



Jammu and Kashmir State Information Commission
(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/K/SA/50/2017
Decision No. No. SIC/K/SA/50/2017/**35**

Appellant : Mr. M. Ibrahim Tantray

Respondent : First Appellate Authority (FAA)/Public
Information Officer (PIO) Executive Engineer
PMGSY Division Budgam

Date of Registration : 28.07.2017

Date of Decision : 30.08.2017

Brief Facts:

Brief facts of the case are that Shri Muhammad Ibrahim Tantray R/o Gogaldara, Tangmarg filed second appeal before the Commission against (FAA)/(PIO) Executive Engineer PMGSY Division Budgam on 28-06-2017. The appellant alleged that in response to his RTI application dated 16-02-2017, the PIO vide letter dated 20-03-2017 provided him misleading and incomplete information. Thereafter, his first appeal filed before FAA office

of Executive Engineer PMGSY Division Budgam has neither been replied nor any hearing was conducted in the matter.

As per the records, the appellant vide RTI application filed through post on 16-02-2017 has sought the following information from the PIO:-

“Copy of DPR and Survey report pertaining to the construction of road from Dudroo to Nowgam Block Khag”

The PIO vide letter dated 20-03-2017 replied to the applicant (now appellant) and provided information consisting of 52 leaves. On 26-04-2017, the appellant filed First appeal before the FAA/Executive Engineer, PMGSY, Division Budgam. The appeal was reportedly received in the office of Executive Engineer, PMGSY, Division Budgam on 26-04-2017. Thereafter, on 28-06-2017, the appellant filed second appeal before the Commission against the inaction of the FAA. On scrutiny of the second appeal, some deficiencies were pointed out, which the appellant got completed on 28-07-2017 and accordingly second appeal was admitted.

Proceedings before the Commission:

The 2nd appeal was listed for hearing before the Commission on 30-08-2017. Shri Aftab Ahmad Qureshi, PIO/Executive Engineer, PMGSY, Division Budgam attended the hearing. During the proceedings before the Commission, the appellant informed that complete information sought by him from the PIO has not been provided to him till date. The PIO stated

that he has recently joined as Executive Engineer of the PMGSY Division, however, his predecessor has already provided the information to the appellant vide letter dated 20-03-2017. The appellant admitted to have received the information but alleged that the same was incomplete and misleading.

Both parties were heard at length and records perused. It was observed that the First appeal filed by the appellant with the FAA office of Executive Engineer PMGSY Division Budgam has remained undecided as it was not submitted to the designated FAA i.e. S.E (PMGSY). The Executive Engineer (PMGSY) also did not forward the first appeal to the designated FAA i.e. SE. It is certainly a lapse on the part of the PIO/Executive Engineer (PMGSY) and his office staff. Had a first appeal been heard by the FAA/SE (PMGSY), may be the appellant may not have been forced to file the second appeal in the SIC.

Be that as it may, the PIO agreed during the hearing today to provide the requisite information to the appellant after considering what has been already provided and what balance information now needs to be provided. The appellant was also asked to contact the PIO and obtain the balance information within a period of 30 days from the date of receipt of this order.

As regards the handling of the RTI appeal by the PIOs and FAAs in the Engineering departments in the State, there is scope for great improvement. Following observations and recommendations are being made here with the intention that the Engineering Departments in the State viz. Civil, Mechanical, Electric etc will take due notice and make an honest effort to correct the deficiencies and curbs incidence of negligence:

1. Lack of adequate awareness about J&K RTI Act, 2009 and J&K RTI Rules 2012 needs to be addressed individually as well as through trainings. In particular, the PIOs of the Engineering departments need to be trained on a large scale about the duties and responsibilities of the PIOs under the RTI Act and the Rules.
2. SEs & CEs of the Engineering Departments are generally unaware about the role of First Appellate Authority (FAA) under Section 16 of the J&K RTI Act. They need to be made aware through training and orientation sessions.
3. Implementation of the provisions of Section 4 regarding suo-moto disclosure of information and building a culture of transparency about the projects, schemes and works of the Engineering departments need to be addressed. Every Distt/SE circle must have an updated web site and so also the CEs, Administrative Secretariat of the PWD (R&B) Department etc. so that information about projects, schemes, works, costs etc. is available to the general public who will not then have to come through RTIs to seek information about the projects, schemes and works affecting their areas/villages/towns etc. When we talk about RTI for development, we, as a starting point, will expect basic levels of transparency at the level of Public Authorities themselves so that RTI will be used only to obtain information in cases of wrong doing, favouritism etc. Basic information about the department and the activities must be disclosed suomoto through own updated websites and other means as prescribed in Section-4 of the J&K RTI Act, 2009..

With these directions, the 2nd appeal filed before the Commission is disposed of.

Sd/-

(Khurshid A. Ganai) *IAS Retd*
Chief Information Commissioner

Copy to the:-

1. PIO/Executive Engineer, PMGSY, Division Budgam
2. Chief Engineer, PMGSY, Kashmir
3. Superintending Engineer, PMGSY, Division Budgam
4. Appellant Muhammad Ibrahim Tantray
5. Office file.

(Sheikh Fayaz Ahmad)
Registrar
J&K State Information Commission