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CENTRAL INFORMATION COMMISSION
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सूचना आयुक्त : दिव्य प्रकाश सिन्हा
INFORMATION COMMISSIONER : DIVYA PRAKASH SINHA

File No. : CIC/IARMY/A/2017/140044/SD
Date of Hearing : 30/05/2018
Date of Decision:30/05/2018

Relevant facts emerging from the Appeal:

Appellant	:	S P Kandwal
Respondent	:	CPIO, HQ O/o Chief Engineer, Shivalik Project, PIN – 931718, C/o 56 APO.
RTI application filed on	:	27/01/2017
PIO replied on	:	02/03/2017
First appeal filed on	:	04/03/2017
First Appellate Authority order	:	27/04/2017
Second Appeal dated	:	03/06/2017

Information sought:
The Appellant sought information related to registry/mutation etc of the land acquired by BRO for the construction of bridge over Pindar River situated on National Highway No.58.

Grounds for the Second Appeal:
The CPIO has not provided the desired information.

Relevant Facts emerging during Hearing:
The following were present:-

Appellant: Present through VC.

Respondent: P. Veeraswamy, AE(C) & CPIO, HQ O/o Chief Engineer, Shivalik Project, PIN – 931718,C/o 56 APO present in person.

Appellant stated that he has not received the desired information and apprehends that compensation is being paid twice over for the same land which was acquired by BRO in the 1990s but has not been yet registered in their name. As a result of which, now the land has been again acquired by National Highways Authority of India and on account of this acquisition, compensation is again paid out of the public exchequer.

CPIO submitted that BRO (BRDB) is an exempt organisation under Section 24 of the RTI Act. He further submitted that despite the fact that no case of human rights violation or corruption was made by the Appellant, requisite clarification has been provided to him on his averments in response to the RTI Application. He furthermore explained that it is not possible that compensation is paid twice over by revenue department for acquisition. As such, their involvement was limited to the construction of bridge which was completed and as for the registration of said portion of land with respect to BRO, they have been repeatedly corresponding with the concerned revenue department, but till date no action has been taken from their end.

Decision

Border Road Development Board (BRDB) has been placed in Second Schedule of the RTI Act vide notification No. GSR 347 dated 28/09/2005 by Central Government in exercise of the power conferred by sub-section 2 of Section 24 of the RTI Act. In view of this, nothing contained in the RTI Act shall apply to BRO unless information sought pertains to allegations of corruption and/or human rights.

In the instant case, Appellant has not made any case of human rights violation or corruption per se; rather it is premised on certain apprehensions, which CPIO has adequately clarified in his reply as well as during the hearing.

Accordingly, no further action lies. The appeal is disposed of.

(Divya Prakash Sinha)
Information Commissioner

Authenticated true copy

(H P Sen)
Dy. Registrar/Designated Officer