



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/45/2013

Decision No. SIC/J/A/45/2013/99

Sh. Kovid Khosla Advocate	Appellant	Present
Sh. Raj Kumar Technical Officer, O/o Chief Engineer, RTIC, Jammu	PIO	Present
Through Sh. Asheesh Kotwal Advocate		Present

**Jammu
23.04.2013**

Briefly the facts in this appeal are that Sh. Kovid Khosla Advocate J&K High Court Jammu R/o Opposite Eicher Showroom, Main Road Sidhra, Jammu moved an application dated 04-01-2013 under J&K RTI Act, 2009 before the PIO O/o Chief Engineer, RTIC, Jammu seeking the following information:-

- A. Total number of pumping stations operating at present under the jurisdiction of Ex. Engineer, Mech. Division RTIC Jammu.
- B. Total number of H.C and sub-mersible pumps operating/functioning at different pumping stations under the jurisdiction of the Mech. Div. RTIC, Jammu.
- C. Details with regard to the repairs of the aforesaid H.C and Sub-mersible pumps carried out by the said division in the years 2007, 2008, 2009, 2011, 2012 with full details of the dates of repairs /time taken for such repairs/defects due to which repairs carried out/cost of such repairs incurred on each pump since 2007 till date.
- D. Name of the agency/firm/company which carried out such repairs.
- E. Whether tenders for such repairs were done or not if yes, then tender details as mentioned in paras H and J given below be provided.

- F. Copies of the job orders/work orders showing repair details with regard to each of the aforesaid pumps since 2007 till date be provided.*
- G. Total quantity of G.I and M.S pipes purchased by the said division in year 2007 to 2012 with details of the rates at which such pipes were purchased alongwith details of company/firm from which such purchases were made.*
- H. Whether tenders for such purchases were done if yes, name of company/firm/individual who made bids for such tenders and name of the company/firm in whose favour tenders were passed with date of tenders.*
- I. Details of bids (Tender quotations) made in such tenders alongwith the details of the approved bids since 2007-2012.*
- J. Details of requirement of different items submitted by this division to the PHE (Mech) Procurement Div. Jammu since 2007 till date.*
- K. Total amount/funds received from the J&K State Govt. in year 2010, 2011, 2012 for execution of different development schemes and programme with full details of the estimated cost of such programmes.*
- L. Total funds received in year 2010, 2011, 2012 for execution of Central Govt. schemes and estimated cost of such programmes with dates of completion of such programmes and present status.*
- M. Details of the emergent quotations if any made while making purchases of emergent nature.*

The aforesaid application was received in the office of PIO on 07-01-2013 and was forwarded to APIO with the direction to provide information to the information seeker within statutory period. Meanwhile, Technical Officer to Chief Engineer RTIC, Jammu vide office letter No:RTIC/PS/4392-93 dated 05-02-2013 intimated to the information seeker that the information as asked for under RTI Act has been prepared in 75 leaves. As per Notification of RTI Act dated 30-08-2012 Chapter-II (4-a), you are requested to pay Rs. 150/- @Rs.2/- per page by way of cash or DD, bankers Cheque or Indian Postal Order so that the aforesaid information be sent to you at the earliest.

The aforesaid letter was received by the information seeker on 06-02-2013. The information seeker has alleged in appeal before the Commission that the aforesaid act of the PIO demanding additional fee of Rs.150/- for getting requisite information amounts to violation of the section 7 of J&K RTI Act, 2009. Thus feeling aggrieved of inaction on the part of the PIO, he filed appeal before the FAA (Chief Engineer RTIC, Jammu) on 11-02-2013. The information seeker has further

alleged that the FAA disposed of Ist appeal without hearing the appellant and thus manipulated to deny the information sought by him.

The PIO/Technical Officer to Chief Engineer RTIC, Jammu appeared through Sh. Asheesh Kotwal counsel for RTIC, Jammu. The learned counsel for the respondent vehemently denied the allegations levelled by the information seeker and submitted before the Commission that the information has been prepared and can be furnished to the information seeker only on payment of cost of the information which was communicated to him vide office letter No: RTIC/PS/4392-93 dated 05-02-2013. He further submitted that there was no malafide intention on the part of the PIO and FAA to deny information to the information seeker.

Perusal of the documents on record and submissions made by the appellant and learned counsel for the RTIC, Jammu shows that the information has been denied to the information seeker just on technical grounds. Section 7 clause (1) which deals with disposal of request for information provides that the PIO on receipt of request under section 6 shall, as expeditiously as possible and in any case within 30 days of receipt of the request either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in section 8 and 9. Perusal of the letter No:RTIC/PS.4392-93 dated 5-02-2013 reveals that the PIO intimated the information seeker just at the fag end of 30 days which is contrary to the spirit and objects of the Act. The PIO is required to act as expeditiously as possible and aforesaid letter took one day more to get delivered to the information seeker. The information relating to cost of information should be sent to the information seeker as expeditiously as possible, so that the information can be availed within reasonable time. Plank of technicalities should not be used as a cloak to deny the information in a regime of transparency and accountability as envisaged in the J&K Right to Information Act, 2009. However, the perusal of facts and documents on record reveal that there was no malafide intention on the part of the PIO to deny information to the information seeker and in all magnanimity he submitted during the course of proceedings that the information is available and can be furnished to the information seeker on the direction of the Commission.

Keeping in view the aforesaid facts, the PIO is hereby directed to furnish the information to the information seeker as available in office record and free of cost within a week's time from the date of pronouncement of this order under an intimation to the Commission.

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. The First Appellate Authority/Chief Engineer, Ravi Tawi, Irrigation Complex, Jammu.
2. The Public Information Officer/ Technical Officer to Chief Engineer, RTIC, Jammu.
3. Sh. Kovid Khosla, Advocate, J&K High Court, Jammu R/o Opposite Eicher Showroom, Main Road Sidhra, Jammu.
4. Guard File.

(M.S Shah)
Registrar
State Information Commission