



Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیری اسٹیٹ کاشمیر جموں ا

(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/J/A/67/2017

Decision No. SIC/J/A/67/2017/69

Final Order

(Second Appeal)

- Appellant : Sh. Rashu Kanna.
- Respondents : First Appellate Authority (FAA)/
Superintendent of Police, Headquarters
Jammu and Public Information Officer (PIO),
Deputy Superintendent of Police,
Headquarters Jammu.
- Date of Registration : 09.08.2017
- Date of Decision : 23.11.2017

Brief Facts:

The appellant Sh. Rashu Kanna, R/o. Lane No. 3, Block-10, TRT No. 13, So called Mini Satellite Township, Sub-Division Jagti, Nagrota, Pin-181221 while exercising his right to information filed an RTI application dated: 22.04.2017 under section 6 of the J&K Right to Information Act, 2009 (hereinafter Act for short) with the PIO/Deputy Superintendent of Police, Headquarters Jammu, seeking information on nine points regarding

complaints filed against the self styled/unregistered committees formed at Jagti, Nagrota.

Aggrieved by the non-response of the PIO within the stipulated time, the appellant filed First Appeal with the FAA/Superintendent of Police, Headquarters Jammu on 25.05.2017 which as per record was disposed of by FAA vide his communication No. RTI/2017/6725-29/SPHQJ dated: 19.06.2017. Aggrieved by the disposal of the FAA, the appellant approached the State Information Commission (SIC) by filing 2nd appeal which was admitted on 09.08.2017.

Proceedings:

The appeal, for the first time, was listed for hearing before the SIC on 03.10.2017. The hearing was attended by the appellant Sh. Rashu Kanna, whereas, no one was present on behalf of the respondents FAA/PIO. The hearing was adjourned with the following directions:

"In view of the absence of the respondents FAA/PIO and in order to provide them an opportunity of being heard, the hearing of this 2nd appeal is adjourned. The Registry is directed to fix the case again on 10.10.2017 for further hearing in the matter."

The appeal was again listed for hearing on 10.10.2017. The hearing was attended by the PIO/Sh. Raj Paul Singh, Deputy Superintendent of Police, Headquarters Jammu and the appellant. During the hearing following observations were made:

"The information provided by the PIO to the applicant/appellant does not prima facie appear to be based on facts. For this reason, it has become necessary to hear the SHO, Nagrota and SDPO, Nagrota on the next date of hearing.

The First Appeal has been disposed of by the FAA/Superintendent of Police, Headquarters Jammu on 19.06.2017 and some information provided which has, however, not satisfied the appellant as FAA's order is based on SP (Rural), Jammu's reply.

This 2nd appeal was admitted in the SIC on 09.08.2017 and first sixty days expired on 09.10.2017 but owing to the need for conduct of more hearings for appropriate and final disposal of the appeal, the time period for disposal is accordingly extended by another 60 days up to a maximum of 120 days from the date of admissions of the appeal in terms of section 16 (11) of the J&K RTI Act, 2009.

In view of the above, SDPO, Nagrota, SHO, Nagrota and the PIO/Deputy Superintendent of Police, Headquarters Jammu are directed to attend the hearing on the next date. The FAA/Superintendent of Police, Headquarters Jammu is also directed to attend alongwith the PIO. The Registry is directed to list the 2nd appeal again on the next appropriate date for further hearing in the matter."

The appeal was again listed for final hearing today on 23.11.2017. The hearing was attended by PIO/Sh. Raj Paul Singh, Deputy Superintendent of Police, Headquarters Jammu, Sh. Y.S. Slathia, SDPO Nagrota, Sh. Bhushan Singh Manhas, SHO P/S Nagrota and the appellant.

The appellant stated that information provided to him is not factual and that the respondents may be directed to provide information based on facts.

All the parties including SDPO, Nagrota and SHO, P/S Nagrota were heard at length and records perused.

Directions:

After hearing the appellant and the respondents and perusal of records, it is directed that the PIO/Deputy Superintendent of Police, Headquarters Jammu will prepare a fresh reply to the RTI application para-wise and provide the same to the appellant within 15 days from the date of receipt of this order.

*With these directions the second appeal is disposed of.
Copy of this decision be given free of cost to the parties.*

Sd/-
(Khurshid A. Ganai) IAS Retd.
Chief Information Commissioner
J&K State Information Commission

No: SIC/J/A/67/2017____

Dated: .11.2017

Copy to:

1. Registrar, J&KSIC for information and necessary action.
2. FAA/Superintendent of Police, Headquarters Jammu for information and necessary action.
3. PIO/Deputy Superintendent of Police, Headquarters Jammu for information and necessary action.
4. Private Secretary to HCIC for information of the HCIC.
5. Appellant/Sh. Rashu Kanna, R/o. Lane No. 3, Block-10, TRT No. 13, So called Mini Satellite Township, Sub-Division Jagti, Nagrota, Pin-181221 for information.
6. Office file.

(Rita Koul)
Deputy Registrar
J&K State Information Commission