



Jammu and Kashmir State Information Commission

شہن یشن کمیتہ 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**

www.jksic.nic.in

File No. SIC/J/A/35/2018

Decision No. SIC/J/A/35/2018/305

Final Order

(Second Appeal)

Appellant : Sh. Tarlok Chand Sharma.

Respondents : First Appellate Authority (FAA)/
Director, Urban Local Bodies, Jammu
and Public Information Officer (PIO)/
Executive Officer, Municipal Committee,
Kalakote.

Date of Registration : 04.05.2018.

Date of Decision : 28.08.2018.

Brief Facts:

The present appeal has originated from an RTI application dated: 16.10.2017 filed by the applicant Sh. Tarlok Chand Sharma, S/o. Late Isher Dass, R/o. Sair Kalakote, at present H.No. 43, Lane No. 06, Geeta Colony Barnai, P.O. Muthi with the PIO/Executive Officer, Municipal Committee, Kalakote seeking the following information:

a) If CGI sheet roofing of shops has been laid by Rama Anil Sharma, if so, under whose permission.

- b) Whether Rama Anil Sharma has sought proper permission from Municipal Committee for laying of CGI roofs to the partly constructed shops by me.*
- c) If Rama Anil Sharma was not entitled to lay CGI sheet roofing to these shops. If so, why the same has not been dismantled/removed.*

Having not received any information from the PIO, the applicant filed First Appeal before Deputy Director, Local Bodies, Rajouri on 28.11.2017 requesting that the requisite information be got supplied to him without any further delay. Finally, the applicant filed second appeal before the State Information Commission on 07.03.2018 (admitted on 04.05.2018) contending that no information has been provided and also that the FAA has not disposed of his First Appeal.

Proceedings:

The appeal came up for hearing before the Commission today on 28.08.2018. Sh. Rajinder Singh, Director, Urban Local Bodies, Jammu, Sh. Mohd. Bashir, Executive Officer, Municipal Committee, Kalakote and the appellant were present during the hearing. The appellant submitted that he has not received any information from the PIO till date. The PIO submitted that the RTI application claimed to have been filed by the appellant on 16.10.2017 has not been received by him. Subsequently, the appellant filed First Appeal with Deputy Director, Local Bodies, Rajouri when the FAA was Director, Urban Local Bodies, Jammu. The Deputy Director accordingly informed the applicant to approach the office of Director, Urban Local Bodies, Jammu so that his First Appeal is disposed of.

The FAA/Director, Urban Local Bodies, Jammu informed the Commission that the appellant never turned up for disposal of the First Appeal with the result the same could not be disposed of. Moreover, the basic RTI application has not been received and, therefore, no decision could be made in the First Appeal in absence of basic RTI application and for non-cooperation by the appellant.

The respondents also submitted that they are not in a position to furnish information in response to point (a) and point (c) of the RTI application. At point (a), the applicant has sought information whether the CGI sheet roofing of shops has been laid by Rama Anil Sharma and at point (c), the applicant has sought information if Sh. Rama Anil Sharma was entitled to lay CGI sheet roofing of these shops. The respondents submitted that such kind of information is not held by the public authority and as such no information can be given to the appellant with respect to points (a) and (c) of his RTI request. The Director, Urban Local Bodies, Jammu, however, submitted that information with respect to point (b) can be provided to the appellant as to whether the Municipal Committee, Kalakote has issued any permission to Sh. Rama Anil Sharma and whether Sh. Sharma had applied for the same.

After hearing the parties, the Commission directed the FAA and PIO to provide information to the appellant in respect of point (b) of the RTI application i.e. whether Rama Anil Sharma had applied for permission from Municipal Committee, Kalakote for laying of CGI roofing to the partly constructed shops and if so, whether any such permission has been

granted by the Municipal Committee in his favour. So far as information sought at points (a) and (c) of the basic RTI application is concerned, the same cannot be termed as 'information' within the meaning of section 2 (d) of the J&K Right to Information Act, 2009 and there is no obligation on the part of PIO to provide any reply to the appellant in respect of these queries.

Decision:

The appeal is accordingly disposed of with a direction to the PIO to provide information to the appellant in respect to point (b) of the basic RTI application within a period of 15 days from the date of receipt of this order.

The appeal is accordingly disposed of.

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

Sd/-

(Mohammad Ashraf Mir)
State Information Commissioner

Copy to the:

1. FAA/Director, Urban Local Bodies, Jammu
2. PIO/Executive Officer, Municipal Committee, Kalakote for information and compliance.
3. Appellant—Sh. Tarlok Chank Sharma R/o H. No. 43 Lane No. 06, Geeta Colony, Barnai, Jammu.
4. Office File

(Zaheer Abbas)
Assistant Registrar
State Information Commission.