



Jammu and Kashmir State Information Commission
(Constituted under Right to Information Act 2009)
Old Assembly Complex, Srinagar, Fax No. 0194-2484269, 2484262
Wazarat Road Near DC Office, Jammu, Fax No. 0191-2520947, 2520937
www.jksic.nic.in

File No: SIC/J/A/215/2012
Decision SIC/J/A/215/2012/149

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|--|-----------|---------|
| Sh. Vilakshana Singh Advocate | Appellant | Present |
| Sh. Sat Pal Sharma Administrative Officer, O/o Chief Conservator of Forests, Jammu. | PIO | Present |

Jammu
11-06-2013

Briefly the facts in this appeal are that Sh. Vilakshana Singh (Advocate) S/o Lt. Sh. Jagdish Singh Dogra R/o Sidhra By pass, Opposite Eicher Workshop, Sidhra Tehsil & District Jammu moved an application dated 07-06-2012 under J&K Right to Information Act, 2009 before the PIO /Chief Conservator of Forests, Jammu seeking the following information:-

- (i) *Kindly state the area of Forest Land (keeping in view the definition of Forests given by Hon'ble Supreme Court of India) which is comprised in Trikuta Wild Life Sanctuary. Also supply the Khasra nos and respective areas of the said Forest Land.*
- (ii) *Kindly state the area of Forest Land (keeping in view the definition of Forests given by Hon'ble Supreme Court of India) which is in possession of Shri Mata Vaishno Devi Shrine Board under the provisions of J&K SMVDSB Act. Also supply the Khasra nos. and respective areas of the said Forest Land.*

- (iii) *Kindly supply me the date on which National Mineral Development Corporation (NMDC) or J&K Mineral Development Corporation (JKMDC) applied for Forest Clearance for carrying out mining of Magnesite in the land adjoining Trikuta Wild Life Sanctuary, Reasi. Also supply a copy of the application by virtue of which NMDC/JKMDC applied for said permission.*
- (iv) *Kindly supply me the date on which National Mineral Development Corporation (NMDC) or J&K Mineral Development Corporation (JKMDC) applied for Forest clearance for setting up a Dead Burnt Magnesia (DBM) Plant at Panthal, Reasi. Also supply a copy of the application by virtue of which NMDC/JKMDC applied for said permission.*
- (v) *Kindly state whether NMDC/JKMDC have paid to CAMPA Net Present Value of Forest Land to be used for the non-forestry purpose of carrying out mining of Magnesite at Katra as per the guidelines laid down by the Hon'ble Apex Court. If yes, kindly state the amount so paid.*
- (vi) *Kindly state whether NMDC/JKMDC have paid to CAMP Net present Value of Forest land to be used for non-forestry purpose of setting up DBM Plant at Panthal (Reasi) as per the guidelines laid down by the Hon'ble Apex Court. If yes Kindly state the amount so paid.*
- (vii) *Kindly state the area of Forest Land which is to be used by NMDC/JKMDC for non-forestry Purpose of carrying out mining of Magnesite at Chipprian Hills and adjoining areas near Katra.*
- (viii) *Kindly state the area of Forest Land which is to be used by NMDC/JKMDC for non-forestry purpose of setting up a DBM Plant at Panthal near Katra.*
- (ix) *Kindly state whether J&K Forest Department has accorded Forest Clearance to NMDC/JKMDC for:-*
 - a. *Carrying out mining of Magnesite and Dolomite at Chipprin Hills Katra.*
 - c. *Setting up of a DBM Plant at Panthal, Katra, Reasi.*
- (x) *If the Forest Clearance as envisaged in point ix(a) and /or ix(b) and has been accorded, kindly supply copy/ies of the order/s by virtue of which such sanction was accorded. If the said sanction has not been accorded, kindly state the present status of the application filed by NMDC/JKMDC for getting said Forest Clearance for the two above said purposes.*
- (xi) *Kindly provide me the attested copies of the following letter No: PCCF/lease/NOC/Ind/765-66 dated 15-03-2012.*
- (xii) *Kindly state the area of Demarcated Forest Land and Un-demarcated Forest land comprised the Trikuta Wild Life Sanctuary.*

The PIO / Divisional Forest Officer, Reasi Forest Division, Reasi furnished the information vide office letter no. DFO/RFD/1256-58 dated 06-07-2012 to the information seeker. The information seeker was not satisfied with the information provided to him preferred 1st appeal dated 07-08-2012 before the FAA / CCF, Jammu. However, FAA did not adjudicate and dispose\ of the appeal within the statutory period. Thus, feeling aggrieved of inaction on the part of FAA, the information seeker knocked the doors of the Commission alleging that the information furnished to him by the PIO is incomplete and incorrect and not as per his RTI application. The information seeker has also alleged that the FAA slept over the matter and not adjudicated his 1st appeal. The Commission after receiving 2nd appeal summoned the PIO / DFO, Reasi. The PIO / DFO, Reasi in pursuance to the directions of the Commission furnished the revised information to the information seeker and he was also directed to file an affidavit in support of the information provided to the information seeker. In compliance to the directions of the Commission the PIO / DFO, Reasi filed an affidavit dated 05-03-2013 solemnly sworn before public notary, Jammu stating therein that the information furnished to the information seeker was as per record available in his office.

During the course of proceedings held on 05-03-2013, the Chief Conservator of Forests, Jammu was directed to dispose of 1st appeal of the appellant within two weeks and also provide information to the information seeker as requested by him in his RTI application if not already supplied. The CCF, Jammu was further directed to file compliance report to the Commission. The CCF, Jammu disposed of 1st appeal vide office order no. CCF/J/Estt/NG/RTI/4341-43 dated 16-03-2013 and also filed compliance report to the Commission vide office letter no. CCF/J/Estt/NG/RTI/4362-63 dated 18-03-2013. The CCF, Jammu in his order observed that the information provided by the PIO (DFO, Reasi) is true and complete in all

respect as per the record available with him. The perusal of the record shows that the information seeker vide his application under J&K RTI Act, 2009 dated 07-06-2012 had sought specific information which pertained to Forest Division, Reasi only and not to district Kathua or other parts of Jammu Province. However, the information seeker has alleged during the course of proceedings held on 11-06-2013 that the information supplied to him by the DFO, Reasi is incomplete and incorrect. The information seeker also expressed his dissatisfaction with the order passed by the FAA. Keeping in view the submissions of the information seeker and documents available on record, the information seeker is hereby advised to challenge the order passed by the FAA by filing 2nd appeal before the Commission on fresh grounds.

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:-

1. 1st Appellate Authority / Chief Conservator of Forests, Jammu.
2. Public Information Officer / Divisional Forest Officer, Reasi Forest Division, Reasi.
3. Public Information Officer / Administrative officer O/o Chief Conservator of Forests, Jammu.
4. Sh. Vilakshana Singh (Advocate) S/o Lt. Sh. Jagdish Singh Dogra R/o Sidhra By pass, Opposite Eicher Workshop, Sidhra Tehsil & District Jammu
5. Guard File.

Jang Bhadur
Joint Registrar
State Information Commission