



Sh. Akash Verma,
80, New Officers Colony,
Stadium Road, Patiala..

... Appellant

Versus

Public Information Officer,
O/o Secretary, General,
SOS Children's Village National Office,
Plot-4, Block C-1, Institutional Area,
Nelson Mandela Marg, Vasant Kunj,
New Delhi.

First Appellate Authority,
O/o Secretary, General,
SOS Children's Village National Office,
Plot-4, Block C-1, Institutional Area,
Nelson Mandela Marg, Vasant Kunj,
New Delhi.

...Respondent

Appeal Case No. 82 of 2021

PRESENT: Sh.Akash Verma as the Appellant
Sh.Vartholomew Basumaatary, Zonal Director-Zone-1 for the
Respondent

ORDER:

The appellant through RTI application dated 31.08.2020 has sought information regarding details of donations collected through outsourced contracts from fundraising companies – name & details of agencies with whom contract has been entered - amount/percentage of donations collected & details of commission paid to outsource agencies – date on which SOS CV has entered into fundraising agreement with along with a certified copy of the agreement with Give India, Syrex Info Pvt Ltd, Spiceflash, APPCO –a certified copy of entre banking/financial transactions, bank drafts, cheque financial receipts – detail of first appellate authority and other information as enumerated in the RTI application, concerning the office of Secretary-General, SOS Children's village National office New Delhi. The appellant was not satisfied with the reply of the PIO dated 12.10.2020 after which the appellant filed first appeal before the First Appellate Authority on 30.10.2020 which disposed of the appeal on 25.11.020.

The case was first heard by a Single Bench of Sh.Khushwant Singh on 13.05.2021 before through video conferencing at DAC Patiala. The respondent was absent. The case was adjourned.

On the date of the next hearing on **17.08.2021**, the commission received a reply from the PIO on 29.06.2021 which was taken on the file of the Commission. In the reply, the PIO had mentioned -

“That the respondent is a non-government organization society registered under the Indian Societies Registration Act, 1860 at New Delhi on 12th March 1964. The organization consists of 32 Children's Villages, about 8 SOS – Hermann Gmeiner Schools SOS Children's Village situated at Rajpura Punjab is only one amongst these 32 villages. SOS CV Rajpura has been set up in a piece of land leased by the Government of Punjab vide lease deed of 1994.

That the application of the RTI Act and its provisions on society is not based on the State or Union Territory in which the Society is registered. The Respondent organization does not fall within the definition of a Non-Government Organization substantially financed by the government of Punjab.

That the SOS CVI does not come within the definition of Public Authority under section 2(h) of the RTI Act 2005.”

The appellant filed objections which were received in the Commission on 01.07.2021 and taken on the file of the Commission.

The appellant stated that the respondent cannot deny the information since it has been granted PAN u/s 80(G) (iv) of IT Act 1961 by Director Income Tax Delhi on 11.07.2011 with some conditions. That it is a public authority as the SOS Children’s village in Rajpura has been built on land leased by the Government of Punjab.

After going through the submissions, written and oral of the respondent and the appellant respectively, the matter before the commission was in two parts-

- 1) Firstly, whether the Punjab State Information has jurisdiction to listen to this appeal or not. This matter has arisen on two grounds, a) the appellant had filed the RTI application to the office of the Secretary General , SOS Children’s Villages of India located in New Delhi; b) The respondent has claimed that it is a non-government organization society registered under the Indian Societies Registration Act, 1860 at New Delhi on 12th March 1964. The organization consists of 32 Children’s Villages, about 8 SOS – Hermann Gmeiner Schools and SOS Children’s Village situated at Rajpura Punjab is only one amongst these 32 villages.
- 2) Secondly, that whether SOS Children’s Villages of India is a public authority and falls under the preview of the RTI Act?

At that hearing, the Commission was inclined to deal with the first point. i.e. regarding the jurisdiction of the PSIC to listen to this case.

Given the above, the Commission directed the Secretary-General, SOS Children’s Villages of India, New Delhi to file an affidavit stating the organizational charter of the organization, its history of inception and growth, as well as the station where it files its income tax returns.

On the date of last hearing on **13.12.2021**, the Commission received a reply of the appellant on 14.09.2021 which was taken on the file of the Commission.

The case was sent to the Hon’ble Chief Information Commissioner to constitute a larger bench.

The case came up for hearing **on 04.07.2022 before this Bench**. The Commission received an affidavit of the respondent dated 16.12.2021 which was taken on record. In the said affidavit, the respondent reiterated their earlier plea that the respondent organization does not fall within the definition of a Non-Government Organization substantially financed by the government of Punjab since it is a non-government organization society registered under the Indian Societies Registration Act, 1860 at New Delhi on 12th March 1964 and that the organization consists of 32 Children’s Villages, about 8 SOS – Hermann Gmeiner Schools SOS Children’s Village situated at Rajpura Punjab is only one amongst these 32 villages.

The appellant contested the claim of the respondent and informed that in an earlier complainant case No.384 of 2018 titled CC Gupta V/s PIO-SOS, CV Rajpura wherein the SOS-CV claimed that the SOS- CV is not a public authority and there existed no PIO in any of the constituent units of SOS-CV including that of SOS-CV Rajpura, which was heard by Prof.Viney Kapoor Mehra, State Information Commissioner on 26.09.2018 and a show cause notice was issued to the PIO with the direction to file an affidavit and appear personally on the next date of hearing. In compliance with the order of the Commission, the requisite information was supplied to the complainant with a copy to the Commission.

The appellant further informed that in another appeal case No.1045 of 2020 titled Akash Verma V/s PIO-SOS, CV Rajpura, in compliance of the order dated 16.06.2020 of Sh.Avtar Singh Kaler, State Information Commissioner, Sudarshan Suchi Secretary General, SOS CV New Delhi replied and pleaded that the appellant be directed (A) to file all relevant material before FAA New Delhi (B) remit back the case to FAA (C) appellant be directed to appear before FAA. Thereafter, vide order dated 08.07.2020, Sh.Avtar Singh Kaler, State Information Commissioner directed the PIO to send information within 5 days and in case of non-compliance of the order of the Commission, strict action will be taken against the PIO under the provisions of RTI Act. However, the reply was filed by Sudarshan Suchi, Secretary General, SOS CV New Delhi as First Appellate Authority and supplied incomplete information vide letter dated 10.07.2020. In response, the appellant filed objections on 11.07.2020 against which the PIO-SOS CV Rajpura supplied partial information vide letter dated 31.07.2020 with a recommendation to file fresh RTI application with the SOS New Delhi to get the remaining information and the case was disposed of on 06.08.2020.

The appellant further stated that on the one side the CPIO-SOS CV Delhi vide letter dated 12.10.2020 replied that since SOSCV of India does not fall within the definition of Public Authority, the information cannot be made available whereas in a reply, it was informed that since the office of FAA was vacant since 16th May 2019 to 06th Oct. 2019, immediate reply to the appeal could not be furnished. However, subsequently, pursuant to the direction of the State Information Commissioner dated 08.07.2020, the appeal was responded by the First Appellate Authority vide communication dated 10.07.2020. Further since the SOS CV Rajpura which receives the grant from the State, falls within the jurisdiction of the State of Punjab which is the appropriate government and appropriate forum is State Information Commission, Punjab. It is also mentioned herein that point-4 of the ground set out in the Appeal under reply has been dealt with at the relevant point of time by the State Information Commission, Chandigarh and directions passed pursuant thereto have been accordantly complied by the SOS CV Rajpura and cannot be re-agitated.

From the facts given above, and hearing both the parties, the Commission observed that on the one side, the respondent is saying that they are not the public authority; on the other hand, they are saying that their First Appellate Authority is SOS CV Delhi and can reply to the RTI application.

Given the facts above, it was made apparently clear that SOS-CV Rajpura is a Public Authority and falls within the purview of the definition of Public Authority as contained in Section 2(h) of the RTI Act 2005, hence the appropriate forum is State Information Commission Punjab. The Commission under the powers vested under section 19(8) of the RTI Act directed the Secretary, General, SOS Children's Village National Office to appoint their First Appellate Authority in the State of Punjab.

Hearing dated 12.10.2022:

The case has come up for hearing today. Sh.Bartholomew Basumatary, Zonal Director-Zone-1, SOS Children's Villages of India is present on behalf of the respondent and informed that in compliance with the order of the Commission, a First Appellate Authority in the State of Punjab for SOS Children's Villages Rajpura has been established. The respondent has also submitted an authorization letter dated 29.09.2022 which has been taken on record.

- ORDER:

The Commission makes it clear that the First Appellate Authority appointed for Punjab will hear the appellant/complainant in Punjab and will furnish the address and designation of the PIO and the First Appellate Authority on their website.

Since the SOS Villages Rajpura will have their own PIO and the First Appellate Authority for now on, the appellate is advised to file a fresh RTI application on the matter.

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

Chandigarh	Sd/-	Sd/-
	(Maninder Singh Patti)	(Khushwant Singh)
Dated 12.10.2022	State Information Commissioner	State Information Commissioner

CC:- Sh Maninder Singh Patti, State Information Commssion,
Punjab.