



J&K State Information Commission
Wazarat Road, Near D.C. Office, Jammu /
Old Assembly Complex, Srinagar.

File No. SIC/J/A/1/2016
Decision No. SIC/J/A/1/2016/317

Appellant : A.S.Slathia
Respondent: D.C.Office, Jammu.
Date of Institution: 05-04-2016
Date of Decision: 23-05-2016/
State Information Commissioner: Er. Nazir Ahmad
Decision: Appeal disposed of.

1. Brief facts of the case are that appellant filed 2nd appeal before the Commission on 05-04-2016, stating therein that RTI application filed before PIO, O/o ACR, Samba on 02-02-2016, was transferred to Tehsildar/PIO, Vijaypur vide letter dated: 08-02-2016 for providing information. That Tehsildar, Vijaypur did not respond to the RTI application within the stipulated time period. That first appeal was filed before FAA/SDM, Vijaypur on 04-03-2016, which was not adjudicated by FAA.

2. Mr. Iqbal Singh, Tehsildar Vijaypur, PIO and appellant, Advocate, A.S.Slathia attended the hearing from Jammu office via video conferencing.

3. During proceedings, Tehsildar, Vijaypur (PIO) submitted that information in respect of RTI application dated: 02-02-2016, transferred to him by ACR, PIO, Samba vide letter dated: 08-02-2016 has been provided to the appellant vide letter dated: 25-02-2016. However, appellant contested this information, stating that information has not been provided as per RTI application, wherein, among other things, he has sought demarcation of land and fate of action taken on application dated: 26-05-2012. Appellant submitted that he is not satisfied with the information, wherein, it has been informed that he can seek this information through Public Service Guarantee Act.

4. In the instant case, information sought is with regard to demarcation of land under khasra no. 463, measuring 3 kanals and 14 marlas situated at Gurha Slathia, revenue

entries/record of land falling under khasra no. 463 at Gurha Slathia and latest certified copy of khasra Girdawari and Aks Shajra Tatima, falling under above referred khasra no. for the year 2016. This information is part of public record and falls within the definition of "Information" under RTI Act, subject to restrictions of Clauses 8,9 &11 of the Act. The Commission has taken a consistent stand in such cases as is evident from decision of Commission vide No. SIC/J/A/214/2015/252 dated: 25-02-2016 titled Umesh Gupta V/s FAA/DC, Reasi and PIO/Tehsildar, Katra which is uploaded on the website of the Commission. Attention of PIO is drawn to Section 19 of the J&K RTI Act, 2009 –**Act to have overriding effect**, wherein it is provided that this Act shall effect notwithstanding anything inconsistent therewith contained in the State Official Secrets Act, Samvat, 1977 and any other law for the time being in force or in any instrument having effect by virtue of any law other than the Act. Therefore, even if the information sought falls under the definition of "**services**" under "**Public Service Guarantee Act**", PIO is required to provide information as per provisions of the RTI Act, keeping in view, restrictions of the Section 8,9 & 11. However, there is a set procedure under J&K Land Revenue Act for getting demarcation of land, revenue extracts, etc.

5. Therefore, Tehsildar, Vijaypur (PIO) is directed to examine the RTI application as per provisions of the RTI Act and inform the appellant regarding fees prescribed under J&K Land Revenue Act within 10 days and provide information as per provisions of the RTI Act within 02 weeks after payment of fee.

6. With above directions and observations, the appeal filed before the Commission is disposed of.

Sd/-
(Er. Nazir Ahmad)
State Information Commission
Dated: -05-2016

No. SIC/J/A/1/2016

Copy to the:-

1. SDM, Samba/FAA.
2. Tehsildar Vijaypur/PIO.
3. Pvt. Secretary to HSIC.
4. Shri A.S.Slathia, Advocate, J&K, High Court, Janipur, Jammu (Appellant).
5. Guard file.

(G.Q.Bhat)
Registrar,
J&K, State Information Commission