



Jammu and Kashmir State Information Commission

شہن یشن کم یٹ انفارم ی ر اس ٹ ی ن ڈ کشم ی جموں ا

(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/22/2017

Decision No. SIC/K/SA/22/2017/08

Final Order

Appellant : Sh. Ab. Majid Gagroo

Respondent : First Appellate Authority (FAA)/
Public Information Officer (PIO)
Srinagar Municipal Corporation (SMC) Srinagar

Date of Registration : 15.04.2017

Date of Decision : 31.05.2017

Brief Facts:

The appellant filed the 2nd appeal under section 16 (4) of the J&K Right to Information Act, 2009 against First Appellate Authority (FAA) Srinagar Municipal Corporation (SMC) Srinagar and Public Information Officer (PIO) SMC Srinagar alleging that in response to his RTI application he received some papers from the PIO and on perusal and while going through the papers it was found that information provided by the PIO was evasive, misleading and incomplete. Not satisfied with the information provided he filed First Appeal before First Appellate Authority (FAA). The FAA forwarded the First Appeal to the PIO SMC asking him to provide the information within stipulated time. The appellant has further

stated that despite lapse of two months after filing of the First Appeal, the appellant did not receive any response either from the FAA or from PIO Srinagar Municipal Corporation which made him to file 2nd Appeal before the Commission. The appellant has requested the Commission to take cognizance of the 2nd Appeal in terms of provisions of J&K Right to Information Act, 2009 and the rules framed there under.

As per the records, the appellant has filed the RTI application before PIO, SMC on 07.01.2017 seeking information on three queries namely title of the land, building permission and file nothings related to construction by way of RCC piling in progress at site where previously Regal Cinema building was existing at Regal Chowk Residency Road, Srinagar. The PIO vide letter dated 02.02.2017 has responded to the RTI application of the appellant. Not satisfied with the reply of PIO, the appellant filed First appeal before FAA SMC (Commissioner SMC) on 14.02.2017. The Private Secretary to Commissioner, SMC vide letter dated 16.02.2017 directed the PIO to provide the requisite information as sought for by the information seeker within the stipulated time frame. Thereafter, the appellant has filed the instant 2nd Appeal on the ground that after filing of First appeal, he did not receive any response from the FAA or the PIO.

Proceedings:

The 2nd Appeal was listed for hearing today on 31.05.2017. Mr. Hilal Ahmad Deewani PIO/Secretary SMC, Mr Mudasir Hussain Bandy/APIO SMC Srinagar and appellant Shri Abdul Majid Gugroo attended the hearing. During hearing, the PIO submitted that in response to RTI application of the appellant, part of the information was provided to him vide letter dated 02.02.2017 and the rest of the information comprising of 32 leaves has been provided to the appellant vide

letter dated 15.05.2017. The appellant admitted before the Commission that after filing of 2nd appeal before the Commission, he received complete information from the PIO SMC vide letter dated 15.05.2017 and he is fully satisfied with the information. The PIO also informed that all building permissions issued by the SMC are generally uploaded on the SMC Website. He also informed that building permission contains the names of persons in whose favour the permission has been granted. As regards title of the land he stated that the SMC issues building permission in favour of only such persons who produce proper documents pertaining to the land to entitle them for getting the building permission.

Decision:

During hearing, the appellant expressed satisfaction on receipt of information provided by the PIO SMC. He, however, made a general complaint that the RTI applicants face immense difficulties in the SMC and that they are made to run from pillar to post. He added that there was no proper system for handling RTI applications and appeals within SMC and that the First Appellate Authority i.e., the Commissioner SMC hardly conducts the First Appeal proceedings in the manner in which these ought to be done.

After hearing both the parties and after perusal of the papers/records on the file, following directions are hereby issued for compliance:

- 1. The Commissioner SMC is directed to take necessary steps to streamline the RTI cell/Cells within the SMC so that the applicants do not face difficulties as have been brought to notice of the Commission. In fact, similar directions have been issued in an earlier 2nd Appeal, the compliance report of which is yet to be received.*

2. *There is only one PIO within the SMC and it appears that the cumulative work load pertaining to disposal of RTI applications and seen in the context volume of information sought, there may be need for designating one additional officer as a 2nd PIO to be I/C of a certain number of departments/Divisions within the SMC. Similarly, an additional APIO may also be designated and appointed.*
3. *The SMC must update its website in terms of Section-4 and also take other necessary steps in terms of the provisions of the same Section.*
4. *An RTI counter/Window may be set up within SMC to whom all the applicants will approach first and where information as provided under Section-4 is available for the convenience of the RTI applicants. An official well versed with the provisions of the RTI Act and the rules thereof may be made I/C of the RTI counter/window.*
5. *In view of the admission of the applicant that he has now received the information as asked for, the appeal filed before the Commission is disposed of with the above directions.*

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

No: SIC/K/SA/22/2017_____

Dated: 31 .05.2017

Copy to:

1. Commissioner/FAA SMC Srinagar
2. Secretary/PIOSMC Srinagar

3. Appellant/Sh. Ab. Majid Gagroo R/o 150 Gole Market Karan Nagar near Govt. Girls High School Srinagar
4. Office file.

(Sheikh Fayaz Ahmad)
Registrar
J&K State Information Commission