



**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  
www.jksic.nic.in  
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File No: SIC-K/Comp/29/2013  
Decision No: SIC-K/Comp/29/2013/59

Title: Ms. Byza, v/s PIO,  
d/o Zia Ahmad, DPO/ICDS Project Bandipora.  
(Complainant) (Respondent)

Present: 1. Ms. Hameeda Akhtar CDPO Hajin.  
2. Ms. Byza, Complainant.

**Srinagar**  
**11.07.2013**

The Commission received a complaint on 05.06.2013 from Ms. Byza d/o Zia Ahmad r/o Mir Mohalla Hajin, Sonawari stating that she filed an RTI application in the office of PIO Department of Social Welfare on 25.04.2013 and on 28.04.2013 she received an intimation vide No. DSWK/RTI-190-2013/36-38 dated 27.04.2013 from PIO Directorate of Social Welfare Department Kashmir whereunder District Programme Officer (PIO) ICDS Baramulla is requested to furnish requisite information to the applicant within stipulated time, but unfortunately no response has been provided till date i.e., 5<sup>th</sup> June 2013. Accordingly the complainant has requested the Commission to direct the concerned department for compliance of provisions laid down in the RTI Act 2009.

During scrutiny of the complaint some deficiencies were noted which were conveyed to the complainant vide letter dated 12.06.2013. These were completed by the complainant and received in the Commission on 24.06.2013. Accordingly notice was issued to PIO/District Programme Officer, ICDS Bandipura/Baramulla asking him to file reply/counter statement to the complaint and to appear before the Commission on 11.07.2013 for hearing the complaint.

Records enclosed with the complaint reveal that an RTI application has been filed before PIO Directorate of Social Welfare Department Kashmir which has been transferred to District Programme Officer, ICDS Baramulla/Bandipora under letter No. DSWK/RTI/-190-2013/36-38 dated 27.04.2013 enclosing two leaves in original with the request to provide the information directly to the information seeker within the stipulated time.

Mrs. Hameeda Akhtar CDPO Hajin appeared before the Commission and submitted that she received a communication from District Programme Officer ICDS Bandipora/Baramulla on 06.07.2013 asking her to appear before the Commission on 11.07.2013. She submitted that immediately on receipt of letter dated 06.07.2013 from the office of DPO ICDS Baramulla, she sent information on the address of the complaint vide letter dated 08.07.2013 responding to both the queries of the complainant. The complainant admitted to have received this information.

The Commission has noted that the RTI application has been transferred to designated PIO/DPO Bandipora/Baramulla and he/she was under obligation to dispose of the RTI application within stipulated period under the Act. No evidence has been provided/produced before the Commission which would prove that PIO/DPO Bandipora/Baramulla has disposed of the RTI application at his level. PIO/DPO has not even bothered to file reply/counter statement before the Commission. The Commission has taken a serious note of arrogance on the part

of PIO/DPO Bandipora for not responding and appearing before the Commission in response to notice of the Commission dated 28.06.2013.

Section 7 of the RTI Act mandates PIO to pass an order within 30 days and in this case PIO i.e., DPO has not disposed of the RTI application as per records produced before the Commission. Prima facie it is evident that information sought has not been provided upto 08.07.2013 and that the RTI application was pending with DPO Bandipora.

In view of above following directions are passed: -

PIO/DPO Bandipora/Baramulla shall explain within two weeks from issue of this order-

1. As to why penalty under 17 of the Act shall not be imposed on against him for delay in providing information.
2. As to why the Commission may not invoke the provision of section 15 of J&K RTI Act, 2009 read with Section 32 of CPC Samvat 1977 by for non-appearance and non response to the notice of the Commission, thus showing willful disregard of the Commission.

Since there has been delay in providing information to the information seeker, which has been only provided by the CDPO Hajin on 08.07.2012, therefore FAA Directorate of Social Welfare Department Kashmir shall entertain the First Appeal, if filed by the complainant, within two weeks from issue of this order.

Registry to issue notice to DPO Bandipora for appearance in the 1<sup>st</sup> week of August alongwith explanation for delay.

Sd/-  
(Nazir Ahmed)  
State Information Commissioner

Copy to the: -

1. District Programme Officer Bandipora/Baramulla.
2. CDPO Hajin.
3. Ms. Byza d/o Zia Ahmad r/o Mir Mohalla Hajin, Sonawari

(Mohammad Sayed Shah)  
Registrar,  
J&K State Information Commission