



**J&K 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. 0191-2520970, 2520937

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**File No:** SIC/J/A/191/2013

**Decision No:** SIC/J/A/191/2013/302

Sh. Chuni Lal Shan	Appellant	Present
Addl.Dy. Commissioner, Kishtwar.	PIO	Absent

**Jammu**  
**03-10-2013**

Briefly the facts in this appeal are that Sh. Chuni Lal Shan S/o Sh. Krishan Lal Shan R/o Mulchitar Sigdi, Tehsil Chatroo, District Kishtwar moved an application dated 14-03-2013 under J&K RTI Act, 2009 before the PIO O/o Deputy Commissioner, Kishtwar seeking the following information:-

- 1. Kindly provide the list of Gun Licence Holders serial wise of District Kishtwar along with name, parentage & complete address.*
- 2. Also provide the information regarding date of issuance of the Gun Licence along with the name of Issuing Authority since the creation of District Kishtwar.*

The PIO communicated to the applicant vide office letter No:DMK/13/2112 dated 29-03-2013 that the information sought is security related as the weapons provided are for self defence/protection by the individual therefore , it cannot be shared. However, the applicant was not satisfied with the information provided by the PIO. He filed Ist

appeal before Dy. Commissioner, Kishtwar on 24-05-2013 which was disposed of and the information seeker was informed vide No:DMK/K/RTI/13/260 dated 19-06-2013 that the matter was enquired and found that the requisite reply has already been supplied/furnished. The appellant challenged the validity of the aforesaid order before the Commission by filing second appeal dated 31-07-2013. The stand taken by the PIO/FAA in denying the information to the information seeker solely on the ground that the information sought is security related as the weapons provided are for self defence/protection by the individual is contrary to the mandate of the RTI Act whose ethos is based on maintenance of transparency and accountability in the functioning of the public authorities in order to contain corruption and bring purity in administration. The order of the PIO/FAA does not amplify/supplement the security problems which may crop up after sharing this information. The mere statement that the information sought is security related and it cannot be shared carries no meaning and does not enjoy any exemption from disclosure under section 8 of the RTI Act. The order of the PIO/FAA is not a speaking order as it is not based on reasons, hence, devoid of merit.

During the course of proceedings held today, Commission received through Fax a letter bearing No:DCK/Adm/13/2042 dated 3-10-2013 from Sh. Baseer Ahmed Khan (IAS) Dy. Commissioner, Kishtwar requesting the Commission that due to law and order situation, strike of employees and finalizing the relief cases of victims of communal riots the PIO/Add. Dy. Commissioner, Kishtwar cannot be spared to attend the Commission's office and requested that the said officer may be exempted from appearing before the Commission on 03-10-2013. The Commission considered the request and exemption from personal

appearance was granted in favour of the PIO/ Add. Dy. Commissioner, Kishtwar.

In view of the aforesaid factual position and observations, the PIO is hereby directed to provide the requisite information to the information seeker after charging the cost of information as permissible under rules 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. First Appellate Authority / Dy. Commissioner , Kishtwar.
2. The Asstt. Public Information Officer / Addl. Dy. Commissioner, Kishtwar.
3. Sh. Chuni Lal Shan S/o Sh. Krishan Lal Shan R/o Mulchitar Sigdi, Tehsil Chatroo, District Kishtwar.

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