



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/J/A/208/2018

Decision No. SIC/J/A/208/2018/218

Final Order:

Appellant : Sh. Hem Raj, S/o Dewan Chand,
R/o V.P.O Kharate, Tehsil & District Kathua.

Respondent : FAA/PIO, Rural Development Department.

Date of Registration : 03-01-2018

Date of decision : **05-04-2018.**

Decision : Appeal disposed of.

Brief Facts:

The applicant Mr. Hem Raj filed an RTI application dated 27-06-2017 requesting for information on the following points:-

1. a) There are four culverts say 'A' 'B' 'C' and 'D' (starting from south end culvert). What is the distance in meters between culvert A and B, B and C and C and D.
- b) Provide a sketch of the same.
2. Name the scheme/plan/Head under which these culverts have been constructed with the year of execution of work.
3. a) What was the item wise estimated cost of each culvert?

b) What was the item wise actual/final cost of construction of each culvert?

a) Name the agency/person who executed the work mentioning the codol formalities completed.

b) procedure adopted in allotment of work mentioning the codol formalities completed.

a) Was the execution of work of all the culverts kept in plan.

b) Issue a copy of approved plan for each culvert.

c) Name all the persons with designation involved in proposing, verification on spot, and finalization/approval of the plan showing the role of each person.

Issue list of the families with Name and Parentage covered under each culvert.

Issue the list of the families who are residing in the same mohalla, had to cross the same nallah to reach their residential houses but the facility of most needed culvert has not been provided them for the last 40 years.

a) Has the Department unlimited funds to construct culverts aimlessly anywhere without considering its utility.

b) If the funds available are limited then name the person with designation responsible for wasteful expenditure by constructing culverts at the cost of most deserving one ignoring the priorities, thus causing humiliation and discrimination to one section of society.

The PIO vide his communication dated 12-08-2017 informed the applicant that no culverts in the name mentioned as a, b, c, and d at panchayat Kharoot in his RTI application exist. Therefore, he was asked to mention the names of the culverts about which the information was sought by him. Aggrieved by the said reply the applicant filed 1st appeal with Director, Rural Development Department (RDD), Jammu, on 22-08-2017 on the ground that no information has been provided to the applicant by the PIO. The FAA/Director, RDD, Jammu, disposed of the said appeal vide his order dated 09-09-2017 with the direction to Assistant Commissioner Development (ACD), Kathua to provide the required information to the applicant within one week. Pursuant to the direction of the FAA, the PIO furnished the information to the applicant on 18-09-2017. Not satisfied with the information provided to him by the PIO, the applicant filed 2nd appeal before the State Information Commission (SIC) on 09-12-2017 on the ground that the information provided to him on 18-09-2017 was incomplete, incorrect and not asked for and that certain works shown to be executed were not included in the proposed Annual Plan.

Proceeding/Decision:

The appeal came up for hearing before the State Information Commission (SIC) on 02-03-2018. The said hearing was attended by Ms. Champa Thakur, Joint Director, RDD on behalf of the FAA, Mr. Rajiv K.

Khajuria, PIO/ACD, Kathua, Mr. Varinder Kumar, BDO, Kathua and Mr. Hem Raj, the appellant. During the hearing, the appellant admitted that he received the information on 18-09-2017, but the said information was incomplete in as much as the approved plan was not provided to him. The appellant submitted that he was satisfied with rest of the information provided to him except the information about the approved plan of panchayat kharoot. The PIO submitted that since the appellant has not specified the culverts about which information was sought by the appellant, he was accordingly requested to mention the names of the specified culverts. However, pursuant to the order of the FAA, the entire information including the information with regard to culvert has been provided to the appellant. The appellant submitted before the SIC that he would be satisfied if he is provided the approved annual plan of panchayat Kharoot for 2016-17 by the PIO. The PIO was accordingly directed by the SIC during the hearing that the approved annual plan in respect of panchayat kharoot for the year 2016-17 be provided to the appellant within a period of one week.

The appeal again came up for hearing before the SIC on today on 05-04-2018. The PIO submitted a written statement and also informed that in pursuance of the direction of SIC dated 02-03-2018, the required information has been provided to the appellant on 22-03-2018. The said information contain a copy of the approved annual plan/SOP under MGNREGA for the year 2016-17 in respect of panchayat kharoot and also the copies of Administrative approval accorded on 14-01-2017, 17-01-2017, 21-01-2017, 11-02-2017 and 13-02-2107.

After hearing the parties and going through the written statement filed by the PIO as well as the information provided by him to the appellant, the Commission is satisfied that the entire information asked for by the appellant has been provided to him and orders of the Commission dated 02-03-

2018 had been complied with by the PIO. The slight delay in providing the information by the PIO is condoned in view of the fact that the said information was required to be collected from different branches of the public authority.

The information has been provided to the appellant and nothing further survives for adjudication by SIC in this appeal. The appeal is accordingly disposed of.

-sd-

(Mohammad Ashraf Mir),
State Information Commissioner,
J&K State Information Commission.

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Dated: / /2018.

No. SIC/J/A/208/2018

Copy to the:

1. First Appellate Authority (FAA) Director, Rural Development Department, Jammu for information.
2. Public Information Officer (PIO), Assistant Commissioner Development, Kathua for information.
3. PS to SIC for information of HSIC.
4. Sh. Hem Raj, S/o Dewan Chand, R/o V.P.O Kharate, Tehsil & District Kathua.
5. Guard file.

(Sheikh Fayaz Ahamd)
Registrar,
J&K State Information Commission.