



**Jammu and Kashmir State Information Commission**

شنیشن کمیٹی انفارمیری اسٹیٹسٹ کشمیری 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/J/A/43/2016

Decision No. SIC/J/A/43/2016/374

Appellant : Sh. Rashu Kanna  
Respondent : FAA/SDM, Jammu North  
PIO/Tehsildar, Jammu North  
Date of Registration : 24.05.2016  
Date of Decision : 30.08.2016

**Brief Facts:**

The appellant Sh. Rashu Kanna filed 2<sup>nd</sup> appeal stating that he moved an application under section 6 of J&K RTI Act pertaining to different queries on 05.02.2016 before PIO-cum-Tehsildar, Jammu North seeking information related to encroachment on Government land. That PIO passed order as per section 7(1) dated: 23.02.2016 providing misleading information. That First Appeal filed before SDM, North Jammu/FAA on 17.03.2016 was adjudicated by FAA on 31.03.2016 in absence of PIO and it was not known whether an order has been passed by FAA u/s 16 till the filing of 2<sup>nd</sup> appeal before the Hon'ble Commission.

In view of the above appellant has requested the Commission to observe the principals of natural justice while adjudicating and disposing of appeal under the Right to Information Act, 2009 so that a regime of transparency and accountability as envisaged in the Act is maintained in the functioning of public authorities.

**Proceedings:**

During proceedings on 17.06.2016, the Commission observed that Dr. Javid Iqbal Rather PIO/Tehsildar, Jammu has filed reply/counter statement dated: 14.06.2016. A copy of same was provided to appellant. Further, Commission directed FAA/SDM Jammu (North) to file reply/counter/statement with copy to appellant. In compliance Ms. Avny Lavasa, IAS SDM Jammu North/FAA filed counter statement/point wise reply dated: 14.06.2016 with copy to appellant.

During proceedings on 20.07.2016, Tehsildar, Jammu North/PIO submitted that in compliance to orders of FAA dated: 01.04.2016 the appellant has been informed vide letter dated: 14.06.2016 that the information sought at point 9 is not available in the records. The appellant submitted that he had filed objections to the reply of the respondent on 23.06.2016. The case was adjourned with directions to the appellant to provide copy of objections to respondents with directions to both the parties to file written arguments before the next date of hearing.

During proceedings on 02.08.2016 Commission observed that PIO in his reply dated: 14.06.2016 has only referred to information in respect of Point 9 of the RTI application as per directions of FAA. He has not responded to the allegation of the appellant that complete information has not been provided to the appellant vide order dated: 23.02.2016. Appellant has also not substantiated as to in which respect information is incomplete.

Accordingly appellant was directed to substantiate the same. Tehsildar/PIO was also directed to file/counter statement in respect of information on all points of the application.

In compliance to the directions of the Commission the appellant has submitted objections against each point.

During proceedings on 30.08.2016, PIO submitted that point wise reply of the Naib Tehsildar was provided to the appellant vide letter dated: 23.02.2016 alongwith relevant revenue extracts as available on record. Tehsildar further submitted that the original copy of the demarcation report as sought at point 1 has been submitted to the Vigilance Organization. However, certified copy of the same shall be provided to the appellant, if the copy of the same has been kept in his office.

The Commission directs Tehsildar that in case the copy of report is not available in his office, he will transfer this part of the RTI application to PIO, Vigilance Organization under section 6(3) of the Act for further necessary action by the PIO, Vigilance Organization as per provisions of the RTI Act, 2009. As regards information sought at other points related to revenue records, appellant in his objections has alleged that PIO supplied incomplete information in clubbed manner rather than in an elaborate manner as per RTI application. Tehsildar submitted that as per RTI Act, information as per records has been provided and he is not required to elaborate. The Commission holds that elaboration of an information, which is not part of record, is akin to seeking opinion and hence outside the scope of the RTI Act.

The appellant submitted that order passed by the FAA with regard to disclosure of information at point 9 has not been complied with by the PIO.

PIO/Tehsildar, Jammu North submitted that he has filed reply dated: 14.06.2016 that the information sought with regard to posting details/particulars of the officers/officials over the period referred to in the RTI application is available in the Service Books of the officers/officials, as such the information cannot be provided, as during the period of 1990-2000 and 2006 different incumbents performed duty and then transferred to different places with their Service Books.

In view of the above, the appellant is advised to approach appropriate investigating agencies for enquiry, should he feel that there are manipulations in the revenue records as alleged by him. Regarding information sought at point 1, Tehsildar is directed to comply directions of the Commission passed hereinabove within 10 days.

The appeal is accordingly disposed of with above directions.

**Sd/-**  
**(Er. Nazir Ahmed)**  
**State Information Commissioner**

No: SIC/J/A/43/2016

Date: .2016

Copy to:

1. FAA/Ms. Avny Lavasa (IAS), SDM, Jammu North.
2. PIO/Sh. Saqib Saleem, Tehsildar, Jammu North for compliance.
3. Appellant/Sh. Rashu Kanna, R/o. Lane No. 3, Block-10, TRT No. 13 (so called Satellite Township for Migrants), Jagti, Nagrota.

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