



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

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[www.jksic.nic.in](http://www.jksic.nic.in)

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File No: SIC-K/Comp/37/2013

Decision No: SIC-K/Comp/37/2013/492

Title: Smt. Kaneez Fatima, Lecturer  
Govt. Girls Hr. Sec. School Leh  
V/s  
Public Information Officer  
Chief Education Officer, Leh

Srinagar

21.08.2013

This is a complaint filed by Smt. Kaneez Fatima, a resident of the State, under Section 15 of the State RTI Act before this Commission against the failure of CEO LAHDC-cum-PIO on 29.7.2013. Shri Tsewing Phunchok CEO-PIO and Shri Shamim Ahmed, authorized representative of the complainant attended the hearing. They have been heard.

2. The brief facts of the complaint are that the information seeker filed an RTI application under Section 6 before the said PIO on 11.5.2013. The application was personally handed over in the office of CEO which has been acknowledged on a kacha paper (not proper receipt). The Commission has observed that receipt and despatch of the communications from the applicants is not fool proof. It is advisable for the officers to ensure that there is a proper receipt acknowledgment system introduced in various government departments so that the accountability and responsibility of the concerned officials is strictly ensured. This will be in accordance with the spirit and contents of the State RTI Act which in its preamble makes it one of the duties of the State Information Commission to ensure accountability and responsibilities in public authorities.

3. As per Section 7 of the State RTI Act, PIO had to pass an order as expeditiously as possible but not later than 30 days. 30 days is a outer limit for passing orders under the State RTI Act providing or refusing the information. By not passing order within the time prescribed under the Act, the information which otherwise is giveable under the Act is deemed to have been refused. While going through the RTI

application, it is seen that the information sought on various points is quite relevant to the concept of transparency and accountability. This information is also relevant to ensure that there is no favoritism and rules and regulations are followed with regard to transfer and posting of various government functionaries be they from Education Department or other departments. The PIO states that an order was passed on 5.8.2013. This order is also found to be incomplete and has been passed only when the Commission had already issued a notice to PIO on 31.7.2013. During the hearing, it came to light that even the order passed on 5.8.2013 was not complete because on number of points information was not provided. Certain information on remaining points excepting information on point 5 and 6 has been given now and was found to be incomplete. For instance, the information on point 5 and 6 was not provided at all till the date of hearing before this Commission and information which has been provided now is found to be incomplete in respect of transfer of couple cases. The PIO has ensured the Commission that this information will be provided to the information seeker. As the order has not been passed within 30 days and even the order which is now passed is found to be incomplete, therefore, Shri Tsewing Phunchuk , CEO-cum-PIO is directed to explain why penalty as provided under Section 17 of the State RTI Act is not imposed on him. His explanation, if any, must reach to this Commission within 25 days from the receipt of this order.

Sd/-

( G.R. Sufi )

J&K State Chief Information Commissioner

Copy to:-

1. Chief Education Officer-cum-Public Information Officer, Leh
2. Smt. Kaneez Fatima, Lecturer Government Girls Hr. Secondary School Leh.
3. Private Secretary to Chief Information Commissioner
4. Guard file

( M.A Wani )

Dy.Secretary/Joint Registrar

J&K State Information Commission