



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262
Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937
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File No: SIC-J-A-34-2013
Decision No. SIC-J-A-34-2013/108

Sh. Raj Kumar Appellant	Present
Through Sh. R.S. Pathania (Advocate)		Present
Ms. Naseem AkhterPIO	Present
Dy. Superintendent of Police, Traffic City, Jammu		

Jammu
02-05-2013

Briefly the facts in this appeal are that Sh. Raj Kumar R/o Village Basantgarh, Teh. Ramnager (A/P, C/o R.S Pathania (Advocate), E.P. Flat No. 04, Rajinder Bazar, Jammu moved an application dated 13-09-2012 under J&K RTI Act, 2009 before the PIO / Dy. Superintendent of Police, Traffic City North C/o S.S.P Traffic Police, Jammu seeking the following information:-

- 1. Whether are not heavy vehicles (Buses/Trucks/other) heavy vehicles are allowed any entry in the over-crowded old city of Jammu from 10.00 to 17.00 hours (10 a.m to 5 p.m) (copy of relevant orders/instructions).*

- 2. If answer is in negative, why and how 70-odd big/heavy buses belonging to Delhi Public School, Jammu are allowed a free exit-and-entry in the old city of Jammu (Plying from the school premises of DPS at Jogi Gate Jammu to various specified locations throughout Jammu city and then back from these specified locations to DPS, Jammu)*
- 3. If any such permission (orally or in black and white), has been granted in favour of DPS, Jammu (copy of the same and reasons, rationale and justification behind the same).*

The PIO / Deputy Superintendent of Police, Traffic City North, Jammu furnished the information to the information seeker vide office letter no. DYSP/TCNJ/12/RTI/1039-42 dated 12-10-2012 and further vide letter no. DYSP/TCNJ/12/RTI/1144-47 dated 31-10-2012. The requisite information comprising 18 pages was supplied to the information seeker free of cost in view of being a BPL category presentation of the applicant. The PIO also explained to the information seeker that as per the Hon'ble High Court order dated 06-02-2009 which contains reference to the effect that the Hon'ble Supreme Court of India guidelines are in place empowering the RTO Authorities to permit the school buses to travel in cities under temporary permission from the concerned authorities. However, with regard to moving of trucks in the cities, the J&K Hon'ble High Court order dated 27-10-2005 is in place empowering the traffic dealing hands to allow the entry of trucks in the cities on the times scheduled in the said Hon'ble High Court order. The information seeker was also informed that the movement of trucks is being observed in accordance to guidelines issued by the Hon'ble High Court.

The information seeker feeling aggrieved of the information provided to him by the PIO preferred appeal before the 1st Appellate Authority / Sr. Superintendent of Police, Traffic City, Jammu and 15-12-2012. The 1st Appellate Authority provided a copy of Hon'ble Supreme Court of India Judgment Order dated 06-09-2012 to the applicant which gives clear orders for RTO's to extend permission in respect of school vehicles to enter the

interior cities as per their requirement for picking and dropping of students to their homes. The school authorities have been extended right to apply and sought such temporary permissions from concerned RTO's. The information seeker was further informed that there were confirmed records with Delhi Public School (DPS) and RTO office, Jammu where under on the basis of above Court directions necessary temporary permission have been sought by DPS to run their buses within the city. The record of RTO office Jammu placed in the file confirms the legality of such permissions. The applicant was provided reports and documents which were submitted by RTO office Jammu and DPS, Jammu in response to his form-1 & First Appeal and nothing was concealed thereof by the PIO and FAA.

However, the appellant preferred 2nd appeal before the Commission on 20-02-2013 which was listed for hearing on 12-04-2013 and despite proper notice from the Commission and telephonic message about the date of hearing, the appellant failed to cause his appearance before the Commission. However, in order to provide him another opportunity to appear before the Commission and plead his case, the matter was adjourned and listed for hearing on 02-05-2013 and the appellant appeared alongwith his counsel. The learned counsel for the appellant submitted during the course of proceedings that the PIO be directed to provide revised information as the information already furnished is incomplete in some respects. Keeping in view the request of the counsel of the appellant, the PIO is directed to furnish the revised information free of cost and as available in office record within three weeks from the date of pronouncement of this order under an intimation to the Commission.

The appeal is accordingly disposed of.

Notice of this decision be given free of cost to the parties.

Sd/-
Dr. S.K. Sharma
State Information Commissioner

Copy to the :

1. First Appellate Authority/ Sr. Superintendent of Police, Traffic City, Jammu.
2. Public Information Officer / Mtr. Naseem Akhter, Dy. Superintendent of Police, Traffic City, Jammu.
1. Sh. Raj Kumar R/o Village Basantgarh, Teh. Ramnager (A/p C/o R.S. Pathania Advocate, E.P. Flat No. 04, Rajinder Bazar, Jammu.

Jang Bhadur
Joint Registrar
State Information Commission