



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
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File No: SIC/K/Comp/19/2013
Decision No: SIC/K/Comp/19/2013/42

Title: Shri Ghulam Rasool Lone, v/s DFO Kamraj Division,
s/o Haji Abdul Satar Lone, (Respondent)
r/o Lalpora Lollab, District,
Kupwara (Complainant)

Present: 1. Shri Iqbal Ahmad Lone, PIO/DFO.

Srinagar
02.05.2013

The Commission received a complaint on 25.03.2013 from Shri Ghulam Rasool Lone s/o Haji Abdul Satar Lone r/o Lalpora Lollab, District Kupwara stating that he had informed the then Chief Conservator of Forest and then DFO Kamraj telephonically that one Gh. Qadir Bhat s/o Sida Bhat r/o Lalpora has allegedly felled deodar tree in compartment No. 48/SL. DFO accordingly sent a party from Control room, who seized the illegal timber and kept in the custody of the Forester, but on the same evening some employees of the Forest Department, in connivance with the accused persons, handed over seized timber to the accused and no FIR was lodged. He has accordingly sought attested copies of FIR and action taken report against Sh. Gh. Qadir Bhat s/o Sida Bhat r/o Lalpora, under J&K RTI Act, 2009.

Records enclosed with the complaint reveal that the complainant filed an RTI application before DFO Kamraj on 18.02.2013 along with Treasury Receipt of Rs. 20/-. Complainant has also enclosed receipt of another RTI application dated 21.11.2012, but copy of this RTI application and receipt of fee is not appended with it. Therefore Commission took cognizance of application dated 18.02.2013 and issued notice to DFO Kamraj for reply to the complaint.

In response to the notice of the Commission, Shri Iqbal Ahmad Lone, DFO Kamraj in his counter statement has given background history of the case and action taken as under: -

“...That one Gh. Qadir Bhat s/o Sida Bhat r/o Lalpora approached the then DFO Kamraj Forest Division through an application for grant of firewood for religious purposes and subsequently the application was forwarded to Range Officer South Lolab with the direction to issue 20 Qtl's of firewood under rules vide No. 2687/G dated 14.07.2012 and the said Gh. Qadir Bhat s/o Sida Bhat r/o Lalpora under the garb of sanction damaged one Deodar tree of dia class 30-40 in Compartment 48/SL illegally and on the receipt of a telephonic complaint his office had deputed a team headed by Sh. Mohammad Mir, Deputy Forest from FCR Zangli to Co. 48/SL vide order No. 3011-15/G dated 24.07.2012 and the party seized 16 Qtls of firewood outturn of one Deodar dry tree of Class 30-40 and the seized firewood was kept under the superdname of Forest Guard attached to Range Office Sogam and on receipt of the preliminary report the concerned beat staff was attached to Range office Sogam. During the course of enquiry Sh. Mohammad Yousuf Lone (Fgd) was called and his written has been recorded who deposed that he has posted in Co. 48/SL and on 22.07.2012 accused Gh. Qadir Bhat s/o Sida Bhat r/o Lalpora accompanied by labourers ventured in Co. 48/SL and have felled one Deodar tree of dia class 30-40 meanwhile FCR party also arrived on spot and kept the seized firewood under his superdnama. He has also deposed that he has entered the report

in the Guard Book and submitted the same report to Range Officer of the time but on the reluctance of Range Officer South Lolab namely Sh Davood Ahmad Khan, he dispatched the report through Registered Post and has produced photocopy of Guard Book and Postal Receipt in support of his version. The official has further deposed that the Range Officer of the time and B.O. have delivered the seized firewood to the said Gh. Qadir Bhat for the reasons best known to them.

That the undersigned has directed the present Range Officer South Lolab to take legal action against the accused person besides ordered that the cost of seized firewood 16 Qtls calculated as Rs. 7200/- @ Rs. 450/- per Qtl as per prevalent Govt. rates and Rs. 800 as fine be recovered from the pensioner benefits of Sh. Davood Ahmad Khan retired i/c Range Officer, vide this office No. 7793-94/G dated 16.03.2013 and the copy of the same has been delivered to the complainant through his representative/relative for information on 16.03.2013 well within stipulated time”.

The Commission received an application form the complainant on 15.04.2013 wherein he has admitted to have received the information and is satisfied by the information provided by the DFO.

In view of the fact that RTI application dated 18.02.2013 has been disposed of on 16.03.2013 i.e., within prescribed period and complainant has admitted to have received information, the complaint filed before the Commission is disposed of. However this being a matter of larger public interest involving felling of trees illegally, the Commission directs DFO Kamraj to ensure recovery of cost of timber and further follow up action against accused person/s as ordered by him.

In view of importance of issue involved, Chief Conservator of Forests, Kashmir shall take appropriate follow up action under rules against the delinquent official/s.

Sd/-
(Nazir Ahmed)
State Information Commissioner

1. Chief Conservator of Forests, Kashmir.
2. DFO Kamraj Division.
3. Shri Ghulam RAsool Lone s/o Abdul Sataf Lone r/o Lolab, District Kupwara.

(Mohammad Shafi)
Assistant Registrar,
J&K State Information Commission