



**Jammu and Kashmir State Information Commission**

جھوں اینڈ کشمیر سٹیٹ انفارمیشن کمیشن

(Constituted under The Right to Information Act, 2009)

**Wazarat Road Near D.C. Office, Jammu, Fax No. 0191-2520927-947**

**Old Assembly Complex, Srinagar. Fax No. 0194-2484267**

[www.jksic.nic.in](http://www.jksic.nic.in)

\*\*\*\*\*

File No.SIC/J/A/214/2012

Decision No.SIC/J/A/214/2012/433

Title:- Shri Abdul Aziz S/o Shri Sukar Din R/o Simblat, Nagrota, Jammu.

V/s

1. First Appellate Authority,  
Addl. Deputy Commissioner, Jammu.
2. Public Information Officer,  
Office of Deputy Commissioner, Jammu.

04-04-2013.

Jammu.

This is complaint/petition filed by Shri Abdul Aziz, a resident of the State against alleged in action of FAA to comply directions issued by the Commission vide No.SIC/J/A/214/2012/358 dated 12-12-2012. Vide this order the 1<sup>st</sup> appeal of the appellant was restored back to FAA for adjudicating his appeal within 15 days. The complainant alleged in his complaint that the FAA even lapse of 15 days did not pass an order. The FAA Dr. R.S.Sharma/Addl. Deputy Commissioner, Jammu attended and informed this Commission that there was delay of few days in passing order which occurred on account of the fact that the public authority designated new appellate authorities vide Govt. Order No. Rev/Gen/RTI/ 02 of 20013 dated 03-01-2013. Vide this order instead of single appellate authority several appellate authorities were appointed and in the process of shuffling there was delay in passing order. The order has been passed vide No.DCJ/PIO/RTI/2012-13/3915-16 dated 30-01-2013 while as

complainant did file complaint in this Commission on 16-03-2013. The commission has perused order so passed. Vide this order the FAA has adjudicated upon the appeal and informed that most of the information sought by the complainant vide his RTI application dated 31-07-2012 does not fall under section 2 of the State RTI act. The information is in the shape of opinion. The Commission has considered this order and also gone through the RTI application. The Commission concurs that the findings of the appellate authority only with respect of following points information i.e point No.1 “whether complainant seek opinion with regard to process and formalities prescribed by the Govt. and also part of the information asked at point No.2 of the application to the effect whether anybody can sell the land which has been acquired under BLE Act. However, in this point the complainant asked another information which is with regard to measure revenue department takes to penalize such defaulters who indulge in sale of such land and whether such sales can be declared null and void. This forms part of information and has to be given. Similarly, information sought at point No.4 is givable, this is to be given. However, it has been agreed that the complainant will be provided copy Fard Inthikhab.” It is further stated by the FAA that the information sought has been so worded, it become difficult but the complainant wanted to acquire. Considering FAA’s argument and application of the complainant, the commission directs that this information be disclosed within 20 days from the date pronouncement of this order.

(G.R.Sufi)

Chief Information Commissioner, J&K.

Copy to the:-

1. First Appellate Authority, J&K Public Services Commissioner, Jammu.
2. Public Information Officer, J&K Public Services Commissioner, Jammu.
3. Ms. Hina Ishaq, H.No.B-3, Gulburg Colony, Peerbagh, Srinagar.
4. Ms. Arshi Rasool, H.No.B-3, Gulburg Cooperative Colony, Peerbagh, Srinagar.
5. Shri Ripul Sharma C/o Sheikh Faisil Qayoom R/o H.No.2, Custodian Hamlets, Bhagat Barzulla, Opposite Gurdwara Banga Sahib.
6. Guard file.