

(2010) 03 JH CK 0065
In the Jharkhand High Court

Professional Assistant for Development Action (PRADAN)	APPELLANT
Vs	
The Jharkhand State Information Commission and Others	RESPONDENT

Date of Decision : 10-03-2010

Acts Referred:

Right to Information Act, 2005 — Section 2

Citation : AIR 2010 Jhar 147

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.K. Merathia, J.—W.P.(C) No. 4376 of 209 has been filed for quashing the order dated 14.7.2009 passed by Jharkhand State Information Commission in Appeal Nos. 450, 588, 589 and 590 of 2009 under which the petitioner has been directed to furnish all information related to utilization of grant/aid received from the State Government and related to staff engagement for utilization of the fund to the appellant in Appeal No. 590 of 2009.

W.P.(C) No. 4305 of 2009 has been filed against the order dated 14.7.2009 passed by Jharkhand State Information Commission in Appeal No. 449 of 2009, directing the Public Information Officer of the petitioner to furnish the information of the respondents.

2. As both the cases involve common question they were taken up together. Mr. Manish Mishra, appearing for the petitioners in both the cases made common submissions. He submitted that petitioner in both the cases is Non Government Organization (N.G.O.) having its office at Delhi with different branches in different parts of the country including Jharkhand, and it is not substantially financed directly or indirectly by funds provided by the appropriate Government as it has received less than 15% of its total budget from the Government and therefore the petitioner is not Public Authority as defined u/s 2(h) of the Right to Information Act (the Act for short).

3. The relevant portion of the impugned appellate order in W.P.(C) 4376 of 2009 reads as follows:

In the instant appeal, the appellant has sought information relating to activities of the NGO PRADAN which relate to the utilization of the fund received from the Government of Jharkhand in the Dist. of Gumla and relating to the staff working for the utilization of the Government fund received by the NGO "PRADAN". The Public Information Officer, "PRADAN" provided information relating to the activities for the utilization of the Government fund and refused to furnish information relating to the staff of "PRADAN", who are engaged for the implementation of the utilization of fund received from the Government of Jharkhand in the district of Gumla.

The "PRADAN" was made available the fund received from DRDA and MESO, Gumla for the year 2007-08 under different heads as per Annexure-I attached with this order.

Thus, it can be seen that for the year 2007-08 itself, PRADAN has received Rs. 1,62,87,340/- from the Government of Jharkhand through DRDA and MESO, Gumla and PRADAN's cent percent activities are related to the utilization of the fund provided by the Govt. of Jharkhand, NGO, PRADAN receives cent percent financial aid/grant from the State of Jharkhand to do its activities with the staff of "PRADAN" in the district of Gumla for the utilization of fund received from the Jharkhand government. Therefore, "PRADAN", Gumla is a Public Authority under the Right to Information Act, 2005 u/s 2(h) and is liable to furnish information under the Right to Information Act, 2005 to any of the citizen of the State.

It may not be out of place to mention that the district administration of Gumla has published the names and designations of Public Information Officer, Assistant Public Information Officer and first appellate authority of the NGOs engaged in the district in which Sri Abdul Manan Choudhary, Jt. Secretary, "PRADAN" has been designated as Public Information Officer, Gumla and Sri Pankaj Das, Secretary, "PRADAN", has been designated as first appellate authority of "PRADAN". Therefore, in Appeal No. 184 of 2008, Sri Shambhu Nath Singh v. Public Information Officer, "PRADAN", has already furnished information to the appellant. Similarly, in several other appeals, Public Information Officer, "PRADAN" has appeared and furnished information to the appellants in the Commission. All of a sudden now, the officials of "PRADAN" are praying before the Commission that "PRADAN" is not a Public Authority u/s 2(h) of the Right to Information Act, 2005.

Therefore, as "PRADAN" receives cent percent grant/aid from the Govt. of Jharkhand, through DRDA/MESO, Gumla, and NGO PRADAN's 100% activity is confined to the utilization of the grant/ aid received from the Jharkhand Government and "PRADAN" has already furnished information in different appeals before the Commission, therefore, "PRADAN" is a Public Authority u/s 2(h) of the Right to Information Act, 2005 and is liable to furnish information to

the citizen under Right to Information Act, 2005.

Therefore, this Commission directs the P.I.O. of "PRADAN" to furnish all the information relating to utilization of grant/aid received from the State Government and relating to the staff engaged for the utilization of the fund received from State Government to the appellant in Appeal No. 590/2009 by the next date of hearing i.e. by 10.8.2009. The next date of hearing is fixed on 10.8.2009. Office is directed to inform the concerned parties accordingly.

4. Thus it appears that the petitioner receives substantial amount as fund from the Government agencies. Therefore, it cannot be said that petitioner is not substantially financed by the Government, whatever may be the extent of finance in the budget of the petitioner. Moreover, the Public Information Officer, Assistant Public Information Officer and first appellate authority of the petitioner has been designated and in some of the cases petitioner has already furnished information. The appellate authority has taken into consideration relevant aspect of the matter to hold that petitioner is substantially financed directly or indirectly by funds provided by the appropriate government.

In the result, both these writ applications are dismissed including the I.As. filed therein. However, no costs.