



**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/CO/Comp/49/2013

Decision No. SIC/CO/Comp/49/2013/487

Sh. Abdul Ahad Hajam S/o Mohammad Sultan Hajam  
R/o Badkoot Handwara (Appellant)

V/s  
First Appellate Authority  
O/o Chief Engineer, PHE  
Kashmir.

**Srinagar**

**08.08.2013**

This is a second appeal/complaint filed by Sh. Abdul Ahad Hajam, a resident of the State appealing thereunder that he had filed RTI application before Executive Engineer cum PIO of PHE Department Handwara which was received in his office on 06.04.2013 seeking following information:-

1. Total number of water agreement connections in detail.
2. Functional agreement connections in detail.
3. How many water connections are illegal in detail.
4. Total number of public points in detail.

PIO has responded to RTI application vide his letter dated 23.04.2013 but it is seen from this letter that the duty which is cast on PIO under the State RTI Act has been discharged in a very casual and routine manner. PIO has nowhere identified himself. RTI law is a transparency law and transparency has to start from PIO himself. It is quite clear that the then Executive Engineer Sh. Mohammad Afzal has not bothered to go through the provisions of the State RTI Act and provide the information as per law. Not being satisfied with this communication, the

appellant preferred first appeal before First Appellate Authority on 26.04.2013 raising grounds of appeal to the effect that the information provided to him was fake. In this appeal the appellant had conveyed to the FAA that in his original RTI application he had sought detailed information whereas the PIO has given sketchy information. FAA had to adjudicate the appeal within 30 days from the receipt of the appeal. However, there was no order by FAA. Hence the appellant filed second appeal before this Commission.

The present FAA Sh. Mukhtiar Ahmad Mir, Superintending Engineer during hearing before the Commission has confirmed that his predecessor did not pass an order on time. As FAA has failed to discharge his duties which are cast on him under Section 16 of the State RTI Act, therefore, the Commission considers it appropriate to restore back the matter to FAA for adjudication of the First Appeal as provided under Section 16 of the State RTI Act. He is directed to adjudicate First Appeal after duly providing an opportunity of being heard to the appellant and after seeking comments from PIO. FAA is also directed to go through the original RTI application and see whether the information so requisitioned in RTI application has been correctly provided or not. As the appellant has contended that fake information has been provided to him by the PIO, FAA is directed to examine this also. The appellant is also directed to produce evidence before the FAA to prove his contention that the information so given to him was fake. For instance he had sought information with regard to illegal connections which was responded by PIO by stating that there were no illegal connections. The appellant has submitted before the Commission that there is proof of illegal connections. He is advised to explain these things before the present FAA, Sh. Mukhtiar Ahmad Mir, Superintending Engineer who will pass an order within 15 days from the receipt of this order. FAA is also directed to make a reference to this Commission against PIO as per provisions of Section 16(3). Former FAA Sh. Mohammad Afzal is also directed to explain why he failed to discharge his duties which were cast on him under Section 16 of the State RTI Act. He is also required to explain why Commission may not proceed further in taking action as provided under law against a public authority i.e. then FAA has to explain the reasons for his failure to discharge his duties which he is legally bound to discharge as a public authority. His reply, if any, should reach this

Commission within 15 days from the receipt of this order. The present FAA is directed to serve a copy of this order on his predecessor.

Sd/-  
(G.R. Sufi )  
Chief Information Commissioner

Copy to the:-

1. Chief Engineer PHE Kashmir. The Commission has observed that the officers working under him who are designated as Public Information Officers and First Appellate Authorities are not well versant with the provisions of the State RTI Act. Necessary workshops/training programmes or seminars be conducted for a day or so to acquaint PIOs and FAAs with the provisions of the Act and the procedure to be adopted for complying with various provisions of the State RTI Act. This directions is issued in terms of Section 16 (9)(a) of the State RTI Act.

2. Sh. Mukhtiar Ahmad Mir, Superintending Engineer, PHE Handwara (First Appellate Authority).

3. Sh. Mohammad Afzal, the then Executive Engineer PHE Handwara.

4. Sh. Abdul Ahad Hajam S/o Mohammad Sultan Hajam R/o Badkoot Handwara.

5. Guard file.

(M.A. Wani )  
Deputy Secretary,  
J&K State Information Commission,  
Srinagar