



State Information Commission

(Constituted under Right to Information Act 2009)
Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262
Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937
www.jksic.nic.in

File No: SIC/J/A/95/2013
Decision SIC/J/A/95/2013/162

Sh. Amarpreet Singh Through Sh. Gurcharan Singh, Advocate	Appellant	Present Present
Sh. Abdul Rauf Lone Dy. Superintendent of Police, Headquarter Jammu.	PIO	Absent

Jammu
24-06-2013

Briefly the facts in this appeal are that Sh. Amarpreet Singh S/o S. Gurcharan Singh R/o H. No. 95, Sector 4, Model Town, Digiana, Jammu moved an application dated 09-01-2013 under J&K RTI Act, 2009 before the PIO /Dy. Superintendent of Police, Bakshi Nagar, Jammu seeking the copy of complaint/application bearing no.8/2012 dated 06-01-2012 u/s 498-A, 313, 325, 506 RPC filed by Manmeet Kour against Amarpreet Singh & Ors., copy of compromise and copy of application to reopen the case.

The information seeker was informed by PIO/ Dy. Superintendent of Police, Headquarter Jammu vide office letter No.RTI/2013/09/338-39 dated 04-02-2013 that the matter was got enquired/verified through Superintendent of Police City Noth, Jammu and report obtained which was furnished to the information seeker and it was intimated that the information cannot be provided being covered under section 8 of the RTI Act. Thus, feeling aggrieved of inaction on the part of the PIO, the information seeker preferred appeal dated 18-02-2013 before the FAA, Superintendent of Police, Hqr Jammu. The FAA vide office letter No:2877-78/SPHQJ dated 20-03-2013 disposed of the appeal with the observation that the information sought is covered u/s 8 of J&K RTI Act, 2009 and is exempted from disclosure. Thus feeling aggrieved of the order of FAA, the information seeker knocked the doors of Commission by filing second appeal dated 22-04-2013. Sh. Gurcharan Singh Advocate appeared on behalf of the information seeker and submitted before the Commission that the information sought by the information seeker is not covered under any of the clauses mentioned in section 8 of the RTI Act, 2009. The learned counsel vehemently pleaded before the Commission that the information sought by his client does not even fall within the ambit of section 8(1)g which mandates the denial of the information on the ground that it would impede the process of investigation or apprehension or prosecution of offenders.

The Commission is of considered view that the information sought by the information seeker does not fall under any of the exemptions mentioned in section 8 of the RTI Act, 2009. That the basic premise of the RTI Act is to maintain transparency and accountability in the functioning of public authorities and every citizen is vested with a fundamental right to seek information under the provisions of RTI Act. Simply narrating the

provisions of section 8 without any logic or reason does not exonerate a public authority from its statutory obligations to furnish the information. In view of the aforesaid observations, PIO is hereby directed to provide requisite information to the information seeker within 10 days 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 :

1. The First Appellate Authority/Superintendent of Police, Hqr. Jammu.
2. Public Information Officer /Dy. Superintendent of Police, Hqr. Jammu.
3. Sh. Amarpreet Singh S/o S. Gurcharan Singh R/o H. No. 95, Sector 4, Model Town, Digiana, Jammu.

(Khalid A. Shah)
Dy. Registrar,
J&K State Information Commission

NB: (In any correspondence on this decision, please mention the complete decision number)