



**J&K State Information Commission**  
**Wazarat Road, Near D.C. Office, Jammu /**  
**Old Assembly Complex, Srinagar.**

File No. SIC/CO/SA/367/2016  
Decision No. SIC/CO/SA/367/2016/901

Appellant : Mohammad Mubashir  
Respondent: FAA/PIO, Home Department / PHQ, J&K.  
Date of Institution: 20-04-2016  
Date of Decision: 17-05-2016/  
State Information Commissioner: Er. Nazir Ahmad  
Decision: Appeal disposed of.

1. Brief facts of the case are that appellant filed an RTI application before PIO, Home Department, Civil Secretariat on 26-08-2015, seeking certain information, as listed in the RTI application. That PIO, Home Department vide his letter dated: 26-08-2015 transferred said application to PIO, PHQ, J&K under Section 6(3) of the J&K RTI Act, 2009. That PIO, PHQ, responded to point I, II and III of the RTI application vide letter dated: 07-10-2015 and informed appellant that point I, IV, V and VI of RTI application pertains to Home Department. That appellant accordingly approached Mr. Mohammad Yaqoob Malik, Under Secretary-cum-PIO, Home Department for providing above referred points of information. That PIO, Home Department vide his letter dated: 29-10-2015 responded to the points of information referred above and provided information to the appellant. That not satisfied with the response of PIO, appellant filed first appeal before Special Secretary-cum-FAA, Home Department, Civil Secretariat on 05-11-2015, which was decided by the FAA vide his order dated: 04-01-2016, wherein action taken/order passed by the PIO, Home Department as well as PIO, PHQ was upheld. Aggrieved of the action of FAA/PIO, Home Department, appellant

approached this Commission with his 2<sup>nd</sup> appeal on 16-02-2016. On scrutiny of documents attached with the 2<sup>nd</sup> appeal, some deficiencies were observed in the appeal, which appellant completed vide his letter dated: 20-04-2016.

2. Appellant has filed 2<sup>nd</sup> appeal before the Commission primarily on the ground that information provided by the PIO, Home Department is incomplete. Appellant has submitted that he has managed unsigned copies of opinions regarding ***SWP No. 1747/2015 titled Nazir Ahmad Malik V/s State of J&K and others and SWP No. 1693/2012 titled Abdul Rashid Dar, Mohraj Krishan and others, Mohd Abass and another and Nazir Ahmad Malik V/s State*** from J&K Home Department on his own (copies enclosed) and has requested that copies of legal opinions of above SWPs may be provided to the appellant.

3. In compliance to the notice of the Commission dated: 22-04-2016, Mr. Mohammad Yaqoob Malik, Under Secretary-cum-PIO, Home Department, Civil Secretariat, Mr. Kulbir Singh, AIG (CIV)-cum-PIO, PHQ, J&K and the appellant, Mr. Mohammad Mubashir attended the Commission. The Special Secretary/FAA, Home Department has sought exemption from appearance on the reasons that he has to attend series of meetings scheduled to be held on 17-05-2016, vide letter No. Home/PB-III/RTI/2015 dated: 16-05-2016.

4. Special Secretary-cum-FAA, Home Department, Civil Secretariat and Under Secretary-cum-PIO, Home Department have filed reply/counter statement to the appeal vide letter dated: 16-05-2016, copy of which was provided to the appellant during proceedings. In the counter reply, FAA/PIO, Home Department, Civil Secretariat, have made reference to letter dated: 28-03-2016, wherein appellant has been informed that all the relevant information as sought by him has already been provide vide letter dated: 18-02-2016. Perusal of the said letter reveal that requisite information has already been provided to the appellant. PIO has further provided 06 leaves of information to the appellant, comprising of attested copies of legal opinions, which

appellant acknowledged of having received. In the letter dated: 28-03-2016, PIO, Home Department has made it clear that there is no other legal opinion sought by the Home Department from Law Department in SWP No. 1693/2012 titled Nazir Ahmad Malik V/s State and others other than those which have already been provided to the appellant. In response to point 4 of the RTI application, PIO submitted that copy of Government Order No. Home-262 of 2015 dated: 07-07-2015 has been provided to the appellant, which is self speaking.

5. During proceedings, PIO, Home Department offered examination of relevant record to the appellant.

6. In view of the above, Commission is of the considered view that information under the definition of "**information**" as mentioned in Section 2(d) of the J&K RTI Act, 2009 has been provided to the appellant. Further, in accordance with Section 2(i) of the Act, PIO has offered inspection of relevant records to the appellant. Therefore, no further action is warranted on this appeal and appeal is accordingly disposed of.

Sd/-

**(Er. Nazir Ahmad)**

State Information Commission

Dated: -05-2016

No. SIC/CO/SA/367/2016

Copy to the:-

1. First Appellate Authority, Home Department, Civil Secretariat, J&K.
2. Public Information Officer, Home Department, Civil Secretariat, J&K.
3. AIG (CIV)-cum-PIO, PHQ, J&K.
4. Pvt. Secretary to HSIC.
5. Malik Mohammad Mubashir S/o Nazir Ahmad Malik R/o Hanji Danter, Anantnag.
6. Guard file.

(G.Q.Bhat)

Registrar,

J&K, State Information Commission