



**Jammu and Kashmir State information Commission**  
(Constituted under The Right to Information Act, 2009)  
**Wazarat Road, Near DC office Jammu, 0191-2520947, 2520937**  
**Old Assembly Complex, Srinagar. 0194-2484269, 2484262**  
[www.jksic.nic.in](http://www.jksic.nic.in)  
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File No. SIC-K/comp/62/2013  
Decision No. SIC-K/comp/62/2013/35

Title: Shri Ghulam Hassan Wani     **v/s**     DySP Hqrs. Kupwara  
      s/o Sonallah Wani                     **(Respondent)**  
      **(Appellant)**

Present:

1. Respondent-     Sh. Mohammad Afzal (PIO/DySP Hqrs. Kupwara)
2. Appellant-     Absent

**Srinagar**  
**19.03.2014**

Brief background of this Complaint is that an RTI application has been filed by Shri Ghulam Hassan Wani s/o Sonallah Wani r/o Mirnag Kupwara before SSP Kupwara on 09.05.2013 seeking following information: -

1. Copy of letter No. 1178/58/13/PSK dated 15.3.2013.
2. Copy of letter No. 169/5A/B/PSK dated 26.03.2013.
3. Copy of letter No. Hqrs./15/39/1156 dated 16.04.2013”.

This RTI application has been responded to by the PIO/DySP (Hqrs.) Kupwara on 18.05.2013 informing the information seeker as under: -

“.....In this regard please find enclosed here with the copy of letter No. Hqrs./Confi/13/39/1156 dated 16.04.2013 addressed to Superintendent of Police Kupwara for records. However, information w.r.t letter Nos. 1178/5A/PSK dated 15.03.2013 and 169/5A/PSK dated 26.03.2013 of P/S Kupwara is denied in terms of Section 8 clause (e) of RTI Act 2009”.

The Commission received a complaint on 05.09.2013 for alleged denial of information stating that the PIO has denied information to him in respect of point No. 2 & 3 of his RTI application. The complainant requested the Commission to direct PIO to provide information to him.

During proceedings in the Commission on 27.01.2014 the document denied by the PIO claiming exemption was examined and it was found that copy of letter No. 169/5A/B/PSK dated 26.03.2013 is actually letter No. 169/5A/B/PSK dated 26.02.2013 from SHO P/S Kupwara to DC Kupwara with copy to DySP Kupwara on the subject **‘complaint with regard to missing of mutation file from the Qunoongo Section DC Office Kupwara’**. Upon perusal of this document, the Commission did not find any material which would attract section 8(e) “disclosure of information available to a person in fiduciary relationship”. The Information asked for is a factual report

from SHO P/S Kupwara to DySP Kupwara and therefore the Commission directs PIO to provide this information to the appellant.

In so far as query (1) is concerned, the report produced before the Commission was not legible and its contents could not be comprehended and accordingly PIO was directed to give specific response to the appellant within two weeks. In case of denial of information on re-examination, PIO was directed to produce original report before the Commission on the next date of hearing.

In reply to the notice of the Commission, PIO/DySP vide letter dated 13.02.2014 submitted that communication No. 169/5A/PSK dated 26.02.2013 of P/S Kupwara was re-examined and accordingly the complainant has been provided copy of the same against proper receipt. In witness thereof PIO has enclosed copy of letter dated 08.02.2014 addressed to the information seeker enclosing information sought in respect of query 1 & 2.

Since information sought has been provided and directions of the Commission has been compiled with, the complaint filed before the Commission is disposed of.

**Sd/-**  
**(Nazir Ahmed)**  
**State Information Commissioner**

Copy to the: -

1. DySP Hqrs. Kupwara.
2. Shri Ghulam Hassan Wani s/o Sonallah Wani r/o Mirnag Kupwara.

(M.S. Bhat)  
Deputy Registrar,  
J&K State Information Commission