



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, 0194-2506660, 2506661

www.jksic.nic.in

File No. SIC/CO/SA/484/2017

Decision No. SIC/CO/SA/484/2017/**1022**

Final Order:

Appellant : Sh. Majeed Hussian Mir & others, S/o Gh. Mohammad
Mir
R/o Dangerpora, Magam, Budgam.

Respondent : FAA/PIO, O/o IGP CIV, PHQ, J&K.

Date of decision : **23-11-2017**

Decision : Appeal disposed of.

Brief Facts:

Briefly the facts of this appeal are that the appellant while exercising his right to information filed RTI application dated 27-12-2016 with the Public Information Officer, (PIO) J&K Director General of Police, seeking following information:

- That in pursuance of advertisement notice issued for the appointment of SPOs you have made selection list of 500 candidates for appointment of the same. The applicants with respect to the above mentioned notification and selection seeks the following information under RTI Act of J&K:
 - i. How many posts of SPOs was required to be filled in District Budgam in pursuance of the above notification and selection furnish the details.
 - ii. Furnish the photo copies of advertisement notices issued in this regard.

- iii. Furnish the details of candidates who qualified physical test as of the same post as per record available.
- iv. What was the education qualification/academic qualification of the candidates who qualified physical tests for the said post along with the merit list.
- v. What criteria you have adopted for making the selection.
- vi. Give the point wise details of merit points of each description of education qualification of the candidates who qualified and has been selected for the posts.

Proceedings before the State Information Commission(SIC):

The 2nd appeal came up for hearing before the SIC on 13-10-2017. The hearing was attended by Sh. Kulbir Singh (AIG CIV), Public Information Officer (PIO) J&K PHQ and Sh. Javed Iqbal CPO, J&K PHQ. The appellant was represented by his counsel Sh. Mukhtar Ahmad Makroo. During the hearing the PIO stated that the information has been provided to the appellant on 09-02-2017, however, the appellant stated that he is yet to receive the whole information. He stated that on points No. 3,4 and 6 of his RTI application, the PIO has given a vague reply that information cannot be provided for security reasons, which is not justified. From the documents it transpired that FAA Sh. Sham Lal Sharma, IGP, has disposed of the 1st appeal on 16-05-2017 in which the AID(P), PHQ has been held as deemed PIO and given directions to provide the remaining information to the appellant on points 3,4 and 6 of his basic RTI application.

The SIC enquired from the PIO as to why the orders of the FAA have not been complied so far to which the PIO stated that they have requested the O/o Deputy Commissioner, Budgam to provide the said information as the Deputy Commissioner (DC) was the Chairman of the

Selection Committee. Counsel for the appellant stated that the selection list was circulated in the News Papers after joining of the candidates.

Both the parties were heard at length and record was also perused. The hearing was adjourned with the directions to the PIO, PHQ to collect the information from the concerned quarters for providing the same to the appellant within 15 days from the date of receipt of this order.

The 2nd appeal again came up for hearing before the SIC at Srinagar on 15-11-2017. The counsel for the appellant was present. PIO, J&K PHQ was heard through video conferencing from Jammu office of the SIC.

During the proceedings the PIO stated that entire record consisting of 41 leaves has been delivered to the appellant on 14-11-2017. The counsel for the appellant confirmed that the appellant has received the record but sought some more time to go through the same. The appeal was adjourned taking the plea of the counsel of the appellant into consideration.

The 2nd appeal was finally heard on 23-11-2017 at Jammu. The counsel for the appellant attended through video conferencing from Srinagar office of the SIC. He submitted that all the requisite information has not been provided to him. He submitted that merit list along with points has not been provided. Sh. Sona-uallah Bhat, Inspector, PHQ who later on attended the SIC stated that record pertaining to the information consisting 41 pages has been provided to the appellant.

The SIC perused the record and heard the parties.

Decision:

The SIC observes that as the PIO, PHQ J&K was not present in the hearing on 23-11-2017 to comment on the claim of the appellant that full information is

yet to be provided therefore, it is appropriate to direct the PIO, PHQ J&K to resend all the information as sought for by the appellant in his basic RTI application within a period of 21 days from the date of the receipt of this order. It is also observed that the PIO, PHQ J&K has not taken very keen interest in the provision of balance information to the appellant despite clear orders of the FAA/IGP in 1st appeal. Rather, there has been an attempt to shift the responsibility on to DC, Budgam who was the head of the Selection Committee for selection of the SPOs. Quite obviously, the DC office did not have a role and therefore, to seek records from the DC or Dc, office instead of SP, Budgam or PHQ itself is not the right way to provide information to the appellant.

Appellant is at liberty to file complaint in case of non-compliance of the SIC order.

The 2nd appeal is disposed of subject to the above directions.

Copy of the order be provided free of cost to the parties.

-sd/-

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

/imi/

No. SIC/CO/SA/484/2017

Dated: / /2017.

Copy to the:

- 11 First Appellate Authority (FAA) O/o IGP CIV, PHQ, J&K for information.
- 12 Public Information Officer (PIO), J&K PHQ for information.
- 13 PS to CIC for information of HCIC.
- 14 Sh. Majeed Hussian Mir, S/o Ghulam Mohammad Mir R/o Dangerpora Magam, Budgam, Kashmir.
- 15 Guard file.

(Dr. Ghulam Mohi-ud-din)
Joint Registrar,
J&K State Information Commission.

