



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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File No: SIC/J/A/103 /2017
Decision No: SIC/J/A/103 /2017/01

Sh. Bal Krishan	Appellant	Present
Sh. Mohd.Hanief Malik	First Appellate Authority	Present
Sh. Dil Mir Choudhary	Public Information Officer	Present

Date of Registration: 28/ 02/ 2017
Date of decision: 17/ 04 / 2017

Brief Facts of the Case:

The appellant Sh.Bal Krishan S/o Sh.Roop Chand R/o Village Chilli Bala Tehsil Gandoh Doda filed 2nd appeal stating that he was in need of some information as such filed an RTI application on 18.8.2017 before the Assistant Commissioner (Revenue) Doda who transferred the application to SDM Gandoh, as the area/village Chilli Bala falls within the Jurisdiction of SDM Gandoh,who is also the PIO for his jurisdiction.

Aggrieved by the non response of the Public Information Officer (PIO) within the stipulated period, the appellant filed the 1st. Appeal before the First Appellate Authority (FAA) on 1.12.2016.On the intervention of the FAA, the PIO provided some information to the RTI applicant on 15.12.2016.The appellant further submitted that the PIO has not provided him complete and accurate reply as such he came before the Commission by way of 2nd appeal.

Hearing /Proceedings:

In compliance to the hearing notice dated 30.03.2017 issued by the State Information Commission, Sh. Mohd.Hanief Malik, Addl. Deputy Commissioner, Doda /FAA, Sh. Ranjit Singh, the then ACR Doda, Sh. Dil Mir Choudhary, SDM Gandoh /PIO and Sh. Bal Krishan, appellant appeared before the Commission for hearing of the 2nd appeal on 17th April,2017.

The PIO submitted that his office received the RTI application of the appellant on 08.09.2016 forwarded by the Asstt. Commissioner (Revenue) Doda. The appellant has been provided complete information as sought by him under the RTI application. The FAA also stated that his office received the first appeal of the appellant on 01.12.2016 and the same was disposed of within the statutory time period provided under the Act, with directions to the PIO to provide the requisite information to the appellant.

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The appellant on the other hand stated that he has received the information however copy of the Aksmassavi provided by the PIO is not clear and legible. Appellant submitted that he is in dire need of the legible copy of the Aksmassavi in order to contest the civil court case pertaining to the same land.

The PIO further submitted that the original Aksmassavi is in deteriorated shape due to passage of time since it was first prepared and at this stage it is not possible for his office to make a photo copy of the same. The counter statement filed by the FAA and PIO is taken on record by the Commission.

The Commission after hearing the parties and perusal of record observed that the plain reading of sec 2 (h) of the J&K RTI Act, 2009, shows that this section nowhere used the word photocopy in the section. However, going by the word copy there are enough possibilities to explore alternative technological solutions for photocopying delicate documents, such as using static cameras and other similar instruments to take shapes of the pages/documents.

In view of the above observation and taking into consideration the need of the appellant, the PIO is directed to make use of technology by taking photograph of the Aksmassavi and provide the hard copy of the same duly attested by the tehsildar concerned. The appellant shall bear the cost to be reasonably determined by the PIO.

With the above direction, the 2nd appeal filed before the commission is disposed of.

Copies of this order 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/103/2017/_____

Dated; / 04 /2017

Copy to:

1. Additional Dy.Commissioner,Doda/FAA for information and compliance.
2. Asstt.Commissioner Dev.Doda/PIO for information and compliance.
3. SDM,Gandoh/PIO for information and compliance.
4. Sh.Bal Krishan S/o Sh.Roop Chand R/o Village Chillli Bala Tehsil Gandoh Doda
5. Office file.

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

