



**Jammu and Kashmir State Information Commission**  
(Constituted under Right to Information Act 2009)

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File No: SIC-K/SA/24/2013  
Decision No: SIC-K/SA/24/2013/491

Title:- Smt. Kaneez Fatima, Lecturer  
Govt. Girls Hr. Sec. School Leh  
V/s

1. First Appellate Authority  
Directorate of School Education, Kashmir.
3. CEO-cum-PIO Leh.

Srinagar  
21.8.2013

This is a second appeal filed by Ms. Kaneez Fatima, a resident of the State. Smt. Suraya Akhter, Joint Director-cum-PIO Directorate of School Education, Shri Tsewing Phunchok CEO-cum-PIO Leh and the representative of complainant Shri Shamim Ahmed attended. Brief facts of the second appeal are that the appellant had filed an RTI application dated: 28.3.2013. The PIO passed order within the time prescribed under the Act on 29.4.2013. The appellant not being satisfied with the information given to her preferred a first appeal before the FAA i.e Director School Education, Kashmir. The PIO Directorate of School Education Kashmir on behalf FAA disposed of the first appeal vide her order No: DSEK/OSD/ IMW/RTI/F450/1356-57 dated: 5.6.2013 directing the CEO-cum-PIO Leh to provide full point wise information along-with all the annexures. The Commission has perused the order of PIO (FAA) and found that it would have been proper and advisable to identify what are the points of incomplete information and giving specific directions to the PIO to provide information on those missing and incomplete points. However, this is appreciated that the PIO (FAA) passed order within time. The PIO complied with the directions of the FAA but PIO had already passed order on 1.6.2013 on the directions of FAA which were conveyed to him vide letter No: DSEK/OSD/RTI/F-450/1204-05 dated: 29.5.2013. The Commission has perused the record and found that the PIO has not passed order strictly in accordance with the requirements of RTI application. It is found that in both the RTI applications there were certain irrelevant information sought which does not fall under the State RTI Act. The PIO should go through the provisions of Section 2 of the State RTI Act and determine whether the information sought by the applicant in her two applications fall within the purview of State RTI Act. The information on number of points has not been given in accordance with the requirements of the application. For instance applicant wanted with regard to service book entries and the format which is prevalent in government offices. The PIO has further intimated this Commission that some information like service book entries were given

through photostat which the appellant refused to receive. The Commission directs that photocopies of the records can be given provided they are certified. The information seeker cannot refuse to receive the same. The PIO will ensure that photocopies are duly certified. This information be given to the information seeker within 15 days from the receipt of this order and compliance has to be sent to the Commission by the PIO. It is also observed by the Commission that on certain points of information like information on point 1 in RTI application dated: 28.3.2013 varies. PIO has to provide correct, complete and authentic information which is there in the office records. The Act makes the providing of incomplete, incorrect and inconsistent information punishable with penalty. The PIO is, therefore, directed to provide correct and consistent information based on the record. The appellant has asked vide his second appeal filed in this Commission on 29.7.2013 for being compensated. The appellant's request falls under Section 16 of the State RTI Act. Therefore, public authority i.e Commr/Secretary to Government, Education Department J&K is required to explain why Commission may not order for provision of compensation for the determent caused to the appellant for not providing correct information on time. His reply, if any, must reach to this Commission within 30 days from the receipt of this order. The appellant is also directed to establish and substantiate how non-provision of information or incorrect information has caused loss or other determent to her which she might have suffered and also quantify the loss. Her reply should reach this Commission within 15 days from the receipt of this order.

2. While going through the RTI application, the Commission has found that the appellant has not been careful in seeking the information. The RTI Act does not give any licence to anyone to put unnecessary pressure on the administration. She has filed two RTI applications within a short span of two days. She should have filed only one RTI application and seeking the relevant information which falls under the State RTI Act. Certain information sought by the appellant does not strictly fall within the purview of State RTI Act. RTI user is advised that in future the applications have to be made with care, caution and responsibility.

3. During the examination of record, it was revealed that the information seeker had applied on 1.5.2013 to D.C Leh who is also designated FAA and who is incharge of Education Department in Leh. As this was a first appeal, therefore, FAA i.e D.C Leh, being a public authority was saddled with the duty under Section 16 of the State RTI Act to adjudicated the appeal within time prescribed under the Act. Unfortunately, this has not been done. The discharge of RTI appeal is a statutory duty which has been cast on public authority like DC and his failure to discharge a public duty is squarely dealt with in Ranbir Penal Code. The Commission would hope that in future all the authorities who are connected with the implementation of State RTI Act in Ladakh and Hilly Autonomous Districts will strictly adhere to the provisions of law. The Commission is rather sure that these two regions will become a token of light so far as RTI Act in the remote areas of our state is concerned.

Since the PIO has not provided the information to the information seeker within time and caused delay in providing the information that too incomplete information, he is directed to explain why penalty under Section 17 of the State RTI Act may not be imposed on him. His reply, if any, must reach this Commission within 15 days from the receipt of this order.

Sd/-  
( G.R Sufi )  
J&K State Chief Information Commissioner.

Copy to:

1. Commr/Secretary to Government, Education Department (Public Authority).
2. Deputy Commissioner, Leh.
3. First Appellate Authority, Directorate of School Education, Kashmir
4. Chief Education Officer-cum-Public Information Officer Leh
5. Smt. Kaneez Fatima, Lecturer, Govt. Girls Higher Secondary School, Leh
6. Private Secretary to Chief Information Commissioner
7. Guard file

( M.A Wani )  
Dy.Secretary/Joint Registrar  
J&K State Information Commission.