



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262
Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937
www.jksic.nic.in

File No: SIC/J/A/125/2015
Decision SIC/J/A/125/2015/177

Ms. Devinder Kour Madaan Assisted by Sh. Balvinder Singh	Appellant	Present
Municipal Commissioner Jammu Municipal Corporation	First Appellate Authority	Absent
Sh. Shashi Kant Bhagat Law Officer Jammu Municipal Corporation	Public Information Officer	Present
Sh. Zaffar Iqbal Municipal Veterinary Officer Jammu Municipal Corporation		Present
Chief Transport Officer Jammu Municipal Corporation		Absent

Jammu

08.09.2015

Briefly the facts in this appeal are that Ms. Devinder Kour Madaan, President SAVE, R/o. H. No. 494-C, Sainik Colony, Jammu moved an application on 13.04.2015 before the PIO/Secretary, Jammu Municipal Corporation (JMC) under the Jammu & Kashmir Right to Information Act, 2009 whereunder she sought, inter-alia, certain information relating to any schedule made by the Jammu Municipal Corporation for animal birth control programme for different localities within the limits of Jammu Municipality including staff engaged/deputed for the animal birth control programme (ABC) in ABC Roop Nagar, Jammu etc.

The appellant feeling aggrieved of inaction on the part of PIO filed first appeal dated: 21.05.2015, before the First Appellate Authority/Municipal Commissioner, JMC. The First Appellate Authority disposed of the first appeal vide No. MJ/Estt./2787-91 dated: 29.06.2015 with the direction to the PIO and Chief Accounts Officer, JMC, Municipal Veterinary Officer, JMC and Chief Transport Officer, JMC to take all necessary steps and ensure that the information be provided to the applicant within a period of two weeks from the date of passing of the order. In the meantime the appellant

received information from the PIO and she has alleged in the 2nd appeal dated: 24.08.2015 that the information provided by the PIO is incomplete, incorrect and not as per the RTI application. The appellant has further alleged that she had asked about the bills of all the medicines purchased by the Department for the birth control programme, during the last one month and the PIO avoided the query on a flimsy ground by stating that the bills of the medicines are still not reimbursed. The Information relating to query No. 12 & 13 pertained to the Executive Engineer, Town Hall, JMC and the PIO has transferred the application to the Executive Engineer, Town Hall, JMC on 24.04.2015.

The perusal of the record shows that Sh. Arvind Gupta, Executive Engineer (T), JMC furnished the information to the PIO/Secretary, JMC vide office No. MJ/15-16/Tech/T/2015 dated: 22.08.2015 and the said information was further transferred to the information seeker vide office No. JMC/S/RTI/761 dated: 04.09.2015. This clearly shows that there has been delay of about 04 months in furnishing the requisite information, sought by the information seeker, especially the component relating to Sh. Arvind Gupta, Executive Engineer (T), JMC.

The PIO, JMC vide office No. JMC/S/RTI/762 dated: 07.09.2015 filed counter statement in which it is submitted that the revised information to the applicant stands provided vide office letter No. JMC/S/RTI/761 dated: 04.09.2015. The PIO further submitted that the directions of the Jammu & Kashmir State Information Commission issued vide its order dated: 26.08.2015 have been complied with.

The 2nd appeal of the appellant was listed for hearing on 08.09.2015. The RTI application, as well as the 2nd appeal of the information seeker, were discussed threadbare and it was found that the information sought by the information seeker relating to most of the queries is incomplete and incorrect and the PIO has been evasive in answering some of those queries. Sh. Arvind Gupta, Executive Engineer (T) JMC has also been responsible for causing delay in furnishing the information to the information seeker which is apparent from the letter bearing No. MJ/15-16/Tech/T/2015 dated: 22.08.2015.

The attention of the Municipal Commissioner, JMC is hereby drawn to the fact that PIO/staff of the Jammu Municipal Corporation has not only been casual in handling the RTI application but also reluctant in sharing the information sought by the information seeker. However, during the course of proceedings, Sh. S.K. Bhagat, Law Officer, JMC and Dr. Zaffar Iqbal, Municipal Veterinary Officer, JMC assured the Commission that they will furnish the revised information to the information seeker and sought a week's time to do the needful.

In view of the aforesaid facts and observations, the Law Officer, JMC and Municipal Veterinary Officer, JMC are hereby directed to furnish the revised information to the information seeker, answering all the queries raised in the RTI application, free of cost, within one week from the date of receipt of this order, under an intimation to the Commission. The

information be dispatched to the information seeker at the residential address provided in the RTI application under a registered cover. However, the Commission would like to draw the attention of the Municipal Commissioner, JMC for the casual attitude and modus operandi adopted by its staff, especially Sh. Arvind Gupta, Executive Engineer (T) JMC in furnishing the delayed information to the information seeker. Section 5(5) of Jammu & Kashmir Right to Information Act, 2009 enjoins upon an officer whose assistance has been sought by the PIO to render all assistance available at his disposal and for the purpose of any contravention of the provisions of the Act, such other officer shall be deemed as PIO. Whereas, in this case Sh. Arvind Gupta, Executive Engineer (T) JMC has been quite casual in providing assistance to the PIO within the statutory period as mandated under the Jammu & Kashmir Right to Information Act, 2009.

Municipal Commissioner is hereby directed to issue an advisory to all the officers concerned under her jurisdiction to dispose of RTI matters on priority basis, adhering to the statutory deadlines as prescribed under the Act. She is further directed to initiate departmental enquiry against Sh. Arvind Gupta, Executive Engineer (T) JMC for his casual and indifferent approach/attitude in providing the assistance sought by the PIO in terms of Section 5(4) and 5(5) of the Jammu & Kashmir Right to Information Act, 2009 and file compliance report to the Commission within 3 weeks from the date of receipt of this order. The Municipal Commissioner, Jammu Municipal Corporation is further directed to monitor the case of the appellant personally so that the directions passed by the Commission are complied in letter and spirit.

The appeal is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

Sd/-

Dr. S.K. Sharma

State Information Commissioner

Copy to the:

1. FAA/Municipal Commissioner, Jammu Municipal Corporation for compliance.
2. PIO/Sh. Shashi Kant Bhagat, Law Officer, Jammu Municipal Corporation.
3. Sh. Zaffar Iqbal, Municipal Veterinary Officer, Jammu Municipal Corporation.
4. Chief Transport Officer, Jammu Municipal Corporation.
5. Appellant/Ms. Devinder Kour Madaan, President SAVE, R/o. H. No. 494-C, Sainik Colony, Jammu.

(Khalid. A. Shah)

Dy. Registrar

State Information Commission