



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/527/2017
Decision No. SIC/CO/SA/527/2017/1051

Final Order

Appellant : Sh. Kirpal Singh
C/O Dogra Art Museum,
Mubarak Mandi, Jammu.

Respondent : First Appellate Authority (FAA)/
Public Information Officer, O/o Archives,
Archaeology & Museums, J&K- Jammu

Date of Registration : 19.09.2017

Date of Decision : 16.01.2018

Brief Facts:

This 2nd appeal filed by Sh. Kirpal Singh has been admitted in the SIC on 19.09.2017 after completion of deficiencies. In the said appeal, the appellant has stated that the PIO, O/o Archives, Archaeology & Museums, J&K- Jammu has not provided to him information at point 02 i.e, property statement of Peerzada Muhammad Ashraf, rtd. Dy. Director, Archives, Archaeology & Museums. The appellant has blamed the PIO and the FAA for deliberately not providing this information.

From the papers on file it transpires that the PIO has provided information to the appellant (the then RTI applicant) regarding service history of Peerzada Muhammad Ashraf, rtd. Dy. Director, Archives, Archaeology & Museums (Point-01) and name of staff members from Jammu offices declared as permanent and quasi-permanent during last twenty years (Point-03) but has not provided information with respect to property statement of Peerzada Muhammad Ashraf, rtd. Dy. Director, Archives, Archaeology & Museums (Point-02). The appellant has stated that property statement of Government servants are no longer confidential and therefore the PIO should not have conducted Third Party proceedings under Section 11 and subsequently refused to provide the information on the grounds that 3rd Party has refused to do so.

On consideration of the facts and circumstances of the case, it appears that the PIO has rightly conducted the 3rd Party proceedings as Peerzada Muhammad Ashraf, rtd. Dy. Director, Archives, Archaeology & Museums is no longer a Government Servant after his retirement. Had he been in active service, the property statement could have been provided directly to the RTI applicant as the existing guidelines pertaining to the property statements of Government Servants require disclosure on websites etc for public viewing. But in this case, the person is a retired Government servant and deserves to be informed that information about him which is in the custody of his previous employer i.e, the Government is being sought to be disclosed.

For the proceedings in 2nd Appeals before the SIC, the J&K RTI Act,2009 under Section 16 (5) provides as under:

“ if the decision of the State Public Information Officer against which an appeal is preferred relates to information of a third party, the Information Commission shall give a reasonable opportunity of being heard to that third party.”

Although the SIC has not been able to conduct proceedings under Section 16(5), the order of PIO to the extent of holding the third party

proceedings under section 11 and his act of seeking third party views on the requisitioned information is upheld. But his order regarding non-disclosure of the last property statement of the Peerzada Muhammad Ashraf, rtd. Dy. Director, is not upheld as the last property statement was filed for the period Peerzada Muhammad Ashraf, rtd. Dy. Director was in government service. Shri Ashraf has not given any cogent reasons to the PIO as to why the information (Property statement) shall not be disclosed. The reason given by Shri Peerzada Muhammad Ashraf that it is personal information and therefore should not be disclosed is not maintainable as property statement of a Govt. Servant for the period of his Govt. service is not considered to be personal information in the light of latest Govt. guidelines and rules on the subject.

It is therefore, directed that the PIO shall disclose the last property statement of Peerzada Muhammad Ashraf, Rtd Dy. Director, Archives, Archaeology & Museums to the appellant within a period of 30 days from the date of receipt of this order under intimation to the retired Government servant Peerzada Muhammad Ashraf.

With these directions, this 2nd appeal filed before the State Information Commission is disposed of.

The copy of Order be provided to the parties free of cost.

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

Copy to the :-

- 1. First Appellate Authority (FAA) O/o Archives, Archaeology & Museums, J&K- Jammu for information and n/a.**
- 2. Public Information Officer (PIO) O/o Archives, Archaeology & Museums, J&K- Jammu for information and n/a.**
- 3. Pvt. Secy. to HCIC for information of the HCIC.**
- 4. Sh. Kirpal Singh/O Dogra Art Museum, Mubarak Mandi, Jammu.**
- 5. Office Order file.**

(Sheikh Fayaz Ahmed)
Registrar
J&K State Information Commission