



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

File No. SIC/J/A/290/2016  
Decision No. SIC/J/A/290/2016/356

Appellant : Shir Baldev Singh  
Respondent: FAA/PIO, J&K, High Court.  
Date of Institution: 29-03-2016  
Date of Decision: 13-06-2016/  
Decision: Appeal disposed of.

1. Brief facts of the case are that appellant filed 2<sup>nd</sup> appeal under Section 16 of the J&K RTI Act, 2009 before the Commission on 29-03-2016, stating that he made a complaint against a Sub-Judge, to Director of Vigilance, J&K, High Court, Jammu on 21-11-2014. When nothing was heard for several months, he approached Director of Vigilance to know the status of the complaint and was informed that his complaint has been dismissed. Thereupon, applicant requested Director of Vigilance for certified copies of final order of statements/objections filed/recorded by other parties, which was denied by Director of Vigilance. The appellant then applied for the same information under RTI Act to PIO, Main wing, J&K High Court on 18-12-2015. This application was forwarded to PIO / Director of Vigilance, who replied that Lord Chief Justice has declined the request. The appellant then filed first appeal before Registrar General/FAA on 25-02-2016, which was dismissed.

2. In view of the above, appellant has filed 2<sup>nd</sup> appeal with the Commission with prayer to issue certified copies of orders of all the proceedings and of

statements/objections filed/recorded by all the parties in the above referred complaint-case.

3. The case was heard on 09-05-2016 and 07-06-2016. During proceedings on 09-05-2016, respondents were directed to file reply/counter statement with copy to the appellant within one week. Mr. Diwakar Sharma, Advocate, Counsel for the respondents, FAA/PIO, J&K High Court and appellant Shri Baldev Singh attended hearing via video conferencing from Jammu office on 07-06-2016.

4. In compliance to the directions of the Commission dated: 27-04-2016, Mr. M.Y. Beingh, Joint Registrar (Adm) / PIO, J&K, High Court filed reply/counter statement dated: 12-05-2016, interalia stating that the RTI application filed before PIO, Main Wing, J&K, High Court was forwarded to Registrar, Vigilance, J&K, High Court vide PIO's letter dated: 21-12-2015 followed by reminder dated: 21-01-2016. That Registrar, Vigilance vide communication dated: 12-01-2016 intimated that Lord Chief Justice is competent to issue necessary directions regarding information sought by the applicant and as and when requisite directions are passed by the competent authority, applicant will be informed accordingly. Thereafter, Registrar, Vigilance vide communication dated: 02-02-2016 intimated that Hon'ble Chief Justice has declined the request for issuance of copies as sought by the appellant. Accordingly, appellant has been supplied response of PIO Main Wing, J&K, High Court vide letter dated: 09-02-2016. That Registrar General/FAA after considering the matter passed a speaking order dated: 01-03-2016, concluding that competent authority has declined to provide copy of the proceedings and outcome of the complaint. Accordingly, appeal was dismissed being devoid of merit.

The PIO, J&K, High Court has referred to Rule 231 of the Jammu & Kashmir High Court Rules, 1999, which read as under;

***" No copy of, or extract from any minute, letter or document on any administrative or confidential file of the Court shall be issued except under an order in writing of the Chief Justice."***

The PIO further submitted that the information sought by the appellant falls within the exemption clause of Section 8 of J&K RTI Act, 2009.

In view of the aforesaid position, PIO has concluded that there is no infirmity or illegality in the response of PIO or order dated: 01-03-2016 passed by FAA. As such, the 2<sup>nd</sup> appeal is misconceived and deserves to be dismissed with costs.

5. During proceedings on 07-06-2016, Counsel for respondents submitted that copy of the reply/counter statement has been provided to the appellant. Appellant admitted receipt of reply/counter statement. Commission offered an opportunity to the appellant to file rejoinder/written arguments, if any. However, appellant submitted that reply/counter statement is misconceived and it does not need any rebuttal and case be decided on the basis of documents on record. Appellant again reiterated that he need not to file any rejoinder / written arguments, as he has put forth his points in the appeal itself.

6. On perusal of the reply/counter statement of the PIO and arguments of the appellant, Commission observes that PIO has withheld information on the ground that competent authority, Hon'ble Chief Justice has declined information interms of Rule 231 of the J&K High Court Rules, 1999 r.w. Section 8 of the J&K RTI Act, 2009. It is pertinent to refer to provisions of Section 8 (1)(b) of the J&K RTI Act, 2009 which provide "***there shall no obligation to give any citizen information which has been expressly forbidden to be published by any court or tribunal or the disclosure of which may constitute contempt of court.***" In the instant case, Hon'ble Chief Justice has declined the request for issuance of order as sought by the appellant interms of Rule 231 of J&K High Court Rules, 1999, refer to above.

7. In view of the above, it is held that the information sought by the appellant falls under Section 8(1)(b) of the J&K RTI Act, 2009. Accordingly, order passed by the FAA dated: 01-03-2016 is in accordance with the provisions of the Act and is upheld.

8. With above observations, the appeal filed before the Commission is disposed of.

**Sd/-**  
**(Er. Nazir Ahmad)**

State Information Commissioner

Dated: -06-2016

No. SIC/J/A/290/2016

Copy to the:-

1. First Appellate Authority, Hon'ble High Court, J&K, Srinagar.
2. Public Information Officer, Hon'ble High Court, J&K, Srinagar/Jammu.
3. Pvt. Secretary to HSIC.
4. Baldev Singh R/o Sungal Morh, Akhnoor-181201 (Appellant).
5. Guard file.

(M.S.Bhat)  
Deputy Registrar,  
J&K, State Information Commission