



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/CO/SA/452/2017

Decision No. SIC/ CO/SA/452/2017/968

Appellant : Ms. Mubeena Dilawar Malik,
Village Bore, Tehsil Keran, District Kupwara.
Respondent : Public Information Officer (PIO) Revenue Deptt.,
Civil Secretariat, Srinagar/Jammu.
Date of decision : **20-06-2017.**
Decision : Appeal disposed of.

I. Brief facts of the case.

Facts of the case are that the appellant while exercising her Right to Information filed RTI application with Public Information Officer (PIO), Revenue Department, on 21-11-2016, seeking information on (11) points inter-alia relating to 8th meeting of State Calamity Relief Fund Committee regarding Relief and Rehabilitation package to the inhabitants of the village Bore, Tehsil Keran, District Kupwara. Thereafter, she preferred 1st appeal with the concerned First Appellate Authority (FAA) on 21-12-2016 against the failure of the PIO. Her 1st appeal too was not disposed of in time which constrained her to approach the Commission in 2nd appeal under section 16(4) of the J&K RTI Act, 2009.

II. Proceedings before the Commission.

During the hearing before the Commission on 20-04-2017 which was attended by Sh. Mohammad Iqbal Bajad, APIO, Revenue Department it was informed by the said APIO that since the information sought pertains to Relief & rehabilitation Department, the RTI application was transferred to that Department. The Commission while adjourning the case directed the Administrative Secretary, Relief & Rehabilitation Department to ensure presence of their PIO & FAA during the next date of hearing before the Commission.

The case was finally, listed for hearing before the Commission on 20-06-2017. The hearing, was attended by Sh. T.K Bhat, Additional Secretary/FAA, Relief & Rehabilitation Department, Sh. Bansilal Sharma, PIO, Relief & Rehabilitation Department and Sh. Shayab Mohammad Naikoo, PIO, Revenue Department. Appellant was absent again despite due notice served upon her by prescribed mode of service.

During the hearing PIO, Relief & Rehabilitation Department submitted that information sought pertains to the period of 1993 and their Department has been carved out of the Revenue Department only in 2016, and that the record is still held by the Revenue Department. This was conceded by the PIO, Revenue Department as well.

III. **Decision:**

After hearing the respondents it transpires that as on date the work pertaining to Relief & Rehabilitation is transacted by the new department of Relief & Rehabilitation and not by the Revenue Department. It is therefore, logical that the reply to the RTI application should be given by the Relief & Rehabilitation Department and not by the Revenue Department. It is accordingly, directed that the Administrative Head of the Public Authority, Revenue Department, Civil Secretariat shall furnish all the record pertaining to the information sought by the

appellant to the Relief & Rehabilitation Department within a period of fifteen (15) days from the date of receipt of this order, who shall then furnish the requisite information to the appellant within fifteen (15) days positively after the receipt of the record from the Revenue Department. The Appellant may file a complaint in case of any contravention of this Commission's order by the respondents.

The case is accordingly disposed of with the above directions.

-sd/-

(Khurshid A. Ganai) **IAS Retd.**,
Chief Information Commissioner,
/imi/

Copy to the:

1. First Appellate Authority (FAA), Relief & Rehabilitation Department, J&K Civil Secretariat, Srinagar for information.
2. Public Information Officer (PIO), Relief & Rehabilitation Department, J&K Civil Secretariat, Srinagar for information.
3. PS to CIC for information of HCIC.
4. Ms. Mubeena Dilawar Malik R/o Bore Migrant Tehsil Keran, District Kupwara.
5. Guard file.

(Shiekh Fayaz Ahmad)
REGISTRAR,
J&K State Information Commission.