



**Jammu and Kashmir State Information Commission**

شہنیشن کمیٹی انفارمیری اسٹینیڈ کشمیری جموں ا

(Constituted under the Right to Information Act, 2009)

**Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937**

**Old Assembly Complex, Srinagar, 0194-2506660, 2506661**

[www.jksic.nic.in](http://www.jksic.nic.in)

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File No. SIC/CO/SA/427/2017

Decision No. SIC/CO/SA/427/2017/953

Appellant : Sh. Ashok Kumar  
Respondent : First Appellate Authority (FAA)/  
Public Information Officer (PIO),  
J&K State Social Welfare Board.  
Date of Decision : 08.05.2017

**Brief Facts:**

Appellant filed RTI application dated: 04.06.2016 with Public Information Officer (PIO), J&K State Social Welfare Board seeking the following information:

- (i) Copy of Income and Expenditure Account of the 'Organization as a whole' for the financial year 2013-14, 2014-15 and 2015-16.
- (ii) Copy of ITR with Computation Statement for the assessment year 2014-15, 2015-16 and 2016-17 regarding the 28 number of NGOs.

The PIO responded to RTI application on 16.06.2016 informing the appellant to get the information directly from the concerned voluntary organizations as same falls under section 11 of the RTI Act.

Aggrieved appellant filed First Appeal on 11.07.2016 with the First Appellate Authority against the order of the PIO. The

FAA disposed of the First Appeal of the appellant vide order dated: 23.08.2016 informing the appellant that PIO shall forward his RTI application to the concerned NGOs for providing the information to him. At last appellant approached the Commission in 2<sup>nd</sup> appeal against the order of the FAA with the request that PIO be directed to provide him the requisite information sought by him vide his RTI application.

### **Proceedings:**

The case came up for hearing before the Commission on 30.03.2017 which was attended by Sh. Shahid Mehmood, KAS, Executive Director-cum-FAA, J&K Social Welfare Board, Sh. Vijay Kumar Tickoo/PIO and the appellant. The case was partly heard and adjourned with the directions to PIO to collect information from NGOs and provide givable information other than the personal to the appellant. Appellant was also directed to prove that balance information sought is in the public interest.

The case was again listed for hearing before the Commission on 08.05.2017 which was attended by PIO and authorized representative of the appellant. The PIO submitted that some information has been provided to the appellant and some is still pending. In response appellant submitted that he is not satisfied with the information provided to him by the PIO in response to the Commission's interim order regarding the income and expenditure and balance sheet of only 17 numbers of NGOs for the F.Y. 2013-14, 2014-15 and 2015-16. The appellant submitted in writing his contention for non furnishing of the whole information as per his RTI application by the PIO with the request to the Commission for directing the PIO for furnishing the same. The Commission heard the parties at length and perused the record.

**Decision:**

**The Commission observes that the J&K Social Welfare Board is under an obligation to maintain the record of the NGOs which are substantially funded by the Board and fall within the meaning of public authority under section 2 (f) of the J&K RTI Act, 2009. Under section 2 (d) of the Act even the information relating to a private body can be obtained if it can be accessed by a public authority under any other law for the time being in force. In this case the Public Authority i.e. J&K Social Welfare Board is providing financial assistance to the NGOs on a regular basis and before doing that it is obligatory on the part of the said Board to obtain relevant information about the NGOs as part of due diligence before providing financial assistance to them. The PIO is hence directed to obtain balance sheets from the said NGOs for providing the same to the appellant. Copy of the Annual Report may also be given. The needful be done within 21 days from the date of receipt of the order. Appellant may approach the Commission in case of any contravention of the directions of the Commission on the part of the PIO.**

With these directions this 2<sup>nd</sup> appeal is disposed of.

Sd/-

(Khurshid A. Ganai) IAS Retd.

Chief Information Commissioner

J&K State Information Commission

Dated: .05.2017

No: SIC/CO/SA/427/2017\_\_\_\_\_

Copy to:

1. FAA, J&K State Social Welfare Board.
2. PIO, J&K State Social Welfare Board.
3. Appellant/Sh. Ashok Kumar, R/o. H. No. 280/2, Narwal Pain Satwari, Jammu Cantt-180003, Jammu.
4. Office file.

(Skeikh Fayaz Ahmad)

Registrar

J&K State Information Commission

