



**Jammu and Kashmir State information Commission**  
(Constituted under The Right to Information Act, 2009)  
**Wazarat Road, Near DC office Jammu, 0191-2520947, 2520937**  
**Old Assembly Complex, Srinagar. 0194-2484269, 2484262**  
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File No. SIC/CO/Comp/28/2013  
Decision No.SIC/CO/Comp/28/2013/505

Title :- Ms Binoos Joshi H.No.11 Channi Rama Colony, Opp. K.C. Motors By-Pass  
Road, Jammu.

V/s

Public Information Officer O/o Security Headquarters J&K Srinagar

**Srinagar**  
**26.09.2013**

This is a complaint filed by Ms Binoos Joshi, a resident of the State before this Commission on 17.05.2013. Immediately after receipt of the complaint Registry of the Commission sought report from PIO Security Headquarters and the hearing was also posted for personal attendance of PIO as well as complainant vide notice under No. SIC/Co/Comp/28/2013 dated 26.08.2013. Sh. Laeeq Ahmad Dar, Chief Prosecuting Officer cum Public Information Officer Security Headquarters attended and brought to the notice of the Commission letter from Deputy Secretary/PIO Home Department vide letter No. Home/RTI/PIO/57/2013/2838 dated 29.05.2013 wherein it was stated that the RTI application was received in the Home Department and was forwarded to the concerned PIO. It is seen from this letter that Home Department has delayed forwarding of the application to the concerned PIO within five days as is provided under Section 5 of the Act. Sh. Ashok Kumar Sharma, Deputy Secretary/PIO Home Department is accordingly required to explain why he will not be declared to be deemed PIO and action under Section 17 taken for his default. His explanation, if any, must reach this Commission within 15 days from the date of receipt of this order.

Sh. Laeeq Ahmad Dar, PIO Security Headquarters immediately after receipt of this application from the Home Department passed an order on 18.05.2013 giving part information and withheld part information after invoking Section 8 of the State RTI Act.

It would be relevant to know what information was sought by the complainant and what was the response of the PIO which is as under:-

<b>S.No.</b>	<b>Information sought by the complainant</b>	<b>Reply of the PIO</b>
1.	How many people have security threat in Jammu and Kashmir?	All the 2542 protected persons are having threat and as such have been provided security cover.
2.	Give names and position held by all in question 1	The details cannot be provided for security purposes as its disclosure would endanger the life or physical safety of the protected persons. The information is exempted from disclosure in terms of Sec. 8(1) (f) of J&K RTI Act 2009.
3.	How many people have been provided with security cover in Jammu and Kashmir?	2542 protected persons have been provided security cover.
4.	Give names and position held by all in question 3	The details cannot be provided for security purposes as its disclosure would endanger the life or physical safety of the protected persons. The information is exempted from disclosure in terms of Sec. 8(1) (f) of J&K RTI Act 2009.
5.	What is the category of security provided to each in question 4?	The security related details cannot be provided for security purposes as its disclosure would endanger the life or physical safety of the protected persons. The information is exempted from disclosure in terms of Sec. 8(1) (f) of J&K RTI Act 2009.
6.	How many total security personnel are involved in giving security to these people in Jammu and Kashmir?	4074 security personnel are providing security cover in the shape of personnel security to 2542 protected persons.
7.	How many, who are giving security as in question 6, are officers and of what ranks?	The security related details cannot be provided for security purposes as its disclosure would endanger the life or

		physical safety of the protected persons. The information is exempted from disclosure in terms of Sec. 8(1) (f) of J&K RTI Act 2009.
8.	How many vehicles are involved in giving security to these protected persons in Jammu and Kashmir?	732 vehicles from Security Wing are deployed with protected personnel as a part of mobile security cover.
9.	What is cost incurred on fuel of these vehicles as in question 8?	An amount of Rs.5,54,88,966.30/- has been incurred as expenditure on account of fuel issued to vehicles deployed with protected persons for the year 2012.
10.	What is the total cost incurred on giving security to protected persons alongwith expenditure on security personnel and vehicle?	An amount of Rs.24,01,46,747/- has been incurred as expenditure on account of salary of security personnel deployed from Security Wing with protected persons.
11.	Is security cover provided to the families of ministers, politicians, bureaucrats and other protected persons in Jammu and Kashmir?	Security cover is provided to families of protected persons on the basis of threat perception report.
12.	Give names of all in question 11?	The details cannot be provided for security purposes as its disclosure would endanger the life or physical safety of the protected persons. The information is exempted from disclosure in terms of Sec. 8(1) (f) of J&K RTI Act 2009.
13.	How many security personnel are involved in giving security to those in question 12?	The security related details cannot be provided for security purposes as its disclosure would endanger the life or physical safety of the protected persons. The information is exempted from disclosure in terms of Sec. 8(1) (f) of J&K RTI Act 2009.
14.	What is cost incurred in providing security to those in question 12?	The details are not available.

It is further seen that PIO in accordance with Section 16(1) of State RTI Act has intimated the complainant about her right to file an appeal before First Appellate Authority if she so desires. The only grouse of the complainant before this Commission is that she has not received any information till the date of filing of her complaint dated 17.05.2013 and she wanted a direction for the PIO to provide her information. As already stated above, PIO has already passed an order on

18.05.20134. The delay, if any, in passing the order under Section 7 of the RTI Act is obviously due to two reasons. First that the complainant had addressed the RTI application to Home Department which was not holding such information. Home Department was under legal obligation to forward this application to the Security Wing of the Police Headquarters which is the possessor of the information. The Home Department obviously has delayed in forwarding the application for which action has been initiated as mentioned above. It is further seen that after PIO Security Headquarters received the application from Home Department, he has expeditiously passed the order and has sent the same to the complainant. The Commission has made an enquiry from the complainant on her Mobile No. 9419153030 and she has admitted of having received the information. Obviously the complainant has used provisions of Section 15 of the State RTI Act which is complaint in nature wherein the Commission is empowered with the powers to investigate whether order was passed or whether order was delayed or whether any information given was false, incomplete and incorrect. No such issue is before the Commission for determination. Hence this complaint is disposed of. However, the complainant's attention is invited to Section 16 of the State RTI Act wherein she has been given a right to appeal before First Appellate Authority i.e. Staff Officer to Addl. Director General of Police Security, J&K Srinagar and in case she is not satisfied with the order of the FAA, then 2<sup>nd</sup> appeal can be preferred before the Commission for determining the correctness or otherwise of PIO's order. The complainant should also note that all the procedures have to be fulfilled within a set period of time.

The complaint is accordingly disposed of.

Sd/-  
( G.R. Sufi )  
Chief Information Commissioner

Copy to:-

1. Public Information Officer O/o Security Headquarters J&K Srinagar.
2. Ms Binoo JOshi H.No.11 Channi Rama Colony, Opp. K.C. Motors By-Pass Road, Jammu.
3. Guard file.

(G.Q. Bhat)  
Registrar,  
J&K State Information Commission