

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Sh. Roop Singh S/o Sh. Makkar Singh
(Regd. Post) House No. 654-C, Type-II,
Rail Coach Factory,
Hussianpur, Kapurthala. Appellant

Versus

Public Information Officer
(Regd. Post) O/o Rail Coach Factory Employees
Primary Co-operative Consumer Store Ltd.
Hussianpur, Kapurthala.

First Appellate Authority
(Regd. Post) O/o President, Rail Coach Factory
Employees Primary Co-operative
Consumer Store Ltd.
Hussianpur, Kapurthala. Respondent

Appeal Case No. 369 of 2015
Date of Institution: 16.01.2015
Date of Decision: 10.09.2019

ORDER (Pronounced)

1. The above said appeal case was heard by the bench of undersigned on 05.02.2018 and decision was kept reserved, which is being pronounced today.
2. Following observations were made on hearing dated 05.02.2018 are revised as follows:
 - i) Adv. IPS Manjat present on the behalf of appellant appeals for the decision of State Information Commission whether **Rail Coach Factory Employees Primary Co-operative Consumer Store Ltd. Hussainpur, Kapurthala is a Public Authority or not** so that he may demand the requisite information or not.
 - ii) Adv. Harbans Sharma present on the behalf of respondent PIO stated and submitted reference of orders of **Hon'ble Supreme Court of India in Civil Appeal No. 9017 of 201 arising out of SLP (C) No. 24290 case titled Thalappalam Service Co-operative Bank Ltd. & others Vs. State of Kerala and others** holding that Co-operative Societies are not Public authorities within the meaning of Section 2 (h) of RTI Act as they are not owned, controlled or financed by appropriate Govt. in context to decision Hon'ble Judge Sh. G.S. Sandhawalia of Punjab and Haryana High Court for Case – CWP-9873-2015 dated 03.10.2016 and orders of Hon'able Judge Sh. Thottathil B. Radhakrishanan of Kerela High Court for Case – WP(C) No. 18175 of 2006(L) 03.04.2009 **to support his petition that Rail Coach Factory Employees Primary Co-operative Consumer Store Ltd. Hussainpur, Kapurthala is a not Public Authority that the said respondent is not liable or bound to supply the requisite information.** The judgments were taken on record.



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- iii) Adv. Harbans Sharma also states that the above said respondent is not the Public authority as it is not substantially financed by appropriate Government as only facilities like discounted tickets and/or railways passes, office space and subsidized or free electricity for their office or employees and it does not cover major substantial finance by Rail Coach Factory as employees may on an average use railway facility about two times a year and similarly electricity and office space etc does not cover the major finance by Rail coach Factory.
- iv) For a comparison he also quoted an example that grants provided to private colleges and institutes by Government or Universities which is more than the facilities or finance provided to the said respondent and still the said colleges and institutes do not come under meaning of Public Authorities, similarly said respondent do not come under the meaning of Public Authorities. He quoted another example of Markfed that it is being 90% financed by Government bodies therefore it comes under the meaning of Public Authority of RTI Act but contrarily the said respondent is negligibly facilitated/financed by Rail Coach factory which cannot be treated as substantially financed by appropriate Government. Thus on all the above said these grounds, the above said respondent is not liable or bound to supply the requisite information to the appellant (It was inadvertently written as liable or bound to supply requisite information to appellant on 05.02.2018).
3. After going through the above said facts presented by counsel on previous hearing and considering all other facts on record, the Commission comes to a decision that **Rail Coach Factory Employees Primary Co-operative Consumer Store Ltd. Hussainpur, Kapurthala is a not Public Authority under meaning of under section 2 (h) of RTI Act 2005**. In the view of this, no further cause of action is required in this case and hence the instant appeal case is **disposed of and closed**.
4. Send copy of the order to the parties.

Chandigarh
Dated: 10.09.2019

Sd/-
(Dr. Pawan Kumar Singla)
State Information Commissioner

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Ms. Amandeep Bhumla
(Regd. Post) Chamber No. 80, Civil Court Complex,
Abohar, District Fazilka. Appellant

Versus

Public Information Officer
(Regd. Post) O/o Lovely Professional University,
Jalandhar.

First Appellate Authority
(Regd. Post) O/o Vice Chancellor,
Lovely Professional University, Jalandhar. Respondent

Appeal Case No. 1259 of 2017

Date of Institution: 05.05.2017

Date of Decision: 10.09.2019

ORDER (Pronounced)

1. The above said appeal case was heard by the bench of undersigned on 13.02.2018 and decision was kept reserved, which is being pronounced today.
2. Following observations were made on hearing dated 13.02.2018:
 - i) Appellant is not present 13.02.2018 but on previous hearing dated 29.11.2017 the appellant had submitted a **written reply** containing reference of **Central Information Commissioner Smt. Annapurna Dixit in case no. CIC/AD/A/2012/00056** mentioning therein "Education Qualification cannot be considered personal in nature." Appellant also quoted reference of similar case of Jasmeet Kaur vs State of Uttrakhand (**Writ Petition M/s No. 2489 of 2016**), in which as per appellant, the Hon'ble High Court of Uttrakhand says where such type of information is not protected under any exemption given under section 8 of RTI Act. On above said grounds she claimed that the respondent PIO has wrongfully denied to supply required information because as a wife, the appellant is not a third party and providing demanding information is not invasion of privacy. She also requested exemption for today's hearing.
 - ii) Adv. R.S. Bajaj on hearing dated 13.05.2018 stated and submitted the judgments of **Hon'ble State Information Commissioner Ms. Jaspal Kaur had given decision in similar cases with case no. CC No. 796 of 2012 dated 13.09.2012 and CC No. 797 of 2012 dated 13.09.2012** in which there was a matrimonial dispute between the appellant and the third party and a divorce case was going on in the court. In that case also the third party denied her disclosing information. These judgments were taken on record.

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Appeal Case No. 1259 of 2017
Date of Institution: 05.05.2017
Date of Decision: 10.09.2019

3. In the view of the above said facts presented by both the parties on previous hearings, that appellant failed to prove sufficient reasons and/or larger public interest so that she may claim information that relates to education qualification be provided to her from respondent PIO. Contrarily the respondent PIO / his/her Counsel presented more sufficient reasons to justify his/her denial to provide requisite information to appellant that relates with educational qualification of her husband (who is here considered as Third Party after this, as Husband of appellant has matrimonial dispute with appellant). Therefore, in this case, I am view that the respondent PIO is allowed to deny providing requisite information (that relates to education qualification of third party) read under section 8 (1) (e) & (j) and Section 11 of RTI Act 2005.
4. In the view of above, no further cause of action is required in this required in this case and hence the instant appeal case is decided to be **disposed of and closed**.
5. Send copy of the order to the parties.

Chandigarh
Dated: 10.09.2019

Sd/-
(Dr. Pawan Kumar Singla)
State Information Commissioner