



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

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**File No:** SIC-J-A-290/2013

**Decision No:** SIC-J-A/290/2013/387

Sh. Gurmukh Singh	Appellant	Present
Sh. Rajesh Sharma Additional Deputy Commissioner, Kathua.	PIO	Present

**Jammu  
18-12-2013**

Briefly the facts in this appeal are that Sh. Gurmukh Singh S/o Late S. Tara Singh R/o Vill. Deep Nagar, Kunjwani, Jammu moved an application dated 02-08-2013 under J&K RTI Act, 2009 before the PIO office of Dy. Commissioner, Kathua whereunder he sought the following information :-

- 1. Provide attested true copy of the Order issued by the then Dy. Commissioner, Kathua namely Late S. Sohan Singh, whereunder Refugee Basti was formulated in village Chak Ramchand (Bawain Morh), Tehsil and District Kathua, which was called as Refugee Basti.*
- 2. Provide attested true copy of the order issued by the then Dy. Commissioner, Kathua namely Late S. Sohan Singh, wherunder 44 kanals-1 Marala land present under Kh. No. 96 in Village Lachhi Rakh, Tehsil and District Kathua has been allotted to POK Refugee S. Gurmukh Singh son of Late S. Tara Singh.*

Provide information under which norms/terms the then Dy. Commissioner, Kathua namely Late S. Sohan Singh has allotted land to S. Gurmukh Singh S/o Late S. Tara Singh existing on records with the office.

The application of the information seeker was received in the office of the PIO on 08-08-2013. The PIO sought the information from SQ of the office who reported that the same cannot be traced out. The PIO also requested the Teshildar, Kathua for the information, but Tehsildar, Kathua reported that information could not be traced out in his office. The PIO vide office letter no. DCK/RTI/12-13/386-87 dated 05-09-2013 informed the information seeker that the information sought by him pertained to a period of more than 45-50 years and the exercise to trace the information would disproportionately divert the resources of the public authority and hence denied the request of the information seeker solely on this ground.

Feeling aggrieved of the order of the PIO, the appellant filed an appeal before the FAA/Deputy Commissioner, Kathua on 02-09-2013 stating therein that the PIO has not given any response. However, the PIO vide office no. DCK/RTI/2011-12/441-42 dated 13-09-2013 explained his position to the FAA. The FAA vide no. DCK/ARA/RTI/2013-14/256-57 dated 21-10-2013 disposed of the appeal and upheld the order of the PIO. Thus, feeling aggrieved of the order of the PIO as well as the FAA, the information seeker knocked the doors of the Commission by filing 2<sup>nd</sup> appeal dated 18-11-2013 wherein he has alleged that he has not been provided any opportunity of being heard by the FAA so much so no response has been given to the 1<sup>st</sup> appeal filed by him before the FAA. The appellant also submitted before the Commission that he has requested for information which is a matter of records and not occurrence or event, as such the appellant is entitled to seek the information requested by him.

In view of the aforesaid facts and observations, it is apparent that the information sought by the information seeker dates back to a period of

45-50 years and has to be traced out from the old record, however, the appellant has requested that he would personally assist the public authority in tracing the information from the old record provided he is given an opportunity to do the same. The PIO agreed to the request of the appellant and submitted that the appellant is at liberty to inspect the record in his office on a working day during office hours and in case the documents sought by the appellant could be traced the same will be provided to the appellant.

Keeping in view the submissions of the appellant as well as the PIO, it is hereby ordered that the appellant may be allowed an opportunity to inspect the record in the office of PIO on 27<sup>th</sup> & 28<sup>th</sup> of December, 2013 during office hours and in case the information sought by him is available in office record the same may be provided to him free of cost under an intimation to the Commission.

The appeal is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

**Sd/-**  
**Dr. S.K. Sharma**  
State Information Commissioner

Copy to the:-

1. Public Information Officer / Sh. Rajesh Sharma, Additional Deputy Commissioner, Kathua.
2. Sh. Gurmukh Singh S/o Late S. Tara Singh R/o Vill. Deep Nagar, Kunjwani, Jammu.

(Khalid. A. Shah)  
Dy. Registrar  
State Information Commission