**STATE INFORMATION COMMISSION, PUNJAB**

**RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

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Sh. H.S.Hundal, Advocate

Chamber No.82, District Courts,

Sector-76, S.A.S. Nagar Appellant

Versus

Public Information Officer,

O/o Deputy Commissioner,

District Administrative Complex, Sector-76

S.A.S Nagar (Mohali)

First Appellate Authority

O/o Deputy Commissioner,

District Administrative Complex, Sector-76

S.A.S Nagar (Mohali) Respondents

**APPEAL CASE NO.1483/2017**

Date of RTI application : 18.10.2016

Date of First Appeal : 21.11.2016

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint : 05.06.2017

**Present:** None on behalf of the Appellant.

 1. Sh. Ravinder Kumar, APIO – cum – Superintendent, DC Office, Mohali,

 2. Sh. Ramesh Lal, RTI Cell, DC Office, Mohali and

 3. Sh. Paramvir, Clerk, RTI, DC Office, Mohali – for Respondents.

**ORDER**

 The undersigned had made the following observations on 25.07.2017:-

 “*The appellant had sought to know the details of the actions taken by the Deputy Commissioner of Mohali towards the implementation of the RTS Act. He has asked for some certified copies of the documents concerning the orders or directions passed by the Deputy Commissioner.*

 *The respondents have brought along the information which is comprised in 73 pages. Since the appellant is absent and has asked for an exemption from appearance on account of his occupation in the District Courts of Mohali, the same is not possible to be delivered on him. The respondents are desired to send him across by post. They have also sent a written reply on this score which has been taken on record.*

 *They further submit that this work was being looked after in the Suvidha Centre. Contd…page…2*

 *-2-*

***APPEAL CASE NO.1483/2017***

*As the employees had been on a prolonged strike the record could not be accessed. However, by their strenuous efforts they have managed to procure it. Hopefully, the same is in order. Nonetheless an opportunity is afforded to the appellant to go through and revert in case he so desires.”*

Nothing has been heard from the appellant. Seemingly he is satisfied with the information thus provided. No further intervention seems called for. The case is **disposed.**

 **Sd/-**

**29.08.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Sonu Garg

S/o Sh. Surinder Kumar

R/o Kothi No.1595, Sector-21,

Panchkula (Haryana) Appellant

Versus

Public Information Officer,

O/o Tehsildar-cum- Sub Registrar,

Sub Tehsil, Majri, Distt. S.A.S.Nagar.

First Appellate Authority

O/o Sub Divisional Magistrate,

Kharar, Distt. S.A.S Nagar. Respondents

 **APPEAL CASE NO.1491/2017**

Date of RTI application : 09.07.2016

Date of First Appeal : 28.08.2016

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint : 18.03.2017

**Present:** Sh. Sonu Garg, Appellant in person.

 Sh. Pushpinder Sood, Reader/Naib Tehsildar, Majri – for Respondents.

**ORDER**

 It should be read in continuation of the order dated 25.07.2017.

 There seems a communication gap between the appellant and the respondents. The appellant is desired to specifically convey in writing the deficiencies to the respondents. The respondents shall make it good by sending the residual information to the appellant under intimation to the Commission.

 To come up on **10.10.2017 at 11.30 AM.**

 **Sd/-**

**29.08.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Gurlal Singh

S/o S. Gurbax Singh,

H.No.13, St No.04, Anand Nagar –B,

Patiala. Appellant

Versus

Public Information Officer,

O/o Assistant Inspector General of Police, Punjab

Personeel-2, Police Headquarters, Punjab, Sec-9,

Chandigarh

First Appellate Authority

O/o Deputy Inspector General of Police, (Admn.)

Police Headquarters, Punjab, Sector-9,

Chandigarh Respondents

 **APPEAL CASE NO.1498/2017**

Date of RTI application : 14.06.2016

Date of First Appeal : 10.08.2016

Date of Order of FAA: Reply 21.10.2016

Date of 2nd Appeal/complaint : 01.06.2017

**Present:** Sh. Amarinder Singh, cousin of the Appellant.

 1. Smt. Paramjit Kaur, Jr. Assistant, O/o AIG, Personnel, Pb., and

 2. Smt. Sarbjeet Kaur, Clerk, O/o AIG, Personnel – for Respondents.

 **ORDER**

 In the interim order passed by the Commission on 25.07.2017, the following observations were made :-

 *“Heard.*

 *The appellant had sought a copy of the instructions which govern the granting of a higher local rank to an official acquiring additional qualifications. The appellant has obtained a diploma of one year in forensic sciences from the Punjabi University, Patiala. He is seeking a rank of ASI in his own pay scale of Head Constable. He has also sought the details of the officials who have already been conferred such benefits.*

 *The respondents have taken a plea of ‘personal information’ under Section 8(1) (j) of the Act. We are afraid that such a privilege is available to them. The officials have been promoted on Contd…page…2*

 *-2-*

***APPEAL CASE NO.1498/2017***

*public offices under rules and instructions. Its divulgence is not going to cause unwarranted intrusion*

*into the privacy of an individual. The argument of the personal information is thus disallowed. The respondents are directed to provide the information thus sought for. They are also desired to issue the legible copies of instructions already provided which according to the appellant are not legible.”*

The case has come up today for hearing. The respondents have brought along the information comprised in eight pages which has been handed over to the appellant on spot. He has gone through it. He submits that his reference was to the information on promotion of officials achieving a PG diploma in forensic sciences whereas the information brought concerns the promotion of those having passed the degree of M.A. in Police Administration. The respondents are directed to look into it and ensure that the appropriate information is sent to the appellant under intimation to the Commission.

 To come up on **26.09.2017 at 11.30 AM.**

 **Sd/-**

**29.08.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Manjit Singh

House No.2877, Phase -7,

S.A.S. Nagar. (Mohali) Appellant

[

Versus

Public Information Officer,

O/o Station House Officer,

Police Station, Mattaur, S.A.S. Nagar (Mohali

First Appellate Authority

O/o Senior Supdt of Police,

S.A.S.Nagar (Mohali) Respondents

 **APPEAL CASE NOs.1506 and 1511 of 2017**

Date of RTI application : 19.07.2016/09.05.2016

Date of First Appeal : 11.03.2017/17.01.2017

Date of Order of FAA: Reply 28.03.2017

Date of 2nd Appeal/complaint : 07.06.2017

**Present:** None on behalf of the Appellant.

 1. ASI Ravinder Singh, RTI Incharge, O/o SSP, Mohali,

 2. ASI Amarjeet Singh, Phase – 1 Police Station, Mohali

 3. HC Amar Nath, P.S., Mattaur – for Respondents.

**ORDER**

 Since the appellant and the respondents are same, and the information sought for is also identical, single order shall dispose of the above appeals.

 The following observations were made by this bench on 25.07.2017:

 *“The appellant is seeking the copies of vital documents being maintained in the Police Station of Mattaur entailing the receipt, dispatch, roznamcha, malkhana, DDR etc. for a period from 05.01.2015 to 15.03.2015.*

 *The respondents say that this is a massive information which contains sensitive details/particulars and its revelation can cause/jeopardize the safety & security of the individuals and impede the process of investigations in various cases.*

 *The appellant says that such a blanket plea is not available to the respondents. He says Hon’ble Supreme Court of India has already passed judgments on such issues. However, he has not been able to produce such a ruling.*

 *Contd…page…2*

 *-2-*

**APPEAL CASE NOs.1506 and 1511 of 2017**

*The appellant is advised to produce the aforesaid orders along with a copy to the respondents so that the issue can be discussed and adjudicated.”*

The case has come up for consideration today.

 The appellant had sought adjournment of the matter vide a communication. The respondents, on the other hand, has produced before this bench a copy of the order passed on 27.01.2015 by Sh. Surinder Awasthi, the then State Information Commissioner in Complaint Case No.151 of 2014 wherein it has been specifically ordered that no complaint/appeal or request under RTI has to be entertained from the appellant. They submit that as long as the order sustains the appellant cannot appear in a case before the Commission. They plead that the appeal as such cannot be entertained unless the aforesaid orders are got set aside by a competent authority.

 Though this appeal purportedly has been made by one Sh. Manjit Singh, however it originates from the address of his Attorney i.e. Sh. Harminder Singh. Seemingly Sh. Manjit Singh is acting as a proxy of Sh. Harminder Singh and has to be treated as one entity. In the face of the order dated 27.01.2015 produced before this bench and the plea taken by the respondents it is incumbent upon this bench not to entertain any complaint or appeal or request until the aforesaid order of the Commission sustains.

 The appeal is **disposed** accordingly.

 **Sd/-**

**29.08.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. H.S.Hundal Advocate,

Chamber No.82, District Courts,

Sector-76, S.A.S. Nagar. Appellant

Versus

Public Information Officer,

O/o Deputy Commissioner,

District Administrative Complex,

Sector-76, S.A.S Nagar (Mohali)

First Appellate Authority

O/o Deputy Commissioner,

District Administrative Complex,

Sector-76, S.A.S Nagar (Mohali) Respondents

 **APPEAL CASE NO.1512/2017**

Date of RTI application : 03.03.2017

Date of First Appeal : 03.04.2017

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint : 05.06.2017

**Present:** None on behalf of the Appellant.

 1. Sh. Ravinder Kumar, APIO – cum – Superintendent, DC Office, Mohali,

 2. Sh. Ramesh Lal, RTI Cell, DC Office, Mohali and

 3. Sh. Paramvir, Clerk, RTI, DC Office, Mohali – for Respondents.

**ORDER**

 An interim order was passed by the Commission on 25.07.2017 which is reproduced hereunder :

 *“The respondents say that the sought for information has already been sent to the appellant. However, they have not been able to establish it by producing a copy of the same thereof.*

 *The respondents are directed to endorse a copy of the forwarding memo to the Commission.”*

The case has been taken up today. The respondents have brought along a copy of memo vide which the information was sent to the appellant. The same is stated to have been sent Contd…page…2

 -2-

**APPEAL CASE NO.1512/2017**

Vide their memo No.897 dated 24.05.2017 a copy of the same has been submitted to the Commission which has been taken on record. As the appellant is absent and nothing has been heard from him the Commission presumes that he is satisfied with the information thus sent to him. No more intervention is called for.

 **Disposed.**

 **Sd/-**

**29.08.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Jaspal Singh,

House No.221, Sector-51-A,

Chandigarh Complainant/Appellant

Versus

Public Information Officer,

O/o Additional Deputy Commissioner,

S.A.S Nagar (Mohali)

First Appellate Authority

O/o Deputy Commissioner, S.A.S. Nagar (Mohali) Respondents

**COMPLAINT/APPEAL CASE NO.3604/2015**

**Present:** Sh. Jaspal Singh, Complainant/Appellant in person.

 1. Sh. Ravinder Kumar, APIO – cum – Supdt, O/o DC, Mohali,

 2. Sh. Navjot Tiwari, Sadar Kanungo, DC Office, Mohali, and

 3. Sh. Bhupinder Singh, Special Kanungo, DC Office, Mohali – for Respondent.

**ORDER**

 The following order was passed by this forum on 10.08.2017:

 *“The complainant is present. None has appeared on behalf of the respondents. Nothing has been heard from them as well.*

 *From the perusal of the record it is observed that a bench of the Commission had passed an order that the complainant had expressed his satisfaction over the receipt of information. He says that he is not conversant with English language and could not understand the import of the above order. However, he denies having ever received the information asked for.*

 *The undersigned bench has gone through the record. There is no inkling in record to the effect that the information has been provided to the complainant.*

 *Even the respondents have not taken a plea of having provided the information. There seems some miscommunication in this respect. Contrarily it is a classic case of indifference, defiance and arrogance on the part of the respondents. The crux of the issue is that the complainant Contd…page. 2*

 *-2-*

***COMPLAINT/APPEAL CASE NO.3604/2015***

*had sought for a copy of a mutation No.1055 of Village Balopur, Tehsil Dera Bassi duly sanctioned by the Sub Divisional Magistrate, Dera Bassi in the year 2009. Ever since he has been making request*

*for its certified copy but without any avail. An express order passed by the then State Information Commissioner on 08.05.2013 directing the then ADC to pass a speaking order after hearing the complainant. However, the same seemingly was ignored with contempt. No action seemingly has been taken by the then incumbent.*

 *Thereafter during the last four years the complainant has been made to run between the office of the Commission and the respondent like a proverbial shuttle cock but without any tangible result. Apparently, there seems some malafide design and intent in depriving and obstructing the flow of the information in the office of the Public Authority which requires to be enquired into. The PIO is directed to produce in person the entire record in original regarding the mutation in question along with the file dealing his RTI applications on 29.08.2017 failing which the Commission shall be constrained to enforce his presence by exercising its authority under Section 18(3) (a) of the RTI Act.”*

Sh. Ravinder Kumar, APIO – cum – Supdt. is present with record. We had observed that the original application in the instant case was filed by the complainant on 24.07.2012. Ever since the respondents in their office have initiated the proceedings to create a masanna which requires the sanction of the Deputy Commissioner to update the record. It is not being denied that the original copy of the sanctioned mutation has been lost in the office of the Deputy Commissioner only. From the perusal of the record it seems that no urgency rather heed has been shown by the competent authority to approve the proposal to create the duplicate copy of the document for the loss *Contd…page. 3*

 *-3-*

***COMPLAINT/APPEAL CASE NO.3604/2015***

of which they are responsible. The proceedings in the Commission over the last more than four years and various directions have been seemingly held in contempt. The Commission shall take it as a malafide attempt to obstruct the flow of information on the part of the respondent authority in case no prompt action is taken towards providing a certified copy of a mutation which has already been sanctioned by the Sub Divisional Magistrate. A final opportunity is afforded to the respondents to provide him the information failing which it shall be considered as willful and malafide denial of information and consequential penal action shall follow.

 To come up on **14.09.2017 at 11.30 AM.**

 **Sd/-**

**29.08.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Manjeet Singh,

Distt. President, Anti Corruption Association of India

388/3 Baherha Road, Patiala Appellant

Versus

Public Information Officer,

O/o Deputy Commissioner,

Patiala.

First Appellate Authority

O/o Deputy Commissioner,

Patiala. Respondents

**APPEAL CASE NO.1533 /2017**

 **Date of RTI Application : 20.06.2016**  **Date of First Appeal : 27.08.2016**

 **Date of order of FAA : Nil.**

 **Date of Second Appeal : 05.06.2017**

**Present:** None.

**ORDER**

 None is present on behalf of the Parties.

 A request has been received from the respondents to defer the hearing. The matter shall be heard on **26.09.2017 at 11.30 AM.**

 **Sd/-**

**29.08.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Harbir Singh,

House No.307, Charan Bagh,

Patiala. Complainant

Versus

Public Information Officer,

O/o Shiromani Gurdwara Parbhandak Committee,

Sri Amritsar Sahib. Respondent

**COMPLAINT CASE NO.558/2017**

 **Date of RTI Application : 18.11.2016**  **Date of First Appeal : Nil**

 **Date of order of FAA : Nil**

 **Date of Second Appeal : 30.05.2017**

**Present:** None.

**ORDER**

 None is present on behalf of the Parties.

 The matter is deferred to be heard on **10.10.2017 at 11.30 AM.**

 **Sd/-**

**29.08.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Brish Bhan Bujarak ,

S/o Sh. Saroop Chand,

Ward No.33, Kahangarh Road, Patran

Distt. Patiala Complainant

Versus

Public Information Officer,

O/o Shiromani Gurdwara Parbandhak Committee,

 Sri Amritsar Sahib Respondent

**COMPLAINT CASE NO.576/2017**

 **Date of RTI Application : 30.03.2017**  **Date of First Appeal : Nil**

 **Date of order of FAA : Nil. Reply – 08.05.2017**

 **Date of Second Appeal : 06.06.2017**

**Present:** None.

**ORDER**

 None is present on behalf of the Parties.

 The matter is deferred to be heard on **10.10.2017 at 11.30 AM.**

 **Sd/-**

**29.08.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

**SCO No. 32-34, SECTOR 17-C, CHANDIGARH**

**Tele No. 0172-4630071, FAX No. 0172-4630888, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

Maj. Charanjit Singh Rai,

House No.1593, Sector-33-D,

Chandigarh Complainant

Versus

Public Information Officer,

O/o Principal,

M.G.N. Public School,

Adarsh Nagar,

Jalandhar. Respondent

**COMPLAINT CASE NO.1941/2015**

**Present:** Maj. Charanjit Singh Rai, Complainant in person.

 None on behalf of the Respondent.

**ORDER**

 The order was reserved on 26.07.2017 for pronouncement.

 It is a long standing case. Way back on 06.05.2015 the complainant had made a request to the respondent to enlighten him about the information available in public domain which they were obliged to make under Section 4 of the RTI Act, 2005. Having failed to receive an appropriate response the complainant made a complaint approached the Commission under Section 18 of the Act for appropriate decision.

 In the course of hearing the respondents have taken a stance that they are not a Public Authority under the meaning of the Section 2(h) of the Act. In their detailed reply made to the Commission on 24.02.2016 the respondents submitted that they are not a Public Authority neither they have been declared as such by any competent forum. Resultantly, they are not obliged to act on the application of the complainant. They further submit that they cannot be brought under the ambit of the Act as they do not fulfill any of the conditions comprising a Public Authority as enunciated under Contd…page.2

 -2-

**COMPLAINT CASE NO.1941/2015**

the Act. The school, according to them, is not getting any financial aid directly or indirectly from the Government. Neither it is under the control of the Government. It is purely a private Institution constituted from the private resources. The respondents have also enclosed along a copy of their Memorandum of Aims and Objectives and its Constitution registered with the Registrar of Firms & Societies, Punjab, Chandigarh, which discloses the names of the Board of Trustees.

 The Complainant, on the other hand, has submitted that the Trust is a registered body under the Registration of Societies Act, 1860 and discharging public functions in the field of education. All the administrative and financial powers are vested with the Chairman of the Trust which reflect the unitary character of the Trust. He asserts that the Trust is substantially funded by the Government as it receives 95% Grant-in-Aid from the Punjab Government for the following Institutions run by it :-

 1. MGN College of Education, Jalandhar.

 2. G.N.College of Education for Women, Kapurthala.

 3. MGN Sr. Secondary School for Girls, Jalandhar.

 4. MGN Sr. Secondary School, Jalandhar.

 5. MGN Sr. Secondary School, Jalandhar Cantt.

Besides it has been mentioned that the Trust was allotted six acres of prime land on a nominal annual rent of Rs.600/- by the Jalandhar Improvement Trust which is an extended arm of the Government. Similarly the land to one of its Public Schools has also been sold to the Trust on concessional rates by PUDA. It is also the case of the complainant the cantonment land has been leased to it for 33 years for MGN Senior Secondary School at Jalandhar. The MGN Educational Trust comprising of its constituents according to complainant is also exempted under Section 6 (12) of the I.T. Act. Contd…page…3

 -3-

**COMPLAINT CASE NO.1941/2015**

 In its reply the respondents have admitted the aforementioned facts about the assistance available to them from the Government and its agencies. The question before this forum is to determine as to whether the respondents are a Public Authority within the meaning of Section 2(h) of the Act in the light of the aforesaid facts and admitted without demur by the respondents. **Section 2(h) (d) of the RTI Act** says as under :-

 **2. Definitions : ---**

 **Xx xx xx xx**

(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;

 (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;

 **xx xx xx xx**

Admittedly Clause a to c and d (i) of Section 2 (h) of the Act are not attracted. However, we shall have to examine if it steers itself clear of the ambit of Section (d) (ii) of the Act reproduced above. Contd…page…4

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**COMPLAINT CASE NO.1941/2015**

 The appropriate Government in the instant case obviously is the Government of Punjab. Hon’ble Supreme Court of India in its judgment passed in CIVIL APPEAL NO. 9017 OF 2013 (Arising out of SLP (C) No.24290 of 2012) titled Thalappalam Ser.Coop.Bank Ltd. & ... vs State Of Kerala & Ors on 7 October, 2013 has clinched the issue by giving a ruling on the subject. It shall be desirable to reproduce the relevant portion:

***“SUBSTANTIALLY FINANCED***

*36. The words “substantially financed” have been used in*[*Sections 2(h)(d)(i)*](https://indiankanoon.org/doc/1097458/)*& (ii), while defining the expression public authority as well as in*[*Section 2(a)*](https://indiankanoon.org/doc/425882/)*of the Act, while defining the expression “appropriate Government”. A body can be substantially financed, directly or indirectly by funds provided by the appropriate Government. The expression “substantially financed”, as such, has not been defined under the Act. “Substantial” means “in a substantial manner so as to be substantial”. In Palser v. Grimling (1948) 1 All ER 1, 11 (HL), while interpreting the provisions of*[*Section 10(1)*](https://indiankanoon.org/doc/1278300/)*of the Rent and Mortgage Interest Restrictions Act, 1923, the House of Lords held that “substantial” is not the same as “not unsubstantial” i.e. just enough to avoid the de minimis principle. The word “substantial” literally means solid, massive etc. Legislature has used the expression “substantially financed” in*[*Sections 2(h)(d)(i)*](https://indiankanoon.org/doc/1097458/)*and*

*(ii) indicating that the degree of financing must be actual, existing, positive and real to a substantial extent, not moderate, ordinary, tolerable etc.*

*37. We often use the expressions “questions of law” and “substantial questions of law” and explain that any question of law affecting the right of parties would not by itself be a substantial question of law. In Black's Law Dictionary (6th Edn.), the word 'substantial' is defined as 'of real worth and importance; of considerable value; valuable. Belonging to substance; actually existing; real: not seeming or imaginary; not illusive; solid; true; veritable. Something worthwhile as distinguished from Contd…page…5*

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***COMPLAINT CASE NO.1941/2015***

*something without value or merely nominal. Synonymous with material.' The word 'substantially' has been defined to mean 'essentially; without material qualification; in the main; in substance; materially.'*

*In the Shorter Oxford English Dictionary (5th Edn.), the word 'substantial' means 'of ample or considerable amount of size; sizeable, fairly large; having solid worth or value, of real significance; sold; weighty; important, worthwhile; of an act, measure etc. having force or effect, effective, thorough.' The word 'substantially' has been defined to mean 'in substance; as a substantial thing or being; essentially, intrinsically.' Therefore the word 'substantial' is not synonymous with 'dominant' or 'majority'. It is closer to 'material' or 'important' or 'of considerable value.' 'Substantially' is closer to 'essentially'. Both words can signify varying degrees depending on the context.*

*38. Merely providing subsidiaries, grants, exemptions, privileges etc., as such, cannot be said to be providing funding to a substantial extent, unless the record shows that the funding was so substantial to the body which practically runs by such funding and but for such funding, it would struggle to exist. The State may also float many schemes generally for the betterment and welfare of the cooperative sector like deposit guarantee scheme, scheme of assistance from NABARD etc., but those facilities or assistance cannot be termed as “substantially financed” by the State Government to bring the body within the fold of “public authority” under*[*Section 2(h)(d)(i)*](https://indiankanoon.org/doc/1097458/)*of the Act. But, there are instances, where private educational institutions getting ninety five per cent grant-in-aid from the appropriate government, may answer the definition of public authority under* [*Section 2(h)(d)(i)*](https://indiankanoon.org/doc/1097458/)*”.*

 In the aforementioned findings the Hon’ble Supreme Court of India says that the funding has to be substantial to the extent that the body practically runs by such funds but for which the authority would struggle to exist. In the final lines of Para 38 it says that the private Educational Institution getting 95% Grant-in-Aid from the appropriate Government may answer the definition of Public Authority under Section 2(h) (d) (ii) of the Act. The Trust indisputably is availing the 95% grant Contd…page…6

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**COMPLAINT CASE NO.1941/2015**

towards the salary of the staff. It is also admitted a prime land on which the various Institutions are being run has been allotted on a nominal lease. We can foresee that but for the above grants-in-aid and other concessions towards land allotment respondents would not have been able to run the Institutions in its present form. It is thus manifestly clear that the respondents are substantially being financed by the State Government directly as well as indirectly. The Trust in its constituent units as such squarely fits in the definition of a Public Authority under Section 2(h) (d) (ii) of the Act. The respondent Trust, therefore, is hereby declared as a Public Authority under Section 2(h) of the Act and is directed to designate a Public Information Officer and First Appellate Authority besides taking all measures as enshrined under Section 4 of the RTI Act and arrange to furnish the information to the complainant as asked for within a month from the date of receipt of this order positively.

 **Disposed.**

 **Sd/-**

**29.08.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

**CC: The Principal Secretary to Government, Punjab,**

 **Department of School Education, Punjab Civil Secretariat – 2,**

 **Sector – 9, Chandigarh, with the advice that appropriate directions be passed to all the educational Institutions who avail 95% grant-in-aid on the salary of their staff to take similar action in terms of this order.**

**CC: The Director of Public Instructions, Punjab,**

 **(School Education), Pb. School Education Board Complex,**

 **Phase VIII, SAS Nagar (Mohali) for information and n/a.**