



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/J/A/41/2016

Decision No. SIC/J/A/41/2016/367

Appellant : Sh. Jai Dev

Respondent : FAA/Assistant Commissioner (R)
Kathua
PIO/Sub Divisional Magistrate,
Bani

Date of Registration : 25.05.2016

Date of Decision : 31.08.2016

Brief Facts:

The appellant Sh. Jai Dev filed 2nd appeal stating that he made a request for providing information to PIO/SDM, Bani on 12.11.2015, but no response has been given by the PIO. Thereafter he filed First Appeal before the FAA/DC, Kathua on 29.12.2015 through Speed Post. However, the FAA instead of providing the information directed SDM, Bani vide letter dated: 04.01.2015 (should be 04.01.2016) to provide the requisite information to the appellant. That SDM, Bani instead of providing information has informed him vide letter dated: 16.01.2016 to come to his office and get the information whatever he wants.

Mr. Ajit Singh SDM Bani has filed reply/counter statement dated 16.06.2016 interalia submitting that the appellant Shri Jai Dev submitted an application in the O/o Asstt. Commissioner Revenue Kathua on 04.01.2016 under RTI Act regarding the land awarded to GREF from Chandal to Kharkal along with details of land owner and amount of compensation paid. That this RTI application was forwarded by ACR Kathua on 04.01.2016 to SDM Bani for providing the requisite information to the applicant directly as per mandate of RTI Act, 2009. Accordingly, SDM Bani informed appellant vide letter dated 02.02.2016 that the compensation sought is irrelevant as he has not mentioned Khasra No's and full description of land owner. Since the information sought by the appellant was voluminous, the SDM could not provide said information and instead asked the appellant to come to his office to see relevant records, but the applicant did not turn up in his office and therefore information could not be provided to him. Mr Ajeet Singh has further submitted that he has joined SDM Bani on 31.05.2016 and counter reply is submitted in response to notice of the Commission dated 15.06.2016.

Proceedings:

Sh. Ajit Singh, SDM Bani submitted during proceedings that the length of road from Chandal to Kharkal is 25 Kms. He submitted that land compensation papers for 10 Kms has been prepared and notice under section 4 has been issued. He further informed that a part of compensation has been paid.

Going by the statement of SDM, the details of land acquired must be available in a tabulated form with the Collector while initiating acquisition process under section 4. Regarding payment of compensation already paid, acquaintance roll should be available with the department.

In view of the above, the Commission directs SDM, Bani (Collector) to provide copy of section 4/information, pertaining to acquisition of land for said road and copy of acquaintance roll of payments made. These directions should be complied with within 02 weeks.

The Commission has taken a strong exception that FAA/DC, Kathua has not filed reply/counter statement as was directed by Commission vide notice dated: 09.06.2016 and instead his Head Quarter Assistant has filed a reply. The Deputy Commissioner is informed that as per provisions of RTI Rules Para 8 Chapter (iii), the Commission has the powers to hear/receive evidence from public information officer and such senior officers who are designated as FAA and who have decided such appeals. Therefore, Dy. Commissioner Kathua/FAA is at default for non-compliance.

Accordingly, Dy. Commissioner Kathua is directed to explain non-compliance of directions of the Commission. He is further advised that in future FAA should file reply/counter statements under his seal and signature. DC/FAA shall also convey these instructions to other FAA's within his jurisdiction for similar action in future.

The appeal is accordingly disposed of with above directions.

Sd/-
(Er. Nazir Ahmad)
State Information Commissioner

No. SIC/J/A/41/2016-
2016

Dated: -08-

Copy to the:-

1. FAA/Dy. Commissioner Kathua
2. ACR Kathua
3. SDM Bani Distt. Kathua
4. Pvt. Secretary to HSIC.
5. Sh. Jai Dev S.o Lt. Sh. Anant Ram R/o Lowant Tehsil Bani District Kathua
6. Guard File.

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