



**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  
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File No: SIC/J/A/176/2013  
Decision SIC/J/A/176/2013/245

Sh. Narottam Sharma	Appellant	Present
Sh. Abdul Rauf Lone Superintendent of Police, PHQ, Jammu.	PIO	Present

**Jammu**  
**29-08-2013**

Briefly the facts in this appeal are that Sh. Narottam Sharma, State Convener BJP, RTI Cell J&K C/o Bhartiya Janata Party,(J&K) Pt. Prem Nath Dogra Bhawan, Kachi Chawni, Jammu moved an application dated 23-04-2013 under J&K RTI Act, 2009 before the PIO O/o Senior Superintendent of Police, Jammu seeking the following information:-

- 1. Intimate total number of Criminal Cases pending in different Police Stations and Courts against Inspector Mr. Jai Pal Sharma who is presently posted as S.H.O of Police Station, Nowabad, Jammu.*
- 2. At present total number of departmental probes / enquiries pending against the said officers.*
- 3. Total number departmental probes / enquires so far initiated against this inspector.*
- 4. Provide copies of all the probe reports in which final report has been submitted.*
- 5. Total number of complaints received from civilians against the said inspector during the period year 2000 to till date. Whether any action was taken on any such complaint and if any action taken provide copy of that action taken report.*

6. *Please provide information with regard to F.I.R No. / Section and Police Station along with date of all criminal cases pending against this police officer.*
7. *Also provide me the detail of his last 5 postings and the particulars of officers who ordered his transfer.*
8. *Also provide me copy of his service book.*
9. *Total number of minor / major / written / verbal punishments awarded to the above said officer right from the year 2000 to till date.*
10. *Total number of posting for the last 10 years where the said officer has been posted as SHO of police stations.*
11. *Under Police Manual whether a police officer facing criminal cases be posted as SHO.*

The PIO vide office letter no. RTI/2013/46/1080-81 dated 27-04-2013 informed the information seeker that the information sought by him cannot be disclosed as it is personal information and its disclosure has no relationship to any public activity or interest and would cause un-warranted invasion of the privacy of the individual and is exempted U/s 8(1)(i) of the J&K RTI Act, 2009.

Feeling aggrieved of the order of the PIO, the information seeker preferred 1<sup>st</sup> appeal dated 14-04-2013 before the SP, Headquarter, Jammu. The 1<sup>st</sup> Appellate Authority disposed of 1<sup>st</sup> appeal with the observations that the report of the PIO District, Jammu (DSP HQ, Jammu) is well founded as the information asked for is exempted from disclosure interms of Section 8(1)(i) of the J&K RTI Act, 2009. The information seeker thus feeling aggrieved of the aforesaid orders preferred 2<sup>nd</sup> appeal dated 26-06-2013 before the Commission in which he alleged that the FAA did not provide him any opportunity to present his case and as such the order passed by the FAA is violative of principles of natural justice. The appellant also stated in his submissions before the Commission that the information sought is related to a public servant and in no way infringes the right to privacy of the said officer about whom the information is sought. The perusal of the RTI application of the appellant shows that he

has requested interalia the total number of criminal cases pending against the officer who is deputed on a very important position and is discharging the function as a Station House Officer(SHO, Jammu City). The basic purpose of the RTI Act is to promote transparency and accountability in the working of every public authority so that corruption is contained and the government and its instrumentalities are held accountable to the governed. The plea of the PIO / FAA in holding that the information sought is personal in nature and cannot be shared as it will affect the privacy of the individual concerned is not tenable and cannot be sustained on the anvil of transparency and accountability as enshrined in the J&K RTI Act, 2009.

In view of the aforesaid observations, the PIO is hereby directed to furnish the information to the information seeker as available in the office record within two weeks 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. Public Information Officer / Sh. Abdul Rauf Lone, Superintendent of Police, PHQ, Jammu.
2. Sh. Narottam Sharma, State Convener BJP, RTI cell J&K C/o Bhartiya Janta Party,(J&K) Pt. Prem Nath Dogra Bhawan, Kachi Chawni, Jammu.

Khalid-A-Shah  
Deputy Registrar  
State Information Commission