



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

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www.jksic.nic.in

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File No: SIC-CO/Comp-65/2013

Decision No: SIC-CO/Comp-65/2013-613

Title: Sh Mohammad Akbar Dar  
V/s  
PIO Directorate of Indian System of Medicine (ISM).

Srinagar

25.03.2014

This is a complaint filed by Shri Mohammad Akbar Dar, a resident of the State, against the PIO, Directorate of Indian System of Medicine (ISM), in this Commission on 04.09.2013, for not providing information which was sought by the complainant. Registry of this Commission fixed the hearing on 25.3.2014. Shri Rakesh Shan, I/C Assistant Director-cum-PIO of ISM attended the hearing. Complainant Shri Mohd. Akbar Dar attended.

The brief facts of the complaint are that the complainant filed an RTI application before the PIO seeking the following information:-

**“Kindly inform me list of candidates who have done diploma under ISM Dawasaz from 1993 till now, if any”**. This application was received in the office of PIO on 15.07.2013. PIO had to pass an order on or before 30 days from the receipt of RTI application. Not having received information, the complainant filed a complaint before this Commission on 4.9.2013. The Current PIO Shri Rakesh Shan has stated before the Commission that an order was passed on 13.9.2013 providing him the information. This order has been passed only when the complainant approached this Commission with the complaint. The Complainant has admitted of having received this order but has pointed out that information is not in accordance with the RTI application. The Commission has

gone through the order accompanied by an annexure and has found that annexure is defective so much so that it does not certify that this is the list of candidates who have done diploma in ISM Dawasaz from 1993. The PIO is directed to certify this annexure by writing on the top of it that this is the list of candidates who have done diploma in ISM Dawasaz. The then PIO Shri Rakesh Raina is directed to explain why penalty under section 17 of the State RTI Act may not be imposed for not responding to the RTI application within 30 days. His reply, if any, must reach this Commission within 15 days. The present PIO Shri Rakesh Shan is directed to ensure the service of copy of this order on Shri Rakesh Raina the then PIO.

The attention of the PIO is invited to section 6 read with Rule 3 and 4 of RTI Rules, 2012 which lays down the procedure for filing RTI application. He is advised that before passing any order on RTI applications, he should ensure that fees is paid in accordance with Rule 3 of the State RTI Rules, 2012.

Sd/-  
( G.R. Sufi )  
Chief Information Commissioner

Copy to:-

1. Public Information Officer, Directorate of Indian System of Medicine (ISM) J&K Jammu.
2. Shri Rakesh Raina, Ex-PIO Directorate of Indian System of Medicine, Jammu
3. Shri Mohd. Akbar Dar S/o Abdul Gani Dar,R/o Gund Jaffar, Anantnag
4. Private Secretary to Chief Information Commissioner
5. Guard file.

( G.Q. Bhat )  
Registrar  
State Information Commission