



Jammu and Kashmir State Information Commission
(Constituted under the Right to Information Act, 2009)
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Old Assembly Complex, Srinagar, 0194-2506660, 2506661
www.jksic.nic.in

File No. SIC/J/SA/252/2018
Decision No. SIC/K/SA/252/2018/**268**

Final Order

Appellant : Ms Haseena Akther
Respondents : PIO/Tehsildar, Surankote
Date of Registration : 20.03.2018
Date of Decision : 11.07.2018

This 2nd appeal has arisen out of the RTI application filed by Ms. Haseena Akther D/o Rehmatulah R/O Ward No.10 Village Chandimarh Tehsild Surankote District Poonch before PIO/Tehsildar Surnakote on 13.09.2017 seeking information on 4 queries as mentioned in the said RTI application. As the PIO failed to respond to her RTI application within the stipulated time period, the appellant filed the First Appeal before the FAA/Addl. D C,

Rajouri on 01.11.2017. The FAA disposed of the First appeal vide order dated 14.12.2017 with directions to the PIO to provide the information to the appellant within 15 days from the date of issuance of the order. In the meanwhile the appellant received incomplete information furnished by the PIO vide his letter dated 02.12.2017. In view of non-response of the PIO even after the orders of the FAA, the appellant filed the 2nd appeal before the Commission on 13.03.2018 requesting therein that the requisite information may be provided to him and the respondent PIO be dealt with in accordance with the provision of Section-17 of the Act.

The 2nd appeal came up for hearing before the Commission on 19.04.2018. The FAA/Addl. Dy. Commissioner, Poonch, PIO/Tehsildar Surankote and the appellant attended the hearing through video conferencing from NIC Poonch. During the proceedings the appellant stated that she was not provided the information in full. The PIO stated that the RBA certificates issued by the Tehsildar and renewed later in 2013 do not bear number and date and therefore, it was not possible to reply as there is no parallel record in the office for verification. The hearing in the 2nd

appeal was adjourned with direction to both the parties to appear personally along with relevant record on the next date of hearing.

The 2nd appeal again came up for hearing on 29.05.2018. Mr Shahid Iqbal, PIO/Tehsildar Surankote and the appellant attended the hearing. The hearing in the 2nd appeal was adjourned interalia with the following directions:

“After hearing both the respondent PIO and the appellant and on perusal of record on file, it transpires that the PIO has not filed para wise reply/counter statement to the contents of the 2nd appeal. Therefore, the PIO/Tehsildar, Surnakote was directed to file para wise reply/counter statement to the 2nd appeal within 15 days from the date of issue of this order with a copy to the appellants who shall file rejoinder, if any, within one week thereafter. The PIO/Tehsildar, Surankote shall also clarify as to why the record of renewal of Backward Area Certificates was not available in the Tehsil office, if it is really the case.”

The appeal again came up for hearing today on 11.07.2018. Appellant Ms Haseena attended the hearing through video conferencing from Jammu Office of the Commission. The PIO did not attend the hearing and was heard through voice call. During the proceedings, the PIO submitted that the requisite information has been provided to the appellant vide letter dated 02.12.2017, which was perused and it was found that information with regard

to Point 2(a) has been given to the appellant and information sought at Point 2(b) and 2(d) are not covered under the Act and incomplete information as at sought at Point 2(c) has been given of the appellant. The PIO submitted that the information with regard to renewal of RBA certificate issued in favour of the appellant in the year 2013 could not be given although the RBA certificate in respect of the applicant has been renewed and issued to the appellant but the necessary entries were not recorded in the relevant office file regarding issuance of the renewed RBA certificate in favour of the RTI applicant due to a clerical mistake and that is why the information could not be provided to the RTI applicant. The PIO admitted that the records have been rectified and assured that the certified copy of the renewed RBA Certificate in respect of the appellant along with a certificate that the renewed certificate issued in 2013 is genuine and authentic will be provided to the appellant within 15 days positively. Needless to mention that the court of Sub Judge, JMI, Surankote has also found the said certificate to be genuine in his order dated 02.07.2018 in case Haaseen Akther V/S Rohit Sharmat, Tehsildar Surankote and others

In view of the assurance of the PIO/Tehsildar, Surankote, Mr. Shahid Iqbal that the certified copy of the renewed RBA Certificate in respect of the appellant along with a certificate that the renewed certificate issued in 2013 is genuine and authentic will be provided to her within 15 days positively, there remains nothing to be adjudicated. The 2nd appeal is accordingly disposed with directions to the PIO to provide the certified copy of renewed RBA Certificate of the appellant within 15 days from today. However, the appellant is free to file complaint for non-compliance before the Commission in case the PIO fails to comply with this order.

Sd/-
(Mohammad Ashraf Mir)
State Information Commissioner

(Ahmad Sajad, PA)

Copy to the:

1. FAA/Addl. Deputy Commissioner, Poonch
2. PIO/Tehsildar, Surankote District Poonch
3. Appellant— Ms Hasena Akther, D/o Rahmatulah, R/o Ward No.10 Chandimarh Tehsil Surankote, District Poonch

(Baldeev Raj)
Dy. Registrar
J&K State Information Commission