

1/183231/2023

**Government of Jammu and Kashmir**  
**Office of the Public Information Officer under RTI Act 2005**  
**Department of Law, Justice and Parliamentary Affairs,**  
Civil Secretariat, Srinagar/Jammu.

No. LAW-RTI/1/2023-10  
Dated:- 20 -02-2023

**Revised Order**

In Compliance to the directions of the Central Information Commission dated 06.02.2023, received in the department on 13.02.2023, the necessary assistance in terms of the provisions of the RTI Act, 2005 was sought from the concerned section of the department and based upon the assistance received, the application of the applicant is disposed of in the following manner:-

S.No	Information Sought	Reply		
1.	Kindly provide me the copy of cabinet Decision wherein under approval of District Litigation officer for promotion as Deputy Legal Remembrancer has been granted	No Cabinet Decision is available with the Department whereby the approval of District Litigation Officer for promotion as Deputy Legal Remembrancer has been granted.		
2.	Kindly provide the period of posting of Riyaz Bhat and Shafiq Mircha in the Law Department	S.No	Name of the officer with Designation	Period of posting
		1.	Mr. Shafiq Hussain Mircha, (as Deputy Legal Remembrancer)	From 06-02-2020 to Till date
		2.	Mr. Reyaz Ali Bhat, ( as Junior Legal Assistant)	From 07-08-2012 to 09-07-2015
			Mr. Reyaz Ali Bhat, ( as Legal Assistant)	From 10-07-2015 to 07-03-2019
		Mr. Reyaz Ali Bhat, ( as Assistant Legal Remembrancer)	From 08.03.2019 to Till date	

LAW-RTI/1/2023-10-Law, Justice and Parliamentary Affairs

183231/2023

(Sajad Un-Nabi Rashid)

Central Public Information Officer,  
Additional Secretary to Government,  
Department of Law, Justice & P.A

Copy to the following for information: -

1. Central Information Commission. This is in compliance to order dated 06.02.2023 passed in 2<sup>nd</sup> appeal CIC/UTOJK/A/2021/140271.
2. Sh. Khalid Abdullah Shah S/o Mohd. Abdullah, R/o Nikki Mohalla, Nr. Trison Apartments, Sidhra By Pass Jammu 180019 **through Speed post**

LAW-RTI/1/2023-10-Law, Justice and Parliamentary Affairs

**Before the Central Information Commission, New Delhi**

CIC/UTOJK/A/2021/140271

Compliance in 2nd Appeal titled:

Shri Khalid Abdullah Shah

Vs.

PIO Department of Law, Justice & PA & Another

**In the matter of :** Compliance report in terms of order dated 06.02.2023 passed by this Hon'ble Commission passed in above numbered and titled 2nd Appeal.

May it please you Sir,

The answering CPIO humbly submits the Compliance Report in the matter as under:

1. That the order dated 06.02.2023 passed by this Hon'ble Commission in the afore-titled matter has been received in the department on 13.02.2023 and after receiving the same, the CPIO of the Department has immediately forwarded the same to the concerned section for assistance in terms of the provisions of the Right to Information Act, 2005.
2. That the said section has provided the necessary assistance and based upon the assistance received from the said section, the application of the applicant is disposed of vide revised order dated 20-02-2023 (A copy of revised order is annexed for the kind perusal of the Hon'ble Commission). Besides copy of the said revised order has been provided to the appellant herein through speed post.

Hence the Compliance report.

  
(Sajad Un Nabi Gasfiroo) 07.02.2023

Central Public Information Officer,  
Additional Secretary to Govt.,  
Department of Law, Justice & P.A

**Before the Hon'ble Central Information Commission, New Delhi-110067**

**File No CIC/UTOJK/A/2021/147704**

**File No CIC/UTOJK/A/2021/140271**

**In the case of:**

Khalid Abdullah

Appellant(s)/ Complainants (s)

vs.

CPIO, Department of Law Justice & PA.

Respondents (s)

**In the matter of:** Written/Online Submissions on behalf Respondent(s) i.e CPIO(s), Department of Law Justice & PA in the aforementioned two (02) appeals.

**May it Please Sir,**

That the answering respondent(s) i.e CPIO (s), Department of Law Justice and Parliamentary affairs most respectfully submit as under:-

1. That the answering respondents firmly believes in wide dissemination of information under the provisions of the Right to Information Act 2005, in such form and manner which is easily accessible to the general public.
2. That the application under RTI Act, 2005 and the instant appeal is the outcome of decision taken by the department in streamlining the services of the officers. In the said process ,the appellant is aggrieved of his regularization against the post of Senior Law Officer. In the aforesaid backdrop, the appellant not only filed cases/complaint/writ petitions/OA before various Hon'ble Courts of Jammu and Kashmir but had also filed two applications under Right to Information Act, 2005, the decision whereof is the subject matter of the aforesaid two appeals. The applications filed by the appellant are purely based upon his personal interest and to engage the departmental collegeues into unnecessary controversies. As such he may not be allowed to agitate the matter under the garb of Right to Information Act



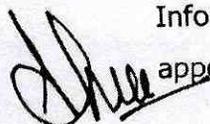
2005. On this count, alone, the appeal of the appellant merits to be dismissed.

3. That the appellant had also filed writ petition before the Hon'ble High Court of Jammu and Kashmir at Jammu and has sought relief against the department. He has levelled serious allegations against the department and has inter-alia sought direction from the Hon'ble High Court to the Investigation Agency i.e ACB to complete the preliminary enquiry in the complaint which has been filed by him against the department. The details of the case(s) filed by the appellant before various Hon'ble Courts against the department are given as under:

- (i) *Writ petition bearing no. WP(C ) No. 25/2021 titled Khalid Abdullah Shah vs Anti-Corruption Bureau Jammu and Another*
- (ii) *Criminal Application No. 2374 of 2021 under Section 156(3) of Cr. PC filed before the Special Judge Anticorruption Jammu seeking registration of FIR for commission of offences under section 7(10(c) ,13(a)(c) Prevention of Corruption Act 1988 and sections 120 -B, 467, 468, 471IPC against the officers/officials of the Law Department.*
- (iii) *Criminal Revision No. 32/2021 against the order dated 30.09.2022 passed by the Special Judge Anticorruption Jammu before the Hon'ble High Court at Jammu*
- (iv) *OA No. 84/2022 titled Khalid Abdullah Shah vs UT of Jammu and Kashmir and others before CAT, Jammu*

The details in this behalf and the orders passed by the Hon'ble High Court and Special Judge Anticorruption Jammu are submitted hereinbelow, for facility of ready reference and kind perusal of this Hon'ble Commission.

4. It is in the above backdrop, multiple applications under Right to Information Act 2005 have also been received in the department and the appellant had also filed two applications under RTI Act, 2005 which are



subject matter of these appeals , purely on the basis of his personal interest.

5. That the appellant has filed second (2nd) appeals against order dated 18-03-2021 and 23-03-2021 passed by the CPIO, Department of Law, Justice and Parliamentary Affairs. Since both the appeal(s) have been listed for hearing before this Hon'ble Commission on 17-01-2023 and the subject matter of both the appeals are almost same. As such, the reply to both the appeals are submitted herein below for kind consideration of this Hon'ble Commission:-

**I. File No CIC/UTOJK/A/2021/147704 (2<sup>nd</sup> Appeal against order dated 18-03-2021)**

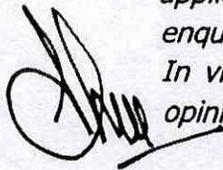
Brief facts of the case are that the appellant had filed an application under Right to Information Act, 2005, which was received in the department on 19.02.2021. The applicant/appellant in his application had sought information as regards to the (i) name of ALR who has signed letter No. LD(Estt)2021/04 dated 11.02.2021 (ii) name and designation of the Officers of the committee mentioned in the said letter (iii) the particulars of the authority to whom the report prepared by the above committee has been submitted (iv) certified copy of the report submitted to the competent authority, and; (v) the stay period of Sh. Ashish Sharma SLO/DLR and Sh. Khurshid Ahmed, SLO/DLR in Law Department.

It is submitted that after examination of the application, it has prima-facie appeared that the assistance of the concerned section of the department is required in the matter for disposal of the application under the provisions of the Right to Information Act, 2005 and rules framed there under. Accordingly, the application of the applicant was forwarded to the said section of the department vide letter no. LD/RTI/2021/21 dated 22-02-2021 for necessary assistance under section 5(4) and 5 (5) of the Right to Information Act, 2005.

It is submitted that the concerned section has furnished the reply  vide letter No.LD(Estt)2020/RTI dated 23-03-2021 to the undersigned

CPIO, which forms part of the record. It is most respectfully submitted that based upon the assistance received under section 5(4) and 5(5) of the Right to Information Act, 2005 and on thoughtful consideration of the matter and keeping in view the overall facts and circumstances of the case, the application of the appellant was disposed of by the CPIO, strictly under the ambit of Right to Information Act 2005 and rules framed there under vide order dated 23-03-2021 Inter-alia on the following grounds:-

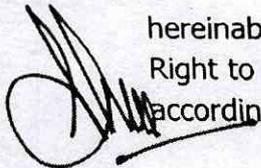
- (i) *that furnishing of name of officer and the name and designation of the officers of the committee (point No. (1) and (ii)) are personal information, the disclosure of which may endanger the life and physical safety of officers in view of the overall facts and circumstances of the case. Therefore furnishing of such information in absence of any stipulation of larger public interest is entitled to protection from unwarranted invasion of the privacy in-terms of section 8 (1)(g) (j) of the Right to Information Act, 2005 and the orders/judgments passed by the Hon'ble Supreme Court and CIC the reference of which the answering respondent may be allowed to make at the time of hearing. The application of the applicant on these points as such was found without any merit.*
- (ii) *the information sought at point no. 03 of the application, i.e. the particulars of the authority to whom the report of the committee has been submitted is already in public domain and can be accessed on [www.jkgad.nic.in](http://www.jkgad.nic.in).*
- (iii) *The information sought at point no. (4), it is relevant to mention here that the subject matter of the report is pending consideration before the Hon'ble High Court/Tribunal. The applicant has questioned the action and has leveled allegations against the department for his regularization against the post of SLO. The applicant in the writ petition has prayed for commanding upon the respondents/ACB to complete the preliminary enquiry in the matter and the ACB has sought action taken report in the matter from the department. Thus in view of the above position it may not be appropriate at this stage to share the copy of report with the applicant as it may impede and hamper the process of enquiry/investigation in the matter pending before the ACB. In view of the above position, the undersigned was of the opinion that the disclosure of the information is entitled to*



*protection in-terms of section 8(h) of the Right to Information Act 2005.*

- (iv) *the information sought at point (5) and as it reveals from the perusal of records, there is no Officer in the name of Ashish Sharma and Khursheed Ahmad with the designation of SLO in the department*
- (v) *In light of the observation of Hon'ble Supreme Court in ICAI vs Shaunak H Satya (2011)8SCC 781 "the misuse of the RTI Act has to be appropriately dealt with, otherwise the public would lose faith and confidence in this sunshine Act. A beneficial statute, when made tool for mischief and abuse must be checked in accordance with law " the application of the applicant in light of the facts and circumstances of the case was found to be without any merit.*
- (vi) That the Hon'ble CIC while deciding the case of **Dr. KC Vijayakumaran Nair vs Department of Posts** has held that the information seeker being an employee of department is a part of the information provider. Under the RTI the employees are not expected to question the decisions of the superior officers in the garb of seeking information. Such employees have accesses to internal mechanisms for redressal of their grievances.
- (vii) the department has received multiple applications on the issue which has caused much inconvenience to the public authority and has affected the normal course of official work and the same had no nexus with any public interest or activity. The applications which are filed out of vengeance with no purpose just to harass the department and colleagues and the said tendency has been discouraged by the Hon'ble Courts. RTI cannot be turned into tool for vendetta by an employee against organization for some of his grievances. The information sought by the applicant relates sloley to his personal interest the disclosure of which has not relationship to any public activity or interest and strikes the personal interest/information/privacy of the other officers of the department.

In view of the aforesaid legal and factual position as detailed hereinabove, the application of the applicant seeking information under Right to Information Act 2005 was found to be devoid of any merit and was accordingly rejected.



The copy of the order was duly endorsed to the appellant and was also sent on his given address through registered post.

**II. File No CIC/UTOJK/A/2021/140271 (2<sup>nd</sup> appeal against order dated 23-03-2021)**

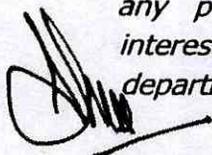
Brief facts of the case are that the appellant had filed an application under Right to Information Act, 2005, which was received in the department on 23.02.2021. The appellant in his application had sought information as regards to the (i) Note of approval of inclusion of District Litigation Officers into Jammu and Kashmir Legal Services (DLR), and (ii) total stay period of Mr. Riaz Ahmad (ALR) and Shafiq Ahmad Mircha (DLR) in the Law Department. It is submitted that for disposal of the application, assistance of the concerned section was sought under section 5(4) and 5(5) of the Right to Information Act, 2005 which has been received by the undersigned on 23-03-2021 vide letter no.LD(Estt)2020/RTI .

It is submitted that the undersigned CPIO have gone through the application and have also perused the entire record available in the file. On thoughtful consideration of the matter and keeping in view the overall facts and circumstances of the case and the assistance provided u/s 5 (4) and (5) of the Act 2005, the application of the applicant was disposed of under the provisions of Right to information Act, 2005 and rules made there under inter-alia on the following grounds:-

- (i) *The information sought by the applicant in his application at point no. (1), is vague and ambiguous as it is not clear as to which service applicant is referring to in his application, as there is no service in the department under the title of Jammu and Kashmir Legal Services (DLR). The Hon'ble Courts in various judgments have also held that the application under RTI should not be vague and should always be clear and unambiguous. Since the application of the applicant is vague and unclear, as such the same is without any merit.*
- (ii) *As regards to the point no. (2) of the application it is relevant to point out here that the stay period of the officers is the personal information as contained in personal files of the employees and as such is entitled to protection under RTI Act 2005. In case titled Canara Bank Rep. Deputy Gen. Manager vs. C.S. Shyam &*

*Anr Civil Appeal No.22 of 2009, the applicant has sought information which inter-alia includes details of transfer order. The Hon'ble Supreme Court has held that the information sought by the respondent of individual employees working in the bank was personal in nature. It was exempted from being disclosed under section 8(1)(j) of the Act and neither respondent no 1 disclosed any public interest involved in seeking such information of the individual employee nor any finding was recorded by the CIC and the High Court as to the involvement of any larger public interest in supplying the information to the respondent.*

- (iii) *The applicant being an employee and senior most officer of the department as such he can have accesses to internal mechanism for redressal of his grievances. The Hon'ble CIC while deciding the case of **Dr. KC Vijayakumaran Nair vs Department of Posts** has held that the information seeker being an employee of department is a part of the information provider. Under the RTI, the employees are not expected to question the decisions of the superior officers in the garb of seeking information. Such employees have accesses to internal mechanisms for redressal of their grievances.*
- (iv) *In light of the observation of Hon'ble Supreme Court in ICAI vs Shaunak H Satya (2011)8SCC 781 "That the misuse of the RTI Act has to be appropriately dealt with, otherwise the public would lose faith and confidence in this sunshine Act. A beneficial statute, when made tool for mischief and abuse must be checked in accordance with law." The application of the applicant in light of the facts and circumstances of the case was found to be without any merit.*
- (v) *The department has received multiple applications under RTI Act, which has caused much inconvenience to the public authority and has affected the normal course of official work and the same had no nexus with any public interest or activity. The applications which are filed out of vengeance with no purpose just to harass the department and colleagues and the said tendency has been discouraged by the Hon'ble Courts. RTI cannot be turned into tool for vendetta by an employee against organization for some of his grievances. The information sought by the applicant in the present application relates solely to his personal interest the disclosure of which has not relationship to any public activity or interest and strikes the personal interest/information/privacy of the other officers of the department.*



In view of the aforesaid legal and factual position as detailed hereinabove, the application of the applicant seeking information under Right to Information Act, 2005 was found to be devoid of any merit and was accordingly rejected.

The copy of the order was duly endorsed to the appellant and was also sent on his given address through registered post.

### **Detailed Submissions**

1. It is most respectfully submitted that the order impugned in the aforesaid appeal(s) is reasoned one and in consonance with law. The grounds taken by the appellants in the said appeal are misconceived and bereft of any legal force, as such the appeal was contested on its merits by the CPIO of the Department before the FAA.
2. From the bare perusal of the submissions made herein above, it becomes evident that the appellant has some personal grievances and has sought information solely on his personal interest. There is no larger public interest involved in the matter. The undersigned on thoughtful consideration of the matter has discharged his statutory duties in a fair and transparent manner without any fear or favor. That the filing of writ petition bearing no. **WP(C ) No. 25/2021 titled Khalid Abdullah Shah vs Anti-Corruption Bureau Jammu and Another** is a question of fact and the contents of which can not be denied by the appellant. Though the Law Department is not the party in the case, however he has inter-alia sought direction from the Hon'ble Court to the Investigation Agency i.e ACB to complete the preliminary enquiry in the complaint which has been filed by him before ACB against the department. The said writ petition was disposed of by the Hon'ble High Court vide order **dated 22-03-2021**, operative part of which for facility of ready reference is reproduced as under:-

*"...In view of the status report filed by the respondents, there is no point in keeping this petition pending. Therefore, this petition is disposed of by directing the respondent-ACB to have*



*the action taken report from the Department of Law, Justice and Parliamentary Affairs and take further action, as may be required under law, without any further waste of time. It is, however, made clear that the disposal of this writ petition shall not come in the way of the petitioner to approach the concerned Magistrate, in case, he feels dissatisfied with the manner in which the matter is being handled by the ACB. The ACB shall do in well to wind up the preliminary proceedings within a period of six weeks from the date a copy of this order is served upon the respondents.*

*Disposed of, accordingly.*

Copy of the order passed by the Hon'ble High Court of Jammu and Kashmir at Jammu enclosed here with as **Annexure R-1.**

3. It is most respectfully submitted that the appellant again on 13-07-2021 filed Criminal Application No. 2374 of 2021 under Section 156(3) of Cr. PC before the Special Judge Anticorruption Jammu seeking registration of FIR for commission of offences under section 7(10(c) ,13(a)(c) Prevention of Corruption Act 1988 and sections 120 -B, 467, 468, 471IPC against the officers/officials of the Law Department involved in the commission of said offences. Accordingly, the ACB Jammu has sought report from the Law Department, which was furnished to them vide letter dated 11-02-2021, The ACB, Jammu has accordingly submitted the report before the Hon'ble Court of Special Judge Anti Corruption Jammu, which vide its order dated 30-09-2021 has disposed of the application, operative part of which for facility of ready reference is reproduced as under:-

*In the instant case as it has been already mentioned above that the applicant was promoted as Public Law Officer/PLO by the Government along with other persons and thereafter promoted to the next higher post of Senior Law Officer. The applicant has not placed any order issued by the Government promoting him as Assistant Legal Remembrancer/ALR and thereafter as Deputy Legal Remembrancer/ DLR. In view of the propositions of law laid down by Hon'ble Supreme Court in the case supra, the prayer*

*of the applicant for registration of FIR against the officers /official of the Law Department can not be accepted.*

*Therefore in view of aforesaid reasons, the prayer of the applicant for passing of an order under Section 156(3) Cr.PC can not be allowed, as the application of the applicant does not disclose the commission of any offence under Prevention of Corruption Act and IPC. The application is accordingly rejected. The file on its compilation be consigned to records.*

Copy of the order dated 30.09.2021 passed by the Hon'ble Court of Special Judge Anti Corruption Jammu is enclosed herein as **Annexure- R-2**

4. It is most respectfully submitted that the story does not end here, the appellants has challenged the aforesaid order dated 30-09-2021 before the Hon'ble High Court at Jammu, which has sought response from the ACB, and the matter is presently sub-judice.
5. It is pertinent to mention here that the appellants has also sought information about the name of officer who has signed the letter no. LD(Estt)2021/04 dated 11-02-2021. Vide this letter report /information was submitted to the ACB, Jammu. The appellants despite aware of the fact about the signatory of the letter have also sought information about him so as to harass him.
6. It is most respectfully submitted that the applicant being the Senior Most officer of the department is well aware of the fact about the stay period of the officers, signatory of the communication in question, constitution of the committee and the name of its members etc. Despite that he has sought their information under RTI Act 2005 just to harass them. This is fortified by the fact that the Appellant in his appeal at sub-para (F) has submitted that *"some of the officers of the Law department have managed prime postings in Civil Secretariat and have created monopoly....."* and in para 7(A) of the appeal the appellants has submitted that *....after the appellants received a hearing notice, he came to know that the respondent No.01 (FAA) was the chairman of the committee which has prepared a biased report...."* this indicates that the appellants was already in knowledge of the above information, and it

becomes clear that he had sought information under RTI Act 2005 so as to use it for personal gains and against the organization and their departmental colleagues. It is submitted that the appellant is not expected to question the decision of the superior officers in the garb of seeking information under the RTI Act 2005. Even if he is aggrieved of his regularization, he can avail other remedies which are available to him under law. It is submitted that the appellant has also challenged the order of regularization in O.A No. 84/2022 before CAT Jammu and the matter is pending.

7. It is submitted that it is in the above backdrop, application under Right to Information Act, 2005 has been filed by the appellant. This clearly indicates that the applications under RTI Act had been filed by the appellant out of vengeance just to harass the department and his colleagues. The said tendency has been discouraged by the Hon'ble Courts as such the RTI Act which is beneficial piece of legislation and has been declared by the Hon'ble Supreme Court as sunshine Act, can not be turned into a tool for vendetta by an employee against organization for some of his personal grievances.

Further, it is submitted that mere suspicion of grudge and bias is not sufficient. It is not sufficient to say that the observation of the undersigned is the outcome of the grudge and biased state of mind. The appellant has to state and establish/prove the grudge and biased state of mind of undersigned while disposing of his application.

The Constitutional bench of Hon'ble Supreme Court in the landmark case of A. K. Kraipak & Ors. vs. Union of India & Ors. (AIR 1970 SC 150,) had observed that the real question is not whether he was biased. It is difficult to prove the state of mind of a person. Therefore what we have to see is whether there is reasonable ground for believing that he was likely to have been biased. We agree with the learned Attorney General that a mere suspicion of bias is not sufficient. There must be a reasonable likelihood of bias. In deciding the question of bias we have to

take into consideration human probabilities and ordinary course of human conduct.

The Central Information Commission in case titled SanketSahu vs Chief Commissioner Of Income Tax ... on 4 March, 2020 has also followed the above observation of the Hon'ble Supreme Court. Thus contents made in the appeal about grudge and bias are not based on facts and are denied in view of the aforementioned submissions.

8. It is submitted that the particulars of the authority to whom the report was submitted is already in public domain and is available in the official website of General Administration Department. The appellant being a senior officer of the department is aware of the fact regarding the allocation of Government Business between various departments and he can access the Government Order regarding allocation of business on website of GAD, the details of which have already been provided to him.

9. It is further submitted that the appellant has admitted that the recommendation of the committee based on the said report has been provided to the appellant by the Law Department. As such there may not be any further reason to seek the copy of report again in view of the admission made by the appellant.

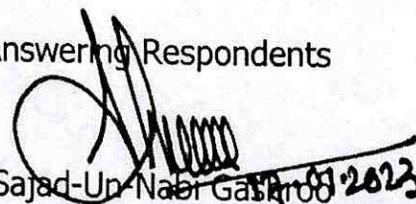
10. It is most respectfully submitted that the object of RTI Act 2005 is to disseminate information which is available in the department and as such the principle of "*Nemo judex in causa sua*" may not be applicable in the present case as the application of the appellant was disposed of by the undersigned CPIO on the basis of assistance received under Section 5(4) and 5(5) of the RTI Act 2005 from the concerned section.

11. That the contents of the impugned order and the details of the judgments as are mentioned in the impugned order may also be read as part of the reply on behalf of the undersigned CPIO(s).

12. The answering respondent craves leave to place some additional grounds/facts at the time of hearing or as may be directed by this Hon'ble commission.

In the premises it is humbly prayed that in view of the legal and factual submissions detailed hereinabove, the 2<sup>nd</sup> appeal(s) of the appellant seeking information under Right to Information Act 2005 is devoid of any merit and the same may kindly be dismissed/ rejected which shall be in consonance with law and justice.

Answering Respondents



Sajad-Un-Nabir Gaskroo

CPIO Department of Law Justice and Parliamentary Affairs  
Additional Secretary to Government

LAW-RTI/3/2023-10-Law, Justice and Parliamentary Affairs

1/196344/2023

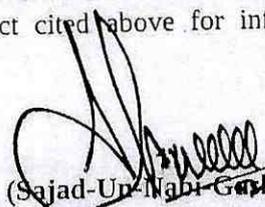
**Government of Jammu and Kashmir**  
**Office of the Central Public Information Officer under RTI Act 2005**  
**Department of Law, Justice and Parliamentary Affairs,**  
**Civil Secretariat, Srinagar/Jammu.**

LAW-RTI/3/2023-10

Dated: 24/03/2023

Subject:- 2nd appeal dated 23.02.2023 of Advocate Ashutosh Khanna, Address House no. 291-D, Lower Shiv Nagar, Behind Govt. Women polytechnic college Jammu 180001, Mob-7889695565, email:- ashutoshkhanna0@gmail.com .

The undersigned is directed to forward a copy of reference/2<sup>nd</sup> appeal dated 23.02.2023, received from Advocate Ashutosh Khanna, Address House no. 291-D, Lower Shiv Nagar, Behind Govt. Women polytechnic college Jammu 180001, Mob-7889695565, to the Principal Secretary to the Government, Forest, Ecology and Environment Department regarding the subject cited above for information and further necessary action.

  
(Sajad-ur-Nabi) 24/03/2023

Additional Secretary to Government.

Principal Secretary to Government,  
Department of Forest, Ecology and Environment.

Encls:A/A

LAW-RTI/5/2023-10-Law, Justice and Parliamentary Affairs

1/176525/2023

**Government of Jammu and Kashmir**  
**Office of the Central Public Information Officer under RTI Act 2005**  
**Department of Law, Justice and Parliamentary Affairs,**  
Civil Secretariat, Srinagar/Jammu.

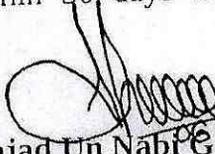
No. LAW- RTI/5/2023-10

Dated:- 06 -02-2023

Dr. Javaid Rahi, Near SafeJanic Hospital Kariyani Talab Upper Narwal, Jammu Post office:Bhathindi, Jammu PIN:181152,Mob No : 9419144139 has filed an application under Right to Information Act 2005 and has requested to provide certain information and the application has been received by this Department on 11-01-2023.

The application of the applicant has been forwarded to the concerned section under section 5(4) and 5(5) of the Right to Information Act, 2005 and based upon their assistance, the information sought and which is available in the department is comprised of 32 Leaves. Accordingly vide communication dated 25-01-2023, the applicant was requested to deposit the requisite fees of Rs 62/- (Rupees Sixty Two Only) against proper receipt or by demand draft or banker's cheque or Indian Postal Order payable to Director Finance, Department of Law, Justice & PA, so that the requisite and available information is provided to the applicant under rules. In response to above mentioned letter, the applicant has deposited the requisite fees of Rs 62/- (Rupees Sixty Two Only) vide receipt dated 25-01-23, as such the relevant information sought as available in this department is provided to the applicant as per enclosure marked as Annexure 'A' consisting of 31 Leaves.

In case applicant is not satisfied, with the above information, he may file an appeal to the First Appellate Authority i.e. Sh. Abdul Rashid Fayaz, Special Secretary to Government, Department of Law, Justice and PA, Room No.223, Second Floor Civil Secretariat, Srinagar within 30 days from the date of issuance of this order.

  
(Sajad Un Nabi Gashroo)

Central Public Information Officer,  
Additional Secretary to Govt.  
Department of Law, Justice & PA

Copy to the :-

Dr. Javaid Rahi, Near SafeJanic Hospital Kariyani Talab Upper Narwal, Jammu Post office:Bhathindi, Jammu PIN:181152,Mob No : 9419144139 through  
Speed post.

LAW-RTI/6/2023-10-Law, Justice and Parliamentary Affairs

1/171438/2023

**Government of Jammu and Kashmir**  
**Office of the Central Public Information Officer under RTI Act 2005**  
**Department of Law, Justice and Parliamentary Affairs,**  
Civil Secretariat, Srinagar/Jammu.

**Ms. Lavya Bhasin ,**  
**Kshipra Hostel, National Law Institute University,**  
**(NLIU), Bhopal, Madhya Pradesh**  
**Mail id:- (lavyabhasin00@gmail.com)**

No. LAW- RTI/6/2023-10

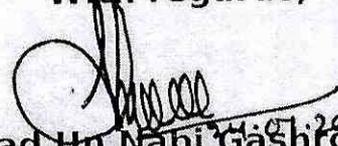
Dated: 24-01-2023

Subject:- RTI application of Ms. Lavya Bhasin R/o Kshipra Hostel, National Law Institute University (NLIU), Bhopal, Madhya Pradesh (lavyabhasin00@gmail.com).

Madam,

I am directed to refer your RTI application and O M No. GAD-ADMORTI/05/2023-09-GAD dated 15-01-2023 received from General Administration Department regarding the subject captioned above. In this regard, it is to inform that the information sought does not pertain to this department and no such information is available in this department.

**With regards,**



**(Sajad Un Nabi Gashroo)**

Central Public Information Officer,  
Additional Secretary to Govt.  
Department of Law, Justice & R.A

Copy to CPIO GAD for information. This is with his reference to his communication bearing No GAD ADMORTI/05/2023-09-GAD Dated: 15.01.2023



सत्यमेव जयते

**Government of Jammu & Kashmir**  
**Department of Rural Development and Panchayati Raj**  
**Civil Secretariat**

Email ID : secyrrd11@gmail.com website: jkpr.gov.in Tel. No. 0191-2564763 (J), 0194-2506269 (S)

CPIO-0/0 Assistant Commissioner (Development),  
Pulwama.

No: RDD-RTI/12/2023 (7120005 )

Dated: 03-02-2023

**Subject:- RTI application of Mr. Shamsudin Shah.**

Sir,

An application under Right to Information Act, 2005 filed by the above-mentioned applicant has been received on 01-02-2023 by the Department from Department of Law, Justice and Parliamentary Affairs vide OM No. LAW-RTI/07/2023-10 dated: 27.01.2023. Since the subject matter of information sought pertains to your office, therefore, the application along-with its allied enclosures is transferred to you in terms of section 6(3) of RTI Act, 2005 with the request to kindly provide the requisite information to the applicant directly within the stipulated time under intimation to this department.

Yours faithfully,

*Imtiyaz Ahmad Lone*

(Imtiyaz Ahmad Lone)JKAS

**Central Public Information Officer**

Encl:-05

Copy to the:-

1. Central Public Information Officer/Additional Secretary to the Government, Department of Law Justice and PA. This is in reference to the above quoted reference.
2. Private Secretary to Commissioner/Secretary to Government, Department of RD&PR for information of the Commissioner/Secretary.
3. Mr. Shamsudin Shah S/o Mohammad Maqbool Shah R/o Kakpora, Pulwama through registered post. He is further advised to seek the information from the concerned CPIO.

Government of Jammu and Kashmir  
Office of First Appellate Authority under RTI Act, 2005  
Department of Law, Justice and Parliamentary Affairs  
Civil Secretariat  
Jammu/Srinagar

NO. Law-RTI/8/2023-10  
Dated: 17.04.2023.

Subject:- First Appeal under Right to Information Act, 2005 of Shri Ranjeet Singh S/O Khazan Singh R/O W.No. 08 Mohalla Khorinar Poonch City Tehsil Haveli District Poonch (9622123251).

RK(RTI)  
Please process  
& sign up.  
17/4/2023

**ORDER**

Appellant through the medium of his RTI application dated 18.01.2023 has sought the required information from the Public Information Officer, Department of Law, Justice and Parliamentary Affairs, Civil Secretariat Jammu in the following manner:-

**Information required**

- (I) **Information regarding the order passed by the Hon'ble Supreme Court vide its order dated 31.01.2019 and further endorsed by Law, Justice and PA Department of J&K vide his Circular No. 01-JK(LD) of 2019 dated 26.11.2019 (copy enclosed). Please clarify the name wise list of department on which stay order has been imposed.**
- (II) **Information regarding the Circular issued vide No. 01-JK(LD) of 2019 dated 26.11.2019 by Law, Justice and PA Department please clarify about either the stay order imposed to those employees who have already availing the benefit under SRO 149 of 1973 since last 20 years vide different Government orders and different department or such the stay order imposed to those employees who have applied for same benefit under SRO 149 of 1973 after the stay order passed by the Hon'ble Supreme Court vide its order date 31.01.2019.**

Appellant alleged in the instant appeal that he has not been provided the requisite information by the Public Information Officer within the stipulated time period under the Right to Information Act, 2005 and since

the non-furnishing of the information is deemed refusal on the part of the Public Information Officer, hence he preferred the instant first appeal.

The instant first appeal was received in the office of First Appellate Authority on **20.03.2023**. On the very same day the Central Public Information Officer (CPIO) concerned was asked to furnish his response/report with regard to the instant appeal. He was also called in person and heard at length. In his report/response, the CPIO inter-alia has stated that the information which was available with the department was furnished to the applicant (appellant) vide his order bearing No. Law-RTI/8/2023-10 dated 10.02.2023. However, the information sought at point II, it is submitted that it is beyond the scope of duties of the CPIO to interpret the law, judgment/orders of the Hon'ble Court or give any opinion/comment/explanation or advice regarding the same to the applicant.

Perusal of file reveals that the RTI application of the appellant was received in the department on **20.01.2023** to which the CPIO concerned has responded within the stipulated timeframe vide his order bearing No. Law-RTI/8/2023-10 dated **10.02.2023** in the following manner and the copy of order was sent to the applicant (appellant) through speed post on his given address for information.

S.No.	Information sought	Reply
1.	Information regarding the order passed by the Hon'ble Supreme Court vide its order dated 31.01.2019 and further endorsed by Law, Justice and PA Department of J&K vide his Circular No. 01-JK(LD) of 2019 dated 26.11.2019 (copy enclosed). Please clarify the name wise list of department on which stay order has been imposed.	The order passed by the Hon'ble Supreme Court and the Circular Instructions issued vide No. 01-JK(LD) of 2019 dated 26.11.2019 are enclosed. However, the name wise list of department on which stay order has been imposed is not available with the department.
2.	Information regarding the Circular issued vide No. 01-JK(LD) of 2019 dated 26.11.2019 by Law, Justice and PA Department please clarify about either the stay order imposed to those employees who have already availing the benefit under SRO 149 of 1973	The orders of Hon'ble Supreme Court are clear, as such, this department may not be able to interpret the orders of the Hon'ble Supreme Court. Besides, the applicant has not sought information but has sought clarification regarding the stay order passed by the

<i>since last 20 years vide different Government orders and different department or such the stay order imposed to those employees who have applied for same benefit under SRO 149 of 1973 after the stay order passed by the Hon'ble Supreme Court vide its order date 31.01.2019.</i>	<i>Hon'ble Supreme Court which does not fall under the provisions of RTI Act, 2005.</i>
---	---

Perusal of record made available reveals that the Hon'ble Supreme Court vide its order dated 31.01.2019 has stayed an impugned judgment passed in case titled Provincial Power Employees Union vs. State of Jammu and Kashmir regarding SRO 149 of 1973. The Department of Law, Justice and Parliamentary Affairs has issued a Circular bearing No. 01-JK(LD) 2019 dated 26.11.2019 whereby it was simply enjoined upon all to follow the aforementioned order of the Hon'ble Supreme Court in its letter and spirit and no order shall be passed which will come in conflict with the order dated 31.01.2019 passed by the Hon'ble Supreme Court.

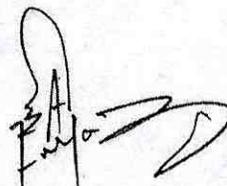
Under the RTI Act, 2005 "information" is defined under section 2(f) which provides:

*"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force."*

This definition shows that an applicant under section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act an applicant is entitled to get copy of the opinions, advices, circulars, orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc., have been passed nor ask the public authority to opine/interpret or create any information/opinion regarding any matter and to provide the same to the applicant.

It is well established that under the RTI Act, the public authority is not supposed to create information or to interpret information. As the information sought by the applicant (appellant) in the instant case in his RTI application is likely to ask the Central Public Information Officer (CPIO) not only to create

information or interpret information but to opine, explain or advice on the judgment/order passed by the Hon'ble Supreme Court which is outside the domain of the CPIO under the provisions of the RTI Act and who is not expected to provide interpretations, opinions, advices, explanations as they can not be said to be included in the definition of information in sec.2(b) of the Right to Information Act, 2005. The appeal accordingly is found without any merit which is disallowed and disposed of accordingly. However, as the CPIO has already disposed of the RTI application of the appellant vide his order dated 10.02.2023, copy of which stands furnished to the appellant already, the CPIO is directed to furnish again a copy of order dated **10.02.2023** alongwith its enclosures including a copy of this order dated **17.04.2023** to the appellant on his given address through speed post free of charge for his information forthwith.

  
(A.R. Fayaz) 17/04/23

Special Secretary to Government  
Department of Law, Justice & PA  
First Appellate Authority  
under RTI Act, 2005

Copy to:-

1. Public Information Officer, Department of Law, Justice and Parliamentary Affairs for information and necessary action.
2. Private Secretary to Secretary to Government, Department of Law, Justice and Parliamentary Affairs for information of Secretary.
3. Shri Ranjeet Singh S/O Khazan Singh R/O W.No. 08 Mohalla Khorinar Poonch City Tehsil Haveli District Poonch (9622123251).
4. Concerned file.

LAW-RTI/9/2023-10-Law, Justice and Parliamentary Affairs

I/183210/2023

**Government of Jammu and Kashmir**  
**Office of the Public Information Officer under RTI Act 2005**  
**Department of Law, Justice and Parliamentary Affairs,**  
Civil Secretariat, Srinagar/Jammu.

No. LAW-RTI/1/2023-10

Dated:- 21 -02-2023

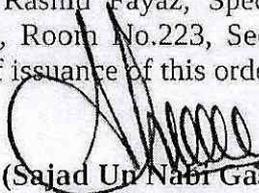
**Order**

This RTI application dated 02.02.2023 has been filed by Mr.Rajesh Bharti R/o Lane No. 2/2, Block-B, Roopnagar Enclave Jammu Mob.:- 9906301959 E-mail:- bharti53r@gmail.com under Right to Information Act,2005 of under the Right to Information Act, 2005 for providing certain information to the applicant.

The application of the applicant has been perused. On perusal of the application the undersigned CPIO, deemed it appropriate to seek the assistance of concerned section of this department under section 5(4) of the Act 2005 for proper discharge of duties and disposal of the application in terms of the provisions of RTI Act, 2005. The said section has provided the necessary assistance. Based upon the assistance received from the concerned section, the application of the applicant is disposed of in the following manner:

Information Sought	Reply
The issue of encadrement of Presenting Officers in the Department of Law Justice & Parliamentary Affairs was taken up by the Department of Law Justice & Parliamentary Affairs with the General Administration and Finance Department respectively for advice/opinion in the matter who have rendered their advice. To provide copy of advice/opinion of General Administration Department and Finance Department to the undersigned.	No such issue of encadrement of Presenting Officers of erstwhile State Human Rights Commission was taken up with the Finance Department or General Administration Department.

In case applicant is not satisfied with the above information, he may file an appeal to the First Appellate Authority i.e. Sh. Abdul Rashid Fayaz, Special Secretary to Government, Department of Law, Justice and PA, Room No.223, Second Floor Civil Secretariat, Srinagar within 30 days from the date of issuance of this order.

  
(Sajad Un Nabi Gashiroo) 2023

Central Public Information Officer,  
Additional Secretary to Government,  
Department of Law, Justice & P.A.

Copy to Mr.Rajesh Bharti R/o Lane No. 2/2, Block-B, Roopnagar Enclave Jammu Mob.:- 9906301959 E-mail:- bharti53r@gmail.com **through Speed post**

LAW-RTI/11/2023-10-Law, Justice and Parliamentary Affairs

I/189809/2023

**Government of Jammu and Kashmir**  
**Office of the Public Information Officer under RTI Act 2005**  
**Department of Law, Justice and Parliamentary Affairs,**  
**Civil Secretariat, Srinagar/Jammu.**

No. LAW-RTI/11/2023-10

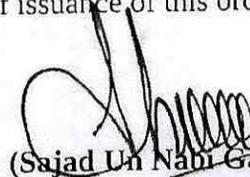
Dated:- 07-03-2023

**Order**

Ms. Purnima Pradhan Email: Pradhanpurnima@yahoo.com Phone: 91+9818635924 Address: H-502 Neelpadam Kunj, sector- 1, Vaishali Near Ansal plaza Vaishali, Ghaziabad - 201010, has filed an application under Right to Information Act, 2005, which has been received by this department on 15-02-2023.

The application of the applicant has been pursued and on thoughtful consideration of the matter, it has been found that the Information sought by applicant is vague and the applicant has not been sought on specific point/issue and it is also not clear as to what information is actually sought by the applicant. Hence the aforementioned RTI application of the applicant is without any merit and is accordingly, rejected.

In case applicant is not satisfied with the above information, she may file an appeal to the First Appellate Authority i.e. Sh. Abdul Rashid Fayaz, Special Secretary to Government, Department of Law, Justice and PA, Room No.223, Second Floor Civil Secretariat, Srinagar within 30 days from the date of issuance of this order.

  
(Sajad Un Nabi Gashti) 07.03.2023

Central Public Information Officer,  
Additional Secretary to Govt.,  
Department of Law, Justice & P.A.

Copy to Ms. Purnima Pradhan Email: [Pradhanpurnima@yahoo.com](mailto:Pradhanpurnima@yahoo.com) Phone: 91+9818635924 Address: H-502 Neelpadam Kunj, sector- 1, Vaishali Near Ansal plaza Vaishali, Ghaziabad - 201010 **through Speed post.**

LAW-RTI/13/2023-10-Law, Justice and Parliamentary Affairs

I/200360/2023

**Government of Jammu and Kashmir**  
**Office of the Central Public Information Officer under RTI Act 2005**  
**Department of Law, Justice and Parliamentary Affairs,**  
Civil Secretariat, Srinagar/Jammu.

No. LAW- RTI/13/2023-10

Dated:- 05-04-2023

**Order U/S 5(4) &5(5) RTI Act 2005.**

General Administration Department vide its communication dated 06.03.2023 forwarded RTI application of Smt. Himani Khajuria D/o Rajinder Khajuria R/o House No. 151 Ward No. 06 Bari Brahmana Jammu in terms of Section 6(3) of the RTI Act, 2005 with the request to provide the information directly to the applicant within the stipulated time as prescribed under the Right to Information Act, 2005 wherein applicant has requested to provide certain information which has been received in this department on 10.03.2023.

The application of the applicant has been perused. On perusal of the application, the undersigned CPIO deemed it appropriate to seek the assistance of concerned section of this department under section 5(4) of the Act 2005 for proper discharge of duties and disposal of the application under the provisions of RTI Act, 2005. The said section has provided the necessary assistance. Based upon the assistance received from the concerned section, the application of the applicant is disposed of by informing the applicant that no such information is available with the Department of Law, Justice and Parliamentary Affairs.

In case applicant is not satisfied, with the above information, he may file an appeal to the First Appellate Authority i.e. Sh. Abdul Rashid Fayaz, Special Secretary to Government, Department of Law, Justice and PA, Room No.223, Second Floor Civil Secretariat, Srinagar within 30 days from the date of issuance of this order.

  
(Sajad Un Nabi Gashroo)

Central Public Information Officer,  
Additional Secretary to Govt.,  
Department of Law, Justice & P.A

05/04/23

**Copy to the**

1. Commissioner/Secretary to Government GAD for information. This is with reference to his O.M No. GAD-ADMORTI/23/2023-09-GAD dated 06.03.2023
2. Smt. Himani Khajuria D/o Rajinder Khajuria R/o House No. 151 Ward No. 06 Bari Brahmana Jammu

LAW-RTI/14/2023-10-Law, Justice and Parliamentary Affairs

1/200355/2023

**Government of Jammu and Kashmir**  
**Office of the Public Information Officer under RTI Act 2005**  
**Department of Law, Justice and Parliamentary Affairs,**  
Civil Secretariat, Srinagar/Jammu.

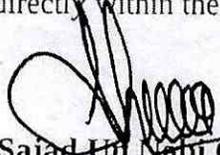
No. LAW-RTI/14/2023-10

Dated:- 05-04-2023

**Order**

A copy of communication No.GAD-MTG00L/01/2023-9 dated 06.03.2023 along with RTI application of Satish Chand Dabal R/o 4-9/49, Sector 18 Rohini, Delhi-110089, filed under Right to Information Act, 2005(copies enclosed), has been received by this department on 08.03.2023.

From the perusal of the application filed by the applicant, it appears that information sought by the applicant pertains to the Culture Department, J&K. Therefore, the application is transferred to Central Public Information Officer, Culture Department J&K in terms of Section 6(3) of RTI Act, 2005, with the request to kindly provide the requisite information to the applicant directly within the stipulated period of time under intimation to this department.

  
(Sajad Un Nabi Gashroo) 05.04.2023

Central Public Information Officer,  
Additional Secretary to Government,  
Department of Law, Justice & P.A

**Central Public Information Officer,**  
**Culture Department**

Copy to:

1. Commissioner/Secretary to Government GAD for information. This is with reference to his O.M No. GAD-MTG00L/01/2023-9 dated 06.03.2023
2. Satish Chand Dabal R/o 4-9/49, Sector 18 Rohini, Delhi-110089 **through Speed post.**

LAW-RTI/15/2023-10-Law, Justice and Parliamentary Affairs

1/200903/2023

**Government of Jammu and Kashmir**  
**Office of the Central Public Information Officer under RTI Act 2005**  
**Department of Law, Justice and Parliamentary Affairs,**  
Civil Secretariat, Srinagar/Jammu.

No. LAW- RTI/15/2023-10

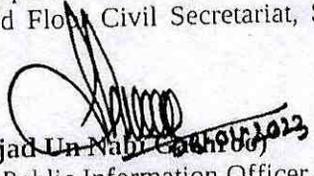
Dated:- 06 -04-2023

**Order**

General Administration Department vide letter No. GAD-ADM0RTI/25/2023-09-GAD dated 09-03-2023 forwarded RTI application of Mr. Ali Mohammed Rawat S/o Ghulam Mohidin R/o Daril The. Tarathpora (RamHall) Handwara District Kupwara Mobile No.9149544938 in terms of Section 6(3) of the RTI Act, 2005 with the request to provide the information directly to the applicant within the stipulated time as prescribed under the Right to Information Act, 2005 wherein applicant has requested to provide certain information which has been received in this Department on 13-03-2023.

The application of the applicant has been perused. On perusal of the application the undersigned CPIO, deemed it appropriate to seek the assistance of concerned section of this department under section 5(4) of the Act 2005 for proper discharge of duties and disposal of the application under the provisions of RTI Act, 2005. The said section has provided the necessary assistance. Based upon the assistance received from the concerned section the application of the applicant is disposed of by informing the applicant that the pensions cases of the retired Officers mentioned has been forwarded by the General Administration Department to the Office of Principal Accountant General and no records in this regard are presently available with this department.

In case applicant is not satisfied, with the above information, he may file an appeal to the First Appellate Authority i.e. Sh. Abdul Rashid Fayaz, Special Secretary to Government, Department of Law, Justice and PA, Room No.223, Second Floor Civil Secretariat, Srinagar within 30 days from the date of issuance of this order.

  
(Sajad Un Nabi) 06/04/23  
Central Public Information Officer,  
Additional Secretary to Govt.,  
Department of Law, Justice & P.A

**Copy to the:**

1. Central Public Information officer, General Administration Department. This is with his reference letter No. GAD-ADM0RTI/25/2023-09-GAD dated 09.03.2023
2. Mr. Ali Mohammed Rawat S/o Ghulam Mohidin R/o Daril Tarathpora (RamHall) Handwara District Kupwara Mobile No.9149544938.



**GOVERNMENT OF JAMMU AND KASHMIR**  
**DEPARTMENT OF DISASTER MANAGEMENT, RELIEF, REHABILITATION & RECONSTRUCTION**  
J&K Civil Secretariat, Jammu/ Srinagar

The Relief and Rehabilitation Commissioner (Migrant),  
J&k, Jammu.

The Provincial Rehabilitation Officer,  
J& K, Jammu.

No:-DMRRR/ER/RTI/04/2023

Dated:-12.05.2023

Subject: - RTI Application of Mr. Amandeep Singh Reen seeking information under RTI Act 2005.

I am directed to forward herewith a copy of letter No:-Law-RTI/16/2023-10 dated:- 05.04.2023 from Department of Law, Justice and Parliamentary Affairs along with enclosures filed by Mr. Amandeep Singh Reen S/o Harbhajan Singh Reen R/O H. No 22, Sec-3, Pamposh Colony Janipur, Jammu under RTI Act, 2005 regarding the subject cited above, with the request to kindly provide the information directly to the applicant under intimation to this department. The RTI is also hereby transferred under Section 6(3) of RTI Act,2005.

Yours faithfully,

(Anjali Gandotra)JKAS  
Public Information Officer

- 1) Central Public Information Officer, Department of Law, Justice & Parliamentary Affairs for information.
- 2) Pvt. Secretary to Secretary to the Government, D/O. DMRRR.
- 3) Mr. Amandeep Singh Reen S/o Harbhajan Singh Reen R/O H. No 22, Sec- Pamposh Colony Janipur, Jammu J&K-180007



ID No. \_\_\_\_\_

PID No. \_\_\_\_\_

Dated:-19-03-2023

To

Public Information Office

Department of Law, Civil Secretariat, Jammu

**Subject:-** Request for information under J&K Right to Information Act, 2005.

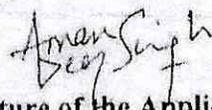
1. **Name of the applicant** :- Amandeep Singh Reen S/o Harbhajan Singh Reen.
2. **Address** :- H.No. 22, Sec-3, Pamposh Colony Janipur, Jammu J&K
3. **Particulars of the information** :-
  - a. **Department** :- Department of Law, Civil Secretariat, Jammu

**b. Information required :-**

1. Kindly provide me the details whether a migrant/refugee can avail benefits under 2 different Form – A.
2. Whether a person constituting a separate Kumba/Family under Form A can also avail benefits of another Kumba/Family constituting separate Kumba/Family under another Form A
3. Whether there are any notifications/circulars/SRO/rulings and/or Govt. orders pertaining to if a person can avail benefits under 2 different Form A constituting 2 different Kumbas/ Families.
4. I state that the information sought does not fall within restrictions contained in Section 8 and 9 of the Act and to the best of my knowledge it pertains to your department.

5. A fee of Rs. 10/- (Rupees Ten only) towards Application Fee under head minor no. \_\_\_\_\_ dated \_\_\_\_\_ has been paid in the form of Non-Judicial Stamp Paper/ Demand Draft/ Cheque/Postal Order/ Treasury receipt etc. is enclosed herewith.

6. Further, I also undertake to pay an additional fees/ charge (if applicable) as prescribed under the Right of Information Act and or relevant Rules.

  
**Signature of the Applicant**

Amandeep Singh Reen  
S/o Harbhajan Singh Reen  
R/o H. No.22, Sec-3, Pamposh  
Colony Janipur, Jammu J&K -  
180007  
Phone No. – 9810606210

LAW-RTI/17/2023-10-Law, Justice and Parliamentary Affairs

1/206736/2023

**Government of Jammu and Kashmir**  
**Office of the Public Information Officer under RTI Act 2005**  
**Department of Law, Justice and Parliamentary Affairs,**  
Civil Secretariat, Srinagar/Jammu.

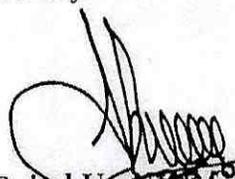
No. LAW-RTI/17/2023-10  
Dated:- 25 -04-2023

**Order**

Mr. Janak Singh S/o Late Sh. Sadhu Ram R/o Garh Samna Banj, Tehsil Majalta District Udhampur-184205, has filed an application under Right to Information Act, 2005, which has been received by this department on 03.04.2023.

The application of the applicant has been perused. On perusal of the application, the undersigned CPIO deemed it appropriate to seek the assistance of concerned section of this department under section 5(4) of the Right to Information Act, 2005 for proper discharge of duties and disposal of the application under the provisions of RTI Act, 2005. The said section has provided the necessary assistance. Based upon the assistance received from the concerned section, the application of the applicant is disposed of by providing the information sought and as available in the department as per enclosure marked as Annexure-A (2 Leaves).

In case applicant is not satisfied with the above information, he may file an appeal to the First Appellate Authority i.e. Sh. Abdul Rashid Fayaz, Special Secretary to Government, Department of Law, Justice and PA, Room No.223, Second Floor Civil Secretariat, Srinagar within 30 days from the date of issuance of this order.

  
(Sajad Un Nabi Gashroo)

Central Public Information Officer,  
Additional Secretary to Government,  
Department of Law, Justice & P.A.

Copy to Mr. Janak Singh S/o Late Sh. Sadhu Ram R/o Garh Samna Banj, Tehsil Majalta District Udhampur-184205 **through Speed post.**

LAW-RTI/18/2023-10-Law, Justice and Parliamentary Affairs

**Government of Jammu and Kashmir**  
**Office of the Public Information Officer under RTI Act 2005**  
**Department of Law, Justice and Parliamentary Affairs,**  
**Civil Secretariat, Srinagar/Jammu.**

No. LAW-RTI/18/2023-10

Dated:- 06 -06-2023

**Order**

Mr. Nisar Ahmad Mir R/o CIO,SIU-II Srinagar Naik Guest House Shivpora Srinagar has filed an RTI application dated 28-04-2022 with the request to provide certain information under the Right to Information Act, 2005 which has been received in this Department on 24-04-2023.

The application of the applicant has been perused. On perusal of the application, the undersigned CPIO, deemed it appropriate to seek the assistance of concerned section of this department under section 5(4) of the Act 2005 for proper discharge of duties and disposal of the application under the provisions of RTI Act, 2005. Accordingly, the said section provided the necessary assistance. Based upon the assistance received, it was found that the information sought and which is available in the department comprises of 33 Leaves. Accordingly, vide communication dated 24-05-2023 the applicant was requested to deposit the requisite fees of Rs 66/- (Rupees Sixty Six Only) against proper receipt or by demand draft or banker's cheque or Indian Postal Order payable to Director Finance, Department of Law, Justice & PA, so that the requisite and available information is provided to the applicant under rules. In response to above mentioned letter, the applicant has deposited the requisite fees of Rs 67/- (Rupees Sixty Seven Only) vide receipt dated 26-05-23, as such the relevant information sought as available in this department is provided to the applicant as per enclosure of this marked as Annexure 'A' consisting of 33 Leaves.

In case applicant is not satisfied, with the above information, he may file an appeal to the First Appellate Authority i.e. Sh. Abdul Rashid Fayaz, Special Secretary to Government, Department of Law, Justice and PA, Room No.223, Second Floor Civil Secretariat, Srinagar within 30 days from the date of issuance of this order.

  
(Sajad Un Nabi Gashroo) 06.06.2023

Central Public Information Officer,  
Additional Secretary to Govt.,  
Department of Law, Justice & P.A.

Copy to the following for information:-

1. Mr. Nisar Ahmad Mir R/o CIO,SIU-II Srinagar Naik Guest House Shivpora Srinagar through Speed post.

Government of Jammu and Kashmir  
Office of First Appellate Authority under RTI Act, 2005  
Department of Law, Justice and Parliamentary Affairs  
Civil Secretariat  
Jammu/Srinagar

NO. Law-RTI/8/2023-10  
Dated: 17.04.2023.

Subject:- First Appeal under Right to Information Act, 2005 of Shri Ranjeet Singh S/O Khazan Singh R/O W.No. 08 Mohalla Khorinar Poonch City Tehsil Haveli District Poonch (9622123251).

RK(RTI)  
Please process  
& buy up.  
17/04/23

**ORDER**

Appellant through the medium of his RTI application dated 18.01.2023 has sought the required information from the Public Information Officer, Department of Law, Justice and Parliamentary Affairs, Civil Secretariat Jammu in the following manner:-

**Information required**

- (I) **Information regarding the order passed by the Hon'ble Supreme Court vide its order dated 31.01.2019 and further endorsed by Law, Justice and PA Department of J&K vide his Circular No. 01-JK(LD) of 2019 dated 26.11.2019 (copy enclosed). Please clarify the name wise list of department on which stay order has been imposed.**
- (II) **Information regarding the Circular issued vide No. 01-JK(LD) of 2019 dated 26.11.2019 by Law, Justice and PA Department please clarify about either the stay order imposed to those employees who have already availing the benefit under SRO 149 of 1973 since last 20 years vide different Government orders and different department or such the stay order imposed to those employees who have applied for same benefit under SRO 149 of 1973 after the stay order passed by the Hon'ble Supreme Court vide its order date 31.01.2019.**

Appellant alleged in the instant appeal that he has not been provided the requisite information by the Public Information Officer within the stipulated time period under the Right to Information Act, 2005 and since

the non-furnishing of the information is deemed refusal on the part of the Public Information Officer, hence he preferred the instant first appeal.

The instant first appeal was received in the office of First Appellate Authority on **20.03.2023**. On the very same day the Central Public Information Officer (CPIO) concerned was asked to furnish his response/report with regard to the instant appeal. He was also called in person and heard at length. In his report/response, the CPIO inter-alia has stated that the information which was available with the department was furnished to the applicant (appellant) vide his order bearing No. Law-RTI/8/2023-10 dated 10.02.2023. However, the information sought at point II, it is submitted that it is beyond the scope of duties of the CPIO to interpret the law, judgment/orders of the Hon'ble Court or give any opinion/comment/explanation or advice regarding the same to the applicant.

Perusal of file reveals that the RTI application of the appellant was received in the department on **20.01.2023** to which the CPIO concerned has responded within the stipulated timeframe vide his order bearing No. Law-RTI/8/2023-10 dated **10.02.2023** in the following manner and the copy of order was sent to the applicant (appellant) through speed post on his given address for information.



S.No.	Information sought	Reply
1.	<i>Information regarding the order passed by the Hon'ble Supreme Court vide its order dated 31.01.2019 and further endorsed by Law, Justice and PA Department of J&amp;K vide his Circular No. 01-JK(LD) of 2019 dated 26.11.2019 (copy enclosed). Please clarify the name wise list of department on which stay order has been imposed.</i>	<i>The order passed by the Hon'ble Supreme Court and the Circular Instructions issued vide No. 01-JK(LD) of 2019 dated 26.11.2019 are enclosed. However, the name wise list of department on which stay order has been imposed is not available with the department.</i>
2.	<i>Information regarding the Circular issued vide No. 01-JK(LD) of 2019 dated 26.11.2019 by Law, Justice and PA Department please clarify about either the stay order imposed to those employees who have already availing the benefit under SRO 149 of 1973</i>	<i>The orders of Hon'ble Supreme Court are clear, as such, this department may not be able to interpret the orders of the Hon'ble Supreme Court. Besides, the applicant has not sought information but has sought clarification regarding the stay order passed by the</i>

<p><i>since last 20 years vide different Government orders and different department or such the stay order imposed to those employees who have applied for same benefit under SRO 149 of 1973 after the stay order passed by the Hon'ble Supreme Court vide its order date 31.01.2019.</i></p>	<p><i>Hon'ble Supreme Court which does not fall under the provisions of RTI Act, 2005.</i></p>
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Perusal of record made available reveals that the Hon'ble Supreme Court vide its order dated 31.01.2019 has stayed an impugned judgment passed in case titled Provincial Power Employees Union vs. State of Jammu and Kashmir regarding SRO 149 of 1973. The Department of Law, Justice and Parliamentary Affairs has issued a Circular bearing No. 01-JK(LD) 2019 dated 26.11.2019 whereby it was simply enjoined upon all to follow the aforementioned order of the Hon'ble Supreme Court in its letter and spirit and no order shall be passed which will come in conflict with the order dated 31.01.2019 passed by the Hon'ble Supreme Court.

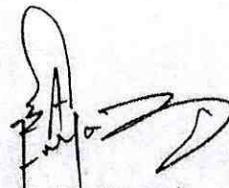
Under the RTI Act, 2005 "information" is defined under section 2(f) which provides:

*"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force."*

This definition shows that an applicant under section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act an applicant is entitled to get copy of the opinions, advices, circulars, orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc., have been passed nor ask the public authority to opine/interpret or create any information/opinion regarding any matter and to provide the same to the applicant.

It is well established that under the RTI Act, the public authority is not supposed to create information or to interpret information. As the information sought by the applicant (appellant) in the instant case in his RTI application is likely to ask the Central Public Information Officer (CPIO) not only to create

information or interpret information but to opine, explain or advice on the judgment/order passed by the Hon'ble Supreme Court which is outside the domain of the CPIO under the provisions of the RTI Act and who is not expected to provide interpretations, opinions, advices, explanations as they can not be said to be included in the definition of information in sec.2(b) of the Right to Information Act, 2005. The appeal accordingly is found without any merit which is disallowed and disposed of accordingly. However, as the CPIO has already disposed of the RTI application of the appellant vide his order dated 10.02.2023, copy of which stands furnished to the appellant already, the CPIO is directed to furnish again a copy of order dated **10.02.2023** alongwith its enclosures including a copy of this order dated **17.04.2023** to the appellant on his given address through speed post free of charge for his information forthwith.

  
(A.R. Fayaz) 17/04/23

Special Secretary to Government  
Department of Law, Justice & PA  
First Appellate Authority  
under RTI Act, 2005

Copy to:-

1. Public Information Officer, Department of Law, Justice and Parliamentary Affairs for information and necessary action.
2. Private Secretary to Secretary to Government, Department of Law, Justice and Parliamentary Affairs for information of Secretary.
3. Shri Ranjeet Singh S/O Khazan Singh R/O W.No. 08 Mohalla Khorinar Poonch City Tehsil Haveli District Poonch (9622123251).
4. Concerned file.

LAW-RTI/20/2023-10-Law, Justice and Parliamentary Affairs

1/221083/2023

**Government of Jammu and Kashmir**  
**Office of the Central Public Information Officer under RTI Act 2005**  
**Department of Law, Justice and Parliamentary Affairs,**  
Civil Secretariat, Srinagar/Jammu.

No. LAW-RTI/20/2023-10  
Dated:- 24 -05-2023

**Order**

Mr. Mohammad Saleet Bhat S/o Abdul Majeed Bhat, Address: Baghi Islam Baramulla Kashmir (193101) has filed an RTI application dated 28-04-2022 with the request to provide certain information under the Right to Information Act, 2005 which has been received in this department on 11-04-2023.

The application of the applicant has been perused. On perusal of the application, the undersigned CPIO deemed it proper to seek the assistance of concerned section of this department under section 5(4) of the RTI Act, 2005 for proper discharge of duties and disposal of the application under the provisions of the said Act. The said section has provided the necessary assistance. Based upon the assistance received from the concerned section, the application of the applicant is hereby disposed of by providing the available information sought by the applicant consisting of four pages (04) and the same has been annexed with this order.

In case applicant is not satisfied with the above information, he may file an appeal to the First Appellate Authority i.e. Sh. Abdul Rashid Fayaz, Special Secretary to Government, Department of Law, Justice and PA, Room No.223, Second Floor Civil Secretariat, Srinagar within 30 days from the date of issuance of this order.

  
(Sajad Un Nabi) 2023  
Central Public Information Officer,  
Additional Secretary to Govt.,  
Department of Law, Justice & P. 24/05/23

Copy to the following for information Mr. Mohammad Saleet Bhat S/o Abdul Majeed Bhat, Address: Baghi Islam Baramulla Kashmir (193101) through Speed post.

LAW-RTI/21/2023-10-Law, Justice and Parliamentary Affairs

1/221056/2023

**Government of Jammu and Kashmir  
Department of Law, Justice and Parliamentary Affairs.  
(Arbitration Section) Civil Secretariat,  
Jammu/Srinagar.**

No. LAW-Arb/21/2023-10  
Dated: 24 - 05 - 2023

Subject:- Central Information Commission has been dealing with the Second Appeals/Complaints pertaining to the Right to Information Act, 2005 since May, 2020 .

The undersigned is directed to forward a copy of D.O letter dated 10.04.2023 received from the Central Information Commission, New Delhi to the Additional Financial Commissioner (ACS)/Commissioner Secretary/Secretary to Government, Home, GAD and Hospitality & Protocol Department for information and further necessary action under an intimation to this department.

  
(Sajad-Un-Nabi) 21/05/23  
Additional Secretary to Government

Financial Commissioner (ACS),  
Home Department.

Commissioner/Secretary,  
General Administration Department.

Commissioner/ Secretary to Government,  
Hospitality Protocol Department.

Encls: - As above.

LAW-RTI/22/2023-10-Law, Justice and Parliamentary Affairs

1/221495/2023

**Government of Jammu and Kashmir**  
**Office of the Public Information Officer under RTI Act 2005**  
**Department of Law, Justice and Parliamentary Affairs,**  
Civil Secretariat, Srinagar/Jammu.

Mr. Kanav Gupta,  
R/O F-40 Rehari Colony Road Jammu,  
J&K- 180005.

No. LAW/RTI/22/2023-10

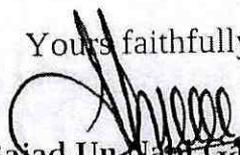
Dated: 25-05-2023.

Subject: - Request for information under RTI Act, 2005.

Sir,

I am directed to refer your application dated 10-05-2023 regarding the subject captioned above. In this context, it is hereby informed that the information sought by the you consists of thirty one pages (31), as such, you are requested to deposit the requisite fees of Rs 62/- (Rupees Sixty two Only) against proper receipt or by demand draft or banker's cheque or Indian Postal Order payable to Director Finance, Department of Law, Justice & PA, so that the requisite and available information is provided to you under rules.

Yours faithfully,

  
(Sajad Un Nabi Gashtoo)

Central Public Information Officer,  
Additional Secretary to Government,  
Department of Law, Justice & P.A.

25/05/23

LAW-RTI/23/2023-10-Law, Justice and Parliamentary Affairs

1/221100/2023

**Government of Jammu and Kashmir**  
**Office of the Central Public Information Officer under RTI Act 2005**  
**Department of Law, Justice and Parliamentary Affairs,**  
**Civil Secretariat, Srinagar/Jammu.**

No. LAW- RTI/23/2023-10  
Dated:- 24 -05-2023

**Order U/S 5(4) &5(5) RTI Act 2005.**

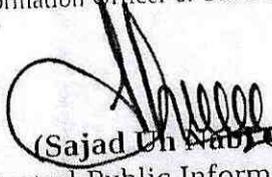
General Administration Department vide letter dated 09-05-2023 forwarded RTI application of Ms. Sheekha Sharma R/O Ward No-15 , near Patel Nagar, Bawa Mart Kathua-184104 (J&K) in terms of Section 6(3) of the RTI Act, 2005 with the request to provide the information directly to the applicant within the stipulated time as prescribed under the Right to Information Act, 2005 wherein applicant has requested to provide certain information which has been received in this department on 16-05-2023.

From the perusal of the application filed by the applicant, it appears that information sought by the applicant pertains to Establishment Section of this department. Accordingly, the application is hereby transferred to Establishment Section under sub-section (4) of section 5 of Right to Information Act, 2005 with the request to provide the requisite information of the RTI application, as the information is to be provided to the applicant.

Section 5(4) & section 5(5) of the Right to Information Act, 2005 reads as under:

(4) The Central Public Information Officer or State Public Information Officer, as the case may be, may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.

(5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Information Officer, as the case may be.

  
(Sajad Un Nabi, Jammu)  
Central Public Information Officer,  
Additional Secretary to Government  
Department of Law, Justice & P.A

**Establishment Section,**  
**Department of Law, Justice and Parliamentary Affairs**

24/05/23

LAW-RTI/24/2023-10-Law, Justice and Parliamentary Affairs

1/239230/2023

**Government of Jammu and Kashmir**  
**Office of the Public Information Officer under RTI Act 2005**  
**Department of Law, Justice and Parliamentary Affairs,**  
Civil Secretariat, Srinagar/Jammu.

No. LAW/24/2023-10  
Dated:- 28 -06-2023

**Order**

The instant RTI Application has been filed by Mr. S.K. Sharma, S/o Sh. A.R. Sharma, R/o H.No. 100, Peer Mitha, Jammu, seeking certain information under the provisions of the Right to Information Act, 2005, which has been received by this department on 24-05-2023.

The application of the applicant has been perused. On perusal of the application, the undersigned CPIO, deemed it appropriate to seek the assistance of concerned section of this department under section 5(4) of the Act of 2005 for proper discharge of duties and disposal of the application under the provisions of RTI Act 2005. The said section has provided the necessary assistance. Based upon the assistance received from the concerned sections, the application of the applicant is disposed of in the following manner :-

The details of the funds released by the Department of Law, Justice and PA to Subordinate offices of Law Department w.e.f 01-04-2019 to 17-05-2023 are as under and no other funds are released by the department in this regard.

1. Detailed Head: 028-Grant in Aid i.e. Major Head:-2014-Administration of Justice.  
Sub Head:-1248-Public Prosecutor,

S No	Financial Year	Funds Released amounts in Lac	Remarks
1.	2019-2020 (State Funds)	10.00	01-4-2019 to 31-10-2019 (Seven Months)
2.	2019-2020 (UT Funds)	12.00	01-11-2019 to 31-03-2020 (Five Months)
3.	2020-2021	19.00	
4.	2021-2022	20.00	
5.	2022-2023	20.00	
6.	2023-2024	NIL	(1-4-2023 to 17-05-2023)

2. Detailed Head:-028-Grant in Aid and Major Head:-2014-Administration of Justice.

## LAW-RTI/24/2023-10-Law, Justice and Parliamentary Affairs

1/239230/2023

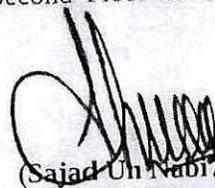
Sub Head:-0488-District and Session Judges

Detailed Head:-028-Grant in Aid

S No	Financial Year	Funds Released amount in Lac	Remarks
1.	2019-2020 (State Funds)	15.00	01-4-2019 to 31-10-2019 (Seven Months)
2.	2019-2020 (UT Funds)	25.80	01-11-2019 to 31-03-2020 (Five Months)
3.	2020-2021	30.00	
4.	2021-2022	45.00	
5.	2022-2023	60.00	
6.	2023-2024	36.55	01-04-2023 to 17-05-2023

Besides, the funds released for the development of judicial infrastructure by way of constructing the Court complexes, Residential quarters and Lawyers Halls, no funds are released for purchase of books etc.

In case applicant is not satisfied, with the above information, he may file an appeal to the First Appellate Authority i.e. Sh. Abdul Rashid Fayaz, Special Secretary to Government, Department of Law, Justice and PA, Room No.223, Second Floor Civil Secretariat, Srinagar within 30 days from the date of issuance of this order.

  
(Sajad Un Nabi) 06.2023

Central Public Information Officer,  
Additional Secretary to Govt.,  
Department of Law, Justice & P.A.

Copy to Mr. S.K. Sharma, S/o Sh. A.R. Sharma, R/o H.No. 100, Peer Mitha, Jammu through Speed post.

LAW-RTI/25/2023-10-Law, Justice and Parliamentary Affairs

1/239291/2023

**Government of Jammu and Kashmir**

**Office of the Central Public Information Officer under RTI Act 2005**  
**Department of Law, Justice and Parliamentary Affairs,**  
Civil Secretariat, Srinagar/Jammu.

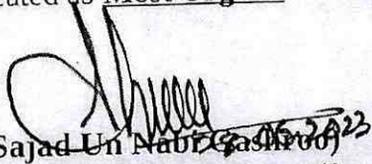
**Reminder-1**

No. LAW- RTI/25/2023-10  
Dated:- 28 -06-2023

Subject: RTI application of Mr. Joginder Singh R/O House No.154/F, Sector 13 , Nanak Nagar, Jammu-180004.

Undersigned is directed to refer the Incharge Establishment and Judicial Administration Section to this office Order dated 07.06.2023 issued U/s 5(4) and 5(5) of Right to information Act, 2005 (copy enclosed) regarding the subject cited above. In this connection, it is once again requested to kindly furnish the requisite information/assistance within two days positively, so as to enable this office to dispose of the application at an earliest. It is relevant to inform that Statutory period in which information has to be provided to applicant is over.

The matter may kindly be treated as **Most Urgent.**

  
(Sajad Un Nabi)

Central Public Information Officer,  
Additional Secretary to Government,  
Department of Law, Justice & P A

**Incharge Establishment/Judicial Administration Section,**  
**Department of Law, Justice and Parliamentary Affairs**

  
28/06/23

LAW-RTI/26/2023-10-Law, Justice and Parliamentary Affairs

1/235155/2023

**Government of Jammu and Kashmir**  
**Office of the Public Information Officer under RTI Act 2005**  
**Department of Law, Justice and Parliamentary Affairs,**  
**Civil Secretariat, Srinagar/Jammu.**

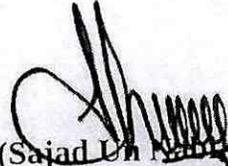
No. LAW-RTI/26/2023-10  
Dated:- 20-06-2023

**Order**

Mr. Chander Pratap Singh, S/o Sh Sandoor Singh, R/o HNo.0485, WNo.05, Near Govt. Middle School Barrian, Udampur-182101, Contact: 7006292011, Email:chanderpartap@gmail.com, has filed an application under Right to Information Act, 2005, which has been received by this department on 06-06-2023.

The application of the applicant has been pursued and on thoughtful consideration and perusal of the matter, it has been found that the Information sought by applicant is an attempt to elicit answers to the questions with prefixes and same is not in consonance with the mandate of RTI Act, 2005 and has sought opinion in his application. The Act, does not cast any obligation upon the public authority to answer queries, advice or opinion with prefixes as to why, what when and whether. The applicant's right extends only in seeking information as defined in section 2(f) either by pointing to the file document, paper or record etc., or by mentioning the type of information as may be available with the specified public authority. Hence the aforementioned RTI application of the applicant is without any merit and is accordingly rejected.

In case applicant is not satisfied, with the above information, he may file an appeal to the First Appellate Authority i.e. Sh. Abdul Rashid Fayaz, Special Secretary to Government, Department of Law, Justice and PA, Room No.223, Second Floor Civil Secretariat, Srinagar within 30 days from the date of issuance of this order.

  
(Sajad Un Nabi) 20/06/2023  
Central Public Information Officer,  
Additional Secretary to Govt.,  
Department of Law, Justice & P.A. 20/06/23

Copy to:- Mr.Chander Pratap Singh, S/o Sh Sandoor Singh, R/o HNo.0485, WNo.05, Near Govt. Middle School Barrian, Udampur-182101, Contact: 7006292011, Email:chanderpartap@gmail.com, **through Speed post.**

LAW-RTI/27/2023-10-Law, Justice and Parliamentary Affairs

1/237646/2023

**Government of Jammu and Kashmir**  
**Office of the Public Information Officer under RTI Act 2005**  
**Department of Law, Justice and Parliamentary Affairs,**  
Civil Secretariat, Srinagar/Jammu.

No. LAW-RTI/27/2023-10  
Dated:- 26 -06-2023

**Order**

Mr. Mohammad Sidiq Malik R/O Batamohalla (Ward No.3) SUMBAL S.P.O.Sonawari, Sumbal Kashmir-193501 has filed the instant application under Right to Information Act, 2005, which has been received by this department on 15-02-2023.

The application of the applicant has been pursued and upon perusal of the same, it has been found that the applicant seeks following information:-

*“Legal opinion regarding Contractual Doctors of National Health Mission private practice is required as permanent doctors are authorized to engage in private practice and fee structure has also been issued by the Govt. under SRO 132 dt. 23/04/1998 & SRO 290 dt.25/09/1998 in their favour and hiring of Contractual doctors scheme was not existing/in vogue in the year 1998”.*

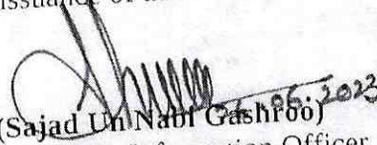
From a bare perusal of the aforesaid contents of the application, it is quite evident that the applicant seeks opinion from the department and has not sought any subsisting information in accordance with the provisions of Right to Information Act, 2005. The said Act does not cast any obligation upon the public authority to answer queries, advice or opinion with prefixes as to why, what when and whether. The applicant's right extends only in seeking information as defined in section 2(f) either by pointing to the file document, paper or record etc., or by mentioning the type of information as may be available with the specified public authority, which is not the case herein as the applicant has not explicitly mentioned any such document. Hence, the aforementioned RTI application of the applicant is without any merit and is accordingly rejected.

In case applicant is not satisfied, with the above information, he may file an appeal to the First Appellate Authority i.e. Sh. Abdul Rashid Fayaz, Special Secretary to

LAW-RTI/27/2023-10-Law, Justice and Parliamentary Affairs

1/237646/2023

Government, Department of Law, Justice and PA, Room No.223, Second Floor Civil  
Secretariat, Srinagar within 30 days from the date of issuance of this order.

  
(Sajad Un Nabi Gashroo) 24.06.2023

Central Public Information Officer,  
Additional Secretary to Government,  
Department of Law, Justice & P.A. 21/06/23

Copy to:- RTI Application of Mohammad Sidiq Malik R/O Batamohalla (Ward No.3)  
Sumbal S.P.O.Sonawari, Sumbal Kashmir-193501 through Speed post.