



**Jammu and Kashmir State Information Commission**  
(Constituted under The Right to Information Act, 2009)  
**Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937**  
**Old Assembly Complex, Srinagar, 0194-2506660, 2506661**  
www.jksic.nic.in

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File No. SIC/K/SA/56/2016  
Decision No. SIC/K/SA/56/2016/39

Appellant : Ms. Bilquis Sidiq  
Respondent : PIO/SMC Srinagar  
Date of Registration : 16.05.2016  
Date of Decision : 09.06.2016

Brief facts of the case are that appellant filed Second Appeal on 29.02.2016 (admitted after completion of deficiency on 16.05.2016) stating that her RTI application received in the office of SMC under receipt No.8582 dated 10.10.2015 was not replied within stipulated time. Thereafter, in response to another application dated 16.11.2015, the Secretary SMC vide letter dated 27.11.2015 advised her to approach Government Press for obtaining copies of Bye Laws when this was readily available with the SMC. That Para 2<sup>nd</sup> (III) and (IV) points of the application were not replied satisfactorily being incomplete and irrelevant to the subject. It is also stated that in response to First Appeal filed on 09.12.2015, she was informed vide

letter dated 26.12.2015 to appear before FAA on 14.01.2016. However, no information was provided to her. Appellant further submits that in pursuance to letter of PIO SMC dated 27.11.2016, she filed an application in Government Press, who vide letter dated 19.01.2016 conveyed that no such Bye laws have been received for publication in the State Gazettee. Therefore, PIO SMC mislead her and denied to give information sought.

The appellant has requested the Commission to intervene into the matter with direction to concerned officials to provide her information sought.

Mr. Hilal Ahmad Dewani, PIO/Secretary SMC, Mr. Mudasir Ahmad Banday APIO SMC and Sh. Mohammad Sidiq father of appellant attended the hearing.

The RTI application has been field on 10.10.2016 seeking following information: -

*I & II): Present Bye laws 2011 and previous Bye laws i.e, before 2011.*

*III) : Personal/application filed (file note side sought)*

*IV) : Reply to pending representations viz 21.08.2015 and 31.08.2015*

*V) : Approved wage list*

PIO SMC has sought assistance of Assistant Secretary (General) SMC under Section 5(4) of the Act on 14.10.2015. Thereafter, the appellant has been informed by PIO vide letter dated 27.11.2015 informing her that copies of By-Laws can be had from J&K Government Press. Appellant submitted that he approached the Government Press for By-Laws who informed vide letter dated 19.01.2016 that no Bye-Laws of 2011 has been received by their

Department for publication in the State Gazettee. It is therefore evident that his information is not available with Government Press and PIO SMC has indeed mislead the appellant, when this information should readily be available in SMC. The PIO admitted that this information is available. Accordingly, the Commission directs PIO to provide copy of Bye-Laws to the appellant within one week.

In response to Point-III representative of appellant submitted that he has not been given full information. PIO submitted that file notings for the year 2015 and reply to the application have been provided. The representative of the appellant submitted that information of file notings pertaining to her registration in 2010 has not been given. Accordingly, PIO is directed to provide this limb of information as per records. PIO has informed appellant that information sought at Para-V is not understood and asked the appellant to specify. Appellant submitted that he wants rate list of Architects/consultancy fee approved by SMC. Accordingly, PIO is directed to provide approved rate list of consultancy fee chargeable by architects, consultants/draftsman etc.

These directions should be complied within two weeks and compliance report be filed before the Commission.

The Commission has observed that information regarding Bye-Laws and approved rate list of consultancy fee should be available in public domain so that citizens like the appellant do not have to seek such information under RTI Act. In fact, such information falls under Section-4, which Public Authorities are required to disclose Suo-moto. Accordingly, Commission directs Commissioner SMC to put these and other such

information related to rules/Bye Laws and fees in public domain in website of the SMC and file a compliance report within two weeks.

Appeal disposed of with above directions.

Registry to mark a copy of order to Commr/Secretary to Government, H & U D Department.

**Sd/-**  
**(Nazir Ahmed)**  
**State Information Commissioner**

**Copy to the:-**

1. Commr/Secretary to Government, H&UD Department, Civil Sect. Sgr.
2. Commissioner SMC Srinagar
3. Secretary PIO/SMC Srinagar
4. Pvt. Secy to HSIC (K)
5. Ms Bilques Sadiq W/o Mushtaq Ahmad Mir R/o Shiv Pora, Srinagar

**(G.Q.Bhat)**  
**Registrar,**  
**J&K State Information Commission**