



**Jammu and Kashmir State Information Commission**

(Constituted under Right to Information Act 2009)

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**File No:** SIC-J-A-91/2013

**Decision No:** SIC-J-A-91/2013/221

|  |           |         |
|--|-----------|---------|
| Sh. Anil Sharma  | Appellant | Present |
| Sh. Kamal Mahendru<br>Addl. Provident Commissioner,<br>Jammu.                        | FAA       | Present |
| Smt. Tripta Baru<br>Chief Account Officer,<br>Provident Fund Organisation,<br>Jammu. | PIO       | Present |

**Jammu  
31-07-2013**

Briefly the facts in this appeal are that Sh. Anil Sharma Associate Editor, Jammu Bulletin Newspaper, Hall No. 205, II Floor, South Block, Bahu Plaza moved an application on 28-01-2013 before the PIO, Labour and Employment Department Jammu seeking the following information:-

1. Total No. of private B.Ed colleges of Jammu Province subscribing C.P Fund in the Provident Fund organization Jammu since 2001 in the following format:
  - i. Name of college
  - ii. Total staff strength of each college
  - iii. Total No. of persons in each college subscribing C.P. Fund in the Provident Fund organization.

- iv. Details of amount college wise received.
2. Total No. of Pvt. Primary, Middle, High, Higher Secondary schools of Jammu District subscribing C.P Fund towards Provident Fund since 2001 in the following format:
  - i. Name of school
  - ii. Total staff strength of each school
  - iii. Total No. of persons of each school subscribing C.P.Fund in the Provident Fund Organization.
  - iv. Details of amount received School wise.

The RTI application of the information seeker was forwarded to the PIO Provident Fund Organisation Jammu with a direction to provide information to the applicant within stipulated time under RTI Act, 2009. The PIO/ Provident Fund Organization Jammu failed to provide information within a stipulated time. Thus, feeling aggrieved of inaction on the part of the PIO, the information seeker vide reference No. 2/2013/JBJ dated 1-03-2013 preferred appeal before the FAA, Labour and Employment Department, Civil Secretariat, Jammu. The FAA disposed of the appeal vide order No:L&E/Gen/RTI/2013 dated 25-03-2013 with a direction to Addl. Provident Fund Commissioner, Jammu/PIO Provident Fund Organization office to provide the requisite information to the appellant within 20 days from the issuance of order. The PIO, Provident Fund Organisation Jammu and Addl. Provident Fund Commissioner Jammu could not implement the aforesaid direction of the FAA because of the reason that the information sought by the information seeker was a 3<sup>rd</sup> party information and they had to seek the consent of the Principals of different schools and colleges who totally refused/ raised objections to provide secret information to RTI activist. The information sought by the information seeker relates to the period since 2001 and he has also designed performa/questionnaire which requires a lot of resources and manpower to collect and compile the same. Such an exercise is likely to divert the resources of the public authority and may also impinge upon its functioning, relegating the performance of

normal duties which is contrary to the mandate of the RTI Act, 2009. The Addl. Provident Fund Commissioner Jammu (FAA) and PIO J&K Employees Provident Fund Organization Jammu have jointly filed a counter statement before the Commission vide office letter No: PIO/J/1768 dated 23-07-2013 in which they have inter-alia submitted that the information sought is very lengthy and time consuming and the department is already facing huge shortage of staff to cope up with day to day work as the department is a public dealing department and the information sought by the RTI activist is an important document of the schools/colleges which cannot be shared.

During the course of proceedings, FAA and PIO agreed to provide information for the last 1 to 2 years due to acute shortage of staff. In view of the aforesaid facts, it is apparent that the information sought by the information seeker is voluminous in nature and record has not been computerized, it will require a lot of manpower and resources of the public authority to prepare the information. Moreover, the information which is purely personal of the subscribers of CP Fund in the Provident Fund Organization Jammu cannot be shared and dissemination of such information would infringe their right to privacy. Keeping aside the personal aspect of information, the rest of the information can't be denied to the information seeker. In the matrix of aforesaid facts, PIO is hereby directed to provide information to the information seeker mentioning the names of the colleges/schools and the total amount they have contributed as CP Fund in the Provident Fund Organization Jammu during the last 3 years. The PIO is further directed to make available this information to the information seeker within 4 weeks from the date of receipt of this order under an intimation to the Commission.

The appeal is accordingly disposed of.

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

**Sd/-**  
**Dr. S.K. Sharma**  
State Information Commissioner

Copy to :

1. First Appellate Authority / Addl. Provident Fund Commissioner, Jammu.
2. Public Information Officer / Account Officer, Provident Fund Organization Jammu.
3. Sh. Anil Sharma Associate Editor, Jammu Bulletin Newspaper, Hall No. 205, II Floor, South Block, Bahu Plaza Jammu.

**(Khalid A. Shah)**  
Dy. Registrar,  
J&K State Information Commissioner