

**PUNJAB STATE INFORMATION COMMISSION**  
**Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.**  
**Ph: 0172-2864114, Email: - [psicsic30@punjabmail.gov.in](mailto:psicsic30@punjabmail.gov.in)**  
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Sh. Waris Malik, S/o ShMehar Malik,  
R/o H N0-327/28, Tilak Nagar,  
Nakodar Road, Jalandhar.

.....Complainant

**Vs**

**Public Information Officer,**  
O/o Chairman,  
District Badminton Association,  
Jalandhar.

.....Respondent

**Complaint Case No. 17 of 2020**

**PRESENT:   None for the Complainant**  
**Sh.Randeep Singh Gill for the Respondent**

**ORDER:**

The complainant through RTI application dated 23.09.2019 has sought information regarding appointment of Deepankar Bhattacharya, newly coach in Raijada Hans Raj Stadium – number of players taking coaching from Deepankar Bhattacharya – GST deducted from the salary of the coach – income & expenditure after the appointment of said coach and other information concerning the office of Chairman, District Badminton Association Jalandhar. The complainant was not provided the information after which the complainant filed complaint in the Commission on 23.12.2019.

The case first came up for hearing on 14.09.2020 through video conferencing at DAC Jalandhar. Both the parties were absent. The complainant vide email informed that the PIO has not provided the information. In the said email, the complainant also informed that the District Badminton Association is a public authority with many administrative officers including deputy Commissioner as its members and the stadium is being developed by the grant of Rs.15,00,000/- released from the MP fund of Sh.Naresh Gujral.

The respondent was absent. The District Badminton Association, Jalandhar was directed to submit complete details of grants availed, list of members of governing body, copy of memorandum & article of association and appear before the Commission on the next date of hearing. A copy of the order was sent to the Deputy Commissioner, Jalandhar to ensure compliance of the order, as he, as per the complainant is one of the executive members of the association.

**Hearing dated 04.11.2020:**

The case has come up for hearing today through video conferencing at DAC Jalandhar. The appellant is absent and vide email has informed that the PIO has not provided the information.

The respondent has submitted a detailed reply to the earlier order of the Commission which has been taken on the file of the Commission.

From the reply the following is construed regarding the administrative structure, and funds received by the District Badminton Association , Jalandhar.

**Complaint Case No. 17 of 2020**

That its Honorary President is the Deputy Commissioner (currently Sh. Ghanshyam Tohri- IAS) , Jalandhar, its current Chairman is Randeep Gill , a PCS officer, Sh. Rahul Sindhu an IAS officer its Member Secretary. Out of the 12 members of the interim executive committee, three are stated to be public servants. Regarding the point of grant of Rs 15.00 lacs from the MPLAD fund of Rajya Sabha MP, Mr. Naresh Gujral, the respondent has claimed that Rs.15.00 lacs from MPLAD fund did not come directly to the association but was given to the PWD department.

The reply takes me to section 2 h (i) (ii) ( *non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government.*) of the RTI Act, 2005, following which I have applied the following test:

While having officials on a sports association, and one off grant does not lead to automatic declaration of an organization into a public authority, as defined under the RTI Act, however the question before the commission is whether the Badminton association is capable of performing its functions and duties without the support of the high officials of the district administration, as well as time to time funds ( direct or indirect) and infrastructure facilitations from the government and district administration respectively? The answer from the facts on the file and the representation from the Badminton Association clearly show that such is not possible without support from the district administration as well as funds from the government.

Moreover, the association is linked to the Badminton Association of India, the umbrella body to run the administration of Badminton nationally, which is under the preview of the RTI Act.

Given the above, it is clear that the District Badminton Association is a non-government organization substantially financed , directly or indirectly by funds provided by the appropriate and hence needs to come under the preview of section 2 h (i) (ii) of the RTI Act , 2005.

The District Badminton Association, Jalandhar is herewith declared a public authority and the Honorary President, BDA-cum-Deputy Commissioner, Jalandhar is directed to appoint a PIO and complete all the formalities that are required of a public authority to implement the RTI Act. To execute the order within fifteen days of receipt of this order .

Information to the appellant will be provided within thirty days once the PIO is appointed.

To come up for further hearing on **25.11.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Jalandhar.

**Chandigarh**  
**Dated 04.11.2020**

Sd/-  
**(Khushwant Singh)**  
**State Information Commissioner**

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Sh. R.C Tandon,  
# 146, Urban Estate,  
Phagwara, Distt.Kapurthala.

... Appellant

Versus

**Public Information Officer,**  
O/o JDA,  
Jalandhar.

**First Appellate Authority,**  
O/o JDA,  
Jalandhar.

..... Respondent

**Appeal Case No. 3297 of 2019**

**PRESENT: Sh.R.C.Tandon as the Appellant**  
**Sh.Sanjeev Sharma, PIO for the Respondent**

**ORDER:**

The case was first heard on 06.01.2020. The respondent present pleaded that the information has been provided to the appellant again vide letter dated 20.12.2019 and a copy of the same submitted to the Commission.

The appellant was absent. Having gone through the information that had been provided, the Commission found that the public authority had given a copy of map of the building with the observations of the appellant itself posted on the information. The Commission directed the public authority to provide true copy of the record whatever available regarding the information that has been sought.

It was also observed that the appellant in the RTI application had sought the information in a particular format which under the RTI Act, was not permissible. The PIO was directed to provide the information whatever available in the record regarding height of the boundary wall of Bahara Hospital.

On the date of last hearing on **14.09.2020**, both the parties were absent. The PIO was directed to comply with the earlier order of the Commission and provide the information whatever available in the record regarding height of the boundary wall of the Bahara Hospital.

**Hearing dated 04.11.2020:**

The case has come up for hearing today through video conferencing at DAC Jalandhar. The appellant claims that the PIO has not provided the complete information. The respondent informed that as per report of APIO-Estate Office, JDA Jalandhar, the available information has been provided and no other information is available in their record.

Hearing both the parties, the Commission directs the concerned APIO-Estate Officer, JDA to give this in writing on an affidavit that the information that has been supplied is true, complete and no other information is available in their record.

To come up for compliance on **25.11.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Jalandhar.

Sd/-

**Chandigarh**  
**Dated 04.11.2020**

**(Khushwant Singh)**  
**State Information Commissioner**

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Sh. Bhupinder Singh, S/o Sh. Gurjail  
Singh, Village Bahmna Basti,  
Tehsil Samana, Distt. Patiala.

...Appellant

Versus

**Public Information Officer,**  
O/o DC,  
Patiala.

**First Appellate Authority,**  
O/o Commissioner, Patiala Division,  
Patiala

Respondent

Appeal Case No. 411 of 2019

PRESENT: None for the Appellant

**None for the Respondent**

**ORDER:**

This order should be read in continuation to the earlier order.

The case has already been heard on 04.11.2019, 15.01.2020, 29.05.2020, 20.07.2020 and 24.09.2020.

On the date of hearing on 20.07.2020, the PIO-PWD(B&R) was directed to provide the information within 10 days and send a compliance report to the Commission.

On the date of last hearing on 24.09.2020, the appellant informed that the PIO has not supplied any information as per order of the Commission.

The PIO-PWD (B&R) was absent nor had complied with the order of the Commission to send the information to the appellant. The PIO-PWD(B&R), Patiala was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file reply on an affidavit. The PIO was again directed to provide the information within 10 days of the receipt of this order.**

**Hearing dated 04.11.2020:**

The case has come up for hearing today through video conferencing at DAC Patiala. Both the parties are absent.

Earlier order stands. The PIO-PWD(B&R) is given one last opportunity to file reply to the show cause notice otherwise it will be presumed that the PIO has nothing to say in the matter and the Commission will act against the PIO as per provisions of section 20 of the RTI Act.

To come up for further hearing on 01.12.2020 at 11.00 AM\_ through video conferencing available in the office of Deputy Commissioner, Patiala.

Sd/-

**Chandigarh**  
**Dated: 04.11.2020**

**(Khushwant Singh)**  
**State Information Commissioner**

**CC to: 1. PIO-Director Land**  
**Records, Kapurthala**  
**Road, Jalandhar**

**2. PIO-PWD(B&R), Patiala**

