



Jammu and Kashmir State Information Commission

شنیشن کمیٹ انفارمیری اسٹیٹسٹو کشمیری 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.CO.SA.566-2018
Decision No. SIC.CO.SA.566-2018-1122

Final Order
(Second Appeal)

Appellant : Sh. Rajat Gupta
Respondents : First Appellate Authority (FAA)/Public
Information Officer (PIO) O/O ADG Security
J&K.
Date of registration : 18-01-2018
Date of decision : 16-05-2018

Brief Facts:

Briefly the facts of this case are that the appellant while exercising his right to information under Section 6 of the J&K RTI Act, 2009, filed an RTI application dated 27-10-2017 with the PIO O/O Additional Director General Police Security wing J&K seeking the following information:

- (1) Inform applicant as to what action has been taken on communication No. PDP/VP/DJ/014 dated 12-11-2014 received in the office of the ADG Police (Security Wing) (P/C enclosed)
- (2) What is the latest status of the applicant's case for providing security to him in respect of which representation of applicant duly recommended by

the then V.P of PDP is lying in the office of Addl. D. G of police (security wing Jammu) since 12-11-2014.

His RTI application was responded by the PIO / CPIO Security Head Quarter, J&K, Jammu on 21-11-2017 informing him that information sought for pertains to security of an individual and same cannot be disclosed in terms of Section 8(1)(f) of the J&K RTI Act, 2009.

Aggrieved by the PIO's response, the appellant filed 1st Appeal with the Additional Director General of Police Security on 08-12-2017. The 1st Appeal filed by the appellant was disposed of by Sh. R. K. Chalotra SSP/FAA SHQ, J&K, Jammu vide order dated 02-01-2018, thereby upholding the order of the PIO .

At last the appellant filed 2nd Appeal with the Commission received on 18-01-2018. In the 2nd Appeal the appellant made a prayer requesting interallia that he may be provided the requisite information by issuing the directions to the PIO for the same.

Proceedings before the Commission:

The case was listed before the Commission on 12-03-2018. The hearing was attended by Sh. R. K. Chalotra, staff officer to ADGP Security / FAA and Sh. Laeeq Ahmad CPIO/PIO Security Headquarters J&K. The appellant did not attend the hearing.

During the hearing, the respondent submitted that their preliminary objections / counterstatement to the 2nd Appeal interallia stating that information sought for by the appellant regarding the provision of security to him is not givable as it falls under exemption from disclosure in terms of Section 8(1) (f) of the J&K RTI Act, 2009 hence can't be disclosed.

In view of the absence of the appellant and to give him an opportunity of being heard the hearing in the case was adjourned with the directions to the Registry of the Commission to send a copy of each of the counterstatement filed by the FAA and the PIO to the appellant for filing rejoinder, if any.

The case was again listed for hearing on 12-04-2018, but could not be heard as the respondents left the Jammu office before they could be heard from Srinagar office of the SIC through video conferencing. The respondents however left a written note recommending that due to continued absence of the

appellant, the appeal may be dismissed. They again invoked Section 8(1) (f) of the Act which reads as under:

“Notwithstanding anything contained in the Act, there shall be no obligation to give any citizen,-- information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes”

The hearing was adjourned, in order to give a final opportunity of being heard to the both the parties.

The 2nd Appeal came up for final hearing before the Commission today on 16-05-2018. The appeal could not be heard as the Administrative officer SHQ, J&K vide his communication dated 11-05-2018 sought adjournment for the respondents on the ground that they are busy in connection with the visit of Hon’ble Prime Minister of India to State of J&K on 19th May, 2018. The appellant also did not appear. However, in view of the time limitation provided under Section 16(11) of the J&K RTI Act, 2009, the hearing in the matter can’t be adjourned any further. The 2nd Appeal is therefore decided on the merits as per the available record.

Decision:

The appellant’s RTI application has queries about his own security and action taken by the Security Wing on his security, he being a PDP worker.

The PIO has refused to disclose information in terms of exemption from disclosure under Section 8(1) (f).

The RTI application and the grounds given by the PIO O/O ADG Security have been perused. Though Section 8(1) (f) does exempt disclosure of information related to danger to life, physical safety etc. but since the appellant has made queries pertaining to his own security, the application of Section 8(1) (f) is not automatic in the RTI of this type and nature. The appellant is entitled to know the views of the Security agencies on queries related to his own security and safety and to that extent he may be allowed to inspect the assessments made by the Security agency. There should be no objection to the perusal through inspection of documents. However, copies of the documents may not be issued and the Commission upholds the stand taken by the PIO,

ADG Security to that effect. Information about security and safety of other protected persons may not be disclosed as that clearly falls under Section 8(1) (f). The PIO O/O ADG, Security (J&K) is directed to convey date and time to the appellant Sh. Rajat Gupta for inspection of documents and records pertaining to assessment of Security of the appellant made by the O/O ADG (Security) and of action proposed to be taken by the Public Authority / O/O ADG (Security) based on the said assessment. This may be done within 30 days from the date of receipt of this order.

**With the above observations / directions this 2nd appeal is disposed of.
Copy of the order be given free of cost to the parties.**

**Sd/-
(Khurshid A. Ganai)
Chief Information Commissioner
J&K State Information Commission**

File No: SIC.CO.SA.566-2018-1874-77

Dated: 24-05 -2018

Copy to:

01. First Appellate Authority (FAA), O/O ADG Security, J&K for information and necessary action.
02. Public Information Officer (PIO), O/O ADG Security, J&K for information and necessary action.
03. Private Secretary to HCIC for information of the HCIC.
04. Appellant, Sh. Rajat Gupta S/O Late Arun Kumar Gupta, R/O 122, Shopping Complex Bakshi Nagar, Jammu-180001 for information.
05. Office File.

**(Sheikh Fayaz Ahamd)
Registrar
J&K State Information Commission**

Zahoor A Bhat