



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
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File No: SIC-K/SA/16/2013
Decision No: SIC-K/SA/16/2013/**42**

Title: Shri Sadiq Ali
s/o Mohammad Baqir,
r/o Tambis, Kargil
(Appellant)

v/s ACR Kargil
(Respondent)

Srinagar
29.03.2014

Brief background of this appeal is that Shri Sadiq Ali s/o Mohammad Baqir r/o Tambis filed an RTI application by before Nodal Officer RTI Act, LAHDC Kargil on 16.04.2013 seeking Jamabandi, Girdawari and Shajara Nasab under Khewat NO. 107 & 95 for the year 1940 till 2012 and documents related thereto. This RTI application has been transferred to PIO/ACR Kargil vide letter No. NO-RTI/2013/581-84 dated 17.04.2013 requesting him to provide information as asked for within 30 days.

As no response was received from the PIO within stipulated period, the appellant filed First Appeal before FAA/Deputy Commissioner Kargil on 16.05.2013 requesting him to provide information under the J&K RTI Act, 2009. Thereafter, Second Appeal was filed before the Commission on 24.06.2013 on the grounds that Respondent No. 1 i.e., PIO/ACR Kargil failed to provide required information within prescribed period and that the FAA failed to pass appropriate directions to Respondent No. 1. The appellant prayed before the Commission to allow the appeal, issue notices to the Respondents, direct the Respondents to pay the penalty under Section 17 of the Act for their failure to provide the required information to the appellant, direct Respondent No. 1 to provide the information sought by the appellant from Point No. 1 to 12 without delay and any other relief which the Commission may deem fit and proper.

During proceedings in the Commission on 10.10.2013, Deputy Commissioner Kargil/FAA submitted that he has filed para wise reply alongwith information comprising of 32 leaves, which has been received by the appellant. The information seeker contested authenticity of copy of mutation provided to him by the PIO duly attested by the Tehsildar on the grounds that old record available with him is different than that one given to him. However, appellant could not produce any record in this regard. The Commission

observed that these allegations can only be ascertained after perusal of original revenue records and the copy reportedly available with the appellant. As the issue involved scrutinizing of original records of the Revenue Department reportedly available with the appellant, Deputy Commissioner Kargil was asked to peruse the original records & reply from PIO and adjudicate First Appeal accordingly.

It was however observed that First Appeal has not been adjudicated by the FAA as required under Section 16 of the Act; accordingly appeal filed before the Commission was remitted to FAA to adjudicate First Appeal after giving an opportunity of being heard to the appellant. FAA was further directed to enquire delay in disposing of the RTI application of the appellant, and make a reference to the Commission under Section 16(3) of the Act.

In compliance with the orders of the Commission, FAA/DC has passed a detailed order on 11.11.2013 giving para-wise response to all points of the RTI application and concluded as under: -

“..... From perusal of both the copies, it look to be a case of clear cut tampering in which every effort has been made to delete and replace the name of Amina. This is a very serioius issue and requires immediate enquiry to bring the culprits to book for tampering the revenue record.....

The Jamabandies and Shajara Nasab of 1940, 1946 and 1950 and Girdawari prior to 1977 is not available as reported by Tehsildar Sanko and Kargil and hence could not be provided to the appellant. This is serious matter and will be enquired separately for its retrieval”.

Aggrieved by the order of the FAA, the appellant filed Second Appeal before the Commission on 25.11.2013 with the prayer to direct non-applicants to issue documents mentioned hereunder: -

- i) “Para 2A – To provide the copies of Jambandi and Shajra Nasab of Khewat No. 107 & 95 of the year 1940, 1946, 1950 & 1956.**
- ii) 2B – To provide copies of Girdawari of Khewat No. 107 and 95 of the year 1940, 1946, 1950, 1956 to 2012.**
- iii) 2C – To provide copies of Khasra Girdawari from the year 1910 to 1940 under Khewat 95 of Ghulam s/o Hussain r/o Tambis Tehsil Sankoo, Kargil.**
- iv) 2E – To provide cpies of actual mutation mutated under notification No. 13 of Ghulam s/o Hussain and Mst. Khatiji w/o Mohd. Jan.**
- v) 2F – To provide copies of mutation of Mst. Khatija d/o Ali Hassan under Khewat No. 95.**
- vi) 2H – To provide copies of mutation of Mohd. Jan as Khewatdar under Khewat No. 95.**
- vii) 2 I – To provide copies of mutation of Sultan Ali under Khewat No. 95.**
- viii) 2J – To provide the copies of mutation of Hussain s/o Sultan Ali under Khewat No. 95”.**

In counter reply to the Second Appeal, ACR Kargil (PIO) vide letter No. DC-K/SQ-395/2013 dated 20.03.2014 has submitted as under: -

2. (A) – That the Jamabandi for the period 1956 was provided earlier to the applicant. Now the Jamabandis for the period 1940 & 1946 has been traced and will be provided to the applicant. However, the Jamabandi for the year 1950 is not available as reported by TEhsidar Kargi, Tehsildar Sankoo and State Archives (Mohafiz Khana) Kargil.

2. (B) – That the copies of Girdawari for the period 1977-2012 have been provided to the applicant. The Girdawari record prior to 1977 is not available in Tehsil Office, Kargil/Sandoo and State archives as reported by the concerned Tehsildar and Superintendent Archives Kargil. However, Tehsildar, Kargil has reported that Girdawari of 1971 was taken against receipt by the Patwari Halqa and Tehsildar has been directed to initiate action to recover the Girdawari record.

2. (C) – As submitted at para 2 (B).

2. (E) – A copy of mutation No. 13 has been provided earlier.

2. (F) – As per entry of Khewat No. 95 of ROR, Mohd. Jan is not the owner. The entry is Mst. Khatija w/o Mohd. Jan. The name of Mst. Khatija is existing in ROR but there is not mention of mutation of Khatija in Col. No. 18 of ROR. The copy of ROR and Shajara Nasab has been provided.

2(H) – As submitted at para 2(F).

2(I) – There is not entry of Sultan Ali in Col. No. 5 (Ownership) of Record of Rights, which shows Ghulam Nabalig as owner. However, in Shajara Nasab Sultan Ali is grandfather of Ghulam. Therefore, mutation of Sultan Ali is not available as at the time of preparation of Record of Rights, Sultan Ali was not alive and hence copy could not be provided.

2(J) – There is not entry of Hussain Khewat No. 95 Col. No. 5 of ROR. The entry is Ghulam minor s/o Hussain. However, in Shajara Nasab of ROR, Hussain is the father of Ghulam”.

PIO has further submitted that a Committee has been constituted to verify revenue records of village Tambis available in Tehsil Office Kargil and State Archives (Kargil) w.e.f. 1910 to 1977 vide No. DC-K/SQ-395/2013 dated 19.03.2014 (letter enclosed).

In view of above, it is held that information available as per records have been provided to the appellant. In cases where information sought is not relevant to records, appropriate response/reply has been given by PIOI in his counter reply. It seems that PIO has made sincere efforts to trace out old records as is evident from his reply at para 2(A), regarding Jamabandi for period 1940 & 1964. As regards other old records prior to 1956, Tehsildars Sankoo, Kargil & State Archives Kargil have reported that other old records are not available and report of these officers (custodian of records) have been submitted to the Commission.

It is also evident that Deputy Commissioner Kargil has constituted a Committee to verify revenue records of village Tambis, copy of which has been provided to the Commission.

In view of above the Appeal filed before the Commission is disposed of with the following directions to the PIO/ACR Kargil: -

- (1) To provide copy of Jamabandi for the period 1940-1946 which has reportedly been traced as per counter reply of ACR Kargil dated 24.03.2014 to the information seeker.
- (2) To provide copy of order No. K/SQ-395/2013 dated 91.03.2014 constituted by the Deputy Commission Kargil for verification of revenue records of village Tambis, to the information seeker.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Deputy Commissioner Kargil.
2. Assistant Commissioner Revenue, Kargil.
3. Shri Sadiq Ali s/o Mohammad Baqir r/o Tambis, District Kargil..

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