

STATE INFORMATION COMMISSION, PUNJAB
SCO No. 84-85, Sector -17-C, CHANDIGARH-160017
(www.infocommpunjab.com)

Shri Sabhi Dhariwal,
VPO Mehru, Pandori Khas,
Tehsil Nakodar,
Distt. Jalandhar City-144040

Appellant

Vs.

Public Information Officer,
O/o Principal, DIPS School,
Urban Estate-I, Jalandhar City.

First Appellate Authority,
O/o Principal, DIPS School,
Urban Estate-I, Jalandhar City.

Respondent

AC No.1699 of 2014

Present: Appellant. In person.

Shri Balwinder Pal Singh, General Manager, for respondent.

ORDER:

Shri Sabhi Dhariwal, Appellant vide an RTI application dated 26.12.13 addressed to PIO, DIPS School, Urban Estate-I, Jalandhar City sought following information on 16 points:-

1)Number of students admitted under Right to Education Act. Please provide me name of students and their address who are admitted under Right to Education Act. What facilities provided by School Management Committee to students admitted under RTE Act i.e. (Free Education, Books, Uniform etc.).

2)Please provide me complete detail aslongwith name and class of SC/ST/OBC/Economical weaker section students admitted in your school under the provision of RTE Act. Are they getting all facilities under RTE Act.

3)Whether your school has displayed notice board of RTE Act for the awareness of SC/ST/OBC/Economical Weaker Section Students of the Society.

4)Total land area of school self owned or running on lease. If on lease provide me detail of amount annually/year of lease/name of Leasing Authority. Your school has play ground or not.

5)Donations received/grants obtained from Govt. of Punjab/Govt. of India.

6.Balance sheet of the school 2007-2013.

7)Audit Report submitted to CBSE/District Education Officer, Jalandhar for 2007-2013.

8)Details of teaching/non-teaching employee with salary structure & EPF.

9)Whether Education fee/funds, Transport fee are charged as per direction of Hon'ble Punjab and Haryana High Court.

10)Total number of students in school.

11)Copy of Record Register maintained by the school for an academic year 2010-2013.

12)Number of family members/relative in School Management Committee with their name, designation and relations with School Management Committee. As per guidelines/Rule/Act framed by the Educaiton Board. How many family members can be enrolled in School Management Committee.

13)Whether your school follow instructions/guidelines issued by Govt. to implement RTE Act.

14)Whether school is running its own transport facility for students or have signed any contract. Please provide me copy of contract signed with Transport Contractor. Total number of buses/vans with sitting capacity. Fee structure of transportation.

15)Is school transport fees is more than School Education fees.

16)Is all terms and conditions fulfilled by school management with DTO to get permit/registration number and taxes applicable on school bus transport.

Failing to get any information within 30 days as mandated under Section 7(1) of the RTI Act, 2005, he filed first appeal with the First Appellate Authority vide letter dated 6.2.14 under the provisions of Section 19(1) of the Act ibid and subsequently approached the Commission in second appeal on 12.5.14 under the provisions of Section 19(3) of the said Act and accordingly, a notice of hearing was issued to the parties..

On the last date of hearing of this case i.e. on 25.6.14, it was noted that written submissions dated 13.6.14 filed by President, DIPS School, Urban Estate-I, Jalandhar City have been received in the Commission on 17.6.14 wherein it has been mentioned that as per Section 2(h) of RTI Act, 2005 the Public Authority means an Authority or body or institution of self Govt. established or constituted.

- a) By or under the Constitution.
- b) By any other law made by Parliament.
- c) By any other law made by State Legislation.
- d) By notification issued or order made by the appropriate Govt. and includes any:

i)Body owned, controlled or substantial financed.

ii)Not Govt. organization substantial financed directly or indirectly by funds provided by the appropriate Govt.

It has further been stated that DIPS School, Urban Estate-I, Jalandhar City does not fall within the definition of Public Authority. Though the NOC for this school has been obtained from Education Deptt. of the Punjab Govt. but it is a mere formality and on account of this NOC, school can not be declared as Public Authority.

It has further been pointed out that DIPS School, Urban Estate-I, Jalandhar City is a privately owned and self financed school and is not receiving any financial aid or grant from the Central or State Govt. There is no control of any State or Central govt. on the management of the school. The school is administered by a Private Management and there is no govt. nominee or member on the Management Committee of this school.

He has also filed an affidavit duly attested by the Notary Public wherein an endorsement has also been made by the DEO (SE), Jalandhar mentioning that no financial aid or grant is being received by the institution.

Shri Balwinder Pal Singh, General Manager appearing for the DIPS School stated that a copy of letter dated 13.6.14 which has been sent to the Commission mentioning that the institution is not a Public Authority being not covered under the provisions of section 2(h) of RTI Act, 2005, has also been endorsed to the appellatant on the same date i.e. on 13.6.14.

It was further noted that a telephonic message has been received from the appellatant expressing his inability to attend the Commission on that date as one of his close relative was involved in a road accident. As such, the case was adjourned to 14.8.14 with a direction to the appellatant to file his written statement justifying his demand for seeking an information as the respondent – institution has already sent him a reply that the same is not amenable to provide him information.

The appellatant was also directed to appear before the Commission either in person or to depute his duly authorized representative on the next fixed date which may be taken as last opportunity failing to do so it would be presumed that he has nothing to say and the ex-parte proceedings would be taken and the case was adjourned to today.

During the hearing of this case today, Shri Balwinder Pal Singh, General Manager appearing on behalf of the respondent - DIPS School, Urban Estate-I, Jalandhar City again reiterated that respondent school is not a Public Authority and as it does not qualify to be covered under Section 2(h) of the Act ibid, therefore, is not amenable to provide information.

Shri Sabhi Dhariwal, appellatant who appeared in person today stated that though the Punjab Govt. has implemented the Right to Education Act, the School authorities are not according the admission facilities as per the established law and that is why he has demanded this information by filing the RTI Application. However, he did not file any written submissions in support of his contentions to prove as to how the DIPS School is a 'public authority' under Section 2(h) of the RTI Act, 2005.

After hearing both the parties and going through the material place on record, the Commission is of the view that the DIPS School, Urban Estate-I, Jalandhar City is

a privately managed institution which is neither directly controlled nor getting any aid, financial support or funds either from State Govt. or Central Govt. Even otherwise it does not get covered in any of the sub clause of Section 2(h) of RTI Act.

It is further observed that as per law laid down by Hon'ble Supreme Court in the case titled Thalappalam Ser. Coop. Bank Ltd. And others Vs. State of Kerala and others (Civil Appeal no. 9017 of 2013 (arising out of SLP © No. 24290 of 2012), decided on 7.10.2013, the School does not qualify to be a Public Authority as defined in Section 2(h) of RTI Act, 2005. As such, the School is not liable to provide any information to the appellant.

In view of what has been discussed above, the case is disposed of/closed.

Chandigarh.
Dated: 14.8.2014

(B.C.Thakur)
State Information Commissioner

STATE INFORMATION COMMISSION, PUNJAB
SCO No. 84-85, Sector -17-C, CHANDIGARH-160017
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Shri Sabhi Dhariwal,
VPO Mehru, Pandori Khas,
Tehsil Nakodar,
Distt. Jalandhar City-144040

Appellant

Vs.

Public Information Officer,
O/o Principal, DIPS School,
Mehatpur, Tehsil Nakodar,
Distt. Jalandhar.

First Appellate Authority,
O/o Principal, DIPS School,
Mehatpur, Tehsil Nakodar,
Distt. Jalandhar.

Respondent

AC No.1700 of 2014.

Present: Appellant in person.

Shri Balwinder Pal Singh, General Manager, for respondent.

ORDER:

Shri Sabhi Dhariwal, Appellant vide an RTI application dated 24.12.13 addressed to PIO, DIPS School, Mehatpur, Tehsil Nakodar, Distt. Jalandhar sought following information on 16 points:-

- 1) Number of students admitted under Right to Education Act. Please provide me name of students and their address who are admitted under Right to Education Act. What facilities provided by School Management Committee to students admitted under RTE Act i.e. (Free Education, Books, Uniform etc.).
- 2) Please provide me complete detail alongwith name and class of SC/ST/OBC/Economical weaker section students admitted in your school under the provision of RTE Act. Are they getting all facilities under RTE Act.
- 3) Whether your school has displayed notice board of RTE Act for the awareness of SC/ST/OBC/Economical Weaker Section Students of the Society.
- 4) Total land area of school self owned or running on lease. If on lease provide me detail of amount annually/year of lease/name of Leasing Authority. Your school has play ground or not.
- 5) Donations received/grants obtained from Govt. of Punjab/Govt. of India.
6. Balance sheet of the school 2007-2013.
- 7) Audit Report submitted to CBSE/District Education Officer, Jalandhar for 2007-2013.

8.Details of teaching/non/teaching employee with salary structure & EPF.

9)Whether Education fee/funds, Transport fee are charged as per direction of Hon'ble Punjab and Haryana High Court.

10)Total number of students in school.

11)Copy of Record Register maintained by the school for an academic year 2010-2013.

12)Number of family members/relative in School Management Committee with their name, designation and relations with School Management Committee. As per guidelines/Rule/Act framed by the Educaiton Board. How many family members can be enrolled in School Management Committee.

13)Whether your school follow instructions/guidelines issued by Govt. to implement RTE Act.

14)Whether school is running its own transport facility for students or have signed any contract. Please provide me copy of contract signed with Transport Contractor. Total number of buses/vans with sitting capacity. Fee structure of transportation.

15)Is school transport fees is more than School Education fees.

16)Is all terms and conditions fulfilled by school management with DTO to get permit/registration number and taxes applicable on school bus transport.

Failing to get any information within 30 days as mandated under Section 7(1) of the RTI Act, 2005, he filed first appeal with the First Appellate Authority vide letter dated 6.2.14 under the provisions of Section 19(1) of the Act ibid and subsequently approached the Commission in second appeal on 12.5.14 under the provisions of Section 19(3) of the said Act and accordingly, a notice of hearing was issued to the parties

On the last date of hearing of this case i.e. on 25.6.14, it was noted that written submissions dated 13.6.14 filed by President, DIPS School, Mehatpur, Tehsil Nakodar, Distt. Jalandhar have been received in the Commission on 17.6.14 wherein it has been mentioned that as per Section 2(h) of RTI Act, 2005 the Public Authority means an Authority or body or institution of self Govt. established or constituted.

- e) By or under the Constitution.
- f) By any other law made by Parliament.
- g) By any other law made by State Legislation.
- h) By notification issued or order made by the appropriate Govt. and includes any:
 - i)Body owned, controlled or substantial financed.
 - ii)Not Govt. organization substantial financed directly or indirectly by funds provided by the appropriate Govt.

It has further been stated that DIPS School, Mehatpur, Tehsil Nakodar, Distt. Jalandhar does not fall within the definition of Public Authority. Though the NOC for this school has been obtained from Education Deptt. of the Punjab Govt. but it is a mere formality and on account of this NOC school can not be declared as Public Authority.

It has further been pointed out that DIPS School, Mehatpur, Tehsil Nakodar, Distt. Jalandhar is a privately owned and self financed school and is not receiving any financial aid or grant from the Central or State Govt. There is no control of any State or Central govt. on the management of the school. The school is administered by a Private Management and there is no govt. nominee or member on the Management Committee of this school.

He has also filed an affidavit duly attested by the Notary Public wherein an endorsement has also been made by the DEO (SE), Jalandhar mentioning that no financial aid or grant is being received by the institution.

Shri Balwinder Pal Singh, General Manager appearing for the DIPS School stated that a copy of letter dated 13.6.14 which has been sent to the Commission mentioning that the institution is not a Public Authority being not covered under the provisions of section 2(h) of RTI Act, 2005, has also been endorsed to the appellant on the same date i.e. on 13.6.14.

It was further noted that a telephonic message has been received from the appellant expressing his inability to attend the Commission on that date as one of his close relative was involved in a road accident. As such, the case was adjourned to 14.8.14 with a direction to the appellant to file his written statement justifying his demand for seeking an information as the respondent – institution has already sent him a reply that the same is not amenable to provide him information being not covered under RTI Act and in view of judgment dated 7.10.2013 of Hon'ble Supreme Court in the case of Thalappalam Ser. Co-op. Bank Ltd. Vs. State of Kerala and others (Civil Appeal no. 9017 of 2013 arising out of SLP no. 24290 of 2012).

The appellant was also directed to appear before the Commission either in person or to depute his duly authorized representative on the next fixed date which may be taken as last opportunity failing to do so it shall be presumed that he has nothing to say and the ex-parte proceedings would be taken and the case was adjourned to today.

During the hearing of this case today, Shri Balwinder Pal Singh, General Manager appearing on behalf of the respondent - DIPS School, Mehatpur, Tehsil Nakodar, Distt. Jalandhar, states that respondent school is not a Public Authority and as it does not qualify to be covered under Section 2(h) of the Act ibid, therefore, is not amenable to provide information.

He invited the attention of Commission to **Section 2(h)** of the Right to Information Act, 2005 which defines the term, 'public authority', as under:-

2(h) "public authority" means any authority or body or institution of self-government established or constituted:-

(a) by or under the Constitution;

- (b) by any other law made by Parliament;
- © by any other law made by State Legislature;
- (d) by notification issued or order made by the appropriate Government and includes any—

- (i) body owned, controlled or substantially financed;
- (ii) non-Government Organisation substantially financed, directly or indirectly by funds provided by the appropriate Government.

He further states that the plain language of the Section makes it clear that unless it is proved that the school was 'owned', 'controlled' or 'substantially financed' directly or indirectly by funds provided by the appropriate Government, it cannot be held to be a public authority within the meaning of Section 2(h). From the facts placed on record, as discussed in the preceding paragraphs, it is obvious that the respondent school is not a public authority. It is neither owned nor is its management run or 'controlled' by government. It has also not received funds/aid, directly or indirectly from government. It is, thus in form and substance, a private body."

Shri Sabhi Dhariwal, appellant who appeared in person today stated that though the Punjab Govt. has implemented the Right to Education Act, the School authorities are not according the admission facilities as per the established law and that is why he has demanded this information by filing the RTI Application. However, he did not file any written submissions in support of his contentions to prove as to how the DIPS School is a 'public authority' under Section 2(h) of the RTI Act, 2005.

After hearing both the parties and examining the material place on the record, the Commission is of the view that the DIPS School, Mehatpur, Tehsil Nakodar, Distt. Jalandhar is a purely privately managed institution which is not getting any aid, financial support or funds either from State Govt. or Central Govt. Even otherwise it does not get covered in any of the sub clause of Section 2(h) of RTI Act.

It is further observed that as per law laid down by Hon'ble Supreme Court in the case titled Thalappalam Ser. Coop. Bank Ltd. And others Vs. State of Kerala and others (Civil Appeal no. 9017 of 2013 (arising out of SLP © No. 24290 of 2012), decided on 7.10.2013, the School does not qualify to be a Public Authority as defined in Section 2(h) of RTI Act, 2005. As such, the School is not liable to provide any information to the appellant.

In view of what has been discussed above, the case is disposed of/closed.

Chandigarh.
Dated: 14.8.2014

(B.C.Thakur)
State Information Commissioner

STATE INFORMATION COMMISSION, PUNJAB
SCO No. 84-85, Sector -17-C, CHANDIGARH-160017
(www.infocommpunjab.com)

Shri Sabhi Dhariwal,
V.P.O. Mehru, Pandori Khas,
Tehsil Nakodar, Jalandhar-City.

Appellant

Vs.

Public Information Officer,
O/o Principal, C.T. Public School,
Greater Kailash, G.T.Road, Maqsudan,
Jalandhar.

First Appellate Authority,
O/o Principal, C.T. Public School,
Greater Kailash, G.T.Road, Maqsudan,
Jalandhar

Respondent

AC No. 1701 of 2014

Present: Appellant in person.

Shri S.S. Rana, OSD with Shri Inder Pal Arora, Administrative Officer
For respondent – school.

ORDER:

Shri Sabhi Dhariwal, Appellant vide an RTI application dated 24.12.13 addressed to PIO, CT Public School, Greater Kailash, GT Road, Maqsudan, Jalandhar City sought following information on 16 points:-

- 1) Number of students admitted under Right to Education Act. Please provide me name of students and their address who are admitted under Right to Education Act. What facilities provided by School Management Committee to students admitted under RTE Act i.e. (Free Education, Books, Uniform etc.).
- 2) Please provide me complete detail along with name and class of SC/ST/OBC/Economical weaker section students admitted in your school under the provision of RTE Act. Are they getting all facilities under RTE Act.
- 3) Whether your school has displayed notice board of RTE Act for the awareness of SC/ST/OBC/Economical Weaker Section Students of the Society.
- 4) Total land area of school self owned or running on lease. If on lease provide me detail of amount annually/year of lease/name of Leasing Authority. Your school has play ground or not.
- 5) Donations received/grants obtained from Govt. of Punjab/Govt. of India.
6. Balance sheet of the school 2007-2013.

7) Audit Report submitted to CBSE/District Education Officer, Jalandhar for 2007-2013.

8) Details of teaching/non-teaching employee with salary structure & EPF.

9) Whether Education fee/funds, Transport fee are charged as per direction of Hon'ble Punjab and Haryana High Court.

10) Total number of students in school.

11) Copy of Record Register maintained by the school for an academic year 2010-2013.

12) Number of family members/relative in School Management Committee with their name, designation and relations with School Management Committee. As per guidelines/Rule/Act framed by the Education Board. How many family members can be enrolled in School Management Committee.

13) Whether your school follow instructions/guidelines issued by Govt. to implement RTE Act.

14) Whether school is running its own transport facility for students or have signed any contract. Please provide me copy of contract signed with Transport Contractor. Total number of buses/vans with sitting capacity. Fee structure of transportation.

15) Is school transport fees is more than School Education fees.

16) Is all terms and conditions fulfilled by school management with DTO to get permit/registration number and taxes applicable on school bus transport.

Failing to get any information within 30 days as mandated under Section 7(1) of the RTI Act, 2005, he filed first appeal with the First Appellate Authority vide letter dated 6.2.14 under the provisions of Section 19(1) of the Act *ibid* and subsequently approached the Commission in second appeal on 12.5.14 under the provisions of Section 19(3) of the said Act and accordingly, a notice of hearing was issued to the parties .

On the last date of hearing of this case i.e. on 25.6.14, it was noted that written submissions dated 12.6.14 filed by Principal, CT Public School, Jalandhar have been received in the Commission on 17.6.14 wherein it has been mentioned that as per RTI Act, 2005 any citizen shall have the right to information but this information can be sought only from a Public Authority.

- i) By or under the Constitution.
- j) By any other law made by Parliament.
- k) By any other law made by State Legislation.
- l) By notification issued or order made by the appropriate Govt. and includes any:

i) Body owned, controlled or substantial financed.

ii)Not Govt. organization substantially financed directly or indirectly by funds provided by the appropriate Govt.

It has further been stated that CT Public School, Jalandhar does not fall under the definition of Public Authority. Though the NOC for this school has been obtained from Education Deptt.of the Punjab Govt. but on account of this NOC school can not be declared as Public Authority.

It has further been pointed out that there is no control of any State or Central govt. on the management of the school. The school is administered by a Private Management and there is no govt. nominee or member on the Management Committee of this school.

It has also been stated that in view of judgment dated 7.10.2013 of Hon'ble Supreme Court in the case of Thalappalam Ser. Co-op. Bank Ltd. Vs. State of Kerala and others (Civil Appeal no. 9017 of 2013 arising out of SLP no. 24290 of 2012), CT Public School is neither "substantial financed" by any State or Central govt. nor is controlled by the Govt.

It was further noted that a telephonic message has been received from the appellatant expressing his inability to attend the Commission on that date as one of his close relative was involved in a road accident. As such, the case was adjourned to 14.8.14 with a direction to the appellatant to file his written statement justifying his demand for seeking the information. The appellatant was also directed to appear before the Commission either in person or to depute his duly authorized representative on the next fixed date which may be taken as last opportunity failing to do so it would be presumed that he has nothing to say and the ex-parte proceedings would be taken and the case was adjourned to today.

During the hearing of this case today, S.S. Rana, OSD appearing on behalf of the respondent - C.T. Public School, Jalandhar,states that respondent school is not a Public Authority and as it does not qualify to be covered under Section 2(h) of the Act ibid, therefore, is not amenable to provide information.

He invited the attention of Commission to **Section 2(h)** of the Right to Information Act, 2005 which defines the term, 'public authority' as under:-

2(h) "public authority" means any authority or body or institution of self-government established or constituted:-

- (a) by or under the Constitution;
- (b) by any other law made by Parliament;
- © by any other law made by State Legislature;
- (e) by notification issued or order made by the appropriate Government and includes any—

- (i) body owned, controlled or substantially financed;
- (ii) non-Government Organisation substantially financed, directly or indirectly by funds provided by the appropriate Government.

He further states that the plain language of the Section makes it clear that unless it is proved that the school was 'owned', 'controlled' or 'substantially financed'

directly or indirectly by funds provided by the appropriate Government, it cannot be held to be a public authority within the meaning of Section 2(h). From the facts placed on record, as discussed in the preceding paragraphs, it is obvious that the respondent school is not a public authority. It is neither owned nor is its management run or 'controlled' by government. It has also not received funds/aid, directly or indirectly from government. Thus, it is in form and substance, a private body."

Shri Sabhi Dhariwal, appellant who appeared in person today stated that though the Punjab Govt. has implemented the Right to Education Act, the School authorities are not according the admission facilities as per the established law and that is why he has demanded this information by filing the RTI Application. However, he did not file any written submissions in support of his contentions to prove as to how the DIPS School is a 'public authority' and is covered under Section 2(h) of the RTI Act, 2005.

After hearing both the parties and going through material placed on the record, the Commission is of the view that the C.T. Public School, Jalandhar is a privately managed institution which is not getting any aid, financial support or funds either from State Govt. or Central Govt. Even otherwise it does not get covered in any of the sub clause of Section 2(h) of RTI Act.

It is further observed that as per law laid down by Hon'ble Supreme Court in the case titled Thalappalam Ser. Coop. Bank Ltd. And others Vs. State of Kerala and others (Civil Appeal no. 9017 of 2013 (arising out of SLP © No. 24290 of 2012), decided on 7.10.2013, the School does not qualify to be a Public Authority as defined in Section 2(h) of RTI Act, 2005. As such, the School is not liable to provide any information to the appellant.

In view of what has been discussed above, the case is disposed of/closed.

Chandigarh.
Dated: 14.8.2014

(B.C.Thakur)
State Information Commissioner

STATE INFORMATION COMMISSION, PUNJAB
SCO No. 84-85, Sector -17-C, CHANDIGARH-160017
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Shri Sabhi Dhariwal,
V.P.O. Mehru, Pandori Khas,
Tehsil Nakodar, Jalandhar-City.

Appellant

Vs.

Public Information Officer,
O/o Principal, State Public Sr. Sec.School,
Parjian Road, Shahkot,
Distt. Jalandhar.

First Appellate Authority,
O/o Principal,
State Public Sr. Sec.School,
Parjian Road, Shahkot,
Distt. Jalandhar.

Respondent

AC No. 1714 of 2014

Present: Appellant in person.
Kanwar Neel Kamal, Principal for respondent.

ORDER:

Shri Sabhi Dhariwal, Appellant vide an RTI application dated 24.12.13 addressed to PIO, State Public Senior Sec. School, Parjian Road, Shahkot sought following information on 16 points:-

- 1) Number of students admitted under Right to Education Act. Please provide me name of students and their address who are admitted under Right to Education Act. What facilities provided by School Management Committee to students admitted under RTE Act i.e. (Free Education, Books, Uniform etc.).
- 2) Please provide me complete detail along with name and class of SC/ST/OBC/Economical weaker section students admitted in your school under the provision of RTE Act. Are they getting all facilities under RTE Act.
- 3) Whether your school has displayed notice board of RTE Act for the awareness of SC/ST/OBC/Economical Weaker Section Students of the Society.
- 4) Total land area of school self owned or running on lease. If on lease provide me detail of amount annually/year of lease/name of Leasing Authority. Your school has play ground or not.
- 5) Donations received/grants obtained from Govt. of Punjab/Govt. of India.
- 6) Balance sheet of the school 2007-2013.

7) Audit Report submitted to CBSE/District Education Officer, Jalandhar for 2007-2013.

8) Details of teaching/non-teaching employee with salary structure & EPF.

9) Whether Education fee/funds, Transport fee are charged as per direction of Hon'ble Punjab and Haryana High Court.

10) Total number of students in school.

11) Copy of Record Register maintained by the school for an academic year 2010-2013.

12) Number of family members/relative in School Management Committee with their name, designation and relations with School Management Committee. As per guidelines/Rule/Act framed by the Education Board. How many family members can be enrolled in School Management Committee.

13) Whether your school follow instructions/guidelines issued by Govt. to implement RTE Act.

14) Whether school is running its own transport facility for students or have signed any contract. Please provide me copy of contract signed with Transport Contractor. Total number of buses/vans with sitting capacity. Fee structure of transportation.

15) Is school transport fees is more than School Education fees.

16) Is all terms and conditions fulfilled by school management with DTO to get permit/registration number and taxes applicable on school bus transport.

Failing to get any information within 30 days as mandated under Section 7(1) of the RTI Act, 2005, he filed first appeal with the First Appellate Authority vide letter dated 6.2.14 under the provisions of Section 19(1) of the Act *ibid* and subsequently approached the Commission in second appeal on 13.5.14 under the provisions of Section 19(3) of the said Act and accordingly, a notice of hearing was issued to the parties for today.

On the last date of hearing of this case i.e. on 25.6.14, Kanwar Neel Kamal, Principal, State Public School, Shahkot filed written submissions wherein it has been mentioned that State Public School, Shahkot does not fall within the definition of Section 2(h) of RTI Act, 2005 as this School is a privately un-aided school not at all owned, controlled or substantially financed, directly or indirectly funds provided by the appropriate Govt. and also non government organization substantially financed directly or indirectly, by funds provided by the appropriate govt. and as such does not fall within the definition of Section 2 (h)(d) or (ii) respectively. It has further been mentioned that the State Public School, Shahkot being purely an un-aided school is not attracted by RTI Act, 2005 or any of its sub-clauses either 6.3 (i) & (ii) or any other clause and this fact of law is well settled by the Hon'ble Supreme Court judgment announced in October, 2013 in the case of Thalappalam Ser. Co-op. Bank Ltd. Vs. State of Kerala where the Hon'ble Supreme Court has quashed the State govt. letter dated 5.5.2006 and the circular dated 1.6.2006 on the simple ground that Kerala

cooperative society is not 'owned, controlled or substantially financed by the appropriate government.

It was further noted that a telephonic message has been received from the appellant expressing his inability to attend the Commission on that date as one of his close relative was involved in a road accident. As such, the case was adjourned to 14.8.14 with a direction to the appellant to file his written statement justifying his demand for seeking an information. The appellant was also directed to appear before the Commission either in person or to depute his duly authorized representative on the next fixed date which may be taken as last opportunity failing to do so it would be presumed that he has nothing to say and the ex-parte proceedings would be taken and the case was adjourned to today.

During the hearing of this case today, Kanwar Neel Kamal, Principal appearing on behalf of the respondent - Sr. Sec.School , Shahkot Distt. Jalandhar.states that respondent school is not a Public Authority and as it does not qualify to be covered under Section 2(h) of the Act ibid, therefore, is not amenable to provide information.

Respondent institution further reproduced the **Section 2(h)** of the Right to Information Act, 2005 which defines the term, 'public authority' as under:-

2(h) "public authority" means any authority or body or institution of self-government established or constituted:-

- (a) by or under the Constitution;
- (b) by any other law made by Parliament;
- (c) by any other law made by State Legislature;
- (f) by notification issued or order made by the appropriate Government and includes any—

- (i) body owned, controlled or substantially financed;
- (ii) non-Government Organisation substantially financed, directly or indirectly by funds provided by the appropriate Government.

It has further been said by Respondent that the plain language of the Section makes it clear that unless it is proved that the school was 'owned', 'controlled' or 'substantially financed' directly or indirectly by funds provided by the appropriate Government or attracts any of clauses of Section 2(h) it cannot be held to be a public authority within the meaning of Section 2(h). From the facts placed on record, as discussed in the preceding paragraphs, it is obvious that the respondent school is not a public authority. It is neither owned nor is its management run or 'controlled' by government. It has also not received funds/aid, directly or indirectly from government. It is, in form and substance, a private body."

Shri Neel Kamal, Principal appearing on behalf of the respondent - , Sr. Sec.School, Shahkot,Distt. Jalandhar Jalandhar further stated that the School is not getting any grant in aid, or any other financial support or funds, either from State Govt. or from Central Govt. The school is privately managed and as such is not covered under the definition of Public Authority as enshrined in Section 2(h) of RTI Act, 2005.

Shri Sabhi Dhariwal, appellant who appeared in person today stated that though the Punjab Govt. has implemented the Right to Education Act, the School authorities are not according the admission facilities as per the established law and that is why he has demanded this information by filing the RTI Application. However, he did not file any written submissions in support of his contentions to prove as to how the DIPS School is a 'public authority' under Section 2(h) of the RTI Act, 2005.

After hearing both the parties and examining the material placed on record, the Commission is of the view that the State Public Sr. Sec.School, Shahkot, Distt. Jalandhar is a privately managed institution which is not getting any aid, financial support or funds either from State Govt. or Central Govt. Even otherwise it does not get covered in any of the sub clause of Section 2(h) of RTI Act.

It is further observed that as per law laid down by Hon'ble Supreme Court in the case titled Thalappalam Ser. Coop. Bank Ltd. And others Vs. State of Kerala and others (Civil Appeal no. 9017 of 2013 (arising out of SLP © No. 24290 of 2012), decided on 7.10.2013, the School does not qualify to be a Public Authority as defined in Section 2(h) of RTI Act, 2005. As such, the School is not liable to provide any information to the appellant.

In view of what has been discussed above, the case is disposed of/closed.

Chandigarh.
Dated: 14.8.2014

(B.C.Thakur)
State Information Commissioner

STATE INFORMATION COMMISSION, PUNJAB
SCO No. 84-85, Sector -17-C, CHANDIGARH-160017
(www.infocommpunjab.com)

Shri Sabhi Dhariwal,
V.P.O. Mehru, Pandori Khas,
Tehsil Nakodar, Jalandhar-City.

Appellant

Vs.

Public Information Officer,
O/o Principal, DIPS School,
Nurmahal, Distt. Jalandhar.

First Appellate Authority,
O/o Principal, DIPS School,
Nurmahal, Distt. Jalandhar.

Respondent

AC No. 1715 of 2014

Present: Appellant in person.

Shri Balwinder Pal Singh, General Manager, for respondent.

ORDER:

Shri Sabhi Dhariwal, Appellant vide an RTI application dated 24.12.13 addressed to PIO, DIPS School, Nurmahal, Distt. Jalandhar sought following information on 16 points:-

- 1) Number of students admitted under Right to Education Act. Please provide me name of students and their address who are admitted under Right to Education Act. What facilities provided by School Management Committee to students admitted under RTE Act i.e. (Free Education, Books, Uniform etc.).
- 2) Please provide me complete detail alongwith name and class of SC/ST/OBC/Economical weaker section students admitted in your school under the provision of RTE Act. Are they getting all facilities under RTE Act.
- 3) Whether your school has displayed notice board of RTE Act for the awareness of SC/ST/OBC/Economical Weaker Section Students of the Society.
- 4) Total land area of school self owned or running on lease. If on lease provide me detail of amount annually/year of lease/name of Leasing Authority. Your school has play ground or not.
- 5) Donations received/grants obtained from Govt. of Punjab/Govt. of India.
6. Balance sheet of the school 2007-2013.
- 7) Audit Report submitted to CBSE/District Education Officer, Jalandhar for 2007-2013.
8. Details of teaching/non/teaching employee with salary structure & EPF.

9) Whether Education fee/funds, Transport fee are charged as per direction of Hon'ble Punjab and Haryana High Court.

10) Total number of students in school.

11) Copy of Record Register maintained by the school for an academic year 2010-2013.

12) Number of family members/relative in School Management Committee with their name, designation and relations with School Management Committee. As per guidelines/Rule/Act framed by the Education Board. How many family members can be enrolled in School Management Committee.

13) Whether your school follow instructions/guidelines issued by Govt. to implement RTE Act.

14) Whether school is running its own transport facility for students or have signed any contract. Please provide me copy of contract signed with Transport Contractor. Total number of buses/vans with sitting capacity. Fee structure of transportation.

15) Is school transport fees is more than School Education fees.

16) Is all terms and conditions fulfilled by school management with DTO to get permit/registration number and taxes applicable on school bus transport.

Failing to get any information within 30 days as mandated under Section 7(1) of the RTI Act, 2005, he filed first appeal with the First Appellate Authority vide letter dated 6.2.14 under the provisions of Section 19(1) of the Act ibid and subsequently approached the Commission in second appeal on 13.5.14 under the provisions of Section 19(3) of the said Act and accordingly, a notice of hearing was issued to the parties for today.

On the last date of hearing of this case i.e. on 25.6.14, it was noted that written submissions dated 13.6.14 filed by President, DIPS School, Nurmahal, Distt. Jalandhar have been received in the Commission on 17.6.14 wherein it has been mentioned that as per Section 2(h) of RTI Act, 2005 the Public Authority means an Authority or body or institution of self Govt. established or constituted.

m) By or under the Constitution.

n) By any other law made by Parliament.

o) By any other law made by State Legislation.

p) By notification issued or order made by the appropriate Govt. and includes any:

i) Body owned, controlled or substantial financed.

ii) Not Govt. organization substantial financed directly or indirectly by funds provided by the appropriate Govt.

It has further been stated that DIPS School, Nurmahal, Distt. Jalandhar does not fall within the definition of Public Authority. Though the NOC for this school has

been obtained from Education Deptt. of the Punjab Govt. but it is a mere formality and on account of this NOC school can not be declared as Public Authority.

It has further been pointed out that DIPS School, Nurmahal, Distt. Jalandhar is a privately owned and self financed school and is not receiving any financial aid or grant from the Central or State Govt. There is no control of any State or Central govt. on the management of the school. The school is administered by a Private Management and there is no govt. nominee or member on the Management Committee of this school.

He has also filed an affidavit duly attested by the Notary Public wherein an endorsement has also been made by the DEO (SE), Jalandhar mentioning that no financial aid or grant is being received by the institution.

Shri Balwinder Pal Singh, General Manager appearing for the DIPS School stated that a copy of letter dated 13.6.14 which has been sent to the Commission mentioning that the institution is not a Public Authority being not covered under the provisions of section 2(h) of RTI Act, 2005, has also been endorsed to the appellant on the same date i.e. on 13.6.14.

It was further noted that a telephonic message has been received from the appellant expressing his inability to attend the Commission on that date as one of his close relative was involved in a road accident. As such, the case was adjourned to 14.8.14 with a direction to the appellant to file his written statement justifying his demand for seeking an information as the respondent – institution has already sent him a reply that the same is not amenable to provide him information.

The appellant was also directed to appear before the Commission either in person or to depute his duly authorized representative on the next fixed date which may be taken as last opportunity failing to do so it shall be presumed that he has nothing to say and the ex-parte proceedings would be taken and the case was adjourned to today.

During the hearing of this case today, Shri Balwinder Pal Singh, General Manager appearing on behalf of the respondent - DIPS School, Nurmahal, Distt. Jalandhar, again reiterated his earlier stand that respondent school is not a Public Authority and as it does not qualify to be covered under Section 2(h) of the Act ibid, therefore, is not amenable to provide information.

Shri Sabhi Dhariwal, appellant who appeared in person today stated that though the Punjab Govt. has implemented the Right to Education Act, the School authorities are not according the admission facilities as per the established law and that is why he has demanded this information by filing the RTI Application. However, he did not file any written submissions in support of his contentions to prove as to how the DIPS School is a 'public authority' under Section 2(h) of the RTI Act, 2005.

After hearing both the parties and going through written submissions on the record, the Commission is of the view that the DIPS School, Nurmahal, Distt. Jalandhar is a privately managed institution which is not getting any aid, financial support or funds either from State Govt. or Central Govt. Even otherwise it does not get covered in any of the sub clause of Section 2(h) of RTI Act.

It is further observed that as per law laid down by Hon'ble Supreme Court in the case titled Thalappalam Ser. Coop. Bank Ltd. And others Vs. State of Kerala and others (Civil Appeal no. 9017 of 2013 (arising out of SLP © No. 24290 of 2012), decided on 7.10.2013, the School does not qualify to be a Public Authority as defined in Section 2(h) of RTI Act, 2005. As such, the School is not liable to provide any information to the appellant.

In view of what has been discussed above, the case is disposed of/closed.

Chandigarh.
Dated: 14.8.2014

(B.C.Thakur)
State Information Commissioner

STATE INFORMATION COMMISSION, PUNJAB
SCO No. 84-85, Sector -17-C, CHANDIGARH-160017
(www.infocommpunjab.com)

Shri Sabhi Dhariwal,
V.P.O. Mehru, Pandori Khas,
Tehsil Nakodar, Jalandhar-City.

Appellant

Vs.

Public Information Officer,
O/o Principal, State Public Sr. Sec.School,
Mehatpur, Distt. Jalandhar.

First Appellate Authority,
O/o Principal, State Public Sr. Sec.School,
Mehatpur, Distt. Jalandhar.

Respondent

AC No. 1716 of 2014

Present: Appellant in person.
Kanwar Neel Kamal, Principal for respondent.

ORDER:

Shri Sabhi Dhariwal, Appellant vide an RTI application dated 24.12.13 addressed to PIO, State Public Senior Sec. School, Mehatpur Bypass Road Nakodar sought following information on 16 points:-

- 1)Number of students admitted under Right to Education Act. Please provide me name of students and their address who are admitted under Right to Education Act. What facilities provided by School Management Committee to students admitted under RTE Act i.e. (Free Education, Books, Uniform etc.).
- 2)Please provide me complete detail aslongwith name and class of SC/ST/OBC/Economical weaker section students admitted in your school under the provision of RTE Act. Are they getting all facilities under RTE Act.
- 3)Whether your school has displayed notice board of RTE Act for the awareness of SC/ST/OBC/Economical Weaker Section Students of the Soceity.
- 4)Total land area of school self owned or running on lease. If on lease provide me detail of amount annually/year of lease/name of Leasing Authority. Your school has play ground or not.
- 5)Donations received/grants obtained from Govt. of Punjab/Govt. of India.
- 6.Balance sheet of the school 2007-2013.
- 7)Audit Report submitted to CBSE/District Education Officer, Jalandhar for 2007-2013.

8.Details of teaching/non/teaching employee with salary structure & EPF.

9)Whether Education fee/funds, Transport fee are charged as per direction of Hon'ble Punjab and Haryana High Court.

10)Total number of students in school.

11)Copy of Record Register maintained by the school for an academic year 2010-2013.

12)Number of family members/relative in School Management Committee with their name, designation and relations with School Management Committee. As per guidelines/Rule/Act framed by the Educaiton Board. How many family members can be enrolled in School Management Committee.

13)Whether your school follow instructions/guidelines issued by Govt. to implement RTE Act.

14)Whether school is running its own transport facility for students or have signed any contract. Please provide me copy of contract signed with Transport Contractor. Total number of buses/vans with sitting capacity. Fee structure of transportation.

15)Is school transport fees is more than School Education fees.

16)Is all terms and conditions fulfilled by school management with DTO to get permit/registration number and taxes applicable on school bus transport.

Failing to get any information within 30 days as mandated under Section 7(1) of the RTI Act, 2005, he filed first appeal with the First Appellate Authority vide letter dated 6.2.14 under the provisions of Section 19(1) of the Act ibid and subsequently approached the Commission in second appeal on 13.5.14 under the provisions of Section 19(3) of the said Act and accordingly, a notice of hearing was issued to the parties for today.

On the last date of hearing of this case i.e. on 25.6.14, it was noted that Administrative Manager, State Public Senior Sec. School, Nakodar has filed written submissions wherein it has been mentioned that State Public School, Nakodar does not fall within the definition of Section 2(h) of RTI Act, 2005 as this School is a privately un-aided school not at all owned, controlled or substantially financed, directly or indirectly with the funds provided by the appropriate Govt. or by an authority and as such does not fall within the definition of Section 2 (h)(d) or (ii) respectively. It has further been mentioned that the State Public School, Nakodar being purely an un-aided school is not attracted by RTI Act, 2005 or any of its sub-clauses either 6.3 (i) & (ii) or any other clause and this fact of law is well settled by the Hon'ble Supreme Court judgment announced in October, 2013 in the case of Thalappalam Ser. Co-op. Bank Ltd. Vs. State of Kerala where the Hon'ble Supreme Court has quashed the State govt. letter dated 5.5.2006 and the circular dated 1.6.2006 on the simple ground that Kerala cooperative society is not 'owned, controlled or substantially financed by the appropriate government.

It was further noted that a telephonic message has been received from the appellant expressing his inability to attend the Commission on that date as one of his close relative was involved in a road accident. As such, the case was adjourned to 14.8.14 with a direction to the appellant to file his written statement justifying his demand for seeking an information. The appellant was also directed to appear before the Commission either in person or to depute his duly authorized representative on the next fixed date which may be taken as last opportunity failing to do so it would be presumed that he has nothing to say and the ex-parte proceedings would be taken and the case was adjourned to today.

During the hearing of this case today, Kanwar Neel Kamal, Principal appearing on behalf of the respondent - Sr. Sec.School, Shahkot Distt. Jalandhar states that respondent school is not a Public Authority and as it does not qualify to be covered under Section 2(h) of the Act *ibid*, therefore, is not amenable to provide information.

Respondent school has further explained the **Section 2(h)** of the Right to Information Act, 2005 which defines the term, 'public authority', is reproduced as under:-

2(h) "public authority" means any authority or body or institution of self-government established or constituted:-

- (a) by or under the Constitution;
- (b) by any other law made by Parliament;
- © by any other law made by State Legislature;
- (g) by notification issued or order made by the appropriate Government and includes any—
 - (i) body owned, controlled or substantially financed;
 - (ii) non-Government Organisation substantially financed, directly or indirectly by funds provided by the appropriate Government.

It has further been said by Respondent that the plain language of the Section makes it clear that unless it is proved that the school was 'owned', 'controlled' or 'substantially financed' directly or indirectly by funds provided by the appropriate Government or attracts any of clauses of Section 2(h), it cannot be held to be a public authority within the meaning of Section 2(h). From the facts placed on record, as discussed in the preceding paragraphs, it is obvious that the respondent school is not a public authority. It is neither owned nor is its management run or 'controlled' by government. It has also not received funds/aid, directly or indirectly from government. It is, in form and substance, a private body."

Shri Neel Kamal, Principal appearing on behalf of the respondent - State Public Sr. Sec.School, Mehatpur, Distt. Jalandhar further stated that the School is not getting any grant in aid, or any other financial support or funds, either from State Govt. or from Central Govt. The school is privately managed and as such is not covered under the definition of Public Authority as enshrined in Section 2(h) of RTI Act, 2005.

Shri Sabhi Dhariwal, appellant who appeared in person today stated that though the Punjab Govt. has implemented the Right to Education Act, the School authorities are not according the admission facilities as per the established law and that is why he has demanded this information by filing the RTI Application. However, he did not file any written submissions in support of his contentions to prove as to how the DIPS School is a 'public authority' under Section 2(h) of the RTI Act, 2005.

After hearing both the parties and going through documents produced by parties on record, the Commission is of the view that the Sr. Sec.School, Mehatpur, Distt. Jalandhar is a privately managed institution which is not getting any aid, financial support or funds either from State Govt. or Central Govt. Even otherwise it does not get covered in any of the sub clause of Section 2(h) of RTI Act.

It is further observed that as per law laid down by Hon'ble Supreme Court in the case titled Thalappalam Ser. Coop. Bank Ltd. And others Vs. State of Kerala and others (Civil Appeal no. 9017 of 2013 (arising out of SLP © No. 24290 of 2012), decided on 7.10.2013, the School does not qualify to be a Public Authority as defined in Section 2(h) of RTI Act, 2005. As such, the School is not liable to provide any information to the appellant.

In view of what has been discussed above, the case is disposed of/closed.

Chandigarh.
Dated: 14.8.2014

(B.C.Thakur)
State Information Commissioner

STATE INFORMATION COMMISSION, PUNJAB
SCO No. 84-85, Sector -17-C, CHANDIGARH-160017
(www.infocommpunjab.com)

Shri Sabhi Dhariwal,
V.P.O. Mehru, Pandori Khas,
Tehsil Nakodar, Jalandhar-City.

Appellant

Vs.

Public Information Officer,
O/o Principal, Tagore Model Sr. Sec.School,
Mohalla Rajputan, Baba Murad Shah Road,
Nakodar, Distt. Jalandhar.

First Appellate Authority,
O/o Principal, Tagore Model Sr. Sec.School,
Mohalla Rajputan, Baba Murad Shah Road,
Nakodar, Distt. Jalandhar.
Respondent

AC No. 1717 of 2014

Present: Appellant in person.
None for respondent.

ORDER:

Shri Sabhi Dhariwal, Appellant vide an RTI application dated 15.2.14 addressed to PIO, Tagore model Senior Sec. School, Mohalla Rajputan, Baba Murad Shah Road, Nakodar sought following information on 15 points:-

- 1) Number of students admitted under Right to Education Act. Please provide me name of students and their address who are admitted under Right to Education Act. What facilities provided by School Management Committee to students admitted under RTE Act i.e. (Free Education, Books, Uniform etc.).
- 2) Total land area of school self owned or running on lease. If on lease provide me detail of amount annually/year of lease/name of Leasing Authority. Your school has play ground or not.
- 3) Donations received/grants obtained from Govt. of Punjab/Govt. of India.
4. Balance sheet of the school 2007-2013.
- 5) Audit Report submitted to CBSE/District Education Officer, Jalandhar for 2007-2013.
6. Details of teaching/non/teaching employee with salary structure & EPF.
- 7) Whether Education fee/funds, Transport fee are charged as per direction of Hon'ble Punjab and Haryana High Court.
- 8) Total number of students in school.

9) Copy of Record Register maintained by the school for an academic year 2010-2013.

10) Number of family members/relative in School Management Committee with their name, designation and relations with School Management Committee. As per guidelines/Rule/Act framed by the Education Board. How many family members can be enrolled in School Management Committee.

11) Whether your school follows instructions/guidelines issued by Govt. to implement RTE Act.

12) Please provide me list of students belonging to SC/BC/Economically weaker section society who are getting facility under RTE Act.

13) Whether school is running its own transport facility for students or has signed any contract. Please provide me copy of contract signed with Transport Contractor. Total number of buses/vans with sitting capacity. Fee structure of transportation.

14) Is school transport fee more than School Education fees.

15) Are all terms and conditions fulfilled by school management with DTO to get permit/registration number and taxes applicable on school bus transport.

Failing to get any information within 30 days as mandated under Section 7(1) of the RTI Act, 2005, he filed first appeal with the First Appellate Authority vide letter dated 11.3.14 under the provisions of Section 19(1) of the Act *ibid* and subsequently approached the Commission in second appeal on 13.5.14 under the provisions of Section 19(3) of the said Act and accordingly, a notice of hearing was issued to the parties.

On the last date of hearing of this case i.e. on 25.6.14, it was noted that the notices sent by the Commission to Principal, Tagore Model Sr. Sec. School, Mohalla Rajputan, Baba Murad Shah Road, Nakodar, Distt. Jalandhar have not been received neither by the PIO or by the First Appellate Authority and the same have been received back with the refusal on the registered envelope sent to them. As such, the Principal, Tagore Model Sr. Sec. School, Mohalla Rajputan, Baba Murad Shah Road, Nakodar, Distt. Jalandhar was directed to appear before the Commission on the next date of hearing with his written submissions failing which it would be presumed that the notices were not being received by him willfully and intentionally without any cogent reasons and the Commission would be at liberty to issue *bailable* Warrant, for ensuring the presence, as the case has to be decided on merits after hearing both the parties, after obtaining their written submissions/having arguments etc. .

It was further noted that a letter dated 24.2.14 has been sent by Shri Hemant Prashar on behalf of the respondent – institution i.e. Tagore Model Sr. Sec. School Nakodar, Distt. Jalandhar to the appellant wherein it has been mentioned that the information sought by him cannot be provided as the School is not Govt. aided and is a private institution and as such does not come under the provisions of Right to Information Act as per decision of Hon'ble Supreme Court in *Thalappalam Ser. Co-op. Bank Ltd. Vs. State of Kerala* and others.

It was further noted that a telephonic message has been received from the appellant expressing his inability to attend the Commission on that date as one of his close relative was involved in a road accident. As such, the case was adjourned to 14.8.14 with a direction to the appellant to file his written statement justifying his demand for seeking an information.

The appellant was also directed to appear before the Commission either in person or to depute his duly authorized representative on the next fixed date which may be taken as last opportunity failing to do so it would be presumed that he has nothing to say and the ex-parte proceedings would be taken and the case was adjourned to today.

During the hearing of this case today, it is noted that a communication from Shri Hemant Prashar, Manager, Tagore Model Sr. Sec.School, Nakodar, Distt. Jalandhar vide letter dated 11.8.14 has been received in the Commission on 13.8.14 wherein it has been stated that the said School is a private and self funded School. It has further been mentioned that they have not obtained any grant, aid or land from Govt. and it does not qualify to be covered under Section 2(h) of the Act ibid, therefore, is not amenable to provide information.

Respondent – institution has further reproduced the **Section 2(h)** of the Right to Information Act, 2005 which defines the term, 'public authority':-

2(h) "public authority" means any authority or body or institution of self-government established or constituted:-

- (a) by or under the Constitution;
- (b) by any other law made by Parliament;
- © by any other law made by State Legislature;
- (h) by notification issued or order made by the appropriate Government and includes any—

- (i) body owned, controlled or substantially financed;
- (ii) non-Government Organisation substantially financed, directly or indirectly by funds provided by the appropriate Government.

It has further been said by respondent that the plain language of the Section makes it clear that unless it is proved that the school was 'owned', 'controlled' or 'substantially financed' directly or indirectly by funds provided by the appropriate Government or attracts any of clause of Section 2(h), it cannot be held to be a public authority within the meaning of Section 2(h). From the facts placed on record, as discussed in the preceding paragraphs, it is obvious that the respondent school is not a public authority. It is neither owned nor is its management run or 'controlled' by government. It has also not received funds/aid, directly or indirectly from government. It is, in form and substance, a private body."

Shri Sabhi Dhariwal, appellant who appeared in person today stated that though the Punjab Govt. has implemented the Right to Education Act, the School authorities are not according the admission facilities as per the established law and that is why he has demanded this information by filing the RTI Application. However, he did not file any written submissions in support of his contentions to prove as to how

the Tagore Model Sr. Sec. School Nakodar is a 'public authority' under Section 2(h) of the RTI Act, 2005.

After hearing the appellant and going through the submissions made by parties in writing, the Commission is of the view that Tagore Model Sr. Sec. School, Nakodar, Distt. Jalandhar is a purely privately managed institution which is not getting any aid, financial support or funds either from State Govt. or Central Govt. Even otherwise it does not get covered in any of the sub clause of Section 2(h) of RTI Act.

It is further observed that as per law laid down by Hon'ble Supreme Court in the case titled Thalappalam Ser. Coop. Bank Ltd. And others Vs. State of Kerala and others (Civil Appeal no. 9017 of 2013 (arising out of SLP © No. 24290 of 2012), decided on 7.10.2013, the School does not qualify to be a Public Authority as defined in Section 2(h) of RTI Act, 2005. As such, the School is not liable to provide any information to the appellant.

In view of what has been discussed above, the case is disposed of/closed.

Chandigarh.
Dated: 14.8.2014

(B.C.Thakur)
State Information Commissioner

STATE INFORMATION COMMISSION, PUNJAB
Red Cross Building, Sector-16, Chandigarh

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Sh Gurdeep Singh, S/o Sh Saktar Singh,
R/o Kamalpur, P.O Miani, Tehsil Dasuya,
Distt Hoshiarpur.

Appellant

Versus

Public Information Officer,
O/o District Education Officer, (S),
Hoshiarpur.

First Appellate Authority,
O/o District Education Officer, (S),
Hoshiarpur

...Respondent

Appeal Case No. 2860 of 2017

Present : (i) None is present on the behalf of appellant.
(ii) For the respondent : K. Balwinder Pal Singh, General Manager, DIPS
School, Sh Baljit Kaur, Clerk.

ORDER

The RTI application is dated 11.10.2017 vide which the appellant has sought information as enumerated in his RTI application.

1. The appellant is absent today in the commission. The letter (letter no. 26917 dated 27.11.2017) and an E-Mail vide diary no.- 26729 dated 24.11.2017 has been received by the appellant that he unable the today's hearing.
2. The respondent submit a letter no. 1940 dated 01.12.2017 in which state that the PIO-cum- DEO, (S), Hoshiarpur read a letter dated 24.05.2017 from the school stating that the school is not covered under RTI Act, and same was intimated to the applicant through letter dated 06.06.2017.
3. After hearing the respondent and examining the case file. It is observed that the demanded information could not be supplied to the applicant as it does not fall under the preview of RTI Act.
4. In view of the foregoing, no cause of action is left. The appeal filed by the appellant is, therefore, **disposed of and closed**. Copy of the order be sent to the parties

Chandigarh
Dated: 04.12.2017

Sd/-
(Preety Chawla)
State Information Commissioner

PUNJAB, STATE INFORMATION COMMISSION
Red Cross Building, Sector-16, Chandigarh

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Sh. Gurdeep Singh, S/o Sh Saktar Singh,
R/o Kamalpur, P.O Miani, Tehsil Dasuya,
Distt Hoshiarpur.

Appellant

Versus

Public Information Officer,
O/o District Education Officer (S),
Hoshiarpur..

First Appellate Authority,
O/o District Education Officer (S),
Hoshiarpur

...Respondent

Appeal Case No. 2861 of 2017

Present (i) Sh Gurdeep Singh the appellant.
None is present on the behalf of respondent.

ORDER

The RTI application is dated 09.05.2017 vide which the appellant has sought information as enumerated in his RTI application.

1. The appellant Sh Gurdeep Singh states that no information has been provided to him by the respondent.
1. The respondent is absent. A letter has been received by the respondent vide commission diary no. 27503 dated 04.12.2017 in which states that the PIO-cum-DEO, (S), Hoshiarpur read a letter dated 24.05.2017 from the school stating that the school is not covered under RTI Act, and same was intimated to the applicant through letter dated 06.06.2017 along with documents.
2. After hearing the appellant and examining the case file. It is observed that the demanded information could not be supplied to the applicant as it does not fall under the preview of RTI Act.
3. In view of the foregoing, no cause of action is left. The appeal filed by the appellant is, therefore, **disposed of and closed**. Copy of the order be sent to the parties

Chandigarh
Dated: 04.12.2017

(Preety Chawla)
State Information Commissioner