



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
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Old Assembly Complex, Srinagar. 0194-2484269, 2484262
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File No: SIC-K/SA/22/2013
Decision No: SIC-K/SA/22/2013/72

Title: Shri Kaiser Iqbal Gujjar v/s PIO/Tehsildar Kulgam
s/o Mohammad Shafi Gujjar (Respondent)
r/o Aragam, Bandipora
(Appellant)

Present: 1. Shri Mohammad Amin Dar, Tehsildar Kulgam (PIO)
2. Shri Kaiser Iqbal Gujjar, Appellant.
3. Shri Mohammad Shafi, Rep. of Appellant.

Srinagar
29.08.2013

This is a Second Appeal filed by Shri Kaiser Iqbal Gujjar s/o Mohammad Shafi Gujjar r/o Aragam, Bandipora under J&K RTI Act, 2009 against Tehsildar Kulgam received in the Commission on 10.06.2013 on the grounds that: -

- i) The appellant filed an RTI application before Tehsildar Kulgam on 08.11.2012 requesting him to authenticate an ST certificate issued in favour of one Rashid-ul-Hassan.
- ii) In spite of lapse of more than three months no response was received by him from Tehsildar Kulgam.
- iii) On 26.02.2013, he filed an appeal with Deputy Commissioner Kulgam/FAA and after a period of two months he received reply from PIO which was not satisfactory.

The appellant has requested the Commission to take appropriate action in this regard.

Records enclosed with the appeal reveal that the appellant filed an RTI application dated 11.09.2012 before Tehsildar Kulgam seeking following information:-

“Whether any ST category certificate (Gujjar Community) vide No. 235/STAC/Stt dated 28.04.2005 has been issued to a person namely Rashid-ul-Hassan s/o Gh. Hassan Gujaree r/o Arigutnoo Tehsil Kulgam. Whether he belong to ST Gujar community or sheer Gujree social caste. Herewith enclosed photostate copy of ST certificate. Whether it is fake or original”.

This was accompanied by postal order of Rs. 50/- and receipt of the office of Tehsildar dated 08.11.2013. Thereafter, First Appeal has been filed by the appellant before Deputy Commission/ Assistant Commissioner Revenue Department, District Kulgam on 26.02.2013 stating that his RTI application filed before Tehsildar Kulgam has not been responded to within the prescribed period of 30 days. He has requested FAA to provide details of information sought.

This appeal has been disposed by Assistant Information Officer (Revenue) Kulgam Office of Deputy Commissioner Kulgam vide letter No. DCK/RTI/2013-14/121 dated 22.04.2013 as under: -

“Refer your appeal for providing copy of ST category certificate in respect of Rashid Ul Hassan Wagay s/o Ghulam Hassan Wagay r/o Arigutnoo Kulgam under norms of RTI Act 2009. In this connection, it is to inform you that the matter was taken up with a Tehsildar Kulgam who vide his letter No. A/5-A dated 20.04.2013 has intimate that the information is not available in their office due to circumstances mentioned in the letter. A copy of the said letter is enclosed herewith for your record”.

Tehsildar Kulgam vide letter 20.04.2013 addressed to Addl. Deputy Commissioner Kulgam referred to above, has stated as under: -

“In this behalf the information could not provided to the concerned because authentication could not be ascertained in absence of original file. However, Xerox copy of the certificate in question bears dispatch number of Settlement side and communication in this regard has already been made to police and crime branch authorities. Relevantly to mention that the record/register pertaining to the period gutted in a fire incident

therefore this office is unable to provide the information as sought by the applicant”.

A copy of FIR No. 25/2012 is enclosed.

During hearing in the Commission on 01.08.2013, the complainant produced original copy of Pedigree (Shajra Nasab) duly attested by Officer Incharge Central Record Room, Srinagar of Shri Rashid-ul-Hassan of the year 1968-69. This document was handed over to Tehsildar Kulgam directing him to respond to limb of information sought by the information seeker “whether he belongs to ST Gujjar community or Sheer Gojree social caste” as per document provided to Tehsildar.

In compliance to above directions Tehsildar Kulgam vide letter NO. 158-59/N dated 10.08.2013 has authenticated Pedigree Table for the year 1968-69 of village Arigutnoo provided by the Appellant. Further, he has responded to the limb of information as under: -

“Relevantly to mention that as per the copy of mutation No. 391/1 of village Arigutnoo, the caste of Saboor s/o Ramzan Shergojri stands changed as Saboor s/o Ramzan Gujjar by virtue of mutation (Seh-Te-Zat) and the caste is therefore Gujjar at present as per the said mutation. copy of She-Te-Zat mutation is enclosed for kind perusal of the Hon’ble Commission. In addition to the above, copy of electoral roll for village Arigutnoo wherein Rashid-ul-Hsaan Gujjar s/o Gh. Hassan Gujjar figures at S. No. 413 and EPIC No. JPD0046276 is also indicated against his name. The copy of said electoral roll is also enclosed for kind perusal of the Hon’ble Commission”.

A copy of this letter has been sent to the information seeker through Registered Post on 14.08.2013. However, the information seeker submitted that he is yet to receive the said information. Therefore Tehsildar Kulgam is directed to give one set of the information to him immediately after the hearing today.

Upon perusal of records and information provided, it is held that information asked for in the RTI application has been provided and responded to by the Tehsildar Kulgam as per records. However, he has not explained reasons for delay in disposing of the RTI application beyond stipulated period. Tehsildar Kulgam (PIO) is therefore directed to submit his explanation within three weeks from issue of this order as to why penalty proceedings shall not be initiated against him for apparent delay.

The appeal is accordingly disposed of.

Announced in open court.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Deputy Commissioner Kulgam.
2. Tehsildar Kulgam.
3. Shri Kaiser Iqbal Gujjar s/o Mohammad Shafi Gujjar r/o Aragam, Bandipora.

(G.Q. Bhat)
R e g i s t r a r
J&K State Information Commission