



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/74/2016

Decision No. SIC/J/A/74/2016/371

Appellant : Smt. Kamla Devi
Respondent : FAA/SDM, Vijaypur
PIO/Tehsildar, Vijaypur
Date of Registration : 25.07.2016
Date of Decision : 01.09.2016

Brief Facts:

The appellant Smt. Kamla Devi filed 2nd appeal stating that she filed an application dated: 15.03.2016 under RTI Act, 2009 before PIO/Tehsildar, Vijaypur seeking some information on 15 points, but no response has been given by the PIO.

Aggrieved by the non response of PIO, she filed First Appeal before SDM, Vijaypur on 25.04.2016, who provided an unsatisfactory reply to the appellant vide his letter dated: 28.04.2016. She has further submitted that PIO/Tehsildar, Vijaypur has not provided satisfactory answers to her queries raised in her RTI application related to Akas Tamita etc.

Proceedings:

In compliance to the directions of the Commission dated: 26.07.2016, FAA/SDM, Vijaypur filed counter statement dated: 30.08.2016 with copy to appellant interalia submitting that appellant filed First Appeal before him mentioning therein that PIO has not provided information within the specified period. That PIO made available information sought by the appellant who received the same on 06.05.2016, except demarcation of Khasra No. 605 and 606. That the perusal of file reveals that no further order/correspondence has been made after providing the information as mentioned above. That he joined as SDM, Vijaypur on 23.05.2016 and the appeal was heard by his predecessor.

PIO/Tehsildar, Vijaypur has also filed parawise reply/counter statement dated: 16.08.2016 interalia submitting that in reply to para I, it is submitted that the applicant had filed RTI application before PIO/AC (R) Samba and not before him. That in reply to para II it is submitted that the application was received by his office on 29.03.2016 and on the same day the application was forwarded to Naib Tehsildar, Vijaypur for providing the reply. That the reply was send to Miss Kamla Devi, D/o. Lt. Capt. D.C. Dogra, R/o. Vijaypur, Tehsil: Vijaypur on 28.04.2016 through registered post. That in reply to para III, it is submitted that in reply to the RTI application all the 15 points were replied.

In compliance to the notice of the Commission dated: 11.08.2016, Sh. Ravinder Sharma, SDM, Vijaypur-cum-FAA, Sh. Iqbal Singh, Tehsildar-cum-PIO and appellant Smt. Kamla Devi attended the hearing on 01.09.2016.

Tehsildar, Vijaypur submitted that reply to the RTI application has been provided to the appellant under letter dated: 28.04.2016 and in evidence thereof, he produced copy of said letter alongwith the enclosed information. Perusal of the information enclosed with the said communication reveal that at para 1, Tehsildar has given a brief summary of the case pertaining to Khasra No. 610. Thereafter, he has given parawise reply to all the 15 points of the RTI application. Tehsildar has also enclosed copy of Khasra Girdwari for Khasra No. 605, 606 and 610 for the year 2012 & 2013.

Conclusion:

The Commission has observed that at para 6, the appellant has sought details of persons, as entered in Girdwari for the last 10-15 years for Khasra No. 610 whereas she has been provided information for 2012 and 2013 only. Accordingly, Commission directs Tehsildar, Vijaypur to provide copy of Girdwari for Khasra No. 610 from year 2000 onwards.

At para 13, appellant wanted to confirm whether she has supplied field book of Khasra No. 605/606 to Tehsildar. This has been confirmed by Tehsildar in his reply that this filed book has been received. During proceedings appellant wanted to know the area of land in Khasra No. 610. Tehsildar submitted that this information is included in the Girdwari, which shall be supplied to the petitioner as per directions of the Commission hereinabove.

The grievance of the petitioner is that demarcation of the land under Khasra Nos. 605, 606 and 610 has not been carried out. Tehsildar submitted that as per information provided at para 14, a Committee has been constituted and their report is awaited. The Commission would like to clarify that process of demarcation is a “service/ field activity” to be carried out by the revenue authorities; therefore,

demarcation of land does not fall within the definition of “information” under RTI Act. However, as per the provisions of RTI Act, 2009 the revenue authorities are required to provide information regarding outcome of such demarcation to the appellant as per records.

In view of the above, appeal filed before the Commission is disposed of with directions to Tehsildar, Vijaypur-cum-PIO to communicate the outcome of demarcation as asked for by the appellant within 02 weeks.

The appeal is accordingly disposed of with above directions.

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

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

Dated: -08-2016

Copy to the:-

1. FAA/SDM Vijaypur
2. PIO/Tehsildar Vijaypur
3. Smt. Kamla Devi D/o Late Capt. D.C. Dogra Tehsil Vijaypur Distt. Samba
4. Guard File.

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