



**Jammu and Kashmir State Information Commission**

شہن یشن کمیٹ انفارمیر اسٹیٹسٹ کشمیر جموں ا  
(Constituted under the Right to Information Act, 2009)

**Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937  
Old Assembly Complex, Srinagar, 0194-2506660, 2506661**

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File No. SIC/K/SA/76/2017

Decision No. SIC/K/SA/76/2017/22

**Final Order**  
**(Complaint for non-compliance)**

Complainant : Ms. Rifat Akbar.  
Respondent : Public Information Officer (PIO),  
University of Kashmir.  
Date of Receipt : 15.03.2018.  
Date of Decision : 09.05.2018.

**Brief Facts:**

The complaint for non-compliance of this Commission's order dated: 15.01.2018 was filed by Ms. Rifat Akbar, R/o. Quarter No. C1LF1, Mirzabagh Town Sadderbal, Kashmir University which was subsequently referred to the PIO, University of Kashmir. The said PIO submitted report dated: 31.03.2018 in which he submitted the statement of facts as under:

- “1. The PIO office had received an order from the SIC on 06.02.2018 related to the appellant's case directing thereunder the university PIO to provide copy of inquiry committee report to the appellant which stand constituted by the university to examine the suspension case of Sh. Latif Ahmad Peer (Assistant Professor) Department of Botany.*”**

- 2. The office of PIO delivered a copy of said order to the Assistant Registrar (Teaching wing) alongwith a forwarding letter to furnish the same to this office for onward transfer to the appellant within three days positively.**
- 3. Since the information was not forthcoming from the concerned office, the PIO issued reminder Ist to them on 26.02.2018 to provide requisite information within a day positively.**
- 4. The applicant namely Ms. Rifat Akbar submitted one more communication on 09.03.2018 addressed to SIC with a copy to PIO regarding the above subjected matter. The PIO office forwarded a copy of same to teaching wing on 10.03.2018 for immediate necessary action.**
- 5. Later, the office of PIO issued one more reminder to them on 22.03.2018 as the information was still awaited.**
- 6. Due to the failure of concerned office/officer, the PIO has been rendered unable to do the needful. However, the concerned officer stand already declared PIO for default in terms of clause (5) of section (5) of RTI (Act).”**

The complaint for non compliance came up for hearing before the Commission on 09.05.2018. The hearing was attended by Sh. Ab. Rashid Sofi, PIO, Kashmir University, Srinagar and the complainant Ms. Rifat Akbar.

The PIO submitted that the order of the Commission dated: 15.01.2018 has been complied with except in respect of provision of Inquiry Committee report to the complainant (the then appellant) which could not be provided to her as the Assistant Registrar, Administration TW, University of Kashmir informed vide his No. F(RTI-Info-AP-BOT)Adm-TW/KU/18/4395 dated: 31.03.2018 that Inquiry Committee had not finalized the report and, therefore, the same cannot be provided. The operative part of the above stated letter of Assistant Registrar, Administration TW addressed to the PIO reads as under:

***“In this connection, it is to inform you that no official notification/order has been issued for constituting Enquiry Committee in the case of Mrs. Rifat Akbar v/s Mr. Lateef Ahmad Peer. However, a notice pertaining to the suspension case of Mr. Lateef Ahmad Peer was issued. The report of the Enquiry Committee was not finalized by the Committee which is envisaged in the reinstatement order. However, Mr. Lateef Ahmad Peer was reinstated on the orders passed by the Hon’ble Court on 05.11.2012.”***

**Decision:**

**From the above, it transpires that there are now no grounds for proceeding further in this complaint for non-compliance as the PIO has clarified that all the information has been provided except the Inquiry Committee Report which is not available on record as the same was not finalized.**

**It is a laid down guideline by the Apex Court in respect of the RTI Act that only that information can be provided to the RTI applicant which is part of the record of the Public Authority. On that basis non-furnishing of the copy of the Inquiry Report does not tantamount to non-compliance.**

*With these observations this complaint for non-compliance is disposed of as such.*

*Copy of this decision be given free of cost to the parties.*

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

(P.A. Ajay)

No: SIC/K/SA/76/2017\_\_\_\_\_

Dated:

Copy to:

1. Public Information Officer, University of Kashmir for information.
2. Private Secretary to CIC for information of the HCIC.
3. Complainant/Ms. Rifat Akbar, R/o. Quarter No. C1LF1, Mirzabagh Town Sadderbal, Kashmir University for information.
4. Office file.

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