



Jammu and Kashmir State Information Commission

(Constituted under Right to Information Act 2009)

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Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937

www.jksic.nic.in

File No: SIC/J/A/317/2013
Decision SIC/J/A/317/2013/21

Sh. Shiv Shanker Sharma	Appellant	Present
Sh. Ashok Singh Executive Engineer, Ground Water & Drilling Div. Jammu.	PIO	Present

**Jammu
27-01-2014**

Briefly the facts in this appeal are that Sh. Shiv Shankar Sharma R/o Village Karyara P.O. & Tehsil Hiranagar, Distt. Kathua-184142 moved an application bearing no. SSP/22 dated 15-06-2013 under J&K Right to Information Act, 2009 before the PIO/Executive Engineer, Ground Water Division, Jammu whereunder he sought the following information:-

1. *Exact location of each Deep Bore Well.*
2. *Total Depth of each Bore well, diameter of pipe inserted, rate of digging per meter including cost of pipe and total cost incurred on each Bore Well.*
3. *Source of funds made available for completion of each Bore Well. (Whether the funds have been allocated by central budget, State budget/PHE Deptt, MPLAD or MLA/MLC).*
4. *Date of completion/Commissioning of each Bore Well.*
5. *Total no. of Bore Wells functional as on date.*
6. *Total no. of Bore Wells gone defunct during the period and date on which each Bore Well has gone defunct.*
7. *Total amount of expenditure made on repairs of each Bore Well (functional/Non functional) during the period under report.*

Feeling aggrieved of inaction on the part of the PIO, the applicant preferred 1st appeal dated 07-08-2013 before the FAA/Superintending Engineer, PHE Mech. Rural Circle, Jammu. Meanwhile, the PIO furnished the requisite information to the information seeker vide office letter no. GWD/2992-93 dated 09-09-2013. However, the information seeker was not satisfied with the information provided by the PIO and in a letter addressed to the FAA he alleged that the information relating to following queries is deficient in nature which are as under:-

- a. *The exact location of Bore Wells (Hand Pumps) has not been disclosed.*
- b. *The status has been indicated as S or U/S without elaboration of abbreviations used.*
- c. *Total depth has been indicated in figures without specific measures (Meters/Feet).*
- d. *Source of funds received for drilling and installations of each Bore Well has not been disclosed.*

Having no response from the FAA, the information seeker preferred 2nd appeal dated 16-12-2013 before the Commission alleging therein that the information provided by the PIO was deficient in nature with respect to his RTI application. The Commission after receiving 2nd appeal of the appellant vide no. SIC-J/317/2013/83-84 dated 06-01-2013 directed the PIO / Executive Engineer, Ground Water Division, Jammu to appear before the Commission along with counter statement and relevant documents on 27th of January 2014 at Jammu office of the Commission for hearing.

During the course of proceedings held today, the PIO informed the Commission that revised information as requested by the information seeker was provided to him vide office letter no. GWD/6742 dated 24-01-2014 and all the queries raised by the information seeker in his RTI application have been answered as per his request. The appellant requested the Commission that he may be allowed an opportunity to inspect the record in the office of PIO/Executive Engineer, Ground Water Division, Jammu. In the given circumstances, PIO/Executive Engineer, Ground Water Division, Jammu is hereby directed to allow an opportunity to the appellant to inspect the record in his office on a working day and provide photocopies of the relevant documents free of cost if any, required by the information seeker. Parties are at liberty to settle the date and time for inspection of record which may be convenient to them.

The PIO also explained the delay in providing the information to the information seeker and took the plea that the information sought by the information seeker was prepared and created afresh from the office record and as such statutory deadline laid down in the RTI Act could not be adhered. The perusal of the facts shows that there is no intentional or malafide delay on the part of the PIO in furnishing the information to the information seeker. Whatever delay is there, it is purely circumstantial in nature as the information has to be created de novo from the office record which consumed lot of time.

The appeal is accordingly disposed of.

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

Sd/-
Dr. S.K. Sharma
State Information

Commissioner

Copy to the:-

4. Public Information Officer / Sh. Ashok Singh, Executive Engineer, Ground Water & Drilling Division, Jammu.
5. Sh. Shiv Shankar Sharma R/o Village Karyara P.O. & Tehsil Hiranagar, Distt. Kathua-184142.

(Khalid. A. Shah)
Dy. Registrar
State Information Commission