



**Jammu and Kashmir State Information Commission**  
(Constituted under Right to Information Act 2009)  
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File No: SIC/J/A/279/2016  
Decision SIC/J/A/279/2016/291

**Sh. Ashok Kumar**  
**V/s**

**.... (Appellant)**

**FAA/PIO, Jammu Municipal Corporation.**

**.... (Respondents)**

Date of Institution : 22.03.2016  
Date of Decision : 25.04.2016  
Decision : Appeal disposed of.

1. Sh. Ranjit Singh, Secretary, JMC-cum-PIO, Sh. Kamni Kumar, Enforcement Officer, JMC-cum-APIO and appellant attended the Commission.

2. **Brief facts:** Appellant filed 2<sup>nd</sup> appeal on 22.03.2016, on the ground that PIO has provided wrong and misleading information. That FAA didn't provide them an opportunity to present their case and passed an order on the suggestions of Law Officer, JMC and Chief Enforcement Officer (III) JMC.

3. As per documents enclosed with the appeal, RTI application has been filed on 04.01.2016, addressed to PIO, JMC seeking following information:-

- (i) That on 29.12.2015, at 1:30 p.m. during the hearing of our appeal at JMC, the Enforcement Officer says that an FIR was lodged against us. Here you are requested to provide the copy of so called FIR & the names mentioned in FIR.
- (ii) Whether the officers of the JMC have to investigate the complaints or the complainant has the authority to investigate the matter himself.

- (iii) When the Enforcement Officer does not involve hands in glove with the land mafia, how he came to know about the lodging of FIR.

4. This RTI application has been transferred by PIO, JMC to Chief Enforcement Officer-III, Municipal Corporation, Jammu vide letter dated: 08.01.2016, seeking his assistance under section 5(4) & 5(5) of the RTI Act, 2009. This RTI application has been responded to by Mr. Kamni Kumar, Enforcement Officer vide letter dated: 20.01.2016, giving response to all the 04 points of the RTI application, which has subsequently been sent to appellant Sh. Ashok Kumar by PIO on 28.01.2016.

5. During proceedings in the Commission, appellant submitted that hearing was conducted by FAA on 29.12.2015, wherein Enforcement Officer was also present. Enforcement Officer Sh. Kamni Kumar contested this based on records and submitted that he attended the hearing on 29.11.2015, and not on 29.12.2015, and in this regard he has given a reply to PIO, JMC vide letter dated: 08.12.2015, giving reference to hearing on 29.11.2015. Appellant produced a copy of notice dated: 19.12.2015 issued by Ms. Mandeep Kour, Commissioner, JMC/FAA asking appellant to attend her office on 29.12.2015 at 1:30 p.m., copy of which is marked to PIO and CEO. However, copy of this letter is not marked to Enforcement Officer, against whom allegation has been made. Therefore, the reply of Enforcement Officer with regard to point 1 stating that no hearing was held on 29.12.2015, where he was present, is substantiated/corroborated in records. However, it is also established that hearing indeed took place on 29.12.2015, as per notice issued by FAA on 29.12.2015. Accordingly, PIO, JMC is directed to give a reply to point-1 of application as per records with regard to filing of FIR, if any.

6. The information sought at point no. 2 is not specific and, therefore, appellant is advised to provide a copy of the complaint to PIO, JMC who shall give information about action taken on his complaint, within 02 weeks.

7. The Commission has noted that PIO, JMC has merely forwarded the reply received from Enforcement Officer without ascertaining whether the information relates to one zone headed by Enforcement Officer or to the entire JMC. Further, the response has to be given by the PIO on the basis of information received from officers/officials, whose assistance has been sought under section 5(4) & 5(5) and not merely forward the information received from one wing of the Municipal Corporation, as has been done in this case. Accordingly, PIO, JMC is directed to ensure that in future, information received from subordinate offices is examined and appropriate responses are given to applicants under his seal and signature. Other issues raised in the appeal are allegations not substantiated and hence outside the purview of RTI Act.

8. With above directions appeal filed before the Commission is disposed of.

Sd/-

**(Er. Nazir Ahmed)**

**State Information Commissioner**

Date: .04.2016

No: SIC/J/A/279/2016

Copy to:

1. FAA/Ms. Mandeep Kour, Commissioner, Jammu Municipal Corporation.
2. PIO/Sh. Ranjit Singh, Secretary, Jammu Municipal Corporation for compliance.
3. PIO/Sh. Kamni Kumar, Enforcement Officer, Jammu Municipal Corporation.
4. Appellant/Sh. Ashok Kumar, General Secretary, Helpage Social Welfare Society, 380/6, Transport Nagar, Jammu.

**(Renu Mahajan)**

Joint Registrar

J&K State Information Commission