

- iii. Kindly mention the total no. of cases in which the accused is acquitted of charges in all NDPS related cases. (Kindly provide the details of all courts of J&K State).
- iv. Kindly mention the total no. of cases in which the accused is convicted of charges in all NDPS related cases. (Kindly provide the details of all courts of J&K State).
- v. Kindly provide the information regarding reservation of judgments for pronouncement by the courts in the following tabular form. (Kindly provide the details of all courts of J&K State).

S. No.	Total no. of judgments reserved for pronouncement till date	Total no. of judgments reserved for pronouncement from the last 2 years	Total no. of judgments reserved for pronouncement from the last 2 to 5 years.	Total no. of judgments reserved for pronouncement from the last 5 to 10 years	Total no. of judgments reserved for pronouncement from the last more than 10 years

The PIO informed the information seeker vide office No:700/RJ/13 dated 23-04-2013 that the information sought regarding points I, II and V cannot be given since the information required is not maintained in the form of data or analyzed data, or abstracts, or statistics. The PIO also advised the information seeker to approach the PIOs of concerned courts so far points III and IV are concerned, if so desired. Feeling aggrieved of the information provided by the PIO, the information seeker filed Ist appeal dated 2-05-2013 before the Registrar General, High Court, Jammu

J&K. The information seeker has alleged in second appeal before the Commission that he has not received any communication relating to disposal of his appeal by FAA. The Commission after receiving the second appeal, vide office No:SIC/J/A/245/2013/4174-75 dated 18-10-2013 requested the PIO to send counter reply to the Commission within 7 days from the receipt of the notice and in compliance to the Commission's notice, PIO submitted counter statement vide office No:2286-A dated 1-11-2013. In the counter statement, the PIO stated that it is a settled law if a public authority has any information in the form of data or analyzed data or abstracts, or statistics, an applicant may access such information subject to the exemptions in section 8 of the Act. But where the information is not a part of the record of the public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant. Since the information sought by the appellant in this case is not maintained in the aforementioned formats, the information cannot be given to the appellant.

During the course of proceedings held today, the PIO further clarified his stand that the information sought by the appellant is not maintained in his office. It is thus apparent that a public authority is not under a statutory obligation to collect or collate such non-available information. The stand taken by the PIO is based on facts, as no such record is maintained in the form of Formats in which the information is sought by the appellant. In the given situation there is no question of malafidely denying the information to the appellant and submissions made by the PIO are justified. Hence, no direction in the matter is required.

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. The First Appellate Authority/Registrar General, J&K High Court, Jammu.
2. Public Information Officer / Registrar Judicial, J&K High Court, Jammu.
3. Sh. Deepak Sharma R/o Mandlik Bhawan, 412-C, Jeevan Nagar, Jammu
4. Guard file.

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