



Jammu and Kashmir State Information Commission

جموں اینڈ کشمیر اسٹیٹ انفارمیشن کمیشن

(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/Comp/16/2017

Decision No. SIC/K/Comp/16/2017/26

Final Order **(Complaint)**

Complainant : Sh. Saqib Faheem Kachroo.

Respondents : Public Information Officer (PIO)/Principal,
Government College for Women, M.A. Road,
Srinagar.

Date of Receipt : 04.09.2017.

Date of Decision : 22.05.2018.

Proceedings on 22.05.2018:

This complaint filed on 04.09.2017 by one Sh. Saquib Faheem Kachroo, S/o. Mohd Ashraf Kachroo, R/o. Gole Masjid, Buhlochi-Pora, Soura, Srinagar came up for hearing earlier on 21.12.2017, 19.01.2018, 19.03.2018 and today on 22.05.2018 at Srinagar. Today's hearing was attended by Sh. Farooq Ahmed, Assistant Professor (Maths), Government College for Women, Cluster University, Srinagar (representative of the PIO), whereas the complainant did not attend. The State Information

Commission (SIC) vide its Interim Order dated: 19.03.2018 had issued the following directions:

“The PIO/Principal to file para-wise reply/counter statement to the complaint before the State Information Commission and send a copy to the Commission well before the next date of hearing. Accordingly, hearing in the complaint is adjourned.”

During the hearing today on 22.05.2018, representative of the PIO submitted a copy of the counter statement dated: 19.03.2018 filed by PIO/Prof. Shaheen Altaf, Principal, Government College for Women, Cluster University Srinagar stating as under:

- “1. That the undersigned awfully remained busy with the academic activities of the college as such there was not any delay on part of the undersigned either intentionally or deliberately in providing the requisite information to the complainant under the RTI Act of 2009.***
- 2. That the undersigned was under a mistaken impression that the information sought by the complainant should come from the office of the Director Colleges, Higher Education Department who has been designated as First Appellate Authority.***

Keeping above in consideration it is requested that a lenient view in the above subject matter may be taken and the undersigned assures that in future a due care will be taken in such matters. In convenience in this regard is highly regretted.”

Decision:

The record on the file has been perused. The PIO/Principal, Government College for Women, M.A. Road, Srinagar also attended the

hearing personally on 19.03.2018, that is the previous hearing. She expressed regret in not being able to dispose of the RTI application in time for the reasons given in writing on the same day i.e. 19.03.2018 and reproduced above.

The grounds and reasons for delay in providing information given by the PIO have been considered and on such consideration it is felt that the grounds given are reasonable and that provisions of section 17 of the J&K RTI Act, 2009 will not apply in this case as no malafide or deliberate dereliction of duty has been seen. It is also a fact that Principal of a premier institution like the Government College for Women, M.A. Road, Srinagar has lot of work load and may genuinely have missed to give the desired attention to the RTI application for the same reason. Therefore, no penalty needs to be imposed on the PIO/Principal, Government College for Women, Cluster University Srinagar in this case. However, she is advised to be careful in future while dealing with the applications filed under the J&K RTI Act, 2009 and take steps to implement various provisions of the J&K RTI Act, 2009 in the Public Authority/Government College for Women, M.A. Road, Srinagar.

With these observations/directions the complaint is disposed of as closed.

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/Comp/16/2017_____

Dated:

Copy to:

1. Public Information Officer/Principal, Government College for Women, Cluster University Srinagar, Moulana Azad Road, Srinagar-190001 for information and necessary action.
2. Private Secretary to CIC for information of the HCIC.
3. Complainant/Sh. Saquib Faheem Kachroo, S/o. Mohd. Ashraf Kachroo, R/o. Gole Masjid, Buhlochi-Pora, Soura, Srinagar for information.
4. Office file.

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