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Jammu and Kashmir State Information Commission

شنیشن کمیٹی انفارمیشن ری اسٹیٹوٹ کشمیر 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

File No. SIC/J/A/91/2017

Decision No. SIC/J/A/91/2017/07

Final Order

Appellant : Sh. Sikander Singh

Respondent : First Appellate Authority (FAA)/
Joint Director (SSA), Directorate of School
Education, Jammu and
Public Information Officer (PIO)/Chief
Education Officer (CEO), Jammu.

Date of Registration : 09.02.2017

Date of Decision : 25.05.2017

Brief Facts:

This is a second appeal filed under section 16 (4) of the J&K Right to Information Act, 2009 in the J&K State Information Commission by one Sh. Sikander Singh, S/o. Sh. Kaka Singh, R/o. VPO: Hamirpur Sidhar, Tehsil: Khour, District: Jammu on 09.02.2017. The appeal is against the alleged inaction of the FAA and PIO on the appellant's original RTI application and the First Appeal respectively within the stipulated time as provided under the J&K Right to Information Act, 2009.

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As per records, the appellant has filed RTI application on 29.10.2016 before PIO, O/o. Director School Education, Jammu seeking certain information on three points as under:

1. Detail of SSA Zone, Khour i.e.:
 - I. All the data of SSA for the last five years.
 - II. How much amount paid to each school for the last five years? Please explain in written, school wise.
 - III. How much amount paid to building funds of schools for the last five years & provide photocopies of bill, vouchers and record of all school wise in under ZEO, Khour jurisdiction for the last five years and provide the sketch of Toilet (IHHL) & building issued by ZEO office Khour.
2. Detail regarding Mid Day Meal in respect of Govt. Girls, Middle School, Hamirpur, Sidhar as per under for the last five years:
 - I. Photocopies of Cash Book.
 - II. Photocopies of Bill, Vouchers.
 - III. How much amount released by EEO office, Khour. Please provide detail wise and date wise.
3. Detail regarding Mid Day Meal of all schools under jurisdiction of ZEO, Khour as under:
 - I. Data of Cash Books.
 - II. Photocopies of Bill-Vouchers.
 - III. How much amount released by ZEO office, Khour? Please provide detail-wise and date-wise.

The First Appeal was filed on 03.12.2016 before Director, School Education, Jammu which was disposed of by the FAA/Joint Director (SSA) School Education, Jammu on 03.01.2017 interalia directing the CEO, Jammu and Zonal Education Officer, Khour to provide the balance information to the appellant, if any, within a week's time positively under an intimation to that office. Last hearing of this 2nd appeal was held on 10th April, 2017 in the presence of both the parties.

Proceedings (25.05.2017) :

In compliance to the notice of the Commission dated: 17.05.2017, FAA/Sh. Darshan Lal, Joint Director, Sarva Shiksha Abhiyan (SSA), Directorate of School Education, Jammu, PIO/Sh. Ram Pal, Chief Education Officer, Jammu and Sh. Dev Raj, ZEO, Khour attended the hearing today on 25.05.2017. The appellant was also present.

The PIO had brought documents pertaining to the information sought for by the appellant through his original RTI application to the PIO. As per the PIO these included all the requisitioned information except vouchers and bills etc. The PIO stated that the appellant who is a teacher in the Education Department has not yet been charged the cost for provision of information as per the provisions under J&K RTI Rules, 2012. The PIO also stated that the information sought by the appellant was quite voluminous in nature and involved the diversion of the time and attention of the officials in the office of the PIO towards the collection and compilation of so much information.

The obligation of the public authorities to provide information is well defined under the J&K RTI Act, 2009 but at the same time the public authorities are not duty bound to provide such information which is voluminous and will divert the manpower and other resources of the State, thereby causing harm to other public interests and affecting the efficiency of the public authority and the office. Such situations do occur when unreasonable demands are made on the public authorities for accessing information or for information which is not available in the records for one or the other reason. Taking cognizance of such situations, the Hon'ble Supreme Court has ruled in the case titled '*Central Board of Secondary Education & Anr. Versus Aditya Bandopadhyay & Ors.* on 09th August, 2011; CA No. 6454 of 2011 the relevant portion of which is reproduced as under:

***"If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in Section 8 of RTI Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, RTI Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant.....
.....Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The threat of***

penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of public authorities prioritizing 'information furnishing', at the cost of their normal and regular duties. (Paras 35, 37 and 38)-Appeals disposed of."

Directions:

After hearing both the parties and after according due consideration to the pleadings from both sides, the following directions are issued:-

1. **The information/documents prepared by the PIO for handing over to the appellant may be handed over after charging the appellant the cost of provision of such information in accordance with the rates and manner stipulated under J&K RTI Rules, 2012.**
2. **As regards the balance information available on record of the PIO, the same may be offered for inspection to the appellant in case he desires. Intimation as to non availability of documents sought by the appellant which are not available on record after due enquiry may be given to the appellant by the PIO at the time of inspection.**

With these directions the second appeal is disposed of.

Copy of this decision be given free of cost to the parties.

Sd/-

(Khurshid A. Ganai) IAS Retd.
Chief Information Commissioner
J&K State Information Commission

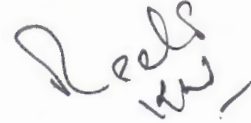
Dated: 14-6-2017

No: SIC/J/A/91/2017/ 8426-31

Copy to:

1. Registrar, J&KSIC for information and necessary action.
2. FAA/Sh. Darshan Lal, Joint Director (SSA), Directorate of School Education, Jammu for information and necessary action.

3. PIO/Sh. Ram Pal, Chief Education Officer, Jammu for information and n/a.
4. Private Secretary to HCIC for information of the HCIC.
5. Appellant/Sh. Sikander Singh, R/o. VPO: Hamirpur Sidhar, Tehsil: Khour, District: Jammu for information.
6. Office file.



(Rita Koul)

Deputy Registrar
J&K State Information Commission