

542

No. RTI/GoJ&K/DC-Budgam/2017/ 3

Date: 22/06/2017

To,
The Public Information Officer
Office of the Deputy Commissioner
DC Office Complex
Budgam
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,

[Signatures]
Advocate Bilal Ahmad, Gulzar Ahmad, Rayees Rasool,
Advocate Am Qadri, Shugufia, Saima Abid, Ishfaq Ahmad.
C/o: J&K RTI Movement Head Office, *[Signature]*
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

किसे अदा करना
To whom payable DC

किस डाकघर में
At what Office Budgam

क्या इसे क्रॉस किया है
Whether crossed No

भेजने की तारीख
Date sent 22/06/2017

40F 576879

Date = 14/08/2017.

The First Appellate Authority,
Deputy Commissioner's Office,
Budgam.

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

Sir/ Madam,

Undersigned wants ^{to state} 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 Budgam, 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,

Adv. Bilal Ahmad

Gulzar Ahmad

Rayees Rasool

Iram

Shugufta

Saima

Syed Ishfaq

Address: Head Office J&K RTI Movement, Malik House Hyderpora (Near Al-Amin Hospital) Srinagar
Pin: 190014.



No: Hqrs/2017/R-4/ 3392-93
Dated: 11/08/2017.

Adv. Bilal Ahmad & others,
J & K RTI, Activist,
Malik House Hyderpora,
Near Alamin Hospital.
Pin. 190014

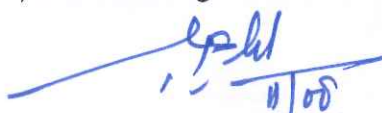
Subject: Information sought by you under RTI-2009.

Refer your application No.nil dated 22.06.2017, received by this office on 29.07.2017 through Addl DC Budgam (PIO) vide No DCB/SM/RTI/2017/215-16 dated 20.07.2017, regarding the subject cited above.

The pointwise information is as under:

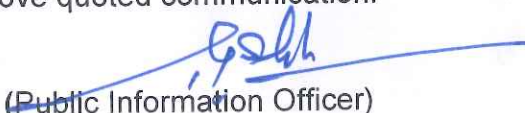
1. The latest version of the rules framed under the J & K Public Safety Act, does not pertain to you. It can be had from concerned government department or agency.
2. The law in this regard is clear that subjective satisfaction of the District Magistrate is required on the dossier provided to him for making detention. The mention of SOP made by you in point No: 02 is factually, as well as, legally misconceived.
3. The information would impede the process of investigation as is covered under exemption clause 8(g) of J & K RTI-2009.
4. It is obvious that age of a person can be ascertained either by D.O.B Certificate or by Medical certificate.
5. Same can be had from the office District Magistrate, because the PSA detention orders are issued by District Magistrate.

If you are not satisfied with the information, you have right to appeal before FAA, i. e. Additional Superintendent of Police, District Budgam.


(Public Information Officer)
Dy. Superintendent of Police (Hqrs)
District Budgam.

Copy to the:

- Additional Deputy Commissioner Budgam (Public Information Officer) for favour of kind information with reference to above quoted communication.


(Public Information Officer)
Dy. Superintendent of Police (Hqrs)
District Budgam.