



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-27949-2019 (O&M)
Reserved on: 19.11.2025
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DAV College Trust and Management Society and others
....Petitioners

Versus

State Information Commissioner, Haryana and others
....Respondents

2) CWP-22121-2024 (O&M)

DAV College Trust and Management Society and others
....Petitioners

Versus

State Information Commissioner, Haryana and others
....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Akshay Bhan, Senior Advocate, with
Mr. R.S. Cheema, Advocate, and
Mr. Rohit Nagpal, Advocate,
for the petitioner.

Mr. Bhupender Singh, Addl. A.G., Haryana.

Respondent No.3-*Ex parte*.

KULDEEP TIWARI, J.

1) Since learned counsel for the parties are *ad idem* that a common question of law arises for consideration of this Court, both these writ petitions are amenable to be decided together. For a facility of reference, facts are being culled out from **CWP-27949-2019**.



2) The petitioners, by way of instant writ petition, as cast under Articles 226/227 of the Constitution of India, question the legality of the order dated 12.09.2016 (Annexure P-7), passed by the State Information Commissioner, Haryana-respondent No.1, vide which, a direction was issued to DAV Police Public School-petitioner No.3, to divulge the asked for information to respondent No.2, under the Right to Information Act, 2005 (for short, 'the Act'), declaring it as 'Public Authority'.

GRIEVANCE

3) In essence, the grievance of petitioners emanates from declaration of petitioner No.3-School, as Public Authority, by the State Information Commission, despite the fact that it is not dependent, either directly or indirectly, on any financial assistance provided by the State Government or the Union Government. Rather, the School is an unaided institution, under the exclusive control, management and supervision of the DAV College Managing Committee, New Delhi. And, its operations are sustained entirely out of its own internal resources, viz:-

- a) School fees collected from the students; and
- b) Funds borne by the Welfare Association(s), which are purely contributory funds created by voluntary deductions from the salaries of police personnel whose wards study in the School.

4) In nutshell, the abovementioned funds do not relate to any State funds, and, thus, are not controlled by the Government. In this way, these are operated independently, under the governing structure of the



Haryana Police Welfare & Sports Society, which, indeed, is a Registered Society.

Factual Matrix

5) Clipped off the unnecessary details, the facts, which are undisputed and germane for adjudication of the matter at hand are that, applicant-respondent No.2, filed an application dated 13.04.2016 (Annexure P-1), under the provisions of the Act, seeking the below extracted information:-

- “1. The interview was held on dated 01.04.2016 for the post of DPE and PTI in DAV Police Public School, Police Line, Rewari. In this interview, details are required of all participants alongwith their complete addresses be provided in writing.*
- 2. The photocopies of all Forms be provided through which the applicant applied for the post of DPE and PTI at the time of interview alongwith photocopies of all their educational qualifications and diploma certificates.*
- 3. Sir, the written information be provided for the criteria followed for eligibility for all above posts.*
- 4. All details be supplied for appointed eligible candidates along with their complete details.”*

6) However, the application, vide order dated 19.05.2016 (Annexure P-3), was rejected by the Principal of the School, on the ground that since the School is an unaided private institution, it does not come within the ambit of Section 2(h) of the Act. Further, no public interest had been disclosed by the applicant, as he was not the part of the selection process. And, the application was also fraught with procedural deficiencies, being unsupported by any identity proof.



7) Fetching grievance from the decision (supra), the applicant preferred a first appeal, which, eventually, culminated into a second appeal, under Section 19(3) of the Act. Finally, the State Information Commission-respondent No.1, vide order under challenge, allowed the appeal, thereby categorically holding that the School does fall within the purview of Public Authority. As a consequence, a direction was issued upon the School to either furnish the information sought for, or pass a speaking order, as to how, the information asked for is exempted under Section 8 of the Act, and submit a compliance report to the Commission by 02.11.2016. Hence, the petitioners are before this Court.

Essential Proceedings before this Court

8) On 06.08.2025, during the course of hearing, this Court had accosted the learned Senior counsel, with Clause 1.2 of the Memorandum of Understanding (Annexure P-11), which unambiguously reflects that the School is, in fact, sponsored and financed by the Haryana Police Department. In response, he sought and was granted time to bring on record the factual aspects to substantiate the pleas raised in the petitions, by filing a specific affidavit.

9) In compliance thereto, an affidavit dated 18.08.2025 of the Principal of the School (Sh. Joy Banerjee), was filed, reiterating that the School is an unaided institution and does not get any aid from Centre Government or State Government, and is not owned and controlled by Appropriate Government. So much so, the School is not substantially financed, directly or indirectly by the funds provided by the Appropriate Government. It was specifically recited that deficient given by the police



department is out of Haryana Police Education Fund, which is collected by the employees, and Government does not contribute anything to the welfare fund/education fund of the police:-

“That the deficient given by the police department is out of Haryana Police Education Fund, which is collected by the employees and Government does not contribute anything to the welfare fund/education fund of the police.”

10) It was further stated that the building of the School is built upon 3 acres of land, which is given to the Society on lease, and the building was constructed by the Haryana Police Housing Corporation from Haryana Police Welfare Fund. The entire construction was funded by Haryana Police Welfare Association, which is a fund collected from the employees and the ‘State Government’ and the Police Department has nothing to do with this fund. Furthermore, paragraph No.19 of the affidavit embodies the details of the funds provided by the Police Department from Welfare/Education Fund in a tabulated form, for the years 2015 to 2018, and 2022 to 2025. Pertinently, as per the figures depicted in the table, the substantial amount was funded by the Police Department from Welfare/Education Fund.

11) Proceeding further with the matter, this Court, after thoroughly scrutinizing the affidavit (supra), felt the need to understand the composition of Haryana Police Welfare Association, its funding structure and exact status. Thus, vide order dated 25.09.2025, the Director General of Police, Haryana, was directed to file an affidavit, in this regard:-

“This Court is of the considered opinion that for proper adjudication of the instant petition(s), it is apt to know the



composition of Haryana Police Welfare Association, its funding structure and the status. Let an affidavit in this regard, be filed by the Director General of Police, Haryana, explaining therein, the status of Haryana Police Welfare Association, its funding structure and complete composition, thereof.”

12) In deference thereto, an affidavit dated 12.11.2025, was filed, delineating that the Haryana Police Welfare and Sports Society was registered under The Societies Act, 1860, on 02.06.2003. Thereafter, a revised certificate of registration was issued on 04.12.2013, under the Haryana Registration and Regulation of Societies Act, 2012. Further, to achieve the objects, for which the said Society has been established, three funds, i.e. Haryana Police Welfare Fund, Haryana Police Education Fund, and Haryana Police Sports Fund, have also been constituted. The Officers/officials of all ranks, including civilian employees, are members of the said Society, and are required to pay one time membership fee, as well as monthly subscription amount to the abovenamed three funds. Apart from the above, the said Society also receives contribution from the State Government to augment the resources for undertaking welfare activities, as laid down in the objectives of the Society:-

“The Society also receives Contribution from the State Government in certain years to augment the resources of the Society for carrying out welfare activities as laid down in the objectives of the Society.”

13) Likewise, paragraph 6 of the affidavit narrates the composition of the Governing Body of the Society, which reads as under:-



“6.Administration of the Society: The funds of the Society are administered by the Governing Body of the Society. The composition of the Governing Body is as under:-

Sr. No.	Members & Office Bearers	
1.	President	Director General of Police, Haryana.
2.	Vide Presidents (3)	1. ADGP/HR & Litigation or Head of the Welfare Branch. 2. ADGP/Admin. Or any Senior Officer to be nominated by the DGP Haryana. 3. IGP/CID Haryana/Chief of State CID wing.
3.	General Secretary	IGP/In-charge of Welfare Branch or any officer to be nominated by DGP Haryana.
4.	Joint Secretary	AIG/Welfare
5.	Member	AIG/Administration

Submissions on behalf of the Petitioners:

14) Learned Senior counsel, predominantly, submitted that the matter at hand is squarely covered by the law laid down in **Thalappalam Ser. Coop. Bank Ltd. and others Vs. State of Kerala and others, 2013 (16) SCC 82**, wherein, the Hon’ble Supreme Court has categorically held that subsidies, grants, exemptions, or privileges, such as provision of land, do not, by themselves, amount to ‘substantial financing’ for the purpose of Section 2 (h) of the Act. In the event, the funding is shown to be so substantial that ‘without such funding the institution would struggle to exist’, such a body may fall within the ambit of a ‘Public Authority’. However, the petitioner-School is neither owned, controlled, nor substantially financed/funded by the State Government, either directly or indirectly, therefore, it does not fall within the ambit of the Public Authority. While referring to the twin tests, as laid down in the decision (**supra**), i.e. (a) substantial financing; and (b) substantial control, he asserted that the instant matter does not satisfy the said test.



15) However, learned Senior counsel conceded that the only element which relates to the Government, is that the School is constructed upon a three acre land, which has been leased out by the Haryana Police Department, and the building was constructed from the funds of Haryana Police Welfare Fund. In this regard, learned Senior counsel, while referring to a decision dated 04.11.2016, drawn by the learned Single Bench of this Court in **CWP-22748-2016 (Paramjit Singh Vs. State Information Commissioner, Punjab and others)**, contended that, albeit 12 acres of government land was leased out by the Punjab Government to a hospital therein, but that was not found to be substantially funded to declare it, a Public Authority. The said decision was put to judicial scrutiny in an intra-court appeal, i.e. **LPA No. 1136-2017**. Delving deep into the legal proposition, the Hon'ble Division Bench held that the appellant failed to demonstrate, as to how the institution was substantially funded, regularly financed, or subjected to such State control, as would amount to substantial control over its management or affairs. As a natural consequence, the appeal, vide order dated 29.01.2018, was dismissed.

16) In an endeavour to further build the case of the petitioners, reliance was also placed upon an order dated 09.01.2025, vide which, a Coordinate Bench of this Court, disposed of two writ petitions, lead case being **CWP-13580-2015 (The Punjab State Federation of Cooperative House Building Societies Limited Vs. The State Information Commission, Punjab)**, on the ground that State had only invested 21% in the HOUSFED, and not more than 1% in the Cooperative Bank therein,



which is not good enough to declare the petitioner-Societies therein, a Public Authority. He put his submissions at rest, and prayed for quashing the impugned order.

Counter on behalf of the State

17) Learned State counsel-respondents No.1 and 3, in a bid to protect the legality of the impugned order, asserted that concededly, the land, upon which the petitioner-School exists, is leased out by the State Police Department, Haryana. Therefore, the School, indeed, is substantially financed/funded by the State Government. In such circumstances, respondent No.1 committed no error of law in holding the petitioner-School a Public Authority. Hence, the impugned order warrants no interference.

Analysis

18) Before embarking upon the abovesaid rival submissions, in order to evaluate the legality of the impugned order, it would be expedient to advert to, and comprehend the definitions of certain key expressions/words, as provided under the Act, such as ‘**appropriate Government**’, ‘**information**’, ‘**public authority**’ and ‘**right to information**’. For brevity, and ready reference, the same are extracted hereinbelow:-

“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;*

(f) "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;

(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;*

(j) "right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

(i) *inspection of work, documents, records;*

(ii) *taking notes, extracts or certified copies of documents or records;*

(iii) *taking certified samples of material;*

(iv) *obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;”*



19) So far as the ‘appropriate Government’ is concerned, it means in relation to a public authority, which is established, constituted, owned, controlled or substantially financed by funds provided directly or indirectly by the Central Government or by the State Government, as the case may be. In **Thalappalam Ser. Coop. Bank Ltd. (supra)**, the principal issue was, as to whether, a Cooperative Society, registered under the Kerala Cooperative Society Act, 1969, could be said to be a Public Authority or not?

20) Adverting to the issue, the Hon’ble Supreme Court held that a body, institution or organization, which is neither a State within the meaning of Article 12 of the Constitution or its instrumentalities, may still answer the definition of Public Authority, as defined under Section 2 (h)d (i) or (ii). It was further opined that the Right to Information Act deals with bodies which are owned, controlled or substantially financed, directly or indirectly, by funds provided by the appropriate government and also non-government organizations substantially financed, directly or indirectly, by funds provided by the appropriate government. Moving to the definition of expression ‘**control**’, it was noted down, to mean that the control by the appropriate government must be a control of a substantial nature. The mere ‘supervision’ or ‘regulation’ as such by a statute or otherwise of a body would not make that body a “public authority” within the meaning of Section 2(h)(d)(i) of the Act.

21) At this juncture, finding the expression, ‘substantially financed’ of utmost importance, the Hon’ble Supreme Court examined



the same in extenso, and held that merely providing subsidiaries, grants, exemptions, privileges etc., as such cannot be said to be providing funding to a substantial extent, unless the record shows that the funding was so substantial to the body which practically runs by such funding and but for such funding, it would struggle to exist. The relevant observations made by the Hon'ble Supreme Court in **Thalappalam Ser. Coop. Bank Ltd. (supra)**, in context of the matter under consideration, are extracted hereinbelow:-

34. We are of the opinion that when we test the meaning of expression "controlled" which figures in between the words "body owned" and "substantially financed", the control by the appropriate government must be a control of a substantial nature. The mere 'supervision' or 'regulation' as such by a statute or otherwise of a body would not make that body a "public authority" within the meaning of Section 2(h)(d)(i) of the RTI Act. In other words just like a body owned or body substantially financed by the appropriate government, the control of the body by the appropriate government would also be substantial and not merely supervisory or regulatory. Powers exercised by the Registrar of Cooperative Societies and others under the Cooperative Societies Act are only regulatory or supervisory in nature, which will not amount to dominating or interfering with the management or affairs of the society so as to be controlled. Management and control are statutorily conferred on the Management Committee or the Board of Directors of the Society by the respective Cooperative Societies Act and not on the authorities under the Co-operative Societies Act.

SUBSTANTIALLY FINANCED

36. The words "substantially financed" have been used in Sections 2(h)(d)(i) & (ii), while defining the expression public authority as well as in Section 2(a) of the Act, while defining the expression "appropriate Government". A body can be



substantially financed, directly or indirectly by funds provided by the appropriate Government. The expression “substantially financed”, as such, has not been defined under the Act. “Substantial” means “in a substantial manner so as to be substantial”. In Palser v. Grimling (1948) 1 All ER 1, 11 (HL), while interpreting the provisions of Section 10(1) of the Rent and Mortgage Interest Restrictions Act, 1923, the House of Lords held that “substantial” is not the same as “not unsubstantial” i.e. just enough to avoid the de minimis principle. The word “substantial” literally means solid, massive etc. Legislature has used the expression “substantially financed” in Sections 2(h)(d)(i) and (ii) indicating that the degree of financing must be actual, existing, positive and real to a substantial extent, not moderate, ordinary, tolerable etc.

37. We often use the expressions “questions of law” and “substantial questions of law” and explain that any question of law affecting the right of parties would not by itself be a substantial question of law. In Black's Law Dictionary (6th Edn.), the word 'substantial' is defined as 'of real worth and importance; of considerable value; valuable. Belonging to substance; actually existing; real: not seeming or imaginary; not illusive; solid; true; veritable. Something worthwhile as distinguished from something without value or merely nominal. Synonymous with material.' The word 'substantially' has been defined to mean 'essentially; without material qualification; in the main; in substance; materially.' In the Shorter Oxford English Dictionary (5th Edn.), the word 'substantial' means 'of ample or considerable amount of size; sizeable, fairly large; having solid worth or value, of real significance; sold; weighty; important, worthwhile; of an act, measure etc. having force or effect, effective, thorough.' The word 'substantially' has been defined to mean 'in substance; as a substantial thing or being; essentially, intrinsically.' Therefore the word 'substantial' is not synonymous with 'dominant' or 'majority'. It is closer to 'material' or 'important' or 'of considerable value.' 'Substantially'



is closer to 'essentially'. Both words can signify varying degrees depending on the context.

38. Merely providing subsidiaries, grants, exemptions, privileges etc., as such, cannot be said to be providing funding to a substantial extent, unless the record shows that the funding was so substantial to the body which practically runs by such funding and but for such funding, it would struggle to exist. The State may also float many schemes generally for the betterment and welfare of the cooperative sector like deposit guarantee scheme, scheme of assistance from NABARD etc., but those facilities or assistance cannot be termed as “substantially financed” by the State Government to bring the body within the fold of “public authority” under Section 2(h)(d)(i) of the Act. But, there are instances, where private educational institutions getting ninety five per cent grant-in-aid from the appropriate government, may answer the definition of public authority under Section 2(h)(d)(i).

NON-GOVERNMENT ORGANISATIONS:

39. The term “Non-Government Organizations” (NGO), as such, is not defined under the Act. But, over a period of time, the expression has got its own meaning and, it has to be seen in that context, when used in the Act. Government used to finance substantially, several non-government organizations, which carry on various social and welfare activities, since those organizations sometimes carry on functions which are otherwise governmental. Now, the question, whether an NGO has been substantially financed or not by the appropriate Government, may be a question of fact, to be examined by the authorities concerned under the RTI Act. Such organization can be substantially financed either directly or indirectly by funds provided by the appropriate Government. Government may not have any statutory control over the NGOs, as such, still it can be established that a particular NGO has been substantially financed directly or indirectly by the funds provided by the appropriate Government, in such an event, that organization will fall within the scope of Section 2(h)(d)(ii) of the RTI Act.



Consequently, even private organizations which are, though not owned or controlled but substantially financed by the appropriate Government will also fall within the definition of “public authority” under Section 2(h)(d)(ii) of the Act.”

22) The Hon’ble Supreme Court has categorically held that the categories depicted in Section 2(h) of the Act exhaust themselves. Thus, there is no question of adopting any such construction liberally to the expression, ‘Public Authority’, to bring any other categories into its fold which do not satisfy the test laid down in this regard:-

“43. We are of the view that the High Court has given a complete go-bye to the above-mentioned statutory principles and gone at a tangent by mis-interpreting the meaning and content of Section 2(h) of the RTI Act. Court has given a liberal construction to expression “public authority” under Section 2(h) of the Act, bearing in mind the “transformation of law” and its “ultimate object” i.e. to achieve “transparency and accountability”, which according to the court could alone advance the objective of the Act. Further, the High Court has also opined that RTI Act will certainly help as a protection against the mismanagement of the society by the managing committee and the society’s liabilities and that vigilant members of the public body by obtaining information through the RTI Act, will be able to detect and prevent mismanagement in time. In our view, the categories mentioned in Section 2(h) of the Act exhaust themselves, hence, there is no question of adopting a liberal construction to the expression “public authority” to bring in other categories into its fold, which do not satisfy the tests we have laid down. Court cannot, when language is clear and unambiguous, adopt such a construction which, according to the Court, would only advance the objective of the Act. We are also aware of the opening part of the definition clause which states “unless the context otherwise requires”. No materials have been made available to show that the cooperative societies, with which



we are concerned, in the context of the Act, would fall within the definition of Section 2(h) of the Act.”

23) The next issue, which assumes significance, is with regard to the burden to establish that a body falls within the ambit of a Public Authority. Suffice it to say, the onus always lies upon the shoulder of the applicant, who seeks information from the information Commission. In this regard, the Hon’ble Supreme Court holds, as thus:-

“40. The burden to show that a body is owned, controlled or substantially financed or that a non-government organization is substantially financed directly or indirectly by the funds provided by the appropriate Government is on the applicant who seeks information or the appropriate Government and can be examined by the State Information Commission or the Central Information Commission as the case may be, when the question comes up for consideration. A body or NGO is also free to establish that it is not owned, controlled or substantially financed directly or indirectly by the appropriate Government.”

Likewise, the Hon’ble Supreme Court in **D.A.V. College Trust (supra)**, was put in a situation to consider and answer the issue, as to whether, the colleges run by the D.A.V. College Trust and Management Society, are amenable to the Public Authority. While evaluating the definition of Public Authority, in toto, so as to conclusively respond to the issue, it has been held that when the definition clause contains the words ‘means and includes’ then both these words must be given the emphasis required and one word cannot override the other. Elaborating the connotation further, it has been held



that words ‘and includes any’, expand the definition as compared to the first part. The second part of the definition is an inclusive clause which indicates the intention of the Legislature to cover bodies other than those mentioned in clauses (a) to (d) of Section 2(h). The relevant observations recorded in the judgment read as under:-

“8. *It is a well settled statutory rule of interpretation that when in the definition clause a meaning is given to certain words then that meaning alone will have to be given to those words. However, when the definition clause contains the words ‘means and includes’ then both these words must be given the emphasis required and one word cannot override the other.*

10. *It is thus clear that the word ‘means’ indicates that the definition is exhaustive and complete. It is a hard and fast definition and no other meaning can be given to it. On the other hand, the word ‘includes’ enlarges the scope of the expression. The word ‘includes’ is used to signify that beyond the meaning given in the definition clause, other matters may be included keeping in view the nature of the language and object of the provision. In **P. Kasilingam’s case** (supra) the words ‘means and includes’ has been used but in the present case the word ‘means’ has been used in the first part of subsection (h) of Section 2 whereas the word ‘includes’ has been used in the second part of the said Section. They have not been used together.*

15. *If we analyse Section 2(h) carefully it is obvious that the first part of Section 2(h) relates to authorities, bodies or institutions of self-government established or constituted (a) under the Constitution; (b) by any law of Parliament; (c) by any law of State Legislature or (d) by notification made by the appropriate Government. There is no dispute with regard to clauses (a) to (c). As far as clause (d) is concerned it was contended on behalf of the appellants that unless a notification is issued notifying that an authority, body or institution of self-*



government is brought within the ambit of the Act, the said Act would not apply. We are not impressed with this argument. The notification contemplated in clause (d) is a notification relating to the establishment or constitution of the body and has nothing to do with the Act. Any authority or body or institution of self-government, if established or constituted by a notification of the Central Government or a State Government, would be a public authority within the meaning of clause (d) of Section 2(h) of the Act.

16. We must note that after the end of clause (d) there is a comma and a big gap and then the definition goes on to say 'and includes any –' and thereafter the definition reads as:

*“(i) body owned, controlled or substantially financed;
(ii) non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government;”*

The words 'and includes any', in our considered view, expand the definition as compared to the first part. The second part of the definition is an inclusive clause which indicates the intention of the Legislature to cover bodies other than those mentioned in clauses (a) to (d) of Section 2(h).”

24) Not only that, it has also been articulated that NGOs, which are substantially financed, directly or indirectly, by funds provided by the appropriate government, would be public authorities amenable to the provisions of the Act. A Society, which may not be owned or controlled by the Government, may be an NGO, but if it is substantially financed, directly or indirectly, by the Government, it would fall within the ambit of sub-clause (ii). The observations, which cannot be skipped to take note of, are extracted hereinbelow:-

“22. Therefore, in our view, Section 2(h) deals with six different categories and the two additional categories are mentioned in sub clauses (i) and (ii). Any other interpretation would make clauses (i) and (ii) totally redundant because then



an NGO could never be covered. By specifically bringing NGOs it is obvious that the intention of the Parliament was to include these two categories mentioned in sub clauses (i) and (ii) in addition to the four categories mentioned in clauses (a) to (d). Therefore, we have no hesitation in holding that an NGO substantially financed, directly or indirectly, by funds provided by the appropriate government would be a public authority amenable to the provisions of the Act.

23. NGO is not defined under the Act or any other statute as far as we are concerned. In fact, the term NGO appears to have been used for the first time describing an international body which is legally constituted but nongovernmental in nature. It is created by natural or legal entities with no participation or representation by the Government. Even NGOs which are funded totally or partially by the Governments essentially maintain the NGO status by excluding Government representations in all their organisations. In some jurisprudence, they are also referred to as civil society organisations.

24. A society which may not be owned or controlled by the Government, may be an NGO but if it is substantially financed directly or indirectly by the government it would fall within the ambit of subclause (ii).

In a somewhat similar situation, the Hon'ble Supreme Court, while examining the word 'substantial' held that it means a large portion, and it does not necessarily mean to have a major portion or more than 50%. In fact, no hard and fast rule can be imposed, so as to establish, whether an NGO is substantially financed, directly or either indirectly. It has been observed that, if a land in a city is given free of cost or on heavy discount to any NGO, it would itself sufficient to declare substantial financing. However, it is clarified that substantial financing by a Government is a question of fact, which is to be determined in the facts of each case:-

"26. In our view, 'substantial' means a large portion. It does not necessarily have to mean a major portion or more than 50%. No hard and fast rule can be laid down in this regard. Substantial financing can be both direct or indirect. To give an example, if a land in a city is given free of cost or on heavy discount to hospitals, educational institutions or such other body, this in itself could also be substantial financing. The very



establishment of such an institution, if it is dependent on the largesse of the State in getting the land at a cheap price, would mean that it is substantially financed. Merely because financial contribution of the State comes down during the actual funding, will not by itself mean that the indirect finance given is not to be taken into consideration. The value of the land will have to be evaluated not only on the date of allotment but even on the date when the question arises as to whether the said body or NGO is substantially financed.

27. Whether an NGO or body is substantially financed by the government is a question of fact which has to be determined on the facts of each case. There may be cases where the finance is more than 50% but still may not be called substantially financed. Supposing a small NGO which has a total capital of Rs.10,000/gets a grant of Rs.5,000/from the Government, though this grant may be 50%, it cannot be termed to be substantial contribution. On the other hand, if a body or an NGO gets hundreds of crores of rupees as grant but that amount is less than 50%, the same can still be termed to be substantially financed.

28. Another aspect for determining substantial finance is whether the body, authority or NGO can carry on its activities effectively without getting finance from the Government. If its functioning is dependent on the finances of the Government then there can be no manner of doubt that it has to be termed as substantially financed.

29. While interpreting the provisions of the Act and while deciding what is substantial finance one has to keep in mind the provisions of the Act. This Act was enacted with the purpose of bringing transparency in public dealings and probity in public life. If NGOs or other bodies get substantial finance from the Government, we find no reason why any citizen cannot ask for information to find out whether his/her money which has been given to an NGO or any other body is being used for the requisite purpose or not.”

25) The Hon’ble Supreme Court, upon scrutinising all the relevant aspects, and discovering that substantial payments and amount to almost half of expenditure of the Colleges/School and more than 95% of the expenditure as regards the teaching and other staff were being provided by the State Government, held the petitioner therein to be covered within the ambit of Public Authority.



26) On the anvil of the abovesaid exhaustive deliberations, and the proposition of law, including the definitions of certain pivotal expressions/words, the order impugned in the petition at hand is required to be analysed. But, before that, it would be expedient to explore the basic structure of the petitioner-School.

27) A bare perusal of the material, which has been made available on this aspect, reveals that the petitioner-School is the outcome of a Memorandum of Understanding, being signed between Haryana Police Department, through Superintendent of Police, Rewari, and D.A.V. College Trust and Management Committee, on 06.2.2013. The D.A.V. Society, on the request of the State Police, agreed to establish, administer and run the School with the help of Police Department, per the terms and conditions recited in the MoU (supra). One of the important conditions, putforth by the Society, is that the Police Department shall provide a certificate that the School has been sponsored and is fully financed by the Police Department, but its management and administration have been handed over to the DAV College Managing Committee, New Delhi. On the similar lines, another crucial condition is that the Police Department would ensure that the contribution of School's share to Provident Fund, Gratuity, Leave Encashment and other benefits, maintained by the Management, are remitted by the School to the DAV College Managing Committee, regularly each month, and are incorporated in the annual budget. Further, making availability of 3 acres of land by the Police Department, for one Senior Secondary School, along with properly constructed, unique and hazard free building for



running the School. Likewise, the Police Department shall also provide all amenities, such as water, electricity, furniture, science apparatus/equipments, library books, reading room, computers, play equipment for young kids, sports materials etc. Besides that, the Department shall meet the total deficit (100%) on running the school after deducting the income of the school realized as free etc. from the students. So much so, the DAV Society is not liable for the deficit of the school, if any. Although, the terms/conditions, as elaborated above, are unambiguous, it is, nonetheless, expedient to advert to the same briefly, which are reproduced as under:-

“General

xx xx xx xx

“1.2 That for getting the school affiliated with Central Board of Secondary Education, New Delhi, the Police Department shall provide a certificate to the effect that the school has been sponsored and is fully financed by the Police Department but its management and administration have been handed over the DAV College Managing Committee, New Delhi.

Appointments

xx xx xx xx

3.4 That the Head of the school shall be provided free residential the Police accommodation by Department while the teachers and other staff, subject to availability, shall be provided accommodation on the same terms and conditions as is provided to the employees of the same status Of the Police Department. The rent chargeable shall not exceed 5% of the basic pay of an Individual member of the staff. The staff and their families will be entitled to free medical treatment as may be available to the employees of the Police Department.



3.5 That the Police department shall provide a staff car/van to be kept under the charge of the Head of the school to be used for official purposes.

3.6 That the police Department will ensure that the contribution of school's share to provident fund, Gratuity, Leave Encashment and other benefits maintained by the management are remitted by the school to the DAV College Managing Committee regularly each month and are incorporated in the Annual Budget.

3.7 That the staff of the school shall be the employees of the Society and they will be governed by the service rules of the DAV College Managing Committee. In case of termination of services of any employee, the school shall be compensated by the Police Department towards the payment, if any, which may have to be made to the employee, as per the rules of the DAV College Managing Committee. In case of closure of the school, the amount of compensation to the staff shall be paid by the Police Department.

5. Land, Building and Capital Expenditure

5.1 The Police Department has provided 3 acres of land for one Senior Secondary School and has also provided properly constructed, unique and hazard free building for running the school. The DAV Society will do all its best efforts to ensure the goal fixed by the Police Department for its employees and their wards. A separate building or block may be constructed for providing the facility of hostel, if a need for it is felt in future from the police sources.

5.2 That the Police Department shall provide all the amenities like water, electricity, furniture, science apparatus and equipment, library books, reading rooms, computers, play equipment for young kids, sports materials, etc., to the school for smooth functioning of the school.

xx xx xx xx

6. Recurring Expenditure

6.1 That the Police Department shall be required to meet the total deficit (100%) on running the school after deducting the



income of the school realized as fee etc. from the students. The DAV Society shall not be liable for the deficit of the school, if any.

xx xx xx xx

6.3 That the Principal of the school shall prepare the Annual Budget of the school and get it approved from the LMC before sending it for approval to the DAV College Managing Committee. The Police Department will meet the deficit of the school in accordance with approved budget.”

28) The representation of the Police Department in the petitioner-School, including the Chairman, has also been formed part of the MoU (supra), which is as under:-

“2. LOCAL MANAGING COMMITTEE

2.1 That the DAV College Managing Committee shall constitute Local Managing Committee (LMC) consisting of the following members for efficient running of the school. The term of the Committee shall be for three years.

a) Representative of the Police Department Including the Chairman - 4

1. Inspector General of Police (IGP) South Range, Rewari (CHAIRMAN)

2. IG/Welfare, Haryana Police, Panchkula or his representative.

3. Superintendent of Police, Rewari.

4. of Police, Narnaul Superintendent (Mahendergarh).

b) Representative of the DAV College Managing Committee to be nominated by the DAV CMC-5.

c) The Manager of the School shall be nominated by the DAV College Management Committee-1.

d) Educationists is to be nominated by DAVCMC-1.

e) Teachers' Representative - 2.

f) Parents' Representative - 2.

g) CRSL Nominee - 2.



h) Principal of the School as Ex-officio Member Secretary of the LMC.

i) Sh. Sat Parkash Ranga, IPS, IGP South Range, Rewari and Sh. Pankaj Nain, IPS, SP Rewari, being the founder members of the DAV Police Public School, Rewari shall be permanent members of the local Managing Committee in the interest of ensuring continuity in the development of the school.”

29) The abovesaid extracted terms and conditions, as has already been demonstrated in the beginning of this order, compelled this Court to pass a direction to bring on record all the relevant factual aspects of the matter, by filing an affidavit, so as to substantiate the plea that the School does not get any contribution from the State Government.

30) A study survey of the affidavit in context of the matter, indicates that a liability to make good all the deficiencies, in terms of the MoU, has been imposed upon the Police Department, to be borne out of the Haryana Police Education Fund, which is collected by Haryana Police employees, and the Government does not contribute anything to this welfare/education fund. Further, entire construction of the School building was funded by the Haryana Police Welfare Association, which is collected by the employees and the **State Government (emphasis supplied)**. At that stage, precisely, this Court sought a clarification with regard to composition of the Haryana Police Welfare Association, its funding structure and status, vide order dated 25.09.2025, which has already been referred to, before penning down the submissions.



31) Reverting to the issue, which has led the parties to the current stage, the learned State Information Commission concluded that the petitioner-School is a Public Authority on the following grounds:-

- a) The School is being run in a building provided by the Police Department;
- b) The Public Authority has made investments, in terms of land and construction of building from its own funds, so that education could be imparted to the wards of employees;
- c) The Managing Committee of the School has a strong representation of Senior Police Officers; and
- d) The petitioner-School has not placed on record any material facts, to establish that it is not controlled, substantially funded or managed by the Public Authority of Police.

32) Further, upon perusal of the affidavit 12.11.2025, filed in response to the order above, what has captured the attention of this Court, is that the **Society also receives contribution from the State Government in certain years to augment the resources of the Society for carrying out welfare activities, as laid down in the objectives of the Society (emphasis supplied).**

33) However, the chronology of the events, makes it vivid that, it is not the Police Authorities, which are contributing in creation/functioning of the School, rather, the funds are generated through the Haryana Police Education Fund. In this view of the matter,



this Court is of the affirmed view that a glaring perversity has crept in the impugned order.

34) So much so, whether, the Haryana Police Welfare & Sports Society receives any substantial contribution from the State Government or not, would also be a moot question, to determine the exact status of the petitioner-School. Further, though, it has been categorically admitted that the Society (*supra*), receives contribution from the State, but the same is substantial or not, also needs to be gone into.

35) However, the learned Information Commission, without touching the abovesaid aspects of the matter, fastened the liability upon the petitioner-School to establish that it is not controlled, substantially funded or managed by the Public Authority of Police. Conversely, in ***Thalappalam Ser. Coop. Bank Ltd. (supra)***, the Hon'ble Supreme Court, as discussed even earlier, has obliged the applicant, who seeks information under the Act, to discharge the onus, in this regard. Thus, on this score also, the impugned order fails.

36) In conspectus of the position sketched out above, coupled with the ratio laid down in the pronouncements (*supra*), the impugned orders in both the writ petitions do not pass the test of legality, and thus, the same are **set aside**. Consequently, the *lis* is remitted to the learned State Information Commission-respondent No.1, for decision afresh, in terms of the abovesaid touchstones.

37) Needless to assert that adequate opportunity shall be afforded to the applicants/parties concerned, to establish whether the Society is substantially funded/financed by the State Government or not?



Likewise, the parties shall also be at liberty to address other allied issues, including whether the grant of land on lease to the petitioner-School by a Public Authority would tantamount to substantial financing, thereby bringing it, within the ambit of a Public Authority.

38) This Court is sanguine that the learned State Information Commission-respondent No.1 shall, after taking into consideration all the relevant factors, conclusively decide the matter, at the earliest.

39) With the abovesaid observations, both the instant writ petitions stand **disposed of**.

A photocopy of this be placed on the file of the connected case.

(KULDEEP TIWARI)
JUDGE

10.02.2026
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No