

1. Number of works tendered by both civil divisions of Jammu Municipal Corporation during 2012-13 below Rs. 5 lacs and total amount involved therein ?
2. Number of works below Rs. 5 lacs allotted by both civil divisions of Jammu Municipal Corporation to Self Help Groups and total amount involved therein?
3. Total NITs issued during the year 2012-13 by both civil divisions of Jammu Municipal Corporation for the works below Rs. 5 lacs mentioning name of the each newspaper and date on which these NITs were published?
4. List of works bifurcated after accord of AA above Rs. 5 lacs by both civil divisions of Jammu Municipal Corporation specifying reasons for bifurcation and providing copy of orders for each such bifurcation of works?

The PIO/Secretary, Municipal Corporation, Jammu forwarded the application of the information seeker vide office No:JMC/S/RTI/Comp/1322-23 dated 26-03-2013 to the Executive Engineers © and (T) Municipal Corporation, Jammu to provide the requisite information to the information seeker within the statutory period. The Executive Engineers, © and (T) Municipal Corporation, Jammu failed to provide any information to the information seeker within statutory period. The PIO/Secretary, Municipal Corporation, Jammu sent a reminder to them vide office No: JMC/S/RTI/Comp/1428-32 dated 29-04-2013 with a request to dispose off the RTI application as expeditiously as possible and in any case within thrity days of the receipt of the request. The PIO also drew their attention to section 5(5) which mandates that "any officer, whose assistance has been sought under sub-section (4) shall render all assistance to the Public Information Officer seeking his or her assistance and for the purposes of any contravention of the provisions of the Act, such other officer shall be treated as a Public Information Officer." The PIO/Secretary, Municipal Corporation, Jammu also requested them to provide the information to the applicant directly. The information seeker received no response from the Executive Engineers © and (T) Municipal Corporation, Jammu within statutory period as mandated under the RTI

Act, 2009 and was thus constrained to file appeal dated 6-05-2013 before the FAA i.e Commissioner, Municipal Corporation Jammu. The Commissioner, Municipal Corporation Jammu/FAA requested to the Executive Engineers © and (T) Municipal Corporation, Jammu vide office No:MJ/ESstt/1880-85 dated 1-06-2013 to provide requisite information to the applicant within 10 days positively under an intimation to his office. The aforesaid letter went unheaded and Commissioner/FAA, Municipal Corporation, Jammu sent a reminder to Executive Engineers © and (T) Municipal Corporation, Jammu vide office No:MJ/Estt/2155-60 dated 14-06-2013 and directed them to provide the requisite information to the information seeker as per RTI application within three days positively under an intimation to his office. Despite the aforesaid letters from FAA, the Executive Engineers © and (T) Municipal Corporation, Jammu failed to provide information to the information seeker. Thus feeling aggrieved of inaction on the part of the Executive Engineers © and (T) Municipal Corporation, Jammu, the information seeker approached the Commission by filing second appeal dated 4-07-2013 in which he has alleged that the Executive Engineers © and (T) Municipal Corporation, Jammu has not responded to the orders of the FAA which amounts to denial of a legitimate right of the information seeker and warrants penal action under the provisions of RTI Act, 2009. The appellant also prayed that Executive Engineers © and (T) Municipal Corporation, Jammu be directed to make available requisite information and penalty be imposed on them for failure to comply with the mandate of the RTI Act, 2009. After receiving the appeal of the information seeker, Commission vide notice No: SIC/J/A/2013/167/2913-14 dated 11-07-2013 directed the PIO/Secretary, Municipal Corporation Jammu and Executive Engineers © and (T) Municipal Corporation, Jammu to send counter reply to the Commission within 7 days from the receipt of the notice, but they failed to comply with the direction of the Commission. The matter was listed for hearing on 22-

08-2013 (10.30 a.m) at Jammu office. The appellant and PIO/Secretary, Municipal Corporation Jammu were present whereas Executive Engineers © and (T) Municipal Corporation, Jammu remained absent despite proper notice from the Commission. The matter was again listed for hearing on 12-09-2013. Sh. Sunil Gupta Executive Engineer ©, Municipal Corporation, Jammu and Sh. T.L Thapa, Executive Engineer (T) Municipal Corporation, Trikuta Complex, Dogra Hall, Jammu appeared before the Commission. Sh. Sunil Gupta © Executive Engineer, Municipal Corporation Jammu submitted before the Commission that he has furnished the information to the information seeker vide No: MJ/13-14/Tech/C/1959-60 dated 4-09-2013 alongwith certain enclosures. The information seeker also acknowledged the receipt of the same.

During the course of proceedings held today, the information seeker pointed out that the information provided to him is incomplete and not as per his RTI application. Sh. Sunil Gupta, Executive Engineer © agreed to furnish the revised information to the information seeker within 3 days from the date of pronouncement of this order. Sh. T.L Thapa, Executive Engineer (T), Municipal Corporation, Trikuta Complex Dogra Hall Jammu, however, provided a letter bearing No: MJ/13/Tech/T/2503-05 dated 26-08-2013 containing some information to the information seeker. The information seeker after going through the information provided to him alleged that it is incomplete and not as per his RTI application. Sh. T.L Thapa, Executive Engineer (T), Municipal Corporation, Trikuta Complex Dogra Hall, Jammu agreed to provide the revised and complete information alongwith enclosures to the information seeker within 3 days from the date of pronouncement of this order.

In view of the aforesaid facts and observations, both the Executive Engineers © and (T) are hereby directed to provide the requisite information to the information seeker free of cost within 3 days positively from the date of pronouncement of this order under an intimation to the Commission.

Perusal of the facts shows that there is inordinate delay on the part of the both the Engineers © and (T) Municipal Corporation, Jammu in furnishing the information to the information seeker within the statutory period as mandated under the RTI Act, 2009. Both the Executive Engineers Sh. Sunil Gupta and Sh. T. L Thappa are hereby directed to show cause why the penalty under section 17 of J&K RTI Act, 2009 shall not be imposed upon them for causing unreasonable delay in furnishing the information to the information seeker within 2 weeks from the date of receipt of this order.

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 :-

1. First Appellate Authority / Commissioner, Municipal Corporation Jammu.
2. Public Information Officer /Secretary, Municipal Corporation, Jammu.
3. Sh. Sunil Gupta, Executive Engineer ©, Municipal Corporation, Jammu.
4. Sh. T.L Thapa Executive Engineer (T), Municipal Corporation, Trikuta Complex, Dogra Hall, Jammu.
5. Sh. Rajiv Chuni, Editor-Daily Refugee Message S/o Pt. Madan Lal Chuni, R/o 450-Bakshi Nagar, Jammu.

(Khalid. A. Shah)
Dy. Registrar
J&K State Information Commission