



Jammu and Kashmir State information Commission
(Constituted under The Right to Information Act, 2009)
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www.jksic.nic.in

File No: SIC-K/SA/10/2013
Decision No: SIC-K/SA/10/2013/47

Title: Gousia Contractors Association v/s PIO SMC
Srinagar (Respondent)
(Appellant)

Present: 1. Hilal Ahmad Dewani, PIO SMC.
2. Mudassir Hussain, Asstt. General Secretary, SMC
3. Shri M. Umar Mattoo, Appellant.

Srinagar
23.05.2013

This is a Second Appeal filed by Gousia Contractors Association, Srinagar against the order of PIO and FAA Srinagar Municipal Corporation (SMC).

Documents brought on record reveal that an RTI application has been filed by Gousia Contractors Association on 27.12.2012 before PIO SMC seeking following information: -

“All the tenders and approvals of civil works department of 2012 given by the Srinagar Municipal Corporation under this date (27.12.2012)”.

PIO SMC has responded to the RTI application vide letter dated 21.01.2013 by informing Gousia Contractors Association to attend the office of Joint Commissioner, Works SMC on any working day during office hours for depositing

Rs. 10775/- in reference to their RTI application. Therefore PIO has responded to the RTI application within time.

Gousia Contractors Association have responded to the communication of PIO on 06.02.2013 by drawing the his attention to SRO 279 wherein copying charges has been fixed as Rs. 2/- per copy. On the same date Assistant Secretary (General) SMC has asked the Joint Commissioner Works SMC to charge fee as per SRO 279 dated 30.08.2012. Copy of this communication has been marked to the information seeker as well.

As no response was received, the appellant filed First Appeal with the FAA SMC stating therein that they have not received any information from the PIO under RTI Act and that they we were asked to meet the Joint Commission (Works) under letter No. SMC/Gen./1803 dated 06.02.2013 and pay Rs. 2/- per Xerox copy, as we are ready to pay the charges but nothing has been done so far.

The First Appeal has been disposed by the FAA SMC vide order No. SMC/Gen/271-72 dated 23.04.2013 as under: -

“The First Appeal filed by the Gousia Contractors Association, Karan Nagar, and Srinagar is not maintainable as under Section 3 of Jammu and Kashmir Right to Information Act, 2009 “Subject to the provisions of the Act, every person residing in the State shall have the right to information’.

In the present case the application/appeal has been filed by the Gousia Contractors Association, as such the appeal is not maintainable and is accordingly rejected”.

The Commission has observed that First Appeal as well the Second Appeal have been signed by one Shri M. Umar Mattoo. As per his voter I.D., Shri M. Umar Mattoo is a resident of S.R. Gunj, Srinagar. It is therefore established that person representing the Association is a resident of the State. The Information sought pertains to tenders and approvals of works of Srinagar Municipal Corporation which obviously involve public money and therefore disclosure of such

information is in larger public interest. The Commission feels that citizens seeking such information, which normally should be available in public domain should not be discouraged from seeking it merely on technical grounds.

Keeping the spirit of RTI Act in view, the appeal is allowed and the appellant Shri M. Umar Mattoo, representing the Gousia Contractors Association, has a right to seek information under section 3 of the J&K RTI Act, 2009. Accordingly PIO SMC is directed to indicate amount of copying charges payable as per SRO 279 (RTI Rules 2012) to Shri M. Umar Mattoo, General Secretary, Gousia Contractors Association within one week of pronouncement of this order and provide information admissible under the Act after copying charges are paid by the applicant.

The Second Appeal is accordingly disposed of.

Sd/-
(Nazir Ahmed)
State Information Commissioner

Copy to the: -

1. Commissioner Srinagar Municipality Corporation.
2. Secretary, Srinagar Municipality Corporation.
3. Sh. Mohammad Umar Mattoo, General Secretary, Gousia Contractors Association, Karan Nagar, Srinagar.

(Mohammad Sayed Shah)
Registrar,
J&K State Information Commission