



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937
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File No: SIC/J/A/340/2013
Decision No: SIC/J/A/340/2013/38

Sh. Shashi Pal Sharma Advocate	Appellant	Absent
Sh. Vivek Shekhar Dy.S.P. Hqrs, Jammu.	PIO	Present

Jammu
11-02-2014

Briefly the facts in this appeal are that Sh. Shashi Pal Sharma office at Lane No.2, near new Masjid, Roop Nagar, Jammu moved an application dated 28.10.2013 under J&K RTI Act, 2009 before the PIO / Deputy Superintendent of Police, Hqrs. Jammu whereunder he sought the following information:-

- 1. Kindly provide the details of the total number of police personnel / employees of JKP, Naib-Kot's, SPO's (Special police officers) etc posted in District Court Jammu and office of CPO(District Court, Jammu)at present with names / office or Court where posted/period of stay/date of joining of such persons be provided.*
- 2. Kindly also provide the details as to how many of such employees have not been transferred since last 3 years with details of their period of stay in Court be also provided.*

The PIO/ Dy. Superintendent of Police, (Hqrs), Jammu vide office letter no. RTI/2013/193/3485-86 dated 21-11-2013 informed the information seeker that the information sought is personal information and would cause unwarranted invasion of the privacy of the individual. The disclosure of information has no relationship to any public activity or interest and is hence

denied. Thus, feeling aggrieved of the order of the PIO, the information seeker filed 1st appeal dated 25-11-2013 before the FAA/Superintendent of Police, Hqrs, Jammu. The FAA upheld the order of the PIO. Thus, feeling aggrieved of inaction on the part of the FAA, the information seeker preferred 2nd appeal dated 31-12-2013 before the Commission in which he has alleged that the PIO as well as the FAA has taken shelter of Section 8(1)(i) of J&K RTI Act, 2009 but forgotten to take care of proviso which reads as:-

"provided that the information which cannot be denied to the Parliament or State Legislature shall not be denied to any person."

The main contention of the appellant is that he wants to expose the creamy layer and approachable officers of the department who have been enjoying the posts in District Court Jammu/CPO, Jammu for decades together and requires this information in the larger public interest.

The PIO/ Dy. Superintendent of Police, (Hqrs), Jammu in his counter statement filed before the Commission vide letter no. RTI/146/2013/262/Dy.SPHQJ. dated 31-01-2014 stated that the information sought by the information seeker is personal information and its disclosure would have no relationship to any public activity or interest and would cause unwarranted invasion of the privacy of the individual and as such it is exempted from disclosure U/s 8(1)(i) of J&K RTI Act, 2009. The stand taken by the PIO is not justified under law because this information is expected to be in the public domain as per the provisions of Section 4 of J&K RTI Act, 2009 and public authority is under a statutory obligation to suo moto disclose such information on its website.

In view of the aforesaid facts and observations, PIO/ Dy. Superintendent of Police, (Hqrs), Jammu is hereby directed to furnish the requisite information to the information seeker within one week from the date of receipt of this order under an intimation to the Commission.

The appeal is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

Sd/-
Dr. S.K. Sharma
State Information Commissioner

Copy to the:-

1. Public Information Officer/ Sh. Vivek Shekhar, Dy.S.P. Hqrs, Jammu.
2. Sh. Shashi Pal Sharma office at Lane No.2, near new Masjid, Roop Nagar, Jammu.

(Khalid. A. Shah)
Dy. Registrar
State Information Commission