



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/27/2017

Decision No. SIC/K/SA/27/2017/**34**

FINAL ORDER

Appellant : Mr. Ab. Qayoom

Respondent : Public Information Officer (PIO)/First
Appellate Authority (FAA)
Police Station Awantipora

Date of Registration : 17.04.2017

Date of Decision : 24.08.2017

Brief Facts:

The brief facts of this 2nd appeal are that the appellant Shri Abdul Qayoom has filed 2nd appeal against the FAA/PIO Office of SHO Police Station Awantipora on 27.04.2017. The appellant has alleged that information sought from Police Station Awantipora has not been provided to him completely and no information has been provided to him about the persons against whom the FIR 49/1998 has been registered. Further, information with regard to Points No.3 and 4 (of the RTI application) too is not clear from the information

provided. The appellant requested the Commission to direct the PIO to provide him the complete information sought vide his RTI application dated 22.12.2016.

As per the records, the appellant vide RTI application dated 22.12.2016 filed before the PIO/SHO Awantipora, has sought the following information with respect to FIR No.49/1998 :

1. The persons against whom the FIR/1998 has been registered.
2. The charge on the basis of which FIR has been registered.
3. Whether the challan has been produced before the court along with name of the court.
4. Final disposal of the case

Thereafter on 31.01.2017, the appellant filed First Appeal before the FAA O/o Police Station Awantipora on the ground that no information with regard to his RTI application has been provided to him so far. Later on vide letter dated 21.02.2017, SHO Police Station Awantipora provided part of the information to the appellant. Not satisfied with the reply of the aforesaid SHO, the appellant filed 2nd appeal before the Commission.

In response to the notice of the Commission, the PIO/SHO Police Station Awantipora vide letter dated 06.05.2017 informed the Commission that the RTI application of the appellant has already been replied vide letter dated 21.02.2017. Thereafter, PIO/SHO Police Station Awantipora filed another reply dated 04.07.2017 in

which he has again given the factual report regarding the FIR No.49/1998 registered in Police Station Awantipora with respect to which the information has been sought.

The 2nd appeal came up for hearing initially on 04.06.2017 and then on 04.07.2017. S I Mohammad Rafiq representing SHO, Police Station, Awantipora and appellant Shri Ab. Qayoom attended the hearing. The appellant submitted that the full information has not been provided to him by the PIO and names of the persons against whom FIR has been lodged have not been provided to him.

The representative of SHO Police Station Awantipora requested the Commission to give him some time to file para wise reply to the queries of the RTI application which was agreed. The hearing in the 2nd appeal was adjourned on 04.07.2017 with the following directions:

“PIO/SHO Police Station Awantipora is directed to give para wise/point wise response to the queries of the RTI application to the appellant within two weeks time under intimation to the Commission.”

Thereafter, in pursuance of the above directions of the Commission, PIO/SHO Police Station Awantipora produced copy of the letter dated 11.08.2017 addressed to the appellant in which point wise reply to all the queries of the RTI application has been given.

The 2nd appeal was again heard by the Commission on 11.08.2017. Sub Inspector, Mohamamd Rafiq No.170/S of Police Station, Awantipora and appellant Shri Ab. Qayoom attended the hearing.

During the hearing, it was noticed that no proceedings had been conducted at the level of the FAA before the submission of the 2nd appeal to the Commission. It was also not clear as to which officers have been designated/appointed as the PIO & FAA in the Police District Awantipora. It also needed to be ascertained as to whether SHO Awantipora is indeed the PIO or is it the SDPO who is designated as the PIO. Accordingly, the case was adjourned on 11.08.2017 with the following directions:

“Reference be sent both to the Director General of Police, J&K and to the Superintendent of Police, Police District Awantipora to clarify designation of officer(s) as PIO and FAA for the Police District Awantipora.”

Decision:

The 2nd appeal came up for final hearing today on 25.08.2017. Appellant Shri Ab. Qayoom attended the hearing, however PIO did not attend. The appellant stated before the Commission that complete information has not been provided to him till date.

The 2nd appeal is disposed of with the following directions:

- 1. The Superintendent of Police, Police District Awantipora will first identify the PIO of Police District Awantipora and if no officer*

has been duly designated as the PIO, then have an officer designated as such.

- 2. Then the said identified/duly designated PIO will furnish the requisite information in response to the basic RTI application submitted by the appellant to the SHO, Police Station Awantipora on 22.12.2016 mentioned herein above.*
- 3. Information in response to the RTI application may be provided within a period of 30 days from the date of receipt of this order.*
- 4. Copy of this order be served on Superintendent of Police, Police District Awantipora for compliance and a report in response to the Commission's order dated 11.08.2017.*

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

S.Sajid Ahmad

Copy to:

1. SSP Police District Awantipora
2. PIO/SHO Police Station Awantipora
3. Appellant- Sh. Abdul Qayoom (master) Ex. Master R/o Nishat, Srinagar
4. Office file

(Sheikh Fayaz Ahmad)
Registrar
J&K State Information Commission