



**Jammu and Kashmir State Information Commission**

شہنیشن کمیٹی انفارمیری اسٹیٹ کنڈ کشمیری 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](http://www.jksic.nic.in)

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File No. SIC/J/A/200/2017

Decision No. SIC/J/A/200/2017/187

**Final Order**

(Second Appeal)

- Appellant : Sh. Balwinder Singh Pawar,  
S/o. Pritam Singh,  
R/o. Gandharwan, Tehsil Akhnoor,  
District Jammu.
- Respondents : First Appellate Authority (FAA)/  
Sub-Divisional Magistrate (SDM), Akhnoor and  
Public Information Officer (PIO)/  
Tehsildar, Akhnoor.
- Date of Registration : 28.12.2017
- Date of Decision : 26.03.2018

**Brief Facts:**

The appellant Sh. Balwinder Singh Pawar, S/o. Pritam Singh, R/o. Gandharwan, Tehsil Akhnoor, District Jammu while exercising his right to information filed an application dated: 14.09.2017 under section 6 of the J&K Right to Information Act, 2009 (hereinafter Act for short) with the PIO/Tehsildar, Akhnoor seeking information regarding land acquisition by defence authorities of one Sh. Sansar Chand (father of Pritam Singh,

Inderjeet Singh, Rattan Singh, Santosh Kumari etc.) resident of Village Gandharwan Tehsil Akhnoor and other related information like rental compensation received by each shareholder etc.

Aggrieved by the non-response from the PIO within the stipulated time period of 30 days as provided under the Act, the applicant (now appellant) filed First Appeal dated: 23.10.2017 with the FAA/SDM, Akhnoor. The FAA too could not provide him the requisite information. At last, the appellant approached the State Information Commission (SIC) by filing 2<sup>nd</sup> appeal which was admitted on 28.12.2017.

In his 2<sup>nd</sup> appeal, the appellant has prayed before the Commission that the requisite information may be provided to him on the ground that the respondents have voluntarily chosen not to provide information to the appellant for the reasons best known to them thereby killing the basic aim, objective and spirit of the J&K RTI Act.

### **Proceedings:**

The 2<sup>nd</sup> appeal came up for hearing for the first time on 02.02.2018. The hearing was attended by the PIO/Sh. Kewal Krishan Sharma, Tehsildar, Akhnoor whereas the appellant was absent. The hearing was adjourned with the following directions:

***“The Commission observed that since the PIO has provided the reply through ordinary post, the same may not have been received by the appellant so far. As such, the PIO is once again directed to send a copy of the reply to the appellant through Registered Post and forward the copy of postal receipt to the Commission before the next date of hearing. Further, the appellant is also directed to remain present on next date of hearing.”***

The statutory time period of sixty days in this 2<sup>nd</sup> appeal has expired on 28.02.2018 and accordingly the time period for disposal was extended by another sixty days in terms of section 16 (11) of J&K RTI Act, 2009 to enable the SIC to conduct more hearings for judicious and appropriate disposal in the interest of the objectives of the J&K RTI Act, 2009.

The appeal again came up for hearing before the Commission on 26.03.2018. The hearing was attended by FAA/Sh. Gopal Singh, SDM, Akhnoor, PIO/Sh. Mahesh Chander, Tehsildar, Akhnoor and the appellant.

The PIO submitted that he has complied with the directions of the Commission issued in the last interim order dated: 02.02.2018, and has sent the information through registered post which had earlier been sent through ordinary post and reportedly not received by the appellant. However, the appellant has complained that the information is incomplete and does not address all the three queries made in his RTI application submitted before the Tehsildar, Akhnoor on 14.09.2017.

**Decision/Directions:**

**In view of the submissions of both the parties and on perusal of record, PIO was directed to provide the balance information within 02 weeks from the date of issue of this order i.e. 26.03.2018.**

**During the hearing it also transpired that provision of requisite information has been delayed both by the then PIO/Tehsildar, Akhnoor as well as by the then FAA/SDM, Akhnoor. In fact the appellant alleged that the then FAA/SDM, Akhnoor did not hear the appeal in terms of the provisions of the Act and that is why he had to come in second appeal before the J&K State Information Commission.**

**While the then PIO had prepared and despatched part information through ordinary post, the conduct of the then FAA/the then SDM, Akhnoor, Ms. Sunaina Sharma now Secretary, Jammu Municipal Corporation (JMC) in not hearing the appeal in terms of the provisions of the RTI Act being in clear violation of law and unbecoming of a Government Servant, is viewed seriously and needs to be brought to the notice of the public authority i.e. Deputy Commissioner, Jammu for onward transmission to the concerned authorities. As regards the then PIO/Sh. Kewal Krishan Sharma, the then Tehsildar, Akhnoor now Tehsildar, Relief Organization, Jammu who had not despatched full information, within the stipulated period, needs to be warned to be careful in future.**

Copy of this order be sent to Deputy Commissioner, Jammu for taking follow-up action in respect of both the officers i.e. the then SDM, Akhnoor and the then Tehsildar, Akhnoor.

*With the above observations and directions this second appeal is disposed of. The appellant is free to file a complaint against the PIO, in case he does not receive the information requisitioned by him within the time allowed to the PIO as above.*

*Copy of this decision be given free of cost to the parties.*

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

(P.A. Ajay)

No: SIC/J/A/200/2017 \_\_\_\_\_

Dated:

Copy to:

1. Deputy Commissioner, Jammu for information and necessary action.
2. FAA/Sub-Divisional Magistrate, Akhnoor, for information and necessary action.
3. PIO/Tehsildar, Akhnoor for information and necessary action.

4. Private Secretary to CIC for information of the HCIC.
5. Appellant/Sh. Balwinder Singh Pawar, S/o. Pritam Singh, R/o. Gandharwan, Tehsil Akhnoor, District Jammu for information.
6. Office file.

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