



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/K/SA/93/2017
Decision No. SIC/K/SA/93/2017/ **99**

Final Order

Appellant : Sh. Khursheed Hussain wani
Respondent : Public Information Officer
(PIO)/ Regional Director Survey
& Land Records, Srinagar
Date of Registration : 09.11.2017
Date of Decision : 06.02.2018

Brief Facts:

The Brief facts of this 2nd appeal are that the appellant Sh. Khurshid Hussain Wani filed an RTI application before the PIO of the O/o D.C Srinagar on 17.07.2017 asking for the following information:

“ Name, Parentage and address of Patwari, Gairdwari, Surveyor, Naib Tehsidlar Settlement, Tehsildar settlement and settlement officer who were engaged in settlement operation for village Kral Pora/Darambugh, Tehsil Chadoora, present B. K. Pora During the year 2002-03.

The PIO O/o D.C Srinagar vide letter dated 11.08.2017 transferred the said RTI under Section 6(3) of the J&K RTI Act, to PIO of the Regional Director, Survey and land Records, Srinagar enclosing the application with the request to provide the information to the applicant within the stipulated time.

As per the records on file, the appellant filed the First Appeal before the Dy. Commissioner, Srinagar on 15.09.2017 with the prayer that the PIO has not provided the information to him and that the requested information may be got provided to him without further delay. Finally, the appellant filed the 2nd appeal in the State Information Commission (SIC) with the prayer that the PIO of the Regional Director, Survey and land Records, Srinagar and the FAA/ D. C Srinagar have both failed to provide him the requisite information as sought by him vide his application dated 01.08.2017.

During the proceedings on 17.01.2018 , it was observed by the State Information Commission (SIC) that this type of RTI where names and other personal details of officials are sought will certainly invoke Section-8 (1) (i), which stipulates under:-

"information which relates to personal information disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Public information officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or the State legislature shall not be denied to any person."

Ordinarily, personal information should not be disclosed as that would cause unwarranted invasion into the privacy of the Government officials, but wherever public interest is involved, the same can be disclosed. In this particular case, the names and designation of the officials can be shared without any hesitation, but their personal details including parentage and present residential address etc. fall under personal information which is disclosable only when it is in the larger public interest. The appellant was therefore called upon to prove that disclosure of this type of personal information that he is seeking is in public interest.

The hearing in the 2nd appeal was adjourned on 17.01.2018 interalia with the following directions:

“...PIO/Regional Director, Survey and land Records, Srinagar will collect all the information from Tehsildar Chadoora and bring it along on the date of next hearing. *The information should comprise the names of the officials and only their present office and residential address in respect of retired officials.*”

Mr. Rashed Farooq, PIO in the O/o Regional Director Survey and Land Records, Srinagar and appellant Sh. Khursheed Hussain Wani attended the final hearing today on 06.02.2018. The issue of furnishing of personal information came up during the hearing today. The appellant was not able to produce any justification for providing the personal information of the concerned officials in terms of Section-8 (1) (i) of the Act. Therefore, in continuation with the interim order dated 17.01.2018, it is hereby directed that no personal information of the retired officials needs to be provided to the appellant. Only the official information i.e., the then designation, the period of stay and place of posting of the identified officials including retired

officials be intimated to the appellant. In case the official is still in service, present designation and office/place of posting be intimated and if the official is retired, the last posting of the retired official along with designation and nomenclature of the office may be indicated and intimated.

With these directions, the 2nd appeal filed before the SIC is disposed of.

Sd/-
(Khurshid A. Ganai)
Chief Information Commissioner

Copy to the:

1. PIO/Regional Director, Survey and land Records, Srinagar
2. Appellant-Sh. Khurshid Hussain Wani S/o late Gh. Qadir Wani R/o H No.411 Bagh-i-Mehtab Housing Colony Sector, Sriangar

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