



**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](http://www.jksic.nic.in)

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File No. SIC/J/A/86/2018

Decision No. SIC/J/A/86/2018/316

**Final Order**

(Second Appeal)

- Appellant : Sh. Virender Sudan.
- Respondents : First Appellate Authority (FAA)/  
Regional Director, Survey & Land Records,  
Jammu and Public Information Officer (PIO)/  
Assistant Settlement Officer, Jammu.
- Date of Registration : 18.07.2018.
- Date of Decision : 26.09.2018.

**Brief Facts:**

The present appeal has arisen out of the RTI application filed by Sh. Virender Sudan on 18.01.2018 seeking complete records of PRC case file of Pt. Karamchand Sudan in respect of PRC issued by Wazir-Wazarat in the year 2004 (Bikrami) in PRC file No. 138/PRC of 2004 (Bikrami). In another RTI application, the present appellant had sought similar information with respect to PRC file No. 130/PRC of 2004 (Bikrami) issued in favour of Dina Nath. The APIO/Naib Tehsildar, Incharge Record Room (General) informed the appellant vide his communication dated: 19.02.2018, that the relevant PRC files of the year 2004 (Bikrami) could not be traced out from the records available in the General Record Room.

Not satisfied with the reply of the APIO, the appellant filed First Appeal with the FAA/Regional Director, Survey and Land Records on 03.03.2018. The said First Appeal was disposed of by the FAA on 09.04.2018, with the observations that the information with respect to the record, which is not traceable/available in the record room, cannot be provided. Aggrieved by the order of the FAA, the appellant filed second appeal before the Commission on 31.05.2018 (admitted on 18.07.2018), praying for a direction to the FAA and the APIO to furnish the information as asked for by the appellant.

**Proceedings:**

The appeal came up for hearing before this Commission today on 26.09.2018. The appellant, the APIO/Sh. Omkar Saini, Naib Tehsildar, Record Room Jammu and Sh. Basant Kumar Pandit, Naib Tehsildar/Reader to Regional Director, Survey and Land Records, Jammu (on behalf of FAA) were present during the hearing.

The appellant submitted that no information has been provided by the respondents.

The FAA filed a counter statement dated: 25.09.2018, whereunder it has been submitted that the APIO has within the specified period informed the appellant that requisite files are not traceable in the Central Record Room (General). The FAA also submitted that the First Appeal filed by the appellant has been disposed of with the observations that it is not possible to provide any information in respect of records which are not available/traceable.

## **Decision:**

**The appellant, in the present case, has sought information by way of photocopy of PRC case files No. 138/PRC of 2004 (Bikrami) and No. 130/PRC of 2004 (Bikrami) which corresponds to the year 1947 AD. The APIO of the Central Record Room (General), where old records are kept and preserved, has informed the appellant that these two files are not forthcoming from the records maintained by the Central Record Room (General). Under the provisions of the J&K RTI Act, 2009 the public authority or its PIO is under an obligation to provide record that is available and existing with, or held by, the public authority. If any particular document or record is not available with the public authority, for whatever reasons that may be, it may not be possible for the public authority or the PIO to furnish information relating to such records or document to an information seeker. The RTI law does not compel a public authority or the PIO to do what is otherwise impossible or to produce a document which does not exist in the records of the public authority. Since the information sought by the appellant, in the present case, is not available in the Central Record Room and the APIO of the Record Room having informed the appellant about non-existence of the record sought by the appellant through his RTI request, no direction or order can be issued by the Commission compelling the PIO to manufacture or create such information. The appeal is accordingly disposed of without any orders or directions.**

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

**Sd/-**

**(Mohammad Ashraf Mir)**

State Information Commissioner

No: SIC/J/A/86/2018\_\_\_\_\_

Dated:

Copy to:

1. FAA/Regional Director, Survey & Land Records, Jammu for information.

2. PIO/Assistant Settlement Officer, Jammu for information.
3. APIO/Naib-Tehsildar, I/C Central Record Room, Jammu for information.
4. Private Secretary to SIC for information of the HSIC.
5. Appellant/Sh. Virender Sudan, R/o. 121, Potoli Mangotrian, Jammu for information.
6. Office file.

(Zaheer Abbas)  
Assistant Registrar  
J&K State Information Commission