



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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File No: SIC/J/A/88 /2016

Decision No: SIC/J/A/88 /2016/390

Sh. Romesh Singh
on behalf of Smt.Veena Devi

Appellant

Present

Sh. Saquib Saleem
Tehsildar Jammu (North)

Public Information Officer Present

Date of Registration: 20 / 01 / 2017

Date of decision: 29 / 03 / 2017

Brief Facts of the Case:

Brief facts of the case are that the appellant filed 2nd appeal under section 16(4) of the J&K RTI Act,2009 before the State Information Commission on 07.12.2016,submitting that he filed an RTI application before Tehsildar Jammu North (PIO) on 5.1.2016,seeking ten point information regarding land sold, acquired, transferred, etc in different Khasra numbers situated at Paloura Jammu. That having not received any response from the concerned PIO within the period prescribed under the RTI Act, first appeal was preferred before the SDM,Jammu North/First Appellate Authority on 09/09/2016.The First Appeal was decided by Ms. Avny Lavasa, SDM Jammu North vide order dated 18.10.2016,by upholding the decision of PIO to decline the request for provision of information in terms of section 7 (2) of the J&K RTI Act,2009. The FAA have ordered as under:-

I have found that the response of PIO to the request for information made by appellant is logical, satisfactory and as per provision of J& RTI Act,2009.It is further observed that the information sought is bulky and voluminous and requires the furnishing of information on as many as 10 points. It is observed that furnishing of such information is also a huge exercise on the part of PIO and his staff members in addition to their day to day administrative duties. The Supreme Court has observed in case Aditya Bandopadhy V/s CBSE as under referred supra”___ The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing Information to the applicant instead of discharging their regular duties. The threat of penalty under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of public authorities prioriting information furnishing at the cost of their normal and regular duties”

Aggrieved by the decision of the FAA, the appellant came before the State Information Commission in Second Appeal under Section 16(4) of the J&K RTI Act,2009 with prayer that FAA and PIO be directed to provide the information as sought under the RTI application.

Hearing/Proceedings

In compliance to the notice of the State Information Commission dated 20/3/2017 Sh.Saqib Saleem, Tehsilder Jammu North (PIO) and Sh. Romesh Singh husband of Smt.Veena Devi appeared before the Commission for hearing of the 2nd appeal on 29th March, 2017.

The PIO submitted that the FAA had rightly disposed of the case as no public interest was involved in providing extracts /copies of land records of land belonging to other persons and that disclosure of such private information falls under exemptions provided under Section 8 of the RTI Act. He cited the Supreme Court judgement as quoted by the FAA in her order dated 18.10.2016.

The appellant stated that he is interested in the revenue record of khasra No. 999 as two Farads have been allegedly issued for the same khasra number. The appellant stated that he is aggrieved on this account only. The PIO/Tehsildar North,Jammu agreed to provide the specific information now sought by the appellant with respect to khasra number 999.

The case was disposed of with the direction to the PIO/Tehsildar North to do the needful within 15 days from the date of issue of this order and also hear

the appellant Smt. Veena Devi/Sh. Romesh Singh to ensure that the giveable information in terms of his demand made before the commission is provided.

The appeal is accordingly disposed of

Notice of this decision be given free of cost to the parties.

Sd/-

(Khursid A. Ganai) IAS Retd.
Chief Information Commissioner
J&K State Information Commission

No: SIC/J/A/88/2016/_____

Dated; /04/2017

Copy to:

1. SDM, North, Jammu/FAA for information and compliance.
2. Tehsildar North Jammu/PIO for information and compliance.
3. Smt. Veena Devi W/o Sh. Romesh Singh R/o JK Colony, Paloura Top, Tehsil & Distt. Jammu.
4. Office file.

(Dr.Gh.Mohi-Ud-Din)
Jt.Registrar
J&K State Information Commission