



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

www.jksic.nic.in

File No: SIC/J/C/56/2013

Decision No: SIC/J/C/56/2013/332

Sh. Kovid Khosla
Advocate

Appellant Present

Sh.Meet Kumar
I/c PSA Section,
On behalf of PIO
Addl. Dy. Commissioner,
Jammu.

Present

Jammu
29-10-2013

Briefly the facts in this complaint are that Sh. Kovid Khosla (Advocate J&K, High Court) R/o Opposite Eicher Showroom, Main Road Sidhra, Jammu moved an application dated 07-05-2013 under J&K RTI Act, 2009 before the PIO office of the District Development Commissioner/Dy. Commissioner, Jammu seeking the following information:-

- A. Copy of complete office file No.771PRC/2009-2010 dated 12-06-2009 whereby PRC in favour of Mehnaz Bano D/o Sh. Ghulam Nabi R/o Channi-Rama, Jammu
- B. Copy of complete office file No:2595 PRC/2012-2013 dated 31-12-2012 whereby PRC has been issued in favour of Mehnaz Bano D/o Sh. Ghulam Nabi R/o Sunjwan Chatta, Jammu.

The PIO/Addl. Dy. Commissioner, Jammu denied the information to the information seeker on the ground that it is 3rd party information and falls

under the ambit of section 8(1)(i) which is a personal information and as such is exempted from disclosure. Thus, feeling aggrieved of the aforesaid order of the PIO, the complainant filed the complaint dated 4-07-2013 before the Commission alleging therein inter-alia that the PRC was issued to a particular individual and the same cannot be treated as a third party information under the RTI Act as in the process of issuance of PRC to a particular individual, the issuing authority discharges a public function which is having no privileged relationship between the issuing authority and the person in whose favour the PRC has been issued, as it involves the public interest and as such the same cannot be treated as third party information. The contention of the complainant is within the parameters of law and is upheld because the information sought is as per the office record maintained for the purpose of issuance of PRCs.

During the course of proceedings, Sh. Meet Kumar I/c PSA Section who appeared on behalf of PIO/Addl. Dy. Commissioner Jammu informed the Commission that the PIO is undergoing training programme being conducted by the IMPA Jammu and has requested for exemption from personal appearance which was considered and allowed. Sh. Meet Kumar I/c PSA section submitted before the Commission that files relating to PRCs are lying in the Record Room, Talab Tillo, Jammu and assured the Commission to retrieve the same and sought two weeks time for providing the requisite information to the complainant.

In view of the aforesaid facts and observations the PIO/Addl. Dy. Commissioner is hereby directed to retrieve the aforesaid files from the Record Room, Jammu and dispose of the RTI application of the information seeker within two weeks from the date of receipt of this order under an intimation to the Commission.

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

Anu (SS)

Copy to:-

1. Public Information Officer / Addl. Commissioner, Jammu.
2. Sh. Kovid Khosla, Advocate, J&K High Court Jammu, Opposite Eicher Showroom, Main Road, Sidhra, Jammu.

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