



**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](http://www.jksic.nic.in)  
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File No. SIC-K/Comp/43/2013  
Decision No. SIC-K/Comp/43/2013/76

Title:- Shri Abdul Majeed Bhat V/s Project Officer, ICDS Project  
S/o Sh. Habibullah Bhat Bandipora  
R/o Chattibandy Bandipora (Respondent)  
(Complainant)

Present:- 1. Sh. Khawaja Nazir Ahmad, DPO ICDS Project Bml./Bandipora(PIO)  
2. Sh. Abdul Majeed Bhat (Complainant).

**Srinagar**  
**30.09.2013**

The Commission has received a complaint on 03.09.2013 from Sh. Abdul Majeed Bhat S/o Haibullah Bhat R/o Chattibandy Bandipora against PIO/Project Officer ICDS Project Bandipora for not providing information within prescribed period, seeking strong action against the erring official for disobedience of RTI Act.

Records enclosed with the complaint reveal that an RTI application has been filed by the complainant before PIO/Project Officer ICDS Project Bandipora through Registered Post on 25.07.2013 seeking information regarding Anganwari Centers functioning in the Tehsil Bandipora with staff strength etc.

In his reply/counter statement to the notice of the Commission, Sh. Khawaja Nazir Ahmad, District Programme Officer, ICDS Projects Baramulla/Bandipora submitted that RTI application has been disposed of vide Order No. DPO/Bla-Bpr/Estt/2013/229-32 dated 23.09.2013 enclosing information comprising of 22 leaves sent through registered post on the address of the information seeker given in the RTI application, proof thereof was shown in the Commission. The complainant submitted before the Commission that he has not yet received the

said information. This could be possibly be due to postal delay. In case complainant does not receive the information within next 5 days, PIO shall provide another set of information to the information seeker, if the information seeker approaches for same.

In his explanation/reply to the Commission, PIO submitted that the RTI application dated 24.07.2013 has been received by the establishment clerk of ICDS project Bandipora on 31.07.2013. That due to lack of proper sensitization and ignorance regarding the RTI Act at ground level, the said clerk namely Sh. Gh. Hassan Wani took the matter casually and misplaced the RTI application forgot the matter and did not inform the officers in charge due to which neither Child Development Project Officer ICDS Project Bandipora (APIO) nor District Programme Officer ICDS Projects Baramulla/Bandipora could know about the RTI application as a result it could not be disposed of. That after receipt of the notice quoted above from Hon'ble State Information Commission, the undersigned in the capacity of PIO ICDS Sector Baramulla/Bandipora came to know about the RTI application filed by the complainant and immediately took steps for providing the information to information seeker as per the provisions of RTI Act 2009 besides calling the explanation from the concerned dealing assistant for the laxity shown in disposing of the RTI application which being a sensitive issue ought to have been disposed of on priority within stipulated time period. That in reply to the explanation the concerned dealing assistant i.e. Gh. Hassan Wani took the stand that due to domestic problems he was disturbed and inadvertently misplaced the said RTI application and forgot to put up before CDPO Bandipora and/or DPO Baramulla/Bandipora and has straight forwardly admitted his fault and has prayed for pardon.

Having admitted his fault for delay in putting up the RTI application before the designated PIO, the onus is now on the PIO/Project Officer ICDS Baramulla to take disciplinary action as per Civil Service Conduct Rules against the erring official and intimate action taken to the Commission, else Commission shall initiate penalty proceeding against the PIO for delay caused in disposal of the RTI application. This should be complied with within two weeks of receipt of this order.

In a concurrent communication addressed to the information seeker on 23.09.2013, PIO has informed information seeker that information sought is huge involving hundreds of pages which is to be collected from 278 Anganwadi Centres of Tehsil Bandipora; that it is not humanly possible for his office to collect, prepare and compile such huge information. Since period was not mentioned in the RTI application, information was provided for the year 2012-13 only. The Commission feels that in view of lacunae in the RTI application with regard to period to which information sought, response of the PIO appears proper as he has requested the information seeker to attend office of CDPO Bandipora on any working day between 10 am to 4 pm and specify information required by him as per provisions of RTI Act 2009. PIO clarified that this period shall be reckoned from the date of receipt of the information by the information seeker.

It appears that besides providing information sought for one year, the PIO has provided facility of inspection of records to the information seeker for subsequent years. He also submitted that in view of delay information has been provided free of cost and further inspection of records shall be provided free of cost as well.

Since information has recently been sent, the information seeker shall be at liberty to file First Appeal with Director Social Welfare Department Kashmir as per Section 16 of the Act, if he is aggrieved by the information.

The complaint is accordingly disposed of with above directions.

Sd/-  
(Nazir Ahmed)  
State Information Commissioner

Copy to the:-

1. Project Officer, ICDS Project Bandipora.
2. Sh. Abdul Majeed Bhat S/o Habibullah Bha R/o Chattibandy Bandipora.

(G.Q. Bhat)  
Registrar,  
J&K State Information Commission