केन्द्रीय सूचना आयोग
Central Information Commission
बाबा गंगनाथ मार्ग, मुनिरका
Baba Gangnath Marg, Munirka
नई दिल्ली, New Delhi – 110067

द्वितीय अपील संख्या / Second Appeal No. **CIC/UTOJK/A/2022/654408**
CIC/UTOJK/A/2022/654611

Shri Faisal Bashir ... अपीलकर्ता/Appellant

VERSUS/बनाम

PIO ...प्रतिवादीगण /Respondent
O/o the PHQ Jammu and Kashmir, Srinagar

Date of Hearing : 05.07.2023
Date of Decision : 12.07.2023
Chief Information Commissioner : Shri Y. K. Sinha

Relevant facts emerging from appeal:

Since both the parties are same, the above mentioned cases are clubbed together for hearing and disposal.

Case No.	RTI Filed on	CPIO reply	First appeal	FAO	2nd Appeal received on
654408	01.08.2022	13.08.2022	29.08.2022	21.09.2022	12.10.2022
654611	01.08.2022	13.08.2022	29.08.2022	24.09.2022	13.10.2022

Information sought and background of the case:

(1) CIC/UTOJK/A/2022/654408

The Appellant filed an RTI application dated01.08.2022 seeking the following information:-

1) Details related to amount fund allotted to every police station of union territory Jammu and Kashmir.

2) Inspection of files and relevant documents of above Sought Information Under section 2 (j)(i) of RTI Act

3) If the information sought is huge and Bulky please provide me the requested Information in any electronic form as mentioned under section 2(j)(iv).

The CPIO, Police Headquarters, J&K Srinagar vide letter dated 13.08.2022 replied as under:-

In this connection, information collected from AIG (Pers) PHQ J&K vide letter No. GB/M-48/2021/43854 dated 11-08-2022 reveals that the information sought can't be shared being classified/ vital in nature.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 29.08.2022. The FAA/IGP(CIV), PHQ vide order dated 21.09.2022 stated as under:-

In this context, it is to inform that the information as asked for is exempted under RTI Act, 2005, Rule 8 sections (a, g, h and j), as such can not be provided.

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

A written submission dated 21.06.2023 has been received from the PIO, PHQ reiterating the above facts.

Facts emerging during the hearing

The Appellant participated in the hearing before the CIC in Srinagar. He stated that exemption u/s 8 (1) (a) (g) (h) and (j) of the RTI Act, 2005 was incorrectly claimed by the Respondent without any reason/ justification and that the information should have been proactively disclosed on the website as per Section 4 (1) (b) of the Act which has not been done in the instant matter. He also stated that instead of helping and assisting the citizens, the officers in PHQ, Srinagar asked her to purchase own paper rim for registration of his FIR.

The Respondent represented by Dr G V Sundeep Chakravarty, PIO & AIG (CIV) participated in the hearing before the CIC in Srinagar. He admitted that exemption u/s 8 (1) (g) (h) and (j) of the Act was perhaps claimed inadvertently and that exemption u/s 8 (1) (a) was only applicable in the present matter. He further stated that only the overall budget allocation details are released in the media and can be provided to the Appellant, if so directed by the Commission. However, specific information regarding the funds allocated to each police station were not disclosed in order to maintain the operational secrecy and security interest of the state.

Decision

In the light of the facts of the case and the submissions made by both the parties, the Commission directs Dr G V Sundeep Chakravarty, PIO & AIG (CIV) to re-examine the RTI application and provide a revised response with the overall budget allocation details to the Appellant without compromising on the operational and security interest by 31.07.2023 under intimation to the Commission.

With the above direction, the instant Second Appeal stands disposed off accordingly.

(2) CIC/UTOJK/A/2022/654611

The Appellant filed an RTI application dated 01.08.2022 seeking the following information:-

1) List of police station and police post in union territory jammu and kashmir
2) Details of offices of police station and police post who are operating from private property and not from government buildings, and how much rent is paid to the land lord every month.
3) Expenditure bills and report of all police station, police post training centers, at in all district headquarters in union territory jammu and kashmir
4) Status report of section 4(b) on pro actively disclosure of such information.
5) Inspection of files and relevant documents of above Sought Information under section 2 (j)(i) of RTI Act
6) If the information sought is huge and Bulky please provide me the requested information in any electronic form as mentioned under section 2(j)(iv).

The CPIO, Police Headquarters, J&K Srinagar vide letter dated 13.08.2022 replied as under:-

In this connection, information collected from AIG (Pers) PHQ J&K vide letter No. GB/M-48/2021/43854 dated 11-08-2022 reveals that presently 250 Police Stations & 232 Police Posts are existing In UT of J&K. However, [illegible] list, details of expenditure and report of Police Stations & Police Posts can't be shared being classified/ vital information.

Dissatisfied with the response received from the CPIO, the Appellant filed a First Appeal dated 29.08.2022. The FAA/IGP(CIV), PHQ vide order dated 24.09.2022 stated as under:-

In this context, it is to inform that PIO PHQ J&K vide letter No. PHQ/RTI-58/2022/696 dated 13.08.2022, has provided you reply with regard to point No. 01 i.e. the number of Police Stations and Police Posts existing in U.T. of J&K.

Information with regard to Point Nos 02 to 05 can not be shared as the same is exempted under RTI Act, 2005, Rule 8 sections (a, g, h and j).

Aggrieved and dissatisfied, the Appellant approached the Commission with the instant Second Appeal.

Facts emerging in Course of Hearing:

A written submission dated 21.06.2023 has been received from the PIO, PHQ reiterating the above facts.

The Appellant participated in the hearing before the CIC in Srinagar. He stated that the stationary expenses of all police stations should atleast be provided by the Respondent.

The Respondent represented by Dr G V Sundeep Chakravarty, PIO & AIG (CIV) participated in the hearing before the CIC in Srinagar. He stated that the information regarding the total number of police stations and police posts was shared with the Appellant. However, the remaining information regarding the office expenditure of each police station was not shared being classified information which was also not available in a compiled form. He also admitted that exemptions u/s 8 (1) (g) (h) and (j) of the Act were perhaps claimed inadvertently and that exemption u/s 8 (1) (a) was only applicable in the present matter.

Decision:

Keeping in view the facts of the case and the submissions made by both the parties, the Commission is of the view that an appropriate response as per the provisions of the RTI Act, 2005 has been provided by the Respondent. Hence, no further intervention of the Commission is required in the instant matter. For redressal of his grievance, the Appellant is advised to approach an appropriate forum.

With the above observation, the instant Second Appeal stands disposed off accordingly.

Y. K. Sinha (वाई. के. सिन्हा)
Chief Information Commissioner (मुख्य सूचना आयुक्त)

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S. K. Chitkara (एस. के. चिटकारा)
Dy. Registrar (उप-पंजीयक)
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