



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

File No: SIC-J-A-126/2013
Decision No: SIC-J-A-126/2013/196

Sh. Mohmmad Ayub Appellant Present
Choudhary

Sh. Mohd Rashid PIO Heard through Video conferencing
Dy. Superintendent of Police,
Hqrs. Poonch.

Jammu
17-07-2013

Briefly the facts in this appeal are that Sh. Mohmmad Ayub Choudhary S/o Sh. Roshan Din R/o Vill. Nadian, P.O Rakhibon, Tehsil Darhal, District Rajouri moved an application on 30-01-2013 before the PIO O/o Director General of Police, J&K Police Forces, Police Hqrs. Gulshan Ground Jammu seeking the following information:-

- i. About issuance of C.D prepared of those SPOs who have participated in various anti-militancy operation, killing of militants/ranking militants, Recovery of huge cache of Arms/Ammunition in District Rajouri and District Poonch since last 20 years till date.
- ii. About issuance of attested true copy of these SPOs who inspite of having participated in various anti militancy above, but their

names have not been included in C.D, provide name, bio-data, experience of such S.P.Os in detail of District Rajouri and District Poonch.

- ix. About criteria adopted for listing of SPOs in C. D prepared by the concerned Police Officer of District Rajouri and Poonch.
About basic qualification and service experience has been given preference for listing of SPOs in C.D of District Poonch.

The PIO denied the information to the information seeker interms of section 8 (a) of the RTI Act, 2009 which provides that there shall be no obligation to give any citizen:-

" information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of state or lead to incitement of an offence."

Feeling aggrieved of the order of PIO, the information seeker preferred Ist appeal before the Addl. Dy. Superintendent of Police, Poonch. The FAA disposed of the appeal vide order No: ASP/Rdr/RTI-1/2013/103/ASP dated 22-05-2013. In the aforesaid order, the FAA has observed that information sought by the information seeker pertained to 3rd party and accordingly a reply was also sought from all the SPOs of the district. Whereas all the SPOs were read out the contents of the application/appeal to be disclosed during roll-calls by the concerned subordinate units, but the SPOs did not agree to share/disclose their operational contribution to anyone and accordingly the file was consigned to records owing to unwillingness of the information seeker to attend the office of the FAA for explaining the actual contents of the information sought and also keeping in view the interest of third party involved in this case.

During the course of hearing held through video conferencing, PIO vehemently denied sharing of information as disclosure of information sought by the information seeker would prejudicially affect the sovereignty and integrity of India, the security and strategic interests of the state and may also lead to incitement of an offence. The PIO also pleaded before the Commission that disclosure of information sought by the information seeker would endanger the life or physical safety of all the SPO's and their families who have participated in various anti-militancy operations including killing of militants and recovery of huge cache of arms and ammunition in district Rajouri/Poonch etc. It would also identify the source of information or assistance given in confidence for law enforcement or security purposes.

Keeping in view the aforesaid submissions of the PIO, Commission is of the considered view that information sought by the information seeker should not be shared and thus appeal filed by the information seeker is without merit and dismissed.

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

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

Copy to :

1. First Appellate Authority / Addl. Superintendent of Police, Poonch.
2. Public Information Officer / Dy. Superintendent of Police,
Hqrs. Poonch.
3. Sh. Mohammad Ayub Choudhary S/o Sh. Roshan Din R/o Vill. Nadian,
P.O Rakhion, Tehsil Darhal, District Rajouri.

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