



Jammu and Kashmir State Information Commission

شہن یشن کمیت انفارمیر اسٹیٹسٹ 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/CO/Comp/171/2018

Decision No. SIC/CO/Comp/171/2018/1090

Final Order
(Complaint)

Complainant : Sh. Ashok Kumar.
Respondent : Public Information Officer (PIO),
J&K Social Welfare Board.
Date of Receipt : 22.02.2018
Date of Decision : 06.04.2018

Brief Facts:

This is a complaint filed under section 15 of the J&K RTI Act, 2009 (Act for short) by Sh. Ashok Kumar, R/o. H.No. 280/2, Narwal Pain, Satwari, Jammu Cantt-180003 on 22.02.2018 interalia alleging that despite lapse of 6 months no reply/information has been supplied to him by the PIO, J&K State Social Welfare Board.

Proceedings:

The complaint came up for hearing today on 06.04.2018. The hearing was attended by Sh. Shahid Mehmood Dar, Executive Director, J&K State Social Welfare Board at Jammu office of the Commission. Ms. Gul

Yasmeen, PIO, J&K State Social Welfare Board attended through Video Conferencing from Srinagar office of the Commission. The complainant did not attend.

The PIO of the J&K Social Welfare Board has submitted a reply dated: 04.04.2018, wherein she has stated that the NGOs who are receiving grants in aid under FCC scheme are not providing the information regularly to the Board and have also obtained stay order from the Hon'ble High Court in the WP 1205/2017 dated: 23.08.2017. The PIO has also informed in the counter statement that the RTI applicant (now complainant) Sh. Ashok Kumar *'again and again sought the information of such NGOs from the Board which is not available with the Board. Accordingly, the Board transferred these applications to the concerned NGOs under relevant section ibid. The NGOs approached the Hon'ble High Court vide writ petition 1205/2017 and the Court in its order dated: 23.08.2017 put the said communication in abeyance on the plea amongst others that NGOs does not fall within the definition of public authority as envisaged under section 2(B) of RTI Act, 2009. The complainant has sought huge information to be collected from the NGOs which needs a lot of time and manpower. Since the Board has the dearth of man-power, if they remain busy in compilation of this information the routine work of the Board.'*

The Hon'ble Supreme Court in its judgement titled Aditya Bandopadhyay v/s CBSE has held that where an RTI applicant has sought voluminous information, he may be offered information of records.'

During the hearing, the PIO also reiterated her stand taken in the counter statement dated: 04.01.2018.

Decision:

The complainant is not present today. It is a fact that the complainant has filed other appeals/complaints against the respondents which have come up before the Commission earlier. He is reportedly himself working in the NGO sector. The PIO has reported in writing that the complainant has filed many other RTI applications which show that he may be having some personal grievances with the Board.

In the light of what has been surmised above and in the light of what has been stated by the PIO and the absence of the complainant, it is best to dispose of this complaint with the observation that reasonable grounds for holding an enquiry under section 15 (2) have not been made out and, therefore, it will be appropriate to close this complaint as such.

With these observations the complaint is disposed of.
Copy of this decision be given free of cost to the parties.

Sd/-
(Khurshid A. Ganai)
Chief Information Commissioner
J&K State Information Commission

(P.A. Ajay)
No: SIC/CO/Comp/171/2018_____

Dated:

Copy to:

1. Sh. Shahid Mehmood Dar, Executive Director, J&K State Social Welfare Board at Jammu.
2. Public Information Officer, J&K Social Welfare Board for information.

3. Private Secretary to CIC for information of the HCIC.
4. Complainant/Sh. Ashok Kumar, R/o. H.No. 280/2, Narwal Pain, Satwari, Jammu Cantt-180003 for information.
5. Office file.

(Sheikh Fayaz Ahmed)
Registrar
J&K State Information Commission