



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

File No. SIC/K/SA/02/2016
Decision No. SIC/K/SA/02/2016/72

Subject: ***Second appeal of Shri Mohammad Rafiq Jan***

Respondent: PIO Srinagar Municipal Corporation (SMC),
Srinagar

Date of Institution: 20.01.2017

Date of Hearing: 16.03.2017

Decision: Appeal disposed of

Background:

In this Second appeal, the appellant Shri Mohammad Rafiq Jan has requested this Commission for imposing penalty on the Public Information Officer(PIO) of SMC Srinagar and for award of compensation for the loss suffered by him and for provision of information as asked for by him (Popular Automobiles, Qamarwari) vide his application dated 13.10.2016. The applicant has sought details of the rules of registration empowering cancellation of registration, date of cancellation of registration, date of last

tax collection, rules pertaining to demolition and any discretionary powers thereof. Through the same application, he has also asked for Xerox copies of powers of the officials of the SMC, rates of taxes, ATRs, whether the court of Municipal Magistrate was informed regarding the demolition notice, building permission of the new building raised behind M/s Popular Automobiles and other types of information pertaining to M/S Popular Automobiles P.C Depot Qamarwari Srinagar and disciplinary action taken against Ward Officer Ab. Rashid Parray and Building Inspector Mrs Nuzhat.

During the hearing of the case, the applicant stated that the information provided by the PIO was delayed by 10 days and that the said information was inadequate and that letter of the Ward Officer was incomprehensible and haphazard.

The appellant has filed the First Appeal on 21.11.2016. The SMC has responded to the appellant on 23.11.2016 vide No. SMC/Gen/RTI/710 in which the copy of the report of the Ward Officer Ward No. 25 has been provided to the applicant. This report was perused and found to be grossly inadequate as a reply to the RTI applicant's application for specific information.

On perusal of the information provided by the PIO to the applicant on 23.11.2016, it transpires that the PIO has assured to provide more information as per the application after the same is received from the Chief Revenue Officer and the Chief Enforcement Officer.

The PIO and the Assistant Public Information Officer (APIO) stated before the Commission that the applicant Shri Mohammad Rafiq Jan was a

habitual information seeker and there are some other cases in which he has sought information which is causing a lot of inconvenience to the SMC as lot of effort will be needed to comply, consolidate and photocopy the said information.

Directions:

On hearing both the parties in detail, the Commission makes the following directions:

1. The information sought by the RTI appellant Shri Mohammad Rafiq Jan vide his initial application dated 13.10.2016 may be provided by the SMC to the applicant within a period of one month w.e.f. today i.e., 16.03.2017 after the same is collected from the concerned quarters. None of the pieces of information sought by the applicant appears to be falling under exemption listed under Section 8 of the RTI Act and therefore the provision of information should not cause any problem. However, it is to be noted by the PIO that delay in collection of information from different quarters should not be made an excuse for not providing information to the appellant as sought for in the time frame stipulated above.
2. The FAA and the PIO of the SMC need to streamline the procedure within their RTI cells to ensure prompt response to the information seekers in future.
3. In particular, it was noticed that the FAA of the SMC has not responded to the RTI applicant's first appeal and therefore the FAA was found to be in default and in violation of the provisions of

the RTI Act. This is a serious matter, which needs to be addressed. No disciplinary action is being recommended this time as it is expected that the FAA namely the Commissioner of SMC will take necessary steps in future to avoid such incidents of non-response and delay. The FAA i.e., Commissioner SMC will intimate to the State Information Commission the steps being taken to streamline the procedure adopted in the implementation of RTI Act in the SMC within a period of one month from the date of issuance of these directions.

A compliance report in pursuance of the above directions should reach to the Registry of the Commission by or before 30th April, 2017

With these directions, the appeal filed before the Commission is disposed of.

Sd/-
(Khurshid A Ganai) IAS, Retd.
J&K State Chief Information Commissioner

No. SIC/K/SA/91/2016/

Dated: -03-2017

Copy to the:-

1. Commissioner SMC Srinagar
2. PIO SMC Srinagar
3. Pvt. Secretary to HCIC.
4. Sh. Mohammad Rafiq Jan S/o Mohammad Latif Jan R/o Firdous Abad, Lane No. 6, Batmaloo Srinagar
5. Guard File.

(M. S. Bhat)
Dy. Registrar,
J&K, State Information Commission