



**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. 0194-2484269, 2484262**  
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File No. SIC-K/SA/44/2013  
Decision No.SIC-K/SA/44/2013/34

Title: Prof. Abdul Gani Bhat                      v/s    DySP Hqrs. Srinagar  
          S/o Lt. Mohammad Ramzan                      **(Respondent)**  
          r/o Natipora Srinagar  
          **(Appellant)**

Present:

1. Shri A.A. Qadri, DySP Hqrs. Srinagar- (PIO).
2. Prof. Abdul Gani Bhat - Appellant.

**Srinagar**  
**18.03.2014**

This is a Second Appeal filed before the Commission on 12.11.2013 by Prof. Abdul Gani Bhat s/o Lt. Mohammad Ramzan Bhat r/o Pamposh Lane, Natipora Srinagar stating that vide RTI application dated 14.08.2013 he had applied to Respondent-1 (PIO) for providing information on 6 points viz. i) Copy of preliminary report submitted by the then CPO Sadder Srinagar vide No. DSC/2010-ENQ/1614-15 dated

5.6.210..... ii) copy of denovo enquiry report dated 10.08.2011 .....  
iii) copies of proceedings orders passed on his representation dated  
20.05.2010 presented to DGP J&K related to assault on him on  
09.04.2010 iv) copies of proceedings orders passed on his  
representation dated 15.04.2011 and dated 02.12.2011 presented to  
SSP Srinagar v) copies of FIRs filed before the Divisional Officer, Police  
Division Chanpora on 22.04.2011 and 24.04.2011, counter filed by  
some women sent to Divisional Officer on 24.04.2012, another  
counter filed by men folk in last week of April 2011, report of I.O.,  
copies of statements recorded by the I.O. from the culprits on various  
dates, copy of the apology of the culprits tendered in Police Post  
Chanpora on 10.07.2012 vi) copy of communication No. SPs/RDR/C-  
01/201/3828 dated 02.07.2012 from Zonal Police Office South  
Rambagh to SSP Srinagar.

It is alleged that Respondent No. 1 (PIO) did not provide information and slept over the application. Thereafter, he filed an appeal before Respondent No. 2 (FAA) on 14.10.2013 but he too did not respond and slept over the appeal. He has accordingly requested the Commission to direct the Respondents to pay to the appellant damages for not providing the information sought for loss of time, energy and his hard earned money. He has also prayed that information/documents called for may be provided to him forthwith.

On scrutiny of the appeal deficiencies were observed viz-a-viz J&K RTI Rules 2012 and these were conveyed to the appellant vide notice dated 16.11.2013.

The deficiencies were completed on 27.11.2013 by the appellant and accordingly appeal was admitted on 27.11.2013.

2. In response to the notice of the Commission dated 02.12.2013, the appellant submitted that after the respondents were noticed by the Commission, FAA has on 03.12.2013, on his own, got two unsigned and unattested photostate documents and one unsigned and unattested irrelevant documents delivered to him stating further that FAA was not required to provide these documents/information, being an appellate authority and these were to be provided by the PIO only. He further submitted that the documents are to be authenticated/verified, signed and attested by the PIO, so that the same serve a purpose. It is further submitted that he is moving to the plains during winter months and shall be back in the 1<sup>st</sup> week of March 2014 only and hence he would not be available in the case and the same may be decided in his absence on the basis of facts and averments made in the appeal.

3. In his objections, PIO submitted that this application was not filed before PIO of District Police Office Srinagar; as such the application filed by the appellant went through different offices and subsequently reached the office of DySP Hqrs. on 16.08.2013. PIO further submitted that relevant records were not held by him, records

pertaining to the application had to be collected from various offices which took some time. After obtaining records, the appellant was called on 09.09.2013 on his mobile No. 9906631367. Thereafter, the information was sent through Rider (Process Server) of DPO Srinagar on 12.09.2013 for delivery at his residential address. The Rider reportedly delivered the envelope at his residential home on 13.09.2013 and after opening the envelope he refused to collect the documents and did not put his sign on the receipt. PIO has enclosed the statement of Rider (Process Server) as evidence.

Perusal of letter dated 12.09.2012 referred to above reveal that this is the response to RTI application to vide letter No. HQ/2013/RTI/S-42/766 dated 12.09.2013 as under: -

**“Your application dated 14.08.2013 has been received in the office of undersigned on 16.08.2013. in this connection, it is to intimate you that the information asked for in your application at Point No. 05 has not been traced yet from the records of the concerned quarters as the matter is of year 2010, which has almost gone in unrest. It will take more time to search out the records. However, the documents requested for at Point No. 01, 02, 03, 04 and 06 are enclosed herewith”.**

The information has again been sent to the applicant vide No. HQ/RTI/2014/92 dated 23.01.2014 through Speed Post under Receipt No. EE866882532IN dated 24.01.2014. It is therefore evident that PIO has responded within prescribed time.

4. With regard to reply to RTI queries in the RTI application, PIO has submitted point-wise reply to the application dated 14.08.2013 as under:

1. **“Copy of preliminary report submitted by CPO Sadder Srinagar Mr.Zulfikar Ahmad: attested copy enclosed herewith already also provided to appellant by First Appellate Authority.**
2. **Denovo enquiry: Attested copy of denovo enquiry annexed herewith. Same also provided to appellant by First Appellate Authority.**
3. **Representation presented by the appellant to DGP J&K: Copy of same was addressed to SSP Srinagar, DGP J&K vide letter No. Legal/GB/17/S/2010-9900-9901 dated 29.05.2010 referred the said representation to SSP Srinagar and directed CPO Sadder Court Srinagar (Enquiry Officer) to provide detailed factual report and for necessary action. Copies of representation and PHQ letter enclosed herewith.**
4. **On the representation dated 15.04.2011 SSP Srinagar referred the same to CPO Sadder Court Srinagar (Enquiry Officer) for necessary action. Attested copies of representation and order of SSP Srinagar are enclosed herewith.**
5. **No FIR was registered in Police Division Chanpora. However report of incharge PP Chanpora is enclosed herewith regarding point No. 05 of the application.**
6. **Copies of communication are enclosed herewith regarding point No. 06 of the application”.**

In view of the fact that the appellant was away from Srinagar upto 1<sup>st</sup> week of March, the period of Appeal was extended to afford an opportunity for the appellant to file his rejoinder and facilitate appearance of the appellant, although rules in this regard do not necessarily require his presence.

5. During proceedings in the Commission on 06.03.2014, PIO submitted that information sent to the information seeker on 24.01.2014 through Registered Post was returned undelivered by the Post Office as the house of the addressee was locked up PIO produced copy of envelope so returned by the Post Office. This set of information was given to the appellant, which was authenticated by the PIO under his seal and signatures.

Upon scrutiny of these documents, the appellant requested that these documents be attested. Although authenticated by way of seal and signatures is an attestation by itself, yet in order to satisfy the legal requirements of appellant PIO attested these documents.

The appellant pointed out that in respect of point No. 3, in addition to the information provided, the appellant sought response regarding further action taken in connection with letter of DGP to SSP and in respect of point No. 5 he wanted specific and separate information on the sub-queries as per record.

PIO has provided response to these queries to the appellant under letter dated 13.03.2014 giving reference to previous communication and has also given clarifications along with 4 enclosures.

6. During proceedings in the Commission on 18.03.2014, the appellant brought some deficiencies to the notice of the Commission. Upon examination of the information already provided as referred to above, and the response of the PIO dated 13.03.2014, it is evident that

deficiencies relevant to points of the RTI application has already been provided to the satisfaction of the Commission.

As per documents brought on record it is evident that FAA has not passed an order as required under section 16 of the Act, which has rightly been pointed out by the appellant in his submission made before the Commission. Therefore Commission directs FAA to ensure that in future appeals filed before him are decided and adjudicated in accordance with section 16(1) of the J&K RTI Act, 2009.

There will be no order as to the costs.

The appeal is disposed of with above directions/observations.

**Sd/-**  
**(Nazir Ahmed)**  
**State Information Commissioner**

Copy to the: -

1. Sr. Superintendent of Police, Srinagar (FAA).
2. Dy.SP of Police, Hqrs. Srinagar (PIO).
3. Prof. Ab. Gani Bhat s/o Lt. M. Ramzan Bhat r/o Pamposh Lane, Natipora, Srinagar.

(M.S. Bhat)  
Deputy Registrar,  
J&K State Information Commission