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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 684/2018**

NIPUN ARORA

..... Petitioner

Through: Petitioner in person.

Versus

TAMIL NADU INFORMATION
COMMISSION

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.01.2018

CM No. 2922/2018

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner has filed the present petition impugning a communication dated 20.10.2017, whereby the petitioner's complaint under Section 18 of the Right to Information Act, 2005 (hereafter 'the Act') filed before the State Information Commission (the respondent, and hereafter 'the SIC') was rejected.
4. The petitioner had filed an application under the Act seeking certain information from the Public Information Officer of SRM University and

VIT University (hereafter ‘the Universities’). The petitioner did not receive any response to the said applications and this led the petitioner to file the complaint under Section 18 of the Act.

5. The petitioner’s complaint had been rejected on the ground that the Universities are not public authorities within the meaning of Section 2(h) of the Act. The petitioner who appears in person states that the impugned communication is without the authority of law, as it has been passed by the Section Officer of the SIC who has no power to pass such orders.

6. The petitioner further states that his complaint was required to be considered and decided by the SIC. Second, he submits that the Universities are public authorities under Section 2(h) of the Act inasmuch as that has been informed by a notification issued by the University Grants Commission (hereafter ‘UGC’).

7. Section 2(h) of the Act reads as under:-

2(h) “public authority” means any authority or body or institution of self-government established or constituted—

(a) by or under the Constitution;

(b) by any other law made by Parliament;

(c) by any other law made by State Legislature;

(d) by notification issued or order made by the appropriate Government, and includes any—

(i) body owned, controlled or substantially financed;

(ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;

8. In *Thalappalam Service Cooperative Bank Ltd. and Others v. State of Kerala and Others: (2013) 16 SCC 82*, the Supreme Court had clarified that the aforesaid definition was exhaustive. In terms of clause 2(h)(d), an authority or a body of an institution established or constituted by a notification made by the appropriate Government would be included within the definition of “public authority”.

9. The expression “appropriate Government” is defined under Section 2(a) as under:-

“2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in relation to a public authority which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly-

- i) by the Central Government or the Union territory administration, the Central Government;
- (ii) by the State Government, the State Government;”

10. It is clear from the above that the UGC is not an appropriate Government and, therefore, a body constituted by a notification issued by the UGC would not fall within the scope of clause (d) of Section 2(h) of the Act. Thus, on the material placed on record, this Court is not persuaded to accept that the Universities are ‘public authorities’.

11. There may be some merit in the contention that a Section Officer may not be authorised to reject any complaint. However, in the facts of the present case, this Court is not inclined to examine the said question as this

Court finds no infirmity with the view that the Universities are not public authorities.

12. The petition is disposed of.

JANUARY 23, 2018
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VIBHU BAKHRU, J