



**Jammu and Kashmir State Information Commission**

شہن یشن کمیت انفارمیر اسٹیٹسٹ کشمیر 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**

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File No. SIC/K/Comp/14/2017  
Decision No.SIC/K/Comp/14/2017/16

**Final Order**  
**(Complaint)**

Complainant : Sh. Zahoor Gulzar.  
Respondents : First Appellate Authority (FAA)/  
Public Information Officer (PIO),  
Directorate of Urban Local Bodies, Kashmir.  
Date of Receipt : 16.08.2017.  
Date of Decision : 08.05.2018.

**Brief Facts:**

This is a complaint filed under section 15 of the J&K RTI Act, 2009 (Act for short) by Sh. Zahoor Gulzar, C/o. Global Kashmir, H.O. Munawar Shah Building 2<sup>nd</sup> Floor Polo View, Residency Road, Srinagar on 16.08.2017 interalia alleging that incomplete information has been provided to him in response to his RTI application dated: 18.05.2017.

**Proceedings:**

The complaint came up for hearing before the State Information Commission (SIC) for the first time on 20.12.2017. The hearing was attended by PIO/Sh. Javiad Ahmad Mir, Executive Officer, Municipal

Committee, Yaripora, PIO/Mr. Sarfaraz Ahmad Bhat, Executive Officer, Municipal Committee, Pahalgam and PIO/Mr. Mohammad Amin Padder, I/C Executive Officer, Municipal Committee, Verinag. The complainant did not attend.

On perusal of the records on file, it was observed that the complaint has been filed against the Directorate of Urban Local Bodies, Kashmir for failure to furnish information to the complainant/the then RTI applicant. It was further observed that the instant complaint has arisen out of RTI application dated: 18.05.2017 filed by one Zahoor Gulzar before the PIO, O/O Directorate of Urban Local Bodies, Kashmir who has incorrectly transferred the said RTI application to the Executive Officers in different Municipal Committees instead of collecting, compiling and providing the information in the capacity of the PIO of the Central office of the Public Authority and repository of all the record i.e. Directorate of Urban Local Bodies, Kashmir. This action of the PIO appeared to have been taken with a view to avoid providing the information by transfer of responsibility to more than one PIO to the inconvenience of the RTI applicant and, therefore, in contravention of Sections 5(3) and 6(3) of the Act. Accordingly, the hearing was adjourned with directions to the Registry to issue notice to the PIO and FAA of the Directorate of Urban Local Bodies, Kashmir for attending the next hearing. Further, the Registry was directed to send a copy of the complaint besides the copy of RTI application to the PIO and FAA of the Directorate of Urban Local Bodies, Kashmir for their counter statement. It was also directed that the copy of the counter

statement may also be sent by Director Local Bodies, Kashmir to the complainant for his information.

The complaint came up for hearing once again on 08.05.2018. The complainant was absent. The respondents were represented by Sh. Bashir Ahmad Sofi, Joint Director, Urban Local Bodies, Kashmir.

The Joint Director, Urban Local Bodies, Kashmir intimated that the information sought by the complainant has already been sent to him and this has also been stated in the counter statement dated: 02.01.2018 already sent to the complainant.

**Decision:**

**From the perusal of the complaint and the response of the Urban Local Bodies, Kashmir including the counter statement dated: 02.01.2018, it transpires that the complainant has reportedly been provided the information. This has been stated clearly by the Director, Urban Local Bodies, Kashmir in the counter statement dated: 02.01.2018 which reads as under:**

*“In compliance to the directions of the State Information Commission, the information in respect of Part-2<sup>nd</sup> of the application was obtained from the concerned Public Information Officers vide No. DULB/G/1114(246)/ 25943-45 dated: 29.12.2017 through special messengers and after consolidation provided to the applicant vide No. DULB/G/1114 (246)/26187-88 dated: 30.12.2017 through email/post.”*

**The Director has also assured as under:**

*“This office gives due regard to the rules and is always trying to make it convenient for the applicants to have the information under RTI Act easily without any hassle and are*

*committed to improve the system further in order to make it more comprehensive and easily accessible by the applicants.”*

**Keeping in view the response of the respondents, it will be in the interest of fair disposal of this complaint to dispose of this complaint with the following directions:**

- (i) The PIO of the Directorate of Urban Local Bodies shall exercise caution in future and become well versed with the provisions of the J&K RTI Act, 2009 to ensure that section 6 (3) is not misinterpreted or used to the detriment of the information seekers.**
- (ii) Director, Urban Local Bodies, Kashmir shall ensure proper training to the officials of the Directorate and Urban Local Bodies (ULBs) in the implementation of the J&K RTI Act, 2009.**
- (iii) Director, Urban Local Bodies, Kashmir shall also ensure implementation of the provisions of section 4 of the J&K RTI Act, 2009 in the Directorate of Urban Local Bodies (Kashmir) and all the Urban Local Bodies in Kashmir division.**

*With these observations the complaint is disposed of.*

*Copy of this decision be given free of cost to the parties.*

**Sd/-**

**(Khurshid A. Ganai)**

Chief Information Commissioner

(P.A. Ajay)

No: SIC/K/Comp/14/2017\_\_\_\_\_

Dated:

Copy to:

1. Director, Urban Local Bodies, Kashmir for information and necessary action.
2. Joint Director, Urban Local Bodes, Kashmir for information and necessary action.

3. PIO, Directorate of Urban Local Bodies, Kashmir for information and necessary action.
4. Private Secretary to CIC for information of the HCIC.
5. Complainant/Sh. Zahoor Gulzar, C/o. Global Kashmir, H.O. Munawar Shah Building 2<sup>nd</sup> Floor Polo View, Residency Road, Srinagar for information.
6. Office file.

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