



**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**  
www.jksic.nic.in  
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File No: SIC-K/Comp/10/2013  
Decision No: SIC-K/Comp/10/2013/60

Title: Sh. D.K. Raina, v/s PIO,  
s/o Makhan Lal Raina, ADC Budgam.  
**(Complainant)** **(Respondent)**

Present: 1. Shri Mohammad Shafiq Chak, ADC Budgam (PIO).

**Srinagar**  
**15.07.2013**

The Commission received a complaint from Sri Dalip Kumar Raina s/o Late M.L. Raina r/o H. No. 329, Sec-4, Gangyal Garden, Jammu on 04.10.2012 alleging non receipt of information against RTI application dated 09.06.2012 and 13.06.2012 and subsequent reminders on 18.08.2012 and again RT on 28.08.2012 from Deputy Commissioner Budgam. The complainant has submitted that he requested DC Budgam vide various letters to provide information against RT but no information was received by him. While enclosing copies of information sought, for ready reference, the complainant has requested the Commission to direct the concerned official to furnish the information required.

While scrutinizing the RTI application, relevant documents were not enclosed with the RTI application. Accordingly deficiency notice was sent to the

complainant by the Commission vide letter dated 10.10.2013. Response of complainant to the notice was received in the Commission on 02.11.2012 at its Jammu office. Since the case pertains to Kashmir wing of the Commission, the same was transferred and received at Srinagar on 30.01.2013. While clarifying the discrepancies, the complainant has enclosed a communication titled 'non receipt of information' addressed to Deputy Commissioner Budgam dated 28.08.2012 alongwith receipt of fee of Rs. 50/-. In nutshell, the complainant has requested the Commission to take necessary action so that required information is given in RTI application dated 13.06.2013. The Commission therefore takes cognizance of this RTI application under which following information has been sought: -

- 1. "Information of inherent/ancestral land of 48 kanals of Srimate Moglani (d/o Sri Ishar Dass widow of Sri Aftab Kaul and inherent land of 48 kanals of Srimate Deviki d/o Sri Ishar Das) widow of Sri Lal Bhat also be communicated because above said land owness had not alienated their share to any one till date.**
- 2. The copy of Agreement authenticated by Tehsildar under section – 12 of Land Agrarian Act under No. 4 dated 02.0.21983 on the basis of which mutation No. 2099 has been authenticated on 28.03.1984 be provided please.**
- 3. Mutation No. 2647 wherein resumption form of Sri Kishan Lan and others has been rejected on 30.08.1989. Copies of mutation of transfer of land under Reforms Act or by way of sale attested in favour of tenants or other persons be provided.**
- 4. Copy of the rejected resumption form of Sri Kishan Lal and others be provided.**
- 5. Please provide the Parti Sarkar copies of the following mutation No. 2640, 2647, 2099, 2704, 2085, 2084 along with their resumption forms".**

As per facts brought on records, RTI application enclosed with complaint to DC Budgam dated 28.08.2012 has been responded to by the ADC on 22.09.2012 as under: -

**“Refer your application dated 28.08.2012, since the information sought by you is relating to land and is a service of the department, you are advised to take the course of land laws.**

**You are advised to follow PSG Act, if you will not be satisfied with service within the stipulated time envisaged in the law”.**

During hearing in the Commission on 08.04.2013, PIO produced above communication as evidence of disposal of RTI application. PIO clarified that reminder dated 28.08.2012 in fact pertains to application dated 13.06.2012 which has been responded to by the PIO as stated above.

Thereafter, PIO/ADC Budgam has informed the complaint on 12.04.2013, giving background of the case and has communicated to the complainant as under: -

**“Information sought relates to following specific procedure under Land Revenue Act/Rules thereto, but still you were provided with the copies of mutations and revenue extracts by the Tehsildar which should not have been ordinarily provided to you under the RTI Act. Further informing the complaint that in the event of dissatisfaction with the information provided to you, you should have filed an appeal within a period of 30 days before the Deputy Commissioner, Budgam (1<sup>st</sup> Appellate Authority) under Section 16 of the RTI Act”.**

PIO/ADC Budgam Shri Mohammad Shafiq Chak appeared before the Commission on 15.07.2013 and produced copy of communication No. DCB/ARA/RTI/013/116-17 dated 23.05.2013 addressed to complainant wherein back ground of the case has again been explained and concluded with following response: -

**“.....The Right to Information Act provides for serving the public purpose and providing you the information, but it does not suppress the provisions of various laws related to Revenue/Land. If the revenue extracts were to be provided under RTI Act, the relevant provision of land Revenue Act/Agrarian Reforms Act/standing orders would be defeated”.**

**“By means of this communication you are once again advised to approach the concerned revenue agencies for getting the abstract/copies of mutation/orders. In case if you are not satisfied by this communication you are at liberty to file an appeal before the 1<sup>st</sup> Appellant Authority i.e., Deputy Commissioner Budgam under Section 16(1) within thirty days of this communication”.**

After going through the information given by the PIO vide communications referred to above viz-a-viz RTI queries, the Commission holds that all 5 queries have been responded. The complaint is accordingly disposed of.

Copy of the notices were issued to the complainant from time to time and the last adjournment was granted on the request of complainant dated 10.04.2013. However, the complainant did not attend on the date of hearing today.

Sd/-  
(Nazir Ahmed)  
State Information Commissioner

Copy to the: -

1. Deputy Commissioner Budgam.
2. Additional Deputy Commissioner Budgam.
3. Sri Dalip Kumar Raina s/o Late M.L. Raina r/o H. No. 329, Sec-4, Gangyal Garden, Jammu.

(Mohammad Sayed Shah)  
Registrar,  
J&K State Information Commission