

538

No. RTI/GoJ&K/DC-Kulgam/2017/ 19.

Date: 22/06/2017

To,
The Public Information Officer
Office of the Deputy Commissioner
DC Office Complex
Kulgam
Jammu and Kashmir



Dear madam/sir,

Sub: Submission of application for information under the J&K Right to Information Act, 2009

Please provide me the following information under the J&K RTI Act, 2009:

- 1) A clear photocopy of the latest version of the Rules framed under the J&K Public Safety Act, 1978 (J&K-PSA);
- 2) A clear photocopy of the Standard Operating Procedures (SOPs) that provide guidance to the District Magistrate for the purpose of making decisions regarding the detention of any person under the J&K-PSA, based on police reports/dossiers;
- 3) The total number of persons detained under J&K-PSA from 04 March, 2016, till date and the complete list of detainees indicating the name, age, parentage, postal address and grounds for detention and exact place of lodgement of each detainee;
- 4) A clear photocopy of any official document that contains the procedure for ascertaining the age of a detainee under J&K-PSA when such person is suspected to be a minor;
- 5) Inspection of all detention orders issued under J&K-PSA and the related police reports and dossiers related to such detainees as on the date of this RTI application.

We are residents of J&K. We have enclosed an IPO (bearing no.) for Rs. 10/- towards payment of the prescribed application fee. We would like to receive the information specified above at our postal address mentioned below. Kindly inform us of the additional fee payable for obtaining the information specified above. Your reply may be addressed to Advocate Bilal Ahmad who is one of the signatories mentioned below.

Yours sincerely,

Bilal Ahmad
Advocate Bilal Ahmad, Gulzar Ahmad, Rayees Rasool,
Advocate Qadri, Shughana, Saima Abid, Ishfaq Ahmad.
C/o: J&K RTI Movement Head Office, Malik House,
Malik House, Hyderpora, Near Al-Amin Hospital
Airport Road Srinagar-190014

अधपत्रा COUNTERFOIL

इसे फाड़कर प्रेषक अपने पास रख ले।
To be detached and kept
by the Sender.

पोस्टल आर्डर

₹ 10

POSTAL ORDER

किस अदा करला

To whom payable

Bilal Ahmad

किस डाकघर में

At what Office

क्या इसे क्रास किया है

Whether crossed

भेजने की तारीख

Date sent

40F 576709

Date = 14/08/2017.

The First Appellate Authority,
Deputy Commissioner's Office,
Kulgam

Subject: - First Appeal under Section 16(1) of J&K RTI Act 2009.

Sir/ Madam,

Undersigned want as under:

That we had submitted an application under section 6(1) of J&K RTI Act 2009 with the Public Information Officer (PIO) DC Office Kulgam, dated 06/7/2017 (copy enclosed as annexure "A"). But the said PIO failed to provide us the requisite information till date, although the PIO is bound to respond to an RTI request within 30 days according to section 7(1) of J&K RTI 2009.

The time period is already over (from 06/7/2017 to 09/8/2017). Hence I am submitting First Appeal under section 16(1) of J&K RTI Act 2009 before you to conduct First appeal hearing. So that my sought information is ensured and required action(s) be taken against erring PIO in this regard as early as possible under J&K RTI law.

Yours sincerely,

Gulzar Ahmad

Rayees Rasool

Adv. Bilal Ahmad

Iram

Shugufta

Saima

Syed Ishfaq

Gulzar Ahmad.

Rayees Rasool.

Bilal Ahmad.

Iram.

Shugufta.

Saima.

Syed Ishfaq.

Address: Head Office J&K RTI Movement, Malik House Hyderpora (Near Al-Amin Hospital) Srinagar

Pin: 190014.





Government of Jammu and Kashmir
OFFICE OF THE DISTRICT MAGISTRATE KULGAM

Advocate Bilal Ahmad
C/o: J&K RTI Movement Head Office,
Malik House, Hyderpora, Near Ai-Amin Hospital
Airport Road Srinagar-190014.


No. DMK/JC/2017-18/110
Subject:- Application under RTI Act – 2009.

Dated: 16/08/2017

Refer your letter regarding the above noted subject; the information desired by you in respect of District Kulgam is tabulated as under:

S. No	Question	Reply
01	A clear photocopy of the latest version of the Rules framed under the J&K Public Safety Act, 1978 (J&K-PSA)	Annexure-B
02	A clear photocopy of the Standard Operating Procedures (SOPs) that provide guidance to the District Magistrate for the purpose of making decisions regarding the detention of any person under the J&K-PSA, based on police reports/dossiers;	Annexure-B
03	The total number of persons detained under J&K-PSA from 04 March, 2016, till date and the complete list of detainees indicating the name, age, parentage, postal address and grounds for detention and exact place of lodgment of each detainee;	Annexure-'A'
04	A clear photocopy of any official document that contains the procedure for ascertaining the age of a detainee under J&K-PSA when such person is suspected to be a minor;	Annexure-B
05	Inspection of all detention orders issued under J&K-PSA and the related police reports and dossiers related to such detainee as on the date of this RTI application.	Pertains to Home Department.

Encl. 03 leaves.


Public Information Officer
Additional District Magistrate
Kulgam.



POWER TO MAKE ORDERS DETAINING CERTAIN PERSONS

8. Detention of certain persons

(1) The Government may—

(a) if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to—

(i) the security of the State or the maintenance of the public order;
or

¹[(ii) omitted];

²(a-1) if satisfied with respect to any person that with a view to preventing him from—

(i) smuggling ³[timber or liquor]; or

(ii) abetting the smuggling of ⁴[timber or liquor]; or

(iii) engaging in transporting or concealing or keeping smuggled timber; or

(iv) dealing the smuggled timber otherwise than by engaging in transporting or concealing or keeping in smuggled ¹[timber or liquor]; or

(v) harbouring persons engaged in smuggling of ²[timber or liquor] or abetting the smuggling of ³[timber or liquor]; or

(b) if satisfied with respect of such person who is—

(i) a foreigner within the meaning of the Foreigners Act,

(ii) a person residing in the area of the State under the occupation of Pakistan,

that with a view to regulating his continued presence in the State or with a view to making arrangements for his expulsion from the State, it is necessary so to do, make an order directing that such person be detained.

(2) Any of the following officers, namely:—

(i) Divisional Commissioners,

(ii) District Magistrate,

may, if satisfied as provided in sub-clauses (i) and (ii) of clause ⁴[(a) or (a-1)] of sub-section (1), exercise the powers conferred by the said sub-section.

(3) For the purposes of sub-section (1),

⁵[(a) ***]

(b) "acting in any manner prejudicial to the maintenance of public order" means—

(i) promoting, propagating, or attempting to create, feelings of enmity or hatred or disharmony on ground of religion, race, caste, community, or region;

(ii) making preparations for using, or attempting to use, or using, or instigating, inciting, provoking or otherwise abetting the use of force where such preparation, using, attempting, instigating, inciting, provoking or abetting, disturbs or is likely to disturb public order;

(iii) attempting to commit, or committing, or instigating, inciting, provoking or otherwise abetting the commission of, mischief within the meaning of section 425 of the Ranbir Penal Code where the commission of such mischief disturbs, or is likely to disturb public order;

(iv) attempting to commit, or committing, or instigating, inciting, provoking or otherwise abetting the commission of an offence punishable with death or imprisonment for life or imprisonment of a term extending to seven years or more, where the commission of such offence disturbs, or is likely to disturb public order;

¹[(c) "smuggling" in relation to timber or liquor means possessing or carrying of illicit timber or liquor and includes any act which will render the timber or liquor liable to confiscation under the Jammu and Kashmir Forest Act, Samvat, 1987 or under the Jammu and Kashmir Excise Act, 1958, as the case may be;]

²[(d) "timber" means timber of Fir, Kail, Chir or Deodar tree whether in logs or cut up in pieces but does not include firewood;]

³[(e) "Liquor" includes all alcoholic beverages including beer;]

⁴[(f) "person" shall not include a citizen of India who has not attained the age of eighteen years for being detained under clauses (a) and (a-1) thereof.]

(4) When any order is made under this section by an officer mentioned in sub-section (2), he shall forthwith report the fact to the Government together with the grounds on which the order has been made and such other particulars as in his opinion have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof unless in the meantime it has been approved by the Government.

Annexure
'B'