



**Jammu and Kashmir 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  
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**File No:** SIC-J-C-25/2013  
**Decision No:** SIC-J-C/25/2013/193

Sh. Sham Lal	Complainant	Absent
Dr. R.S Sharma Addl. Deputy Commissioner, Jammu.	PIO	Present

**Jammu**  
**16-07-2013**

Briefly the facts in this complaint are that Sh. Sham Lal S/o Sh. Vidya Sagar R/o Nekowal, P/S Arnia, District Jammu moved an application dated 25-03-2013 under J&K RTI Act, 2009 before the PIO O/o District Magistrate, Jammu seeking the following information :-

- 1. As on date, what is the present status of the parole case of the applicant i.e Sh.Vidya Sagar S/o Sh. Sardar Chand R/o Nekowal P/s Arnia, Jammu .*
- 2. Name the officers/officials alongwith their particulars, who were/are responsible to take legal action in this regard (parole case).*
- 3. Kindly provide me the latest report submitted by the D.M Jammu to D.G.P Prison.*

4. *Under rule in how many days the report should have been submitted to the D.G.P Prison.*
5. *In this case intimate the reason for so much delay in deciding whether to grant or not permission for parole is taken.*

After receiving the application of the information seeker, the PIO/Addl. Dy. Commissioner Jammu furnished information to the information seeker vide office letter No:DCJ/PIO/RTI/2013-14 dated 22-04-2013. However, the information seeker was not satisfied with the information provided to him and filed a complaint under section 15 of the RTI Act, 2009 before the J&K State Information Commission and has alleged that the PIO did not respond to the query of the applicant which amounts to denial of information without any explanation.. The fact of the matter is that the applicant has sought information with respect to Parole case ( temporary release) of his father namely Sh. Vidya Sagar convicted prisoner presently confined in Central Jail Amritsar, Punjab under section 21 of NDPS, Act sentenced by the Additional Session Judge, Amritsar Punjab for a period of 12 years strict alongwith imposition of fine Rs. 1,25,000/-. It is pertinent to mention here that information sought by the applicant does not fall under the ambit of section 7(1) pertaining to life and liberty of the person, since Sh. Vidya Sagar father of the applicant is a convicted prisoner under NDPC Act and confined in Central Jail Amritsar for 12 years strict. The Senior Superintendent of Police, Jammu vide letter NO: PA/CC/Parole/F/2012/21279/C dated 25-07-2012 has submitted in his report to District Magistrate, Jammu that there is a strong apprehension that if convictee is released on Parole he may again indulge in criminal activities and commit more crime and opined that convictee Sh. Vidya Sagar may not be released on Parole.

Thus, it is apparent from the above facts and documents available on record that information as sought by the information seeker already stands

furnished to him. The Commission cannot be used as a Forum for redressal of grievances and it is not the domain of the Commission to usurp the functions of a public authority or dictate it to exercise its functions in a particular manner. If the information seeker is having any grievance for the release of his father on Parole, he is advised to approach the proper forum for the same.

The complaint 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 Public Information Officer/Addl. Deputy Commissioner, Jammu.
2. Sh. Sham Lal S/o Sh. Vidya Sagar R/o Nekowal, P/S Arnia, District Jammu.

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