



J&K State Information Commission
Wazarat Road, Near D.C. Office, Jammu /
Old Assembly Complex, Srinagar.

File No. SIC/J/A/15/2016
Decision No. SIC/J/A/15/2016/333

Appellant : Shri S. Kumar
Respondent: Irrigation/Flood Control, Jammu.
Date of Institution: 02-05-2016
Date of Decision: 01-06-2016/
State Information Commissioner: Er. Nazir Ahmad
Decision: Appeal disposed of.

1. Brief facts of the case are that Mr. S.Kumar filed 2nd appeal before the Commission on 02-05-2016, stating that he filed an RTI application before PIO, O/o Chief Engineer, Irrigation & Flood Control, Jammu on 05-02-2016, seeking information pertaining to Chief Engineer's office. That Technical Officer to Chief Engineer (PIO) vide letter dated: 10-02-2016 transferred application to Executive Engineer, Division –I and II and Superintending Engineer and other sub-ordinate Executive Engineers under Section 6(3) of the Act to provide information within 30 days. That Technical Officer to SE, Hydraulic Circle, Jammu transferred RTI application to sub-ordinate offices under RTI Act. Having not received information within 30 days, appellant filed first appeal before Chief Engineer/FAA on 08-03-2016, which was transferred to Superintending Engineer, Hydraulic Circle, vide letter dated: 19-03-2016 with direction to decide the appeal. That appellant wrote to Chief Engineer to provide copy of the order, whereunder, SE has been designated as FAA. That Superintending Engineer, Hydraulic Circle, Jammu vide letter dated: 28-03-2016 called appellant, PIO, O/o Chief Engineer, Executive Engineer, Irrigation Division-I & II to dispose of the appeal on 02-04-2016. That appellant received this intimation of SE on the day of hearing, which was accordingly communicated to Superintending Engineer. However, till date no reply to the said letter has been communicated to the appellant. In the grounds of appeal, appellant submitted that Technical Officer/PIO to Chief Engineer instead of providing information has transferred application to SE, Hydraulic Circle, Jammu and Executive Engineers of Jammu Division, whereas, information sought was pertaining to Office of Chief

Engineer. Appellant further submits that incomplete information was provided by Executive Engineers.

2. Er. Rajeev Gandotra, Chief Engineer, I&FC, Jammu, R.K.Gupta, SE (Hyd), Jammu, Anil Sharma, Executive Engineer, Irrigation Division-I, Jammu, Naresh Kumar, Executive Engineer, Irrigation Division-II, Jammu and the appellant Mr. S.Kumar heard via video conferencing from Jammu Office of the Commission.

3. In compliance to notice of the Commission dated: 18-05-2016, Er. Sunil Bhasin, PIO/Technical Officer to Chief Engineer, Irrigation /Flood Control, Jammu has filed reply/counter statement dated: 25-05-2016, with a copy to the appellant, stating therein that information has been provided to the appellant by Executive Engineer, Irrigation Division-I, Jammu and Executive Engineer, Irrigation Division-II and other concerned officers. Appellant has filed written arguments dated: 31-05-2016 on the counter statement filed by FAA and PIO, contesting information at para's (ii), (iii), (iv), (vi), (vii), (viii) and (ix) of the application.

4. Heard parties and perused documents. In respect of Point 2, jurisdiction of Irrigation Division-I has already been provided, as reflected by the appellant. However, jurisdiction of Division-II for the year 2014-15 has not been provided, as per appeal. PIO submitted that this information has been provided on 04-03-2016. Appellant submitted that he is not satisfied with the information regarding jurisdiction. However, he has not provided any documentary evidence. Since the mandate of the Act is to provide information as per record and not to satisfy appellant, therefore, no action is warranted.

5. In respect of information sought at point 3, appellant has submitted that PIO, O/o Chief Engineer, I&FC, Jammu did not provide full and consolidated information; however, the subordinate offices provide some figures of budget allocation but that does not serve the purpose. Accordingly, he has requested PIO, O/o Chief Engineer, I&FC, Jammu and PIO, O/o SE, Hydraulic Circle, Jammu to provide information about budget allotted and expenditure statement complete in all respects. As regards budget allocation by the Government, this information, i.e., copies of orders of allocation made by the Government should be available in the Planning and Accounts sections of Chief Engineer's Office. Therefore, PIO, O/o Chief Engineer, I&FC, Jammu is directed to provide this information to the appellant as per RTI application within two weeks. Regarding limb of information, i.e., expenditure statement, this information is compiled by the concerned DDO's, i.e., Executive Engineer's and is reflected in

the Quarter Progress Report and monthly accounts, which are submitted to the AG's office with copy to Chief Engineer and Superintending Engineer. During proceedings, one of the Executive Engineer submitted that accounts statement compiled by division has already been provided to the appellant. Therefore, PIO's, O/o Chief Engineer, I&FC, Jammu is directed to provide remaining information of Irrigation & Flood divisions under Hydraulic Circle, Jammu, ending March, 2015 (2014-15) and ending March, 2016 (2015-16) and file a compliance report to the Commission within two weeks.

6. Information sought at point 6, regarding transfer of one Shri Kuldeep Singh, Jr. Assistant provided during proceedings.

7. In respect of point 7, Executive Engineer, Division-I has informed that only one retired employee of Irrigation Department has encroached the land of Irrigation Department and notices have been issued for encroachers and encroachments would be removed as and when orders are issued by Divisional Commissioner's office. Appellant submitted that name of the said employee has not been disclosed and also copy of said notice (s) has not been provided to him. Therefore, Executive Engineer, Irrigation Division-I is directed to provide copy of notice(s) to the appellant, which would obviously be in the name of the encroacher.

8. Regarding information sought at point 8, appellant has submitted that copy of sanction granted by Chief Engineer/Superintending Engineer has not been provided. However, in communicated dated: 26-05-2016, Chief Engineer, Irrigation & Flood Control, Jammu has informed appellant that CAO, Irrigation & Flood Control, Jammu has confirmed vide letter dated: 25-05-2016 that no sanction of auction of scrabs is granted for the year 2014-15 and 2015-16, which reply has already been sent. Therefore, PIO, O/o Superintending Engineer, Hydraulic Circle, Jammu is directed to communicate to the appellant, copy of order of auctions of scrabs granted during 2014-15 and 2015-16 or otherwise within two weeks.

9. As regards information sought at point, 9, Chief Engineer, Irrigation & Flood Control, Jammu /FAA submitted that particulars of FAA's/PIO's are displaced on notice boards. However, he is directed to put this information on website of the department, as per mandate of Section 4 of the Act.

10. The Commission is of the view that information sought at point 3, regarding budget allocation & expenditure, is covered under Section 4 of the Act. Therefore, it is obligation of the

public authority to disseminate this information on the website of the department, so that citizens do not have to resort to RTI for accessing such information. Chief Engineer submitted that website of the department is not functional due to some technical snags and matter has been taken up with NIC. He assured that information of budget allocation & expenditure shall be uploaded on the official website, as soon as it is made functional.

11. Regarding issue of filing of first appeal, Chief Engineer submitted that since RTI application has been transferred to Executive Engineers under Section 6(3), the, first appeal was transferred to designated FAA to Executive Engineers, which is Superintending Engineer. Therefore, Commission is of the view that action taken by the Chief Engineer is in accordance with provisions of the Act. However, PIO, O/o Chief Engineer instead of mechanically transferring application to Executive Engineers, should have sought assistance of Planning & Accounts Section in the office of Chief Engineer under Section 5(4) of the Act and limb of information available in his office should have been provided to the appellant. Therefore, Chief Engineer, Irrigation & Flood Control, Jammu is directed to instruct PIO in his office as well as Head of Sections under his administrative control to deal with RTI applications in accordance with various provisions of the Act, so that subordinate offices are not burdened with compilation of information, which should ordinarily be available in Chief Engineer's office in compiled form.

12. With above directions, the appeal filed before the Commission is disposed of.

Sd/-

(Er. Nazir Ahmad)

State Information Commission

Dated: -06-2016

No. SIC/J/A/15/2016

Copy to the:-

1. First Appellate Authority, O/o Chief Engineer, Irrigation & Flood Control, Jammu.
2. Public Information Officer, O/o Chief Engineer, Irrigation & Flood Control, Jammu.
3. PIO, O/o SE, Hydraulic Circle, Jammu.
4. Executive Engineers, Irrigation Division-I and II, Jammu (PIOs).
5. Pvt. Secretary to HSIC.
6. Shri S. Kumar C/o M/s Kashmir Typewriters, Mubarak Mandi, Old Secretariat Road, Near Chowk Chabutra, Jammu (Appellant).
7. Guard file.

(G.Q.Bhat)

Registrar,

J&K, State Information Commission