



Jammu and Kashmir State Information Commission

شٹیون کمٹی انفارمیری اسٹیونڈ 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

File No. SIC/CO/SA/530/2017

Decision No. SIC/CO/SA/530/2017/1081

Final Order

(2nd Appeal)

Appellant	:	Sh. Aijaz Iqbal (Advocate), Chamber No. 161, New Lawyers Chambers, Janipur High Court, Jammu.
Respondents	:	First Appellate Authority (FAA)/ Public Information Officer (PIO), Integrated Watershed Development Project (IWDP) Hills, J&K, Jammu.
Date of Registration	:	07.11.2017
Date of Decision	:	08.03.2018

Brief Facts:

The appellant Sh. Aijaz Iqbal (Advocate), Chamber No. 161, New Lawyers Chambers, Janipur High Court, Jammu while exercising his right to information filed RTI application dated: 24.07.2017 with the PIO, IWDP Hills, J&K State, Jammu seeking information on the following 05 points:

- (i) *Total amount/year-wise details/work-wise distributions/estimated costs/mode of work allotment/names of all such people who were involved in execution of developmental works and mode of their selection/nomination/agencies involved while utilizing developmental works*

(including plantation works, carving out of roads, protection works, building of storage tanks, development of Dalsar lake, construction of water-tanks, bowlies, building works etc. etc.) in Ramnagar assembly segment right from the very inception of IWDP project at Ramkote till its wind-up from Ramnagar.

- (ii) The photo-copies of work-orders along with public resolutions, if any, or reasons for passing such work-orders in favour of people who have executed the works while utilizing developmental funds. In case any of the work-order has been issued under the influence of MLA Ramnagar, copies of those supporting/reference letters, DOs.*
- (iii) Whether or not at the time of start of works on schemes/projects, a formal handover from the concerned department was made and whether or not, when projects were deserted by IWDP, a formal hand-over was then made over the concerned departments.*
- (iv) What steps have been taken by IWDP to ensure the quality-check of various projects/schemes?*
- (v) What steps have been taken by IWDP or Deptt. of Forests to ensure that schemes/projects executed by IWDP are maintained in good shape and are time to time upkeep/maintained by Deptt. of Forests? What is the present status of all the projects/schemes executed by IWDP in Ramnagar till now?*

Aggrieved by the non-response of the PIO, the applicant (now appellant) filed First Appeal with the FAA/Joint Director, IWDP Hills, J&K on 30.08.2017. The FAA too did not provide him the requisite information nor disposed of the First Appeal. Aggrieved by the non-disposal of the First Appeal by the FAA and the non-provision of requisite information from the concerned PIO, the appellant approached the State Information Commission (SIC) by filing 2nd Appeal which was admitted on 07.11.2017.

Proceedings:

The instant 2nd Appeal came up for hearing before the State Information Commission (SIC) on 02.01.2018. The hearing was attended by PIO/Sh. Lalit

Kumar Sharma, CEO, IWDP Ramnagar and the appellant. The hearing was adjourned with the following directions:

"The appellant is directed to go through the information provided to him by the PIO, IWDP Hills during the proceedings (today on 02.01.2017) and file rejoinder, if any. The FAA is also directed to explain the reasons for not disposing of the First Appeal in the manner as has been mandated under Section 16 of the J&K RTI Act, 2009."

This 2nd appeal was filed in the SIC on 07.11.2017 and first sixty days expired on 07.01.2018 but owing to the need for conduct of more hearings for appropriate and final disposal of the appeal, the time period for disposal was accordingly extended by another 60 days up to a maximum of 120 days from the date of admission of the appeal in terms of Section 16 (11) of the J&K RTI Act, 2009.

The appeal again came up for hearing today on 08th of March, 2018. The hearing was attended by PIO/Sh. Lalit Sharma, CEO, IWDP Ramnagar and Sh. Abdul Dayim, I/C Administrative Officer, IWDP Hills J&K-cum-PIO Headquarter (on behalf of FAA/Joint Director). The appellant remained absent.

During the hearing, the respondents submitted that they have provided full information to the appellant as per his RTI application in compliance with the directions of the SIC issued during the last hearing conducted on 02.01.2018 and that they have fully complied with the directions.

Decision:

Since the appellant did not attend the hearing despite advance notice and telephonic message, there is no option before the SIC but to

assume that he has been provided the full information as also reported by the PIO, IWDP, today on 08.03.2018, and that there is nothing left to adjudicate in this second appeal. Accordingly, this second appeal is disposed of as closed.

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

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

(P.A. Ajay)

No: SIC/CO/SA/530/2017_____

Dated: . .2018

Copy to:

1. First Appellate Authority (FAA)/Joint Director, IWDP Hills, J&K for information and necessary action.
2. Public Information Officer (PIO)/CEO, IWDP Ramnagar for information.
3. Private Secretary to CIC for information of the HCIC.
4. Appellant/Sh. Aijaz Iqbal (Advocate), Chamber No. 161, New Lawyers Chambers, Janipur High Court, Jammu for information.
5. Office file.

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