



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/K/SA/93/2016
Decision No. SIC/K/SA/93/2016/**71**

Subject: ***Second appeal of Shri Mohammad Shafi Baba***

Respondent: First Appellate Authority (FAA)/Public Information Officer (PIO), O/o Dy. Commissioner Kupwara.

Date of Institution: 07.12.2016

Date of Hearing: 16.03.2017

Decision: Appeal disposed of

Background of the appeal:

Background of the case is that One Shri Mohammad Shafi Baba vide his application dated 08.09.2016 has asked for the following information from the Public Information Officer (PIO)/ADC Kupwara:-

1. Issuance of Revenue extracts (Jamabandi Girdwari) latest only with Aks-Rampori/Latha of Survey No. 2374, 2178, 2477 Mouza Bumhama, Kupwara.
2. Authenticated copy of Fard-Partal by Tehsildar Drugmulla.

Subsequently, in his First Appeal dated 15.10.2016 he has intimated to the First Appellate Authority (FAA) that no response was received on his application from the PIO concerned. In the Second Appeal submitted before this Commission, the applicant has stated that one Shri Naveed Ahmad Assistant PIO in the O/o Dy. Commissioner Kupwara and the PIO/ADC Kupwara are in violation of the provisions of the J&K RTI Act as they have not provided him the information such as issuance of Revenue Extracts Jamabandi-Girdwarai with AKS-Rampori/Latha of Survey No. 2374, 2178, 2477, 2477 Mouza Bumhama, Kupwara and authenticated copy of Fard-Partal 27.12.2014. He has also represented that the FAA i.e. the Dy. Commissioner Kupwara has also failed in providing him the information. The appellant has stated that Shri Naveed Ahmad APIO was also found to be negligent and arrogant.

This appeal came up hearing on 16.03.2017. The ADC Kupwara presented himself before the Commission and submitted a set of documents in response to the letter that was sent to him by the Registrar of this Commission for submitting reply to the Second Appeal. In the set of documents provided by the ADC/PIO to the Commission on the date of hearing i.e. 16.03.2017, seven documents pertaining to the information as sought for by the appellant Shri Mohammad Shafi Baba was also handed over the Commission.

The appellant Shri Mohammad Shafi Baba stated that the information sought for was being denied to him to cause monetary loss/ compensation on account of land acquired by the Government for the construction of road in R&B Division Kupwara. It was also learnt from the perusal of the

documents that the appellant has approached the Hon'ble High Court seeking compensation for the land acquired for the road and that the Hon'ble High court had issued directions to the concerned respondents to consider the demand of the petitioner and to provide compensation to him in accordance with the law for the land acquired within a period of 12 months from the date of issuance of the High Court Order dated 07.05.2015.

Directions:

1. The set of documents submitted by PIO/ADC Kupwara, seven in number as reply to the information to the RTI application of the appellant in the court was handed over to the appellant during hearing on 16.03.2017
2. The First Appellant Authority (FAA) namely the Dy. Commissioner Kupwara is directed to see that if there are more documents that need to be provided to the applicant in terms of his First application to the PIO and which have not been provide till today, the same may be provided.
3. The FAA is also directed to personally hear the RTI applicant and redress his grievances in terms of the RTI Act but not later than 2nd of May, 2017 which gives the FAA 45 days to dispose of the request in case the applicant is not satisfied with the information provided by the PIO/ADC Kupwara during hearing of the case. Moreover, the Deputy Commissioner Kupwara is advised to take adequate measures/steps to streamline the RTI cell in the DC Office Kupwara to create more awareness among the officials

dealing with the RTI applications. This recommendation is also being given in terms of Section 22(5) of the J&K RTI Act 2009. As regards the complaint filed by the RTI applicant Shri Mohammad Shafi Baba, the FAA/DC Kupwara will ensure to look into the matter and submit his report to the Commission by or before 2nd May, 2017.

With these directions, the appeal filed before the Commission is disposed of.

Sd/-
(Khurshid A Ganai) IAS, Retd.
State Chief Information Commissioner

No. SIC/K/SA/93/2016/

Dated: -03-2017

Copy to the:-

1. Dy. Commissioner/FAA District Kupwara
2. PIO/ADC O/o Dy Commissioner Kupwara
3. Pvt. Secretary to HCIC.
4. Mohammad Shafi Baba R/o Baghwari, Bumhama, Muqame Shahwali, Kupwara
5. Guard File.

(M. S. Bhat)
Dy. Registrar,
J&K, State Information Commission