

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
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Sh. Malkit Khan,
S/o Sh. Jumma Khan,
Village- Bahilpur, PO-Kalyan,
District-Patiala.

Appellant

Versus

Public Information Officer,
O/o Assistant Registrar,
Co-operative Societies, Patiala.

First Appellate Authority,
O/o Deputy Registrar,
Co-operative Societies, Patiala.

Respondents

Appeal Case No.3549/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
11.08.2018	Nil	11.09.2018	Nil	17.10.2018

Present:

Appellant- Sh. Malkit Khan;
Respondents- Sh. Gurjant Singh, Senior Assistant.

ORDER

The case has been committed to this division bench on orders of Hon'ble Chief

Information Commissioner on 08.04.2019.

The appellant had sought an information for the period from 2008 to 2018 of a co-operative society of Village Kheri Manian relating to its various activities. To quote, he had sought the copies of all the resolutions passed, the quantity of urea and DAP fertilizer having been received and distributed among members, the quantum of subsidized wheat received and distributed and some other allied actions of the society. The respondents in the office of the Assistant Registrar, Co-operative Society, forwarded the application under section 6(3) of the RTI Act, 2005 to Chairman of the Society for appropriate action vide communication letter 4607 dated

Contd...pg...2



-2-

Appeal Case No.3549/2018

17.09.2018. The stance of the society as conveyed by the resolution is that it is not a public authority as defined under section 2(h) of the RTI Act and in terms of law laid down in order passed by the Hon'ble Supreme Court of India on 07.10.2013 in the matter of the Civil Appeal No. 9017 of 2013 titled Thalappalam Service Cooperative Bank Ltd. Vs State of Kerala and Ors. The society according to the respondents is neither controlled nor is being financed much less substantially by the government. The regulation and supervisory control of the department as mentioned in the judgment is neither deep nor pervasive so as to qualify of being declared as a public authority. The entity is self sustained and since it is not a public authority, it is not obliged to part with the information.

The onus to prove it as a public authority is on the appellant, who has not come up with any valid argument. In the scenario, the Commission is inclined to agree with the submissions of the respondents. However, it is necessary to add that the appellant being a member of the society and a stakeholder should be apprised and kept in a loop of the activities of the society.

Contd...pg...3



-3-

Appeal Case No.3549/2018

The Commission feels that the role of the respondent department as a regulator to oversee the actions of the society in keeping with the provisions of the Societies' Act comes into play. They should take requisite responsibility in doing the needful. With these observations, the appeal is **disposed**.

04.06.2019	Sd/-	Sd/-
	(Preety Chawla)	(Yashvir Mahajan)
	State Information Commissioner	State Information Commissioner

CC: PS/SIC (Smt. Preety Chawla) for necessary information.