



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/34/2017
Decision No. No. SIC/K/SA/34/2017/41

Appellant: Shri Javeed Ahmad Lone

Respondent: First Appellate Authority (FAA)/Jt. Director
School Education Department Kashmir,
Public Information Officer (PIO)/ Chief
Education Officer, Kupwara

Date of Registration : 07.06. 2017

Date of Decision : 15.09.2017

Brief Facts:

This is a 2nd appeal titled Javeed Ahmad Lone v/S FAA/Jt. Director School Education Department, Kashmir and PIO/CEO Kupwara previously heard on 10.07.2017 and 16.08.2017. The background o the 2nd appeal is that Shri Javeed Ahmad Lone submitted an RTI application to the CEO Kupwara/PIO on 11.02.2017 asking for certain information about Sun Rise Public School, Batpora, HyeHama, District Kupwara. In addition to the information sought by the appellant pertaining to the functioning of the school and maintenance of documents by it, the appellant has been

continuously making allegations against the present Management of the school who he alleges have appropriated this school to their personal benefit although the said school was established on the land donated by the villagers and was supposed to function as Daru-ul-Uloom. Whereas, there may be contrasting contentions on the part of the present management and the village community represented by Shri Javeed Ahmad Lone, the PIO/CEO Kupwara has by and large failed to provide the requisite information to the appellant. In the last order issued by this Commission, the PIO was directed to provide to the appellant the information which is yet to be provided and the Director School Education, Kashmir was advised to have an enquiry conducted into the running of the school. Even in the previous order of this Commission date 17.07.2017, the Commission had taken note of the allegations made against the school management and its mal-functioning and the Director, School Education Kashmir was accordingly advised to look into the matter and have the necessary steps taken. It was also directed that balance information not provided so far be provided to the appellant.

In the representation dated 27.08.2017 addressed to the Registrar J&K State Information Commission, received in the Commission on 05.09.2017, the villagers of Batpora HyeHama, Kupwara have reiterated their complaints against the school. The DSEK has done well to have an enquiry conducted in pursuance of the advice of this Commission and a report was accordingly presented today during the hearing. The report signed by two representative of the Directorate of School Education Department Kashmir and the CEO Kupwara does point out certain deficiencies and aspects of mal-functioning in the school. They have also heard the villagers. The report also mentions the undertaking given by the

school management to shift the school from the Dar-ul-Uloom land within a period of 6 months. In the background of what has been stated above, the following directions are issued for necessary compliance:

1. Since the appellant continues to be dissatisfied with the information provided to him by the PIO/CEO Kupwara and has alleged that more than 90% of the information is yet to be provided to him, it will therefore be desirable that a direction is issued to the Public Authority i.e. the Director School Education Department, Kashmir in terms of Section 16(9)(a) to take appropriate action for having the available remaining information provided to the appellant in terms of his application.
2. In terms of Section 16 (9) (a), the Public Authority i.e. the Director School Education Department, Kashmir shall also take necessary steps to streamline the RTI Cell in the CEO office Kupwara by way of ensuring prompt access to information, publication of certain information of day to day relevance, changes in the system of management of records, training of officials of District Kupwara and other appropriate measures to conform with the provisions of the J&K RTI Act, 2009.
3. The conduct of the PIO in this 2nd appeal has been found somewhat lackadaisical in the sense full information has still not been provided. It is also sad to know that the reason for not attending the hearing today given by the PIO is also highly unprofessional as the reason mentioned therein does not relate to performance of any urgent public duty where a matter or matters

of public interest are to be attended to immediately and cannot be deferred. The Commission does not find it necessary to press or perpetuate this matter any further. However, with a view to ensure smooth and effective implementation of the J&K RTI Act within the department, the Director School Education Kashmir i.e. the Public Authority should issue necessary instructions to the PIOs & FAAs in the Education Department to enjoin upon them to show due deference to the provisions of the law laid down in the J&K RTI Act, 2009 and perform their duties in terms of the Law and the Rules.

With these directions, the 2nd appeal filed before the Commission is disposed of.

Sd/-
(Khurshid A. Ganai) IAS (Retd)
Chief Information Commissioner

Copy to the:-

1. Director School Education Department, Kashmir
2. FAA/Jt. Director School Education Department, Kashmir
3. PIO/CEO Kupwara
4. Appellant- Mr Javeed Ahmad Lone S/o Ab. Satar Lone R/o Batpora Haihama Kupwara
5. Office File

(Sheikh Fayaz Ahmad)
Registrar
J&K State Information Commission