



**JAMMU AND KASHMIR**  
**PROJECTS CONSTRUCTION CORPORATION LTD.**

(A J & K State Government Undertaking)



**Corporate Head Office:-**

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Visit us at: [www.jkpcc.com](http://www.jkpcc.com)



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Rail Head Jammu (Tawi) 180012  
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No:- Fc/9904-07  
Date:- 21 - 1 - 2014.

**I/c Deputy General Manager,**  
JKPCC Ltd Mech. Unit  
Jammu.


**Sub:-** Uploading of information on working of JKPCC Ltd on official website in terms of RTI Act 2009.

**Urgent**

This office is in receipt of a decision dated:- 13-12-2013 passed by J&K State Information Commission Jammu vide No:- SIC/CO/SA/64/2013-547 (copy enclosed), whereby this organization has been asked to upload all details of the organization on official website. You are directed to do the needful strictly as per decision given by the State Information Commission in terms of section 4 of J&K RTI Act 2009.

**Matter urgent.**

Encl. - 3/vs.

  
(Dr. S.K. Sen)  
Public Information Officer (H.O.)  
Financial Controller, JKPCC Ltd  
Jammu.

Copy to the:-

1. Managing Director, JKPCC Ltd Jammu for information.
2. General Manager J/K, J&K PCC Ltd Jammu/Srinagar for information.
3. Company Secretary, JKPCC Ltd Jammu for information.





1.4.2013

J&K State Information Commission  
Old Assembly Complex, Srinagar, Fax No:0194-2484269,2484262  
Wazarat Road, Jammu, Fax No:0191-2520947,2520937

[www.jksic.nic.in](http://www.jksic.nic.in)  
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File No: SIC/CO/SA/64/2013  
Decision No: SIC/CO/SA/64/2013 - 54

Title:- Adil Hamid  
V/s  
PIO JKPC

Jammu  
13.12.2013

This is a second appeal filed by Shri Adil Hamid, a resident of the state. The brief grounds of this case are that appellant filed an RTI application on 20.6.2013 before the PIO seeking the following information:-

1. Photocopy of allotment order No: 342-43 of 08/2005
2. Photocopy of allotment order No: 344-45 dated: 09.8.2005
3. In whose favour was M.Book No: 18788 issued by the unit 3rd JKPC Srinagar after taking over the records by the procurement Unit.
4. After the work is completed and handed over who keeps on record the M. Books.
5. What is the name and designation of the custodian of the M. Book No: 18788
6. Photocopy of cash voucher No. 73 of 1/06 and No. 396 of 12/06

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7. Photocopy of work register No. 309 and 310.

The PIO Shri Feroz Ahmed was under legal obligation to pass an order under section 7 of the State RTI Act as expeditiously as possible but not later than 30 days. The appellant did not receive any information within the statutory stipulated period of time. Therefore, he preferred first appeal before FAA on 31.07.2013. The FAA was again under legal obligation to direct for the disclosure of the information if no information was hit by prohibitory provisions of section 8. The FAA unfortunately failed to adjudicate the appeal within maximum period of 45 days. The present FAA submits before the Commission that he was designated as FAA w.e.f 19.09.2013. The present FAA decided the appeal vide his order dated: 19.11.2013. The order is not strictly in accordance with the provisions of section 16. The appellant, as stated above, being aggrieved with the deemed refusal to pass order on first appeal filed second appeal before this Commission requesting for the disclosure of the information sought by him. During the hearing, it was found that partial information has been given to the information seeker on 25.11.2013 only on four points out of seven points of information sought by the appellant. The PIO has not, therefore, acted in accordance with the provisions of the law. It is further seen from the records that PIO had transferred and forwarded the RTI application to DGM- Procurement-cum-PIO of that unit Mr. Imtiyaz Khaliq Bhat. As per section 5 (4)(5) and section 7 Mr. Imtiyaz was now PIO and he should have disclosed information within maximum period of 35 days starting from the date of forwarding till the expiry of 35 days. It is seen that partial information was given by the said PIO vide order No: 2401-04 dated: 25.11.2013. With regard to rest of the information he again tossed the coin and



shifted the responsibilities to other official ignoring the provisions of the State RTI Act that if part of information is held by other PIO he has to invoke section 5 to collect the part information and provide the same to the information seeker. The PIO Mr. Imtiyaz has failed in his duties to pass order within 30 days and provide full information to the information seeker. He is, therefore, directed to explain why penalty under section 17 of the State RTI Act may not be imposed on him for not providing the full information held by him. His reply, if any, must reach this Commission within 15 days from the receipt of this order. The penalty will be calculated from the day order was to be passed till the day full and complete disclosure of information is made.

2. It has been observed during the proceedings that the public authority of JKPC has not complied with the provisions of Section 4 of the State RTI Act 2009 which obliged him to make a suo moto disclosure of the information held and possessed by him as such public authority. This information was to be uploaded and disseminated within 120 days from the enactment of State RTI Act 2009 w.e.f 20<sup>th</sup> March, 2009. Unfortunately, inspite of lapse of four years no compliance has been made. As per Section 4 (2)(b) the public authority had to make a suo moto disclosure of information contained in said provisions of law. As enough time has been given for compliance, therefore, Commission directs that this information be uploaded and disseminated in the official website of JKPC within 10 days from the date of receipt of this order. As per Section 4 read with Section 15 any resident of the State can file a complaint before the public authority and later on before this Commission if compliance with the provisions of Section 4 is not made. These directions are issued by the Commission in accordance with Section



16(8) of the State RTI Act. The suo moto disclosure of the following information has to be made:

- (i) the particulars of its organization, functions and duties;
- (ii) the powers and duties of its officers and employees;
- (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
- (iv) the norms set by it for the discharge of its functions;
- (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
- (vi) a statement of the categories of documents that are held by it or under its control;
- (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
- (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public.
- (ix) a directory of its officers and employees;
- (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
- (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
- (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;



- (xiii) particulars of receipts of concessions, permits or authorizations granted by it;
- (xiv) details of receipt of the information, available to or held by it, reduced in an electronic form.
- (xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;
- (xvi) the names, designations and other particulars of the Public Information Officer;
- (xvii) such other information as may be prescribed; and thereafter update these publications every year.

The appeal is accordingly disposed of subject to the above directions.

Sd/-

( G.R. Sufi )

J&K State Chief Information Commissioner

Copy to:-

1. Managing Director, JKPCC Jammu
2. Shri Shahid Latif Haroon, First Appellate Authority, JKPCC
3. Shri Feroz Ahmad Chat, PIO, JKPCC, Jammu. Hand sig.
4. Shri Adil Hamid, R/o 74 A, Iqbal Colony, Indra Nagar, Srinagar
5. Private Secretary to Chief Information Commissioner
6. Guard file.

( G.Q. Bhat )

Registrar

J&K State Information Commission