

Date: ²⁴/12/2017

To,
The Public Information Officer
Department of Home
Civil Secretariat, Jammu
Jammu and Kashmir – 180 001

Dear sir,

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

We, the residents of Jammu and Kashmir, would like to obtain, under the J&K RTI Act, the following information pertaining to the implementation of the Jammu and Kashmir Public Safety Act, 1978 (the said Act) from your public authority:

- 1) A clear photocopy of the official notification constituting the Advisory Board under Section 14(1) of the said Act;
- 2) A clear photocopy of the official notification of appointment of the current Chairman and two other current Members of the said Advisory Board under Section 14(3) of the said Act, along with their names and contact details;
- 3) The complete postal address, telephone number, fax number and email address of the said Advisory Board; and
- 4) A clear photocopy of any document containing details of the salary and the compensation package offered to the Chairman and the other two Members of the said Advisory Board;
- 5) The names, designations, grades and salary scales of all officers and employees currently servicing the said Advisory Board; and
- 6) A clear photocopy of all study reports commissioned till date, by the Government to assess the manner of implementation of the said Act.

We have attached an IPO (bearing #) towards payment of the prescribed application fee. We would like to receive the information described above at our postal address mentioned above. Kindly inform us of the additional fee payable for obtaining the information described above.

Thanking you,
Yours sincerely,

Adeela Shah



Adeela Shah and Naveed Bukhtiyar
R/o Shah e Jeelan Colony
House No-1, Budshah Nagar
Natipora, Srinagar – 190 015

40F 579492

किसे अदा करता
To whom payable Account
किस जाकार में
At what Office
क्या इसे क्रॉस किया है
Whether crossed
भेजने की तारीख
Date sent

POSTAL ORDER

₹ 10

पोस्टल आर्डर

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



Government of Jammu and Kashmir
Home Department
Civil Secretariat Srinagar/Jammu

Adeela Shah and Naveed Bukhtiyar
R/O Shah e Jeelan Colony
House No-1, Budshah Nagar,
Natipora, Srinagar-190015

No: Home/PB-V/RTI/6/2017

Dated: 18-04-2018

Sub: First Appeal under section 16(1) of the Jammu and
Kashmir Right to Information Act, 2009

This is regarding to your appeal presented to the undersigned and received in the Home Department on 11-04-2018. Immediately after receipt of the appeal, report was sought from the PIO who vide his reply dated 16-04-2018 has informed as under :-

"This has reference to your OM No. Home/PB-V/RTI/8/2017 dated 12.04.2018 regarding the subject cited above.

2. In this regard, it is to inform that as per the records, the appellants namely Adeela Shah and Naveed Bukhtiyar R/o Shah e Jeelan Colony, House No.1, Budshah Nagar, Natipora, Srinagar vide RTI application dated 21.12.2017, received in the Home Department on 27.12.2017 vide Receipt No Home/RTI/17/487, RTI application dated 21.12.2017, received in the Home Department on 27.12.2017 vide Receipt No Home/RTI/17/488 and RTI application dated 21.12.2017, received in the Home Department on 27.12.2017 vide Receipt No Home/RTI/17/489 had sought the information under the Jammu and Kashmir Right to Information Act, 2009.

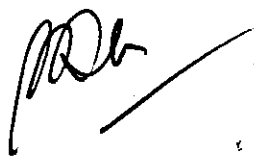
3. The response/reply was furnished to all the above three RTI applications vide PIO Home Department communication No. Home/RTI/331/2016/372 dated 23.01.2018, No. Home/RTI/331/2016/373 dated 23.01.2018 and No. Home/RTI/331/2016/374 dated 23.01.2018 respectively, well within the stipulated period of time. A copy of the response each and the common receipt dated 25.01.2018 are enclosed. The response/reply to all the three RTI applications were delivered to the applicants in one envelop through Speed Post on 25.01.2018.

4. With a view to ensure that the response of each RTI application is delivered, the PIO again delivered response/reply to the applicants in three separate envelopes through Speed Post on 27.01.2018. Receipts of speed post are enclosed for ready reference.

5. However, all the four envelopes containing the information to the appellants were received back from the Post Office and inscribed on the back of the envelop as " Out of station Return to sender". Copies of envelopes are enclosed for ready reference.


6. The contention raised by the appellants that PIO, Home Department has not furnished the requisite information within the stipulated period of 30 days is factually incorrect. The undersigned has disposed of all the three RTI applications, subject matter of appeals, well within the stipulated period of time.

The appeal(s) may be disposed of accordingly."



The reply by the PIO has been examined and it has been found that the PIO has disposed off the appeal in a time and also forwarded the information as sought by you through speed post twice but it has been returned with the mark " Out of station Return to sender" therefore, no malafide or inaction can be attributed to the PIO.

Your appeal is disposed off accordingly.


(Muzaffar Ahmad Wani)
Special Secretary to Govt
Home Department
(First Appellate Authority)

18/4/2008



Government of Jammu and Kashmir
Civil Secretariat, Home Department
Jammu/Srinagar

Most urgent
By Registered Post

Adeela Shah and Naveed Bukhtiyar
R/o Shah e Jeelan Colony,
House No-1, Budshah Nagar,
Natipora, Srinagar.
190015.

No. Home/RTI/331/2016/ 373

Dated 23-01-2018

Sub: - Information under the Jammu and Kashmir Right to
Information Act, 2009.

This has reference to your RTI application dated 21.12.2017,
received in the Home Department on 27.12.2017 vide Receipt No.
Home/RTI/17/488 regarding the subject cited above.

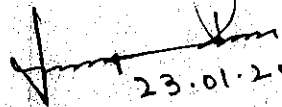
In this regard, the response/reply is submitted as under:-

Question	Reply
A clear photocopy of the official notification constituting the Advisory Board under Section 14(1) of the said Act;	As per the report of the concerned record keeper, all the records of detention section were damaged due to September-2014 devastating flood, as such, the old record is not available. However, a photo copy of notification dated 17-11-1989 is enclosed as <u>Annexure-A</u>
A clear photocopy of the official notification for the current Chairman and two other current Members of the said Advisory Board under Section 14 (3) of the said Act, along with their names and contact details	A photo copy of SRO 72 dated 07.03.2013 and G.O No Home/PB-V/488 of 2015 dated 13.05.2015 is collectively enclosed as <u>Annexure-B</u> .
The complete postal address, telephone number, fax number and email address of the said Advisory Board;	Postal Address: Office of the Chairman, J&K State Advisory Board, PSA, 1978. Phone No/Fax No. 2561526

(16) nsa

	e-mail address: <u>JKStateAdvisoryBoard@gmail.com</u>
A clear photocopy of any documents containing details of the salary and the compensation package offered to the Chairman and the other two Members of the said Advisory Board;	The details are contained in <u>Annexure "C"</u>
The names, designations, grades and salary scales of all officers and employees currently servicing the said Advisory Board;	The details are contained in <u>Annexure "D"</u>
A clear photocopy of all study reports commissioned till date, by the Government to assess the manner of implementation of the said Act;	As per the records made available, no such study has been conducted so far.

In case, you are aggrieved of the above response, an appeal against the same can be filed before Shri Muzaffar Ahmad Wani, Special Secretary to Government, Home Department, First Appellate Authority within a period of 30 days from the date of receipt of the instant communication.


 23.01.2018
 (Syed Sarfaraz Rizvi)
 Senior Law Officer,
 Home Department
 (Public Information Officer)
 Room No 3/2 (C), 3rd Floor
 Civil Secretariat, J&K, Jammu

Encl: (07 leaves)

Copy for information to the Special Secretary (M) to the Government, Home Department (First Appellate Authority).

24/01/2018

GOVERNMENT OF JAMMU & KASHMIR
NOTIFICATION

NOTIFICATION

JAMMU, THE 17TH NOVEMBER, 1989

NO 449 .-In exercise of the powers conferred by Section 14 of the Jammu and Kashmir Public Safety Act, 1978 (Act No. VI of 1978) and in supersession of all the previous notifications issued on the subject, the Government in consultation with the Chief Justice of the High Court of Jammu and Kashmir, hereby constitute the Advisory Board consisting of the following for purposes of the said Act, namely:-

- | | |
|---|----------|
| (1) Hon'ble Mr. Justice I.K. Kotwal,
Retired Judge
Jammu and Kashmir High Court. | Chairman |
| (2) Shri Madan Mohan Gupta,
Presiding Officer,
Motor Accidents Claims Tribunal,
Jammu. | Member |
| (3) Shri Bashir-ud-din,
Addl. District Judge,
Srinagar. | Member |

By order of the Government of Jammu and Kashmir.

9
Addl. Secretary to Government,
Home Department,
(Arsh)

No. Home-1SD-5/89

Dated. 17 -11- 1989

Copy for information and necessary action forwarded to the:-

- (1) Hon'ble Mr. Justice I.K. Kotwal, Retd. Judge, Jammu and Kashmir High Court.
- (2) Divisional Commissioner Jammu/Srinagar.
- (3) Director General of Police, J&K, Jammu.
- (4) Director General Prisons, J&K, Jammu.
- (5) Secretary to Government, Law Department (w.3.s.c.).
- (6) Shri Madan Mohan Gupta, Presiding Officer, Motor Accidents Claims Tribunal, Jammu.
- (7) Shri Bashir-ud-Din, Addl. District Judge, Srinagar.
- (8) Secretary to Chief Justice, Jammu.



Government of Jammu & Kashmir
Civil Secretariat, Home Department
Jammu/Srinagar

NOTIFICATION

Jammu, the 7th March 2013

SRO. - 72 In exercise of the powers conferred by the section 14 of the Jammu and Kashmir Public Safety Act, 1978 (Act No. VI of 1978), the Government in consultation with the Chief Justice of High Court of Jammu and Kashmir appoint Hon'ble Mr Justice(Retd) B.L. Bhat, former judge of the High Court as Chairman of the Advisory Board constituted vide Notification SRO-449 of 1989 dated 17-11-1989 for a period of three years.

The appointment of Hon'ble Mr Justice (Retd) B.L. Bhat shall take effect from the date he assumes charge of the post in the Advisory Board. The other terms and conditions regulating pay, allowances, accommodation, leave, medical and conveyance facilities etc shall be fixed separately.

By order of the Government of Jammu and Kashmir

Sd/-

Principal Secretary to the Government
Home Department

No Home/PB-V/SAB/J/2/2011/

Dated: 7-03-2013

Copy for information and necessary action to the:-

1. Hon'ble Chief Justice, J&K High Court, Jammu;
2. Hon'ble Mr Justice B.L. Bhat, retired judge, Hon'ble High Court of Jammu and Kashmir;
3. Divisional Commissioner Jammu/Kashmir;
4. Director General of Police, J&K, Jammu;
5. Secretary to Government, Department of Law, Justice and Parliamentary Affairs (w.7s.c.);
6. Shri Jung Bhadur Singh Jamwal, Principal District and Sessions Judge, Jammu;
7. Secretary to Hon'ble Chief Justice of J&K High Court, Jammu;
8. Stock file.

Under Secretary to the Government

14 May 2015 11:35AM P1



Government of Jammu and Kashmir
Civil Secretariat: Home Department

Statement of Terms and conditions of appointment of Shri Abdul Wahid, Retired District & Session Judge and Kartar Singh, Retired District & Session Judge as Members of State Advisory Board under the Jammu and Kashmir Public Safety Act, 1978.

Government order No. Home/PB-V/ **488** of 2015
Dated. : **13** -05 - of 2015

In continuation to the SRO 134 dated 7th May, 2015 sanction is hereby accorded to the fixation of terms and condition of appointment of Sh. Abdul Wahid, Retired District & Session Judge and Sh. Kartar Singh, Retired District & Session Judge as Members of State Advisory Board under the Jammu and Kashmir Public Safety Act, 1978, Jammu and Kashmir Prevention of Illicit Traffic in Narcotics Drugs and Psychotropic Substances Act, 1988 and the J&K Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1988 as under:-

- | | |
|----------------------------|--|
| (i) Salary | Last pay drawn minus pension and commuted portion of pension as per Art 259-B of CSR. |
| (ii) TA/DA | As admissible to Class 1st Officer. |
| (iii) Accommodation/HRA | Govt. accommodation as per status (if available) or House Rent allowances as admissible under rules. |
| (iv) Medical facilities | As admissible to a sitting District and Session Judge |
| ✓ (v) Leave | As admissible to a sitting District and Session Judge |
| (vi) Conveyance Facilities | As admissible to a sitting District and Session Judge. |

By order of Government of Jammu and Kashmir

(Signature)
(Dilshad Shaheen) 13/5/2015
Special Secretary to Government
Home Department

NO:-Home/PB-V/M/Gen/2002/677
Copy to the:-

Dated: **13** -05-2015

1. Chairman State Advisory Board, under the Jammu and Kashmir Public Safety Act, 1978
2. Secretary to Government, Department of Law, Justice & Parliamentary Affairs
3. Shri Abdul Wahid, Retired District & Session Judge and Shri Kartar Singh, Retired District & Session Judge as Members of State Advisory Board under the Jammu and Kashmir Public Safety Act, 1978
4. Government order file/file



Government of Jammu
Home Department, CIVIL

ir,

Subject:- Fixation of terms and conditions of appointment of Hon'ble Mr. Justice (Rtd) B.L.Bhat former Judge of the High Court as Chairman Advisory Board constituted under the J&K,P.S.A,1978.

Government Order No.HOME/PB-V/ 639 of 2013.
Dated. 13 -05- 2013

Sanction is accorded to the fixation of following terms and conditions of appointment of Hon'ble Mr. Justice (Rtd) B.L.Bhat former Judge of the High Court as Chairman,Advisory Board constituted under the J&K,Public Safety Act,1978:-

1. Pay. Pay which together with pension equivalent of other forms of retirement benefits will be restricted to Rs 80,000/-less by pension and commuted portion of pension.
2. DA. As payable to officers of AIS getting pay of Rs.79,000/- (i.e Rs 67,000 + grade pay of Rs.12,000/-) per month.
3. SA. As admissible to the serving Judges of Hon'ble High Court.
4. TA/DA. TA/DA will be paid according to his entitlement on rates at the time of his re-employment. He will also be entitled to facility of temporary Government accommodation in Guest House/ Inspection Bungalows run by the State Government wherever available on payment of normal rent at outstations of the class which the Govt. Servants of the higher class are available.
5. Transfer TA. As admissible to a Government servant of the highest grade from Home town to Hqrs. for joining the Commission and from Hqrs to Home town at the end of assignment.
6. Accommodation. Rent free accommodation or HRA admissible to

-----2-----

7. Medical facilities. Medical facilities on COMS will be made available. In case COMS is not available he will be entitled to medical facilities available to Cabinet Minister.

8. Leave.

As admissible to other re-employed pensioners under CCS (Leave) Rules, 1972.

9. LTC.

LTC for self and family as admissible to re-employed pensioners and entitlement will be that of the highest grade in Central Government.

10. Term.

For a period of 3 years.

11. Conveyance/
Telephone facilities

As admissible to the serving Judges of High Court at the time of re-employment.

By order of the Government of Jammu and Kashmir.

Sd/-

Principal Secretary to Government
Home Department.

Dated. 13 -05 - 2013.

No.HOME/PB-V/SAB/J/2/2013/II

Copy to the:-

- 1.
2. Chairman State Advisory Board, PSA 1978 for information.
Government order file/file.....

Addl. Secretary to Government
Home Department.

[Handwritten signature]
13/5
3/5

"D"

488

10

OFFICE OF THE CHAIRMAN

STATE ADVISORY BOARD, PUBLIC SAFETY ACT, MINI BLOCK CIVIL SECRETARIAT, JAMMU.

Salary scales of the employees of Establishment of Chairman J&K State Advisory Board, Public Safety Act, Jammu.

S. No	Name of the Official	Designation Of the Official	B.Pay+G.Pay
1.	Sh. Abhay Ram Gupta	Pvt. Secretary to Chairman	15600-39100+5600
2.	1.Smt.Rajkumari	Head Asstt.	(9300-34800+4200)
3.	2.Smt.Kiran Bala	-do-	(9300-34800+4200)
4.	1.Sh.Ashok Kumar	Jr. Asstt.	(5200-20200+1900)

[Signature]

The First Appellant Authority
Department of home
Civil Secretariat, Jammu
Jammu and Kashmir

Subject: CondonationOf Delay for the filing of First Appeal.

Sir,

We had filed an RTI application under Jammu and Kashmir RTI Act 2009 dated 21/12/2017 before the PIO of your department, as aggrieved by the non response of the PIO within stipulated time. We were supposed to file the First appeal within expiry of 30 days which are given to PIO by RTI Act for response . But due to the examination we were not able to file the appeal which caused the delay , therefore we request for the condonation of delay under proviso of sec 16(1) of J&K RTI Act.

Yours sincerely



NaveedBukhtiyar, Adeela shah

C/o J&K RTI Movement
R/O shah e jeelan colony
House no 1 ,Budshah Nagar Natipora
Srinagar-190015

Before the Designated First Appellate Authority
Department of Home, Civil Secretariat, Jammu
Jammu and Kashmir – 180001

Appeal filed under Section 16(1) of
Jammu and Kashmir Right to Information Act, 2009

In the matter of

Adeela Firdous shah & Naveed Bukhtiyar.

v

State Public Information Officer, J&K Police Headquarters

Date of submission :

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Before the Designated First Appellate Authority
Department of Home, Civil Secretariat, Jammu
Jammu and Kashmir – 180 001

Appeal filed under Section 16(1) of
Jammu and Kashmir Right to Information Act, 2009

Date: 28/08/2017

1) Name and address of the Appellants : Adeela Shah, Naveed Bukhtiyar
: Budshah Nagar, Natipoar R/o Shah e jeelan colony, House no-1
Srinagar, Jammu and kashmir -190015

2) Name and address of the State Public Information Officer (CPIO) to whom the Application was addressed : The Public Information Officer
Department of Home
Civil Secretariat, Jammu

3) Name and address of the State Public Information Officer who gave reply to the Application : NA

4) Particulars of the RTI application-

a) No. and date of submission of the RTI application : 21/12/2017

b) Date of payment of additional fee (if any) : Not applicable.

5) Particulars of the order(s) including number, if any against which the appeal is preferred : NA

6) Brief facts leading to the appeal :

6.1) On 21/12/2017 this Appellants despatched by Speed Post a request for information to the PIO mentioned along with the prescribed application fee, stating as follows (**Annexe 1**):

We, the residents of Jammu and Kashmir, would like to obtain, under the J&K RTI Act, the following information pertaining to the implementation of the Jammu and Kashmir Public Safety Act, 1978 (the said Act) from your public authority:

- 1) A clear photocopy of the official notification constituting the Advisory Board under Section 14(1) of the said Act;
- 2) A clear photocopy of the official notification of appointment of the current Chairman and two other current Members of the said Advisory Board under Section 14(3) of the said Act, along with their names and contact details;
- 3) The complete postal address, telephone number, fax number and email address of the said Advisory Board; and
- 4) A clear photocopy of any document containing details of the salary and the compensation package offered to the Chairman and the other two Members of the said Advisory Board;
- 5) The names, designations, grades and salary scales of all officers and employees currently servicing the said Advisory Board; and
- 6) A clear photocopy of all study reports commissioned till date, by the Government to assess the manner of implementation of the said Act.

6.2) This Appellants are aggrieved by the non response of the said PIO against the instant RTI application for reasons explained below.

7) Prayers or relief sought :

This Appellant prays that this First Appellate Authority be pleased to:

- 1) admit this appeal and inquire into the matters raised herein;**
- 2) order the disclosure of all the information sought in the said RTI application, free of charge in accordance with Section 7(6) of the J&K RTI Act; and**
- 3) make a reference against the PIO specified above to the J&K State Information Commission for imposition of penalty vide Section 16(3) read with Section 17(1) of the J&K RTI Act.**

8) Grounds for the prayer or relief :

8.1) According to Section 16(1) of the J&K RTI Act, any person who is aggrieved by a decision of the PIO may prefer a first appeal to an officer, senior in rank to him, within 30 days of receiving the decision. This first appeal is being submitted on the 30th day of the expiry of the PIO's non disclosure of the information which is well within the statutory deadline stipulated in Section 16(1) of the J&K RTI Act. This Appellant is aggrieved with the non response of the PIO for reasons explained below:

8.1.1) Further, Section 5(3) of J&K RTI Act places a duty on every PIO to render reasonable assistance to persons seeking information. Instead of providing reasonable assistance to this Appellant, the PIO has not disclosed the information and has not responded to the application. ***Hence the submission of this first appeal to this Hon'ble First Appellate Authority.***

8.1.2) Further, Section 7(6) of the J&K RTI Act entitles an RTI applicant to receive all information free of charge if the same is not provided within the timeline of 30 days stipulated in Section 7(1) of the J&K RTI Act. More than 30 days have gone by since the submission of the instant RTI application to this Public Authority. This Appellant seeks to invoke his right recognised under Section 7(6) of the Act and demands access to all information requested, free of charge. ***Hence the submission of this first appeal to this Hon'ble First Appellate Authority.***

8.1.3) Further, according to Section 16(3) of the J&K RTI Act, at the time of deciding an appeal if the first appellate authority forms an opinion that the PIO whose order is challenged under the terms of Section 16(1) of the J&K RTI Act, has obstructed in any manner the furnishing of information under the Act, he shall make a reference to that effect to the State Information Commission. This Appellant has explained above how the non responsible behaviour of the PIO are aimed at causing obstruction to access to information under the Act. This Appellant believes that this is a fit case for reference to the J&K State Information Commission for initiating appropriate action for imposition of penalty under Section 17(1) of the J&K RTI Act. ***Hence the submission of this first appeal to this Hon'ble First Appellate Authority.***

9) I hereby verify that the aforementioned facts are true to the best of my knowledge. I also declare that I have authenticated the Annexes to this appeal.

Signature of the Appellant:



(Adeela Firdous Shah, Naveed Bukhtiyar)