



## **Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

Old Assembly Complex, Srinagar, Fax No. 0194-2506661, 2506662

Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937

[www.jksic.nic.in](http://www.jksic.nic.in)

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**File No:** SIC/J/A/89 /2017

**Decision No:** SIC/J/A/89 /2017/391

Sh. Balak Ram	Appellant	Absent
Sh. Shesh Pul, Tehsildar Jammu (South).	Public Information Officer	Present

Date of Registration: 22 / 02 / 2017

Date of decision: 29 / 03 / 2017

### **Brief Facts of the Case:**

The appellant Sh. Balak Ram filed the 2<sup>nd</sup> appeal before the commission stating that he filed an application under the RTI Act on 30.11.2016 through speed post seeking certain information regarding copies of Khasra Girdwari and mutation of land falling under different Khasra numbers in village Hakal, Tehsil & Distt. Jammu.

Aggrieved by the non response of Public Information Officer (PIO) within the stipulated period, he filed First Appeal before the Addl. Distt. Dev. Commissioner, Jammu through registered post on 09.01.2017, which was further forwarded by Addl. Distt. Dev. Commissioner, Jammu on 11.1.2017 to SDM South Jammu, the First Appellate Authority (FAA). The Appellant further submitted to this Commission that no reply has been received by him from the office of FAA/ SDM South.

In view of the above, the appellant has prayed before the Commission to direct the respondents to provide the information sought under the RTI

application and impose penalty for not replying to the original RTI application filed before the PIO.

### **PROCEEDINGS**

In compliance to the notice of the Commission dated 20.3.2017, Sh. Shesh Pul (PIO) Tehsildar, Jammu South appeared before the Commission on 29.3.2017. However, the appellant did not appear for hearing. PIO submitted that the FAA/SDM South has received the First Appeal of the appellant and consequently made a reply vide No.SDM/Jammu/S/FAA/RTI/2016-17/39-40 dated 23.1.2017 informing the appellant to appear before him on 1.03.2017 in connection with First Appeal. Appellant instead of causing presence before the concerned FAA filed the 2<sup>nd</sup> appeal before the Commission On 22.2.2017.

The Commission while going through the record produced by the PIO observed that the FAA has not applied his mind while dealing with the appeal. FAA has asked the appellant to appear before him on 1.03.2017. The date given by FAA was beyond the maximum period prescribed under the RTI Act, under section 16(7) for disposal of First appeal by the FAA. The State Information Commission has taken a serious view of the handling of First Appeal by the FAA. The FAA/SDM South, Jammu is warned to remain careful in future while dealing with the RTI matters.

It is further directed that SDM South FAA will hear the appellant and provide him the extracts of the revenue records as asked for by him in his application to the PIO for the land recorded in the name of the appellant and his family members. This may be done within two weeks time from the date of disposal of 2<sup>nd</sup> appeal. In case the information sought by the appellant pertains to 3<sup>rd</sup> party he shall follow the procedure provided under the Act for providing such information.

The appeal is accordingly disposed of with the direction to the appellant to appear before the FAA on 17.04.2017.

Copy 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/89/2017/\_\_\_\_\_

Dated; /04/2017

Copy to:

1. SDM, South, Jammu/FAA for information and compliance.
2. Tehsildar South Jammu/PIO for information and compliance.
3. Sh. Balak Ram, S/o Lt. Sh. Ganesh Dass C/o Bhavishya Sudan 80 A/P IInd Ext. G. Nagar, Jammu.
4. Office file.

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