



**Jammu and Kashmir State Information Commission**

شنیشن کمیٹ انفارمیری اسٹینیٹ کشمیری جموں ا

(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](http://www.jksic.nic.in)

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File No. SIC/CO/SA/487/2017

Decision No. SIC/CO/SA/487/2017/1020

**Final Order**

**(2<sup>nd</sup> Appeal)**

Appellant : Sh. Firdous Ahmad Bhat.  
Respondent : First Appellate Authority (FAA)/  
Public Information Officer (PIO), Department of  
Public Health and Engineering, J&K, Jammu.  
Date of Registration : 02.08.2017  
Date of Decision : 27.11.2017

**Brief Facts:**

The appellant Sh. Firdous Ahmad Bhat, Advocate S/o. Ghulam Mohammad Bhat, Chamber No. 84, Lawyers Chamber, J&K High Court, Srinagar R/o. Gund Checkpora B.K. Pora, Budgam, J&K filed RTI application dated: 20.02.2017 with the PIO, O/O. Chief Engineer, PHE, J&K Rajbagh Srinagar seeking information on 13 points relating to Drinking Water Supply and related schemes in District Budgam.

The PIO did not furnish any reply, as such applicant (now appellant) filed First Appeal with the FAA, O/O Commissioner Secretary, Public Health

and Engineering Department, Civil Secretariat, Srinagar on 07.06.2017. The FAA too did not provide him the requisite information. At last the appellant approached the State Information Commission (SIC) by filing 2<sup>nd</sup> Appeal with the State Information Commission (SIC) on 02.08.2017.

**Proceedings:**

The instant 2<sup>nd</sup> Appeal came up for hearing before the State Information Commission (SIC) on 23.10.2017. The hearing was attended by Sh. Ashok Kumar Sharma, Additional Secretary-cum-FAA, PHE, I & FC Department and PIO/Sh. Mohd. Ayub, Private Secretary to Chief Engineer, Kashmir PHE Department Srinagar. The appellant did not attend despite due notice. The PIO submitted that upon receipt of the RTI application he transferred the same to other PIOs of his Department under section 6 (3) for providing information directly to the appellant. He submitted a document dated: 14.10.2017 and earlier communication dated: 28.08.2017 which confirmed the transfer but nothing concrete regarding actual provision of information emerged out of it.

FAA also submitted a document dated: 11.09.2017 stating therein that the appellant had not filed the First Appeal with the designated First Appellate Authority (FAA).

Respondents were heard and the record was also perused. The hearing was adjourned with the directions to the Commissioner/Secretary to Government, PHE, I & FC Department to designate any other officer atleast of the level of Technical Officer/Executive Engineer as the PIO for the office of the Chief Engineer, Kashmir as it was felt that a junior officer

has been designated as PIO. It was also observed that the PIO has not handled the case properly. He has invoked section 6 (3) instead of resorting to section 5 (4) of the J&K RTI Act, 2009 because the information sought for pertained to the same public authority i.e. PHE Department, Kashmir. The PIO has without due application, transferred the RTI application to numerous other PIOs of the subordinate offices which put the appellant to unnecessary hardship which is certainly not the intent of the Act.

The State Information Commission (SIC), therefore, directed the PIO, O/O Chief Engineer to collect all the information from the subordinate units/Divisions and furnish the same to the appellant within 30 days from the date of receipt of the order.

This 2<sup>nd</sup> appeal was filed in the SIC on 02.06.2017 and first sixty days expired on 02.10.2017 but with a view to hear all the parties and for appropriate final disposal of the appeal, the time period for disposal was extended by another 60 days upto a maximum of 120 days from the date of filing of the appeal in terms of section 16(11) of the J&K RTI Act, 2009.

The appeal was listed for final hearing before the Commission on 27.11.2017. The hearing was attended by FAA/Sh. Ashok Kumar Sharma, Additional Secretary-cum-FAA, PHE, I & FC Department, Civil Secretariat, Jammu. PIO/Sh. Abdul Rashid Ganie, Technical Officer, O/O Chief Engineer, PHE Department, Kashmir was heard through Video Conferencing from Srinagar office of the Commission. The appellant did not attend.

FAA submitted a copy of order dated: 25.10.2017 whereby FAAs and PIOs for the Kashmir Division of PHE Department have been designated. He stated that steps have been taken for streamlining the functioning of RTI Cells for prompt disposal of RTI applications and First Appeals in the Administrative Department and subordinate offices as well. He further assured that information is being collected in pursuance to Commission's last interim order dated: 23.10.2017 and will be provided to the appellant at the earliest.

The PIO informed that information pertaining to 4 divisions has already been provided to the appellant.

The case was heard at length during different hearings and record was also perused.

**Decision:**

**After hearing the FAA and the PIO, the State Information Commission (SIC) observes that the Department has initiated follow up action on interim order dated: 23.10.2017 and has taken steps for streamlining the disposal of RTI applications and First Appeals by designating FAAs and PIOs in the subordinate offices. To further strengthen the system, the SIC in terms of section 16 (9)(a) (iii) & (iv) of the J&K RTI Act, 2009 impresses upon the PHE Department to take steps to upload on its website vital information about the departmental activities, development programmes, schemes and fund flow and expenditure in pursuance of section 4 of the Act. Further, the PIO is directed to**

**provide all the information as sought for by the appellant in his basic RTI application within 30 days from the date of receipt of this order.**

*With the above directions the second appeal is disposed of.  
Copy of this decision be given free of cost to the parties.*

**Sd/-**  
**(Khurshid A. Ganai) IAS Retd.**  
Chief Information Commissioner  
J&K State Information Commission

No: SIC/CO/SA/487/2017\_\_\_\_\_

Dated: . .2017

Copy to:

1. Registrar, J&KSIC for information and necessary action.
2. First Appellate Authority (FAA)/Additional Secretary, PHE, I & FC Department, Civil Secretariat, Jammu.
3. Public Information Officer (PIO)/Technical Officer, O/O Chief Engineer, PHE Department, Kashmir for information and necessary action.
4. Private Secretary to CIC for information of the HCIC.
5. Appellant/Sh. Firdous Ahmad Bhat, Advocate S/o. Ghulam Mohammad Bhat, Chamber No. 84, Lawyers Chamber, J&K High Court, Srinagar R/o. Gund Checkpora B.K. Pora, Budgam, J&K.
6. Office file.

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