



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, 0194-2506660, 2506661
www.jksic.nic.in

File No. SIC/K/SA/65/2015
Decision No. SIC/K/SA/65/2015/73

Appellant : **Ab. Qayoom Bhat**
Respondent : **Mr. Ab. Majeed Kumar, CEO/PIO Pulwama**
Date of hearing : **27.08.2015**
Date of Judgment : **27.08.2015**

The Commission received this 2nd appeal on 03.07.2015 from Ab. Qayumm Bhat R/o Nishat Srinagar submitting that in response to his RTI application dated 13.10.2014, CEO Pulwama failed to provide him information within the stipulated period. As such, he filed first appeal before Directorate School Education Kashmir, which appeal was disposed off on 29.04.2015 directing PIO/CEO Pulwama to provide complete information to the applicant, but again PIO Pulwama failed to provide the information. He has accordingly requested the Commission to direct the PIO to provide information and also call his explanation for delay in providing the information.

Mrs Suriya Akther, FAA Directorate of School Education, Kashmir has filed reply on 25.07.2015 stating that appeal received from Mr. Abdul Qayum was processed and forwarded to PIO/CEO Pulwama on 18.12.2014 for

providing point-wise information. Regarding first appeal, the FAA has submitted that Chief Education Officer, Pulwama was directed vide this office order No.DSEK/RTI/F-74/1018-19 Dated: 29.04.2015 (copy enclosed) to provide the point-wise information to the information seeker/this office within five days positively to file the reply. The PIO/Chief Education Officer, Pulwama has failed to share the information till date

In compliance to the directions of the Commission dated 10.08.2015, CEO Pulwama has filed his explanation/reply citing security/law & Order situation in Pulwama as reason for non-appearance before the Commission on 10.08.15. He has also submitted that information sought has been provided to Director School Education, Kashmir vide office letter dated 31.07.2015 and also to the appellant through ordinary post. The appellant, Mr. Ab. Qayum Bhat submitted that he received the information through DSE Kashmir a few days back and not from the CEO Pulwama.

Upon perusal of the information provided by the PIO vis-à-vis information sought in the RTI application, it is held that information as per the definition of information under the Act has been provided to the appellant. Although appellant expressed reservations in respect of information at Point 4, wherein he has sought reasons for not drawing his salary, the Commission is of the view that PIO is required to provide only information and not give reasons. At Point 6 and 7, he has sought “all reports/information etc.”, which is not specific, as required under Section 6(1) of the Act. Further at point 9, he has asked a certificate from the CEO that information provided is correct.

As per the provisions of the Act, the information given by the PIO is deemed to be correct unless proved otherwise and he need not give any certificate.

The appeal is disposed off with the directions to the CEO Pulwama to attest information provided to the appellant.

As per the documents/records, the RTI filed before the CEO Pulwama on 13.10.2014 has not been disposed of, even after FAA has passed an order on 29.04.2015, directing him to provide information.

In view of the above, CEO Pulwama is directed to explain as to why proceedings as per provisions of Section 17 of the Act shall not be taken against him for delay in disposing of the RTI application within prescribed time. His reply, if any, should reach the Commission within two weeks.

**Sd-
(Nazir Ahmed)
State Information Commissioner**

Copy to the:

1. CEO Pulwama
2. Mr Farooq Ahmad Dar, the then CEO Pulwama, Presently CEO Kupwara
3. Pvt. Secretary to Hon'ble SIC
4. Abdul Qayum, Master R/o Nishat, Srinagar

**(G Q Bhat)
Registrar
State Information Commission
Srinagar**