principal Secretary to Hon'ble Chief Minister/HEG.
- 3. Divisional Commissioner, Kashmir/Jammu.
- 4. All Heads of Departments.
- All Deputy Commissioners.
- General Manager, Government Press, Jammu/Kashmir.
- Special Assistants/Private Secretaries to all Hon'ble Ministers/Ministers of State. 7.
- PPS to Chief Secretary
- 9. PS to Advisor to Hon'ble Chief Minister
- OSD to Political Advisor to Hon'ble Chief Minister 10.
- PS to Commissioner/Secretary to Government, GAD 11.
- In charge Website GAD 12.
- Circular file/stock file. 13.

Sd/-(Mohammad Shahid Saleem) Deputy Secretary to Government General Administration Department



GOVERNMENT OF JAMMU AND KASHMIR GENERAL ADMINISTRATION DEPARTMENT

(Administration Section)
Civil Secretariat, Jammu/Srinagar

Subject:- Implementation of the Jammu and Kashmir Public Services Guarantee Act. 2011.

Circular No. 29 - GAD of 2011 Dated: 13.09.2011

The Jammu and Kashmir Public Services Guarantee Act, 2011 has come into effect from 10th of August, 2011. The Act provides for the delivery of public services by the designated officers to the eligible persons of the State within the specified time limit. To carry out implementation of the Act, the State Government has notified the rules for the purpose vide SRO 223 of 2011. Further vide SRO 224 of 2011 the State Government notified the services to be delivered to the eligible persons under the Act, time limit for providing the notified services, particulars of the designated officers, first appellate authorities and second appellate authorities.

The Act inter-alia provides for imposition of fine on the designated officers for their failure to provide service to the eligible person or delay in providing the service or service provided is deficient in any manner or on the first appellate authorities if the second appellate authority is of the opinion that the first appellate authority has failed to decide the appeal within the time specified without any reasonable cause.

Following account head is therefore notified for crediting the fines imposed in terms of the J&K Public Service Guarantee Act, 2011 for information of all the concerned:-

Major Head: 0070-Other Administrative Services

Sub Major Head: 60-Other Services

Minor Head: 800-Other Receipts (Fines imposed in terms of Public

Service Guarantee Act, 2011)

Sd/-

(Mohammad Sayeed Khan) IAS
Commissioner/Secretary to Government,
General Administration Department
Dated: 13.09.2011

No: GAD(Adm)66/2011-V Copy to the:-

1. All the Administrative Secretaries to Government.

- 2. Principal Secretary to Hon'ble Chief Minister/HEG.
- 3. Divisional Commissioner, Kashmir/Jammu.
- 4. All Heads of Departments.
- 5. All Deputy Commissioners.
- 6. General Manager, Government Press, Jammu/Kashmir.
- 7. Special Assistants/Private Secretaries to all Hon'ble Ministers/Ministers of State.
- 8. PPS to Chief Secretary
- 9. PS to Advisor to Hon'ble Chief Minister
- 10. OSD to Political Advisor to Hon'ble Chief Minister
- 11. PS to Commissioner/Secretary to Government, GAD
- 12. In charge Website GAD
- 13. Circular file/stock file.

Sd/(Mohammad Shahid Saleem)
Deputy Secretary to Government
General Administration Department



Subject:

Implementation of J&K RTI Act, 2009.

Circular No. 10 -GAD of 2014 D a t e d: 25-02-2014

Vide Circular No. 25-GAD of 2009 dated 05.06.2009 and No. 15-GAD of 2012 dated 27.04.2012, instructions were issued to all the concerned to ensure the implementation of RTI Act as per the time lines provided therein.

Section 4 (1) (b) of the Act provides that every public authority has to publish within 120 days from the commencement of the Act, different information pertaining to the organization including its Functions, Duties, Rules, Regulations, Instructions, Manuals and Records, Norms set for discharge of its functions etc. These facts were brought to the notice of all Administrative Secretaries and a format was also circulated in this regard. The matter had recently come up as an item for discussion in the meeting of the Secretaries taken by the Chief Secretary on 31.01.2014.

It has been observed that many departments have still not complied with the instructions issued from time to time by the General Administration Department and have not resorted to voluntary disclosure of the information as required under the Act.

Accordingly, it is once again enjoined upon all the Administrative Secretaries/HODs/Deputy Commissioners to ensure that the provisions of Section 4 of the RTI Act are implemented in letter and spirit, by the Public Authorities under their control. The Administrative Secretaries shall submit the progress achieved in the matter with regard to their departments and the departments under their control, to the General Administration Department on monthly basis.

Sd/(M.A.Bukhari) IAS
Secretary to Government,
General Administration Department

Dated:25.02.2014

No:GAD(Adm)110/2009-V (Part-File) Copy to the:-

- 1. Financial Commissioner, Revenue.
- 2. Chairperson, J&K Special Tribunal.

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Subject:- Specification of Signatory.

Circular No.06-GAD of 2014 Dated:- 23 .01.2014

Vide Circular No.10-GAD of 2004 dated 14.07.2004, it has been impressed upon all the officers/officials to indicate their names and designation below their signature while initiating or endorsing any note/proposal for consideration of the competent authorities and also on the communications exchanged with different departments. The officers/officials have further been advised to mention their telephone numbers and e-mail addresses all letters/letter heads/correspondence etc. to communication specific and easier.

These instructions have, further been reiterated through Circular No.16-GAD of 2011 dated 08.04.2011, Circular No.23-GAD of 2012 dated 09.08.2012 & Circular No.20-GAD of 2013 dated 10.09.2013.

It has been observed that the above instructions are not being adhered to strictly and the communications and sometimes even the Government Orders are being Issued without mentioning the details of the signing authority. This has been noticed recently during the scrutiny of the Government Order No.35-Edu of 2014 dated 08.01.2014 of School Education Department and Office Order No.01-ASH of 2014 dated 08.01.2014 of Animal/Sheep Husbandry Department.

It is, therefore, once again impressed upon all the officers/officials to strictly adhere to the instructions Issued vide Circular No. 10-GAD of 2004 dated 14.07.2004 and reiterated through No.16-GAD of 2011 dated 08.04.2011, Circular No.23-GAD of 2012 dated 09.08.2012 & Circular No.20-GAD of 2013 dated 10.09.2013.

Sd/-

(M.A.Bukhari) IAS

Secretary to the Government, General Administration Department.

OM No.GAD(Adm)110/2009-V(part file)

Dated: 23,01.2014

Copy to the:-

- Financial Commissioner, Revenue.
- Director General of Police, J&K.
- All Principal Secretaries to Government.
- Principal Resident Commissioner, J&K Government, 5-Prithvi Raj Road, New Delhi.
- Principal Secretary to Hon'ble Chief Minister/Hon'ble Governor.
- Director General, J&K, IMPA
- Director of Vigilance, J&K.
- All Commissioner/Secretaries to Government.
- Chairman, J&K Special Tribunal.
- 10. Divisional Commissioner, Kashmir/Jammu.
- 11. All Heads of Departments/Managing Directors.
- Secretary, J&K State Information Commission.
 All Deputy Commissioners. 12.
- Director Information, 18K.



GOVERNMENT OF JAMMU AND KASHMIR, GENERAL ADMINISTRATION DEPARTMENT, (Administration Section) Civil Secretariat. Scinagar.

Subject: Specification of Signatory.

Circular No.20-GAD of 2013 Dated: 10-09-2013

Vide Circular No. 10-GAD of 2004 dated 14.07.2004, all the officers/officials have been directed to Indicate their name and designation below their signature while initiating or endorsing any note/proposal for consideration of the competent authorities and also on the communications exchanged with different departments. The officers/officials have further been advised to mention their telephone numbers and e-mail addresses on all letters/letter heads/correspondence etc. to make communication specific and easier.

These instructions were, further reiterated through Circular No. 16-GAD of 2011 dated 08.04.2011 and Circular No. 23-GAD of 2012 dated 09.08.2012.

It has been observed that the instructions issued vide above circulars are not being adhered to strictly and the communications/correspondences/sometimes Government Orders are being made/issued without mentioning the details of the signing authority, in contravention of these circular instructions.

Under the RTI, Act, 2009 and rules thereunder also, necessary information is to be provided to the information seeker on various issues and invariably the persons involved in the decision making at various levels are required to be indentified in the process which becomes difficult and impossible without the name and details of the signatory on the official note/communications/Government orders etc.





Government of Jammu and Kashmir General Administration Department (Administration Section)

Civil Secretariat, Srinagar/Jammu.

Subject:

Specification of Signatory.

Circular No:-

23 -GAD of 2012 09 -08-2012

Dated:-

Attention of all the Officers/Officials is invited to the Instructions issued vide Circular No. 10-GAD of 2004, dated 14-07-2004 and Circular No. 16-GAD of 2011 dated 08-04-2011, wherein it has been enjoined upon all the officers/officials to indicate their names and designation below their Signature on the communications exchanged with different Departments, alongwith their telephone numbers and e-mail addresses.

It has been observed that the instructions issued vide above referred circulars are not being adhered to in letter and spirit.

It is hereby once again impressed upon all the Officers/Officials to strictly adhere to the instructions conveyed vide Circular No. 10-GAD of 2004 dated 14-7-2004 and Circular No. 16-GAD of 2011 dated 08-04-2011 (copies enclosed).

Sd/-

(Sheikh Mushtaq Ahmad)IAS

Secretary to Government General Administration Department Dated: 67-08-2012

NO. GAD(Adm)110/2009-V

- Copy to the:1. All Principal Secretaries to Government.
 2. All Commissioner/Secretaries to Government
 3. Director, General IMPA.

 - Divisional Commissioner, Srinagar/Jammu.

 - 5. All Heads of Departments.
 6. All Deputy Commissioners.
 7. Secretary, JK SIC/SSB/PSC.
 8. PPS to Chief Secretary.

 - PS to Secretary, GAD.
 Incharge Website, GAD.
 Circular file/Stock file.

(Tahir Mustafa Mal k)
Under Secretary to Government, General Administration Department.



GOVERNMENT OF JAMMU AND KASHMIR GENERAL ADMINISTRATION DEPARTMENT

(Administration Section)
Civil Secretariat. Jammu

Subject:

Implementation/Compliance of J&K Right to Information Act, 2009/J&K RTI, Rules, 2010.

Circular No.: 15 -GAD of 2012 D a t e d: 27.04.2012

Attention is invited to Circular No. 25-GAD of 2009 dated: 05.06.2009 wherein it was impressed upon all the public authorities to take steps for dissemination of information to the residents of the State as provided under the J&K Right to Information Act, 2009 besides ensuring that the mandate of Section 4 is complied with fully by voluntary disclosure of information. The public authorities were also required to designate Assistant Public Information Officers (APIOs), Public Information Officers (PIOs) and Appellate Authorities to perform duties as enshrined in the Act.

All the departments are required to adhere to the time lines enshrined in Section 4 of J&K Right to Information Act, 2009 for voluntary disclosure of Information. The Public Authorities appointed under the Act have also to discharge their duties and functions as per Act/Rules.

All the Administrative Secretaries/HODs/Deputy Commissioners are once again enjoined upon, to follow the guidelines issued in this regard from time to time and ensure that the provisions of Section 4 of the Act are fully implemented in letter and spirit in a time bound manner. Besides, the Public Authorities shall ensure that the APIOs, PIOs and 1st Appellate Authorities are entrusted with the job/duties as envisaged under the Act.

Attention of the Public Authorities is also invited to the J&K Right to Information Act/ Rules, wherein it has been mentioned that officer to be designated as Public Information Officer shall not be below the rank of Under Secretary to Government and the 1st Appellate

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Government of Jammu and Kashmir General Administration Department

(Administration) Civil Secretarist, Srinagar/Jammu

Subject: Implementation of Right to Information Act, 2009.

CIRCULARNo: 17 -GAD of 2010 DATED : 16 .04.2011

Attention is invited to the Circular No.25-GAD of 2009 dated 05.06.2009 where-under a duty was cast on the Administrative Secretaries for personally supervising and appraising the performance of the public authorities for compliance with the various provisions of Jammu and Kashmir Right to Information Act. The emphasis was also given for promoting transparency and accountability in the working of the public authority for facilitating the people to have timely access to the information under the control of public authority.

Besides the above, the following issues are also being brought into the notice of the Administrative Secretaries for upscaling the available systems to the public advantage:

- Section 2(g),2(j) and Section 3 of J&K Right to Information Rules, 2010, envisage the designating of First Appellate Authority and PIO. It has been observed that number of officers have been designated for discharging identafied responsibilities without following a rational course. With a view to ensuring that appointment of PIOs and First Appellate Authority takes place accordance with the relevant rules, all Administrative Secretaries may have a re-look on the appointments so far made and make corrections wherever expedient for ensuring that these appointments are strictly consistent with the relevant provisions of the J&K RTI Railes, 2010.
- ii) The Administrative Secretaries/HoDs/DCs while holding periodical review meetings shall appraise the performance of the PIOs and Appellate Authorities both on account of quality of services and prompt disposal of the references made for revealing all kinds of information. Periodical

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Government of Jammu and Rashmir General Administration Department (Administration Section) Civil Secretariat, Jammu

Subject:- Specification of Signatory.

Circular No. 16 -GAD of 2011 Dated: 08.4.2011

Attention of all the Officers/Officials is invited to Circular No. 10-GAD of 2004, dated 14.07.2004, wherein it has been enjoined that all Officers/Officials must indicate their names and designation below their signature while initiating or endorsing any note/proposal for consideration of the Competent authorities and also on all communications exchanged with different departments. Besides, Officers who approve any proposal on the departmental file at their own level as per delegation of powers must indicate their names and designations below their signature while approving any such proposal.

To make the communication specific and easier, all the Officers/Officials have also been advised to mention their Telephone Number and e-mail addresses on all letters/letter heads/correspondence etc in future.

It has been observed that the instructions issued vide above mentioned circular have not been adhered to in letter and spirit and communications/correspondence made is usually signed by the Officers without giving their names and contact number.

It is hereby once again enjoined upon all the Officers/Officials to strictly adhere to the instructions envisaged in Circular No. 10-GAD of 2004, dated 14.07.2004.

The aforesaid instructions mutatis mutandis shall also be applicable in case of PIOs/FAAs dealing with RTI applications/appeals as well.

Sd/-

Commissioner/ Secretary to Government General Administration Department.

No. GAD (Adm.)110/2009-V (Part file)

Copy to the:-

Dated:-08.4.2011

- 1. All Principal Secretaries to Government
- 2. Director General of Police J&K.
- 3. Commissioner of Vigilance, J&K

Chairman, J&K Special Tribunal.





Government of Jammu and Kashmir General Administration Department (Administration Section) Civil Secretariat, Srinagar/Jammu \$\$\$\$\$

Subject:- Awareness Campaign regarding Right to Information Act, 2009.

Circular No :- lo -GAD of 2011 D A T E D:- 25 - 02 - 2011

The J&K Right to Information Act, 2009 has been enacted to provide for setting out the regime of Right to Information for the people of the State to secure access to information under the control of Public Authorities in order to promote transparency and accountability in the working of every Public authority.

It has been observed during deliberations with cross-sections of society that the knowledge and awareness about the RTI is generally missing among the common masses. Due to the lack of knowledge primarily among the beneficiary class in the rural, far flung, backward and inaccessible areas, the public generally has not been coming forward for availing the opportunities available through RTI route.

It has further been learnt that due to the lopsided approach so far pursued, the benefits under this scheme have been confined to selected pockets and to a limited section of population.

With a view to expanding the reach of this programme, the cooperation of all stakeholders is of paramount importance. During an interaction of HCM with the RTI activists, the need for holding seminars, symposiums, informative sessions and workshops was emphasized with specific mention about remote and far flung areas.

In this backdrop, it is proposed to the Deputy Commissioners that they may have necessary steps initiated for conducting seminars, workshops , symposiums and informative sessions where all stakeholders are associated in

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URGENT TIME BOUND

Government of Jammu and Kashmir General Administration Department

(Administration Section)
Civil Secretariat,
Srinagar/Jammu.

Subject:- Implementation of Jammu and Kashmir Right to Information Act, 2009.

Circular No. 25 - GAD of 2009 Dated:- 05 - 06 - 2009

- 1. The Jammu & Kashmir Right to Information Act, 2009 has come into effect from the 20th of March, 2009. The Act provides for dissemination of information to the residents of the State In the laid down manner. The Act requires the Public Authorities of the State Government to take various specific actions in a time bound manner. The Public Authorities under the Act means any authority or body or Institution of self-Government established or constituted-
 - by or under the Constitution of India or the Constitution of Jammu and Kashmir;
 - ii. by any other law made by Parliament;
 - iii. by any other law made by State Legislature;
 - iv. by notification issued or order made by the Government and includes any
 - a) Body owned, controlled or substantially financed;
 - b) Non-Government organization substantially financed, directly or indirectly by funds provided by the Government;
- 2. The important points on which the Public Authorities as mentioned above, are required to take action are indicated hereunder:
 - i) Under Section 4(a), every Public Authority has to maintain all its 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 is facilitated. All Administrative Secretaries are requested to please ensure that all the Public Authorities under their administrative control initiate immediate action for maintenance of the records in a manner and form required under the J&K Right to Information Act, 2009.
 - ii) Under Section 4(b), every Public Authority has to publish within 120 days from the commencement of the Act various information pertaining to the organization. To facilitate and maintain uniformity of such information, a <u>format is enclosed with this circular</u>. All Administrative Secretaries are requested to kindly ensure that all Public Authorities under their administrative control publish detailed information pertaining to their organization in the prescribed format within the stipulated period.



Government of Jammu and Kashmir General Administration Department

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Circular No: 10 -GAD of 2004 Dated : 14 - 07 - 2004

It has been observed that officers/officials white initiating or endorsing any proposal/acte on the departmental files for consideration of the competent authorities, do not indicate their names and designations below their signatures. Even some of the communications exchanged between various departments do not indicate the name of the officer signing such communications. Indicating names and designation on office notes and communications is very useful if any clarification or additional information is required by the competent authority or by any authority.

It has, therefore, been decided that all officers from Section Officer to Financial Commissioner must indicate their names and designations below their signature while initiating or endorsing any note/proposal for consideration of the competent matherities and also on all communications exchanged with different departments.

Officers who approve any proposal on the departmental file at their own level as per delegation of powers are also requested to please indicate their names and designations below their signature while approving any such proposals.

All officers/ officials are also advised to mention their Telephone Planders and e-mail addresses on all letters/ letter heads/ correspondence etc to make communication specific and easier.

The above decisions are brought to the notice of all concerned for immediate compliance.

(S. L. Bhat) Principal Secretary to Government

Dated: 14 -7-2004

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Copy to the:-

- 1. All Financial Commissioners
- 2. All Principal Secretaries to Government
- 5. Principal Secretary to Hon'ble Chief Minister
- 4. All Commissioner/ Secretaries to Government
- 5 Divisional Commissioner Jammu/ Kashmir
- o. All Heads of Departments
- Director Archives, Archaeology and Museums
- U. All Deputy Commissioners
- Additional Secretary to Honble Deputy Chief Minister
- 10 Additional Secretary (Services), General Administration Department
- Hi. General Manager, Government Press Jammu/ Srinagar
- 12. Private Secretaries to all Hon'ble Cabinet Ministers/ Ministers of State.
- 13. PS to Chief Secretary
- 14. PS to Principal Secretary to Government, GAD