



Jammu and Kashmir State Information Commission

شہنیشن کمیٹی انفارمیر اسٹیٹ کنڈ کشمیر جموں ا

(Constituted under the Right to Information Act, 2009)

Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937

Old Assembly Complex, Srinagar, 0194-2506660, 2506661

www.jksic.nic.in

File No. SIC/J/A/60/2017

Decision No. SIC/J/A/60/2017/49

Final Order

(Second Appeal)

- Appellant : Sh. Shiv Ram
- Respondents : First Appellate Authority (FAA)/
Superintendent of Police, Headquarters Jammu and
Public Information Officer (PIO)/Deputy
Superintendent of Police, Headquarters Jammu.
- Date of Registration : 24.08.2017
- Date of Decision : 05.10.2017

Brief Facts:

The appellant Sh. Shiv Ram, S/o. Sh. Bachitter Ram, R/o. Village Hakkal, P.O. Satwari, Tehsil and District Jammu while exercising his right to information filed RTI application with the PIO, O/o S.S.P. Jammu on 11.05.2017 interalia seeking the following information:-

- (i) *Inform applicant whether name of applicant figures in the list of criminals displayed on the Board at P/S Satwari, Jammu, if yes at what Serial No?*
- (ii) *Inform applicant about the procedure and guidelines/Rules governing the subject for including the name of a person in the list of criminals whose name can be displayed in the*

- Board maintained at Police Station concerned. Provide copy of the rules/guidelines to applicant.*
- (iii) *Inform applicant as to under whose orders, name of applicant has been included in the list of criminals displayed at Police Station Satwari.*

Aggrieved by the response of the PIO, he filed First Appeal with the FAA/Superintendent of Police, City South, Jammu on 12.06.2017. The First Appellate Authority disposed of the First Appeal vide his letter dated: 07.07.2017. At last, he approached the Commission by filing the 2nd appeal against the above mentioned respondents which was finally admitted in the Commission after completion of deficiencies on 24.08.2017.

Proceedings:

In compliance to the notice of the Commission dated: 27.09.2017, Sh. Rafiq Manhas, Deputy Superintendent of Police, SDPO, South Jammu (on behalf of FAA) attended the hearing today on 05.10.2017 through Video Conferencing from Jammu office of the SIC. The appellant did not attend.

On perusal of records placed on the file, it transpires that the PIO/Deputy Superintendent of Police, Headquarter Jammu vide his letter dated: 07.06.2017 has asked the appellant to deposit the photo copying charges. But there is no evidence on record to show that the appellant has deposited the charges in pursuance of the said communication from the PIO.

While disposing of the First Appeal, the FAA/SP Headquarters, Jammu has actually provided the information to the appellant, enclosing

the report of the Dy. Superintendent of Police, SDPO City South, Jammu vide his order dated: 07.07.2017.

In the 2nd appeal the appellant has stated as follows:

"The decision given by the FAA on 7.7.17 & received by appellant on 10.7.2017 appears to have been given in hot haste without considering the grounds taken by appellant in the 1st appeal dated: 12.6.17. Point no. (ii) and Point no. (iii) have again not been discussed and no information on the said points has been given to appellant. No procedure and guidelines/rules copy has been provided to appellant nor has appellant been informed as to under whose orders the name of appellant has been included in the list of criminals, hence this 2nd appeal."

Decision:

From the perusal of record and contents of the 2nd appeal, it transpires that the PIO has not provided the information to the appellant/the then applicant while as the information has actually been provided to him by the FAA. The SDPO, City South Jammu has prepared a para wise reply to the queries in the RTI application. So this 2nd appeal is disposed of with directions to the PIO/Deputy Superintendent of Police, Headquarter Jammu to provide the requisite information free of cost in terms of the queries in the RTI application and under the provisions of the Act, based on the inputs from the SDPO, City South, Jammu, within a period of 15 days from the date of receipt of this order.

With these directions the second appeal is disposed of.

Copy of this decision be given free of cost to the parties.

Sd/-

(Khurshid A. Ganai) IAS Retd.
Chief Information Commissioner
J&K State Information Commission

Dated: . . .2017

No: SIC/J/A/60/2017

Copy to:

1. Registrar, J&KSIC for information and necessary action.

2. FAA/Superintendent of Police, Headquarters Jammu for information and necessary action.
3. PIO/Deputy Superintendent of Police, Headquarters Jammu for information and necessary action.
4. Private Secretary to HCIC for information of the HCIC.
5. Appellant/Sh. Shiv Ram, S/o. Sh. Bachitter Ram, R/o. Village Hakkal, P.O. Satwari, Tehsil and District Jammu.
6. Office file.

(Rita Koul)
Deputy Registrar
J&K State Information Commission