



**Jammu and Kashmir State information Commission**  
(Constituted under The Right to Information Act, 2009)  
**Wazarat Road, Near DC office Jammu, 0191-2520947, 2520937**  
**Old Assembly Complex, Srinagar. 0194-2484269, 2484262**  
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File No. SIC-K/Comp/39/2013  
Decision No. -K/Comp/39/2013/**109**

Title: Shri Rasikh Rasool                      **v/s** ZEO Rajwar  
r/o Ahgam Rajwar                                      **(Respondent)**  
**(Complainant)**

Present:

1. Shri Syed Barkat Ali, ZEO Rajwar.
2. Shri Rasikh Rasool, Complainant.

**Srinagar**  
**17.12.2013**

The Commission received a complaint from Shri Rasikh Rasool r/o Ahgam Rajwar on 12.08.2013 against Zonal Education Officer Rajwar Handwara stating that he filed an RTI application in ZEO office Rajwar on 26.06.2013 (copy enclosed) and that on 06.07.2013 he was called by the ZEO (PIO) for conducting inspection of documents. It is alleged that

instead of giving access to information, he was thrashed and attacked with sticks and stones by PIO and some teachers of the Govt. Middle School Ahgam, further alleged that he and his family members are getting different types of threats and psychological harassments from PIO and his subordinates.

Records enclosed with the complaint reveal that the RTI application seeking inspection of utilization of funds sanctioned for whole central/state sponsored schemes from last three years in the UPS Ahgam has been received in the Office of ZEO Rajwar on 26.06.2013.

This issue with regard to obstruction to access to information as alleged by the complainant was taken note of during hearing on 24.09.2013 and CEO Kupwara/ZEO Rajwar were directed by the Commission to ensure that the information seeker may not be obstructed in any manner from inspection of records. A copy of letter dated 27.09.2013 in this regard, was also sent to Deputy Commissioner Kupwara and SSP Handwara.

The case was listed for hearing on 24.09.2013 and notice was served upon ZEO Rajwar on 11.09.2013 for appearance but the ZEO failed to appear before the Commission and the scheduled date and time and consequently, in pursuance of Section 32(c) of the Code of Civil Procedure Code Samvat-1977, the Commission imposed a fine of Rs. 2000/- (rupees two thousand only) upon Shri Syed Barkat Ali, ZEO Rajwar vide Order No. SIC-K/Comp/39/2013-4452-57 dated 23.10.2013 for non-appearance before the Commission.

Heard the parties and perused records.

Shri Syed Barkat Ali, ZEO Rajwar produced documentary that RTI application received by him on 26.06.2013 was transferred to Head Master UPS Ahgam on 28.06.2013 asking him to furnish all the required information as per the contents of the application under RTI Act within week's time. Head Master UPS Ahgam under letter dated 30.06.2013 has enclosed information of funds sanctioned for central/state sponsored schemes for the years 2010-2011, 2011-12 and

2012-13. The information seeker admitted to have received this information, but submitted that he had asked for inspection of records and not information. ZEO produced letter dated 26.08.2013 addressed to information seeker requesting him to intimate date on which he will present himself in his office so that Headmaster UPS Ahgam will be directed to produce the cash books. The complainant admitted that ZEO Rajwar had informed him/called him for taking inspection of records, however, he submitted that inspection of records was not possible as instead of giving access to information he was attacked by miscreants at UPS Ahgam.

As per RTI Act, the Commission is entrusted with the responsibility of providing access to the information as per request of the information seeker, however, Information Commission cannot verify/take cognizance of allegations of physical attack etc. for which information seeker/s need to approach law enforcing agencies. However, in the spirit of RTI Act, ZEO submitted that he will collect the records from the

concerned Headmaster and shall provide access of records to the information seeker on 24.12.2013 during working hours. The information seeker agreed to this arrangement and time schedule. The complainant has admitted in his complaint that he was called by the ZEO on 06.07.2013 for inspection of records and subsequently information of funds have been sent to him by Headmaster UPS Ahgam under letter dated 30.06.2013. it is therefore held that PIO has responded to the RTI application within prescribed period.

The complaint is accordingly disposed of with above directions.

Sd/-  
**(Nazir Ahmed)**  
**State Information Commissioner**

Copy to the:-

1. Zonal Education Officer, Rajwar Handwara.
2. Sh. Rasikh Rasool R/o Ahgam (Rajwar) Handwara.

**(M.S. Bhat)**  
**Deputy Registrar,**  
**J&K State Information Commission**