

Sh. Waris Malik, S/o Sh.Mehar 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, Chairman, DBA Jalandhar 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– GSTdeducted 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.

On the date of last hearing on 04.11.2020, the appellant was absent and vide email informed that the PIO has not provided the information.

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

From the reply the following was 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.”

On the date of the last hearing on 25.11.2020, the respondent present from the office of DC Jalandhar informed that the current chairman Randeep Gill was on medical leave and had requested for adjournment.

The appellant was absent. For the earlier order (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), the District Badminton Association was directed to implement the same within fifteen days from the receipt of the Commission's order.

Complaint Case No. 17 of 2020

Hearing dated 05.01.2021:

The case has come up for hearing today through video conferencing at DAC Jalandhar. The respondent present pleaded that they have implemented the Commission's order and have appointed a PIO, and all other formalities required to implement the RTI Act are being implemented. An email has also been received to this effect.

Since the Commission's order stands implemented, the case is **disposed off** with the direction that the PIO provide the information to the complainant within thirty days of receiving this order.

Chandigarh
Dated:05.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Jagjeet Singh s/o Sh.Joginder Singh,
R/o Village Maur Chadar Singh
P.O.Maur Mandi, Tehsil Maur,
Bathinda.

...Appellant

Versus

Public Information Officer,
O/o SDM Maur Mandi,
Distt.Bathinda.

First Appellate Authority
O/o DC, Bathinda.

... Respondents

Appeal Case No.3204 of 2020

PRESENT: Sh.Jagjit Singh as the Appellant
Smt.Parkash Kaur, Sr.Assistant for the Respondent

ORDER:

The appellant through RTI application dated 29.06.2020 has sought information regarding letter diary No.1493 dated 31.05.2019 from the office of SDM Maur Mandi. The appellant was not satisfied with the reply of the PIO dated 23.07.2020 after which the appellant filed first appeal before the First appellate Authority on 17.08.2020 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Bathinda. As per respondent, the information has been provided to the appellant. The appellant has received the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated:05.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Baljinder Singh, S/o Sh.Darshan Singh,
Daan Singh Nagar, Gali No-1,
Back Side Guru Nanak Public School,
GonianaMandi, Distt.Bathinda.

.....Appellant

Versus

Public Information
Officer, O/o EO, MC,
Goniana Mandi,
Distt.Bathinda.

First Appellate
Authority, O/o Joint
Deputy Director, Local
Govt, Mini Secretariat,
Bathinda.

Respondent

Appeal Case No. 537 of 2020

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant RTI application dated 13.11.2019 has sought information regarding details of workers recruited on contract – their salary and post – approval for setting up of a Gym and other information concerning the office of EO-MC GonianaMandi. The appellant was provided the information after which the appellant filed first appeal before the First Appellate Authority on 18.12.2019. Thereafter, the PIO sent a reply to the appellant vide letter dated 31.12.2019 stating that the information sought is in question form, it cannot be provided. The First appellate authority also disposed off the appeal on 03.01.2020 directing the PIO to provide the information as per the RTI Act within time.

The case first came up for hearing on 03.09.2020 through video conferencing at DAC Bhatinda. The respondent present pleaded that the information has been supplied to the appellant on 02.07.2020 with a copy to the Commission. The respondent informed that when the RTI application was filed, no private or contractual worker was employed. The respondent further informed that no grant was received for setting up of a gym.

The PIO was directed to give this in writing on an affidavit with a copy to the Commission.

On the date of last hearing on 03.11.2020, both the parties were absent. The case was adjourned.

Hearing dated 05.01.2021:

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

Appeal Case No. 537 of 2020

In the last hearing on 03.09.2020, the respondent had informed that when the RTI application was filed, no private or contractual worker was employed and no grant was received for setting up of a gym and that the reply was sent to the appellant vide letter dated 02.07.2020. The PIO was directed to give this in writing on an affidavit.

The appellant is absent on 2nd consecutive hearing nor has communicated whether he has received the affidavit or not. It is presumed that the appellant has received the information and is satisfied.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated:05.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



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: None for the Appellant
Sh.Sanjeev Sharma, PIO for the Respondent

ORDER:

The appellant through RTI application dated 27.12.2018 has sought information regarding heights of boundary wall of Bahara Hospital building and other information concerning the office of JDA Jalandhar. The appellant was not satisfied with the reply of the PIO dated 29.01.2019 after which the appellant filed first appeal before the First Appellate Authority on 28.02.2019 which disposed off the appeal on 13.08.2019.

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 a 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.

On the date of last hearing on 04.11.2020, the appellant claimed 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 directed 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.

Appeal Case No. 3297 of 2019

On the date of last hearing on 25.11.2020, the respondent present pleaded that the concerned APIO-Estate Officer, JDA has been asked to give the affidavit as per order of the Commission.

The APIO-Estate Officer, JDA was absent. The concerned APIO-Estate Officer, JDA was directed to comply with the earlier order of the Commission and appear before the Commission on the next date of hearing.

Hearing dated 05.01.2021:

The case has come up for hearing today through video conferencing at DAC Jalandhar. The respondent present pleaded that in compliance with the order of the Commission, an affidavit has been sent to the appellant vide letter dated 30.12.2020 with a copy to the Commission.

The appellant is absent and vide email has informed that he has not received the affidavit.

A copy of the affidavit is being sent to the appellant alongwith the order. With this, the information stands provided.

No further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated:05.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Deepak Kalia,
H NO-31, kailash Nagar, Sodal Road,
Jalandhar.

...Appellant

Vs

Public Information Officer,
O/o EO, PUDA, Jalandhar.

First Appellate Authority
O/o PUDA,
Jalandhar.

...Respondent

Appeal Case .No. 4293 of 2019

PRESENT: Sh.Deepak Kalia as the Appellant
Sh.Sanjeev Sharma, PIO-JDA Jalandhar for the Respondent

ORDER:

The appellant through RTI application dated 02.08.2019 has sought information regarding policy of the PUDA for raising new colony, security to be provided by the colonizers before sale of plots and other information connection concerning the office of PUDA Jalandhar. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 13.09.2019 which took no decision on the appeal.

The case was first heard on 11.03.2020. The respondent present pleaded that since the information relates to 3rd party, they have written a letter to the 3rd party for seeking its consent and after receipt of consent of the 3rd party, the information will be supplied.

The appellant was absent. Having gone through the record, the Commission found that there is nothing on record which establishes that the disclosure of information has a larger public interest. The appellant was directed to convince the Commission that there is a larger public interest involved in disclosure of information.

The case was last heard on **04.08.2020** through video conferencing at DAC Jalandhar. The appellant was absent nor had submitted any document which establishes that the disclosure of information has a larger public interest.

Having gone through the RTI application all over again with the respondent, the PIO was directed to look at the RTI application and provide the information to the appellant on all points as per the RTI Act.

The respondent however, pleaded that the appellant be allowed inspection of the record as desired by the appellant in point-10. The appellant was directed to inspect the record by fixing a mutually convenient date and time with the PIO and get the relevant information. The PIO was directed to allow inspection of the record and provide the relevant information as per RTI Act.

On the date of last hearing on **07.09.2020**, the respondent present pleaded that the appellant has inspected the record and the relevant information containing 208 pages has been digitally provided to the appellant. The appellant had received the information but wanted to go through the information. The appellant was directed to point out the discrepancies if any in writing to the PIO with a copy to the Commission and the PIO was directed to sort out the same.

Appeal Case .No. 4293 of 2019

On the date of last hearing on **25.11.2020**, the respondent pleaded that the complete information has been provided to the appellant and no other information is available. The appellant stated that some of the information relating to point-10 is pending which has to be provided by Sh.Chander Shekhar, APIO.

The PIO was directed to provide up to date information till the date of filing of the RTI application and remove all valid discrepancies.

Hearing dated 05.01.2021:

The case has come up for hearing today through video conferencing at DAC Jalandhar. The respondent present pleaded that complete information has been provided and no further information is available in their record.

The PIO is directed to give in writing on an affidavit that the information that has been provided is true, complete and no further information is available as per the RTI Act.

With the above order, the case is **disposed off and closed**.

Chandigarh
Dated:05.01.2021

Sd/-
(Khushwant Singh)
State Information Commissioner