

The PIO denied the information to the information seeker on the ground that it is a personal and is exempted from disclosure U/s 8(i) of the J&K RTI Act, 2009. The PIO communicated the decision to the information seeker vide letter no. DCJ/PIO/RTI/2012-13/3260 dated 11-11-2012.

Feeling aggrieved of the decision of the PIO, the information seeker preferred 1st appeal dated 03-12-12 before the Deputy Commissioner, Jammu. The 1st appeal still remains pending and has not been adjudicated and disposed of by the FAA. Thus feeling aggrieved of the inaction on the part of the FAA, the information seeker preferred 2nd appeal before the Commission on 07-02-2013.

Section 8(i) reads:-

"Information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information.

Provided that the information which cannot be denied to the Parliament or the State Legislature shall not be denied to any person".

In the instant case the information sought by the information seeker is not personal in nature as it has to be made available from the public record maintained by the Revenue Department. The public records are always subject to the scrutiny of the public and any member of the public is entitled to have access to such records. The larger public interest also justifies the disclosure of information which may even be personal in nature. Moreover, the disclosure of such information would not cause unwarranted invasion of the privacy of any person. The plea of privacy and secrecy erodes the concept of transparency and openness which are essential for the functioning of public institutions. Dissemination of information promotes accountability in the working of public authorities and contains corruption. The proviso

to Section 8(i) stipulates that the information which cannot be denied to the Parliament or the State Legislature shall not be denied to any person. If the information contained in public record can be made available to Parliament or the State Legislature then it means that such information cannot be denied to an information seeker.

In view of the aforesaid facts, the PIO / Tehsildar, Jammu is hereby directed to furnish the requisite information to the information seeker within one week from the date of pronouncement 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