

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Ms. Kamaldeep Kaur,
w/o Dr. Hassan Sardar,
Mofar Residence, village Mansa Khurd,
Khaila Khurad, PO Tehsil and Distt. Mansa.

....Appellant

V/s

Public Information Officer,
O/o Principal, Mai Bhago Degree College, Ralla,
Mansa.

First Appellate Authority,
O/o Principal, Mai Bhago Degree College, Ralla,
Mansa.

...Respondents

**Appeal Case No. 521 of 2023
(Video Conference Proceedings)**

**Present: Sh. Hasan Sardar on behalf of the appellant.
None is present on behalf of the respondents**

Order

The RTI Application is dated 31.05.2022 vide which the appellant has sought 11 points information as enumerated in his RTI Application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 14.07.2022 and Second Appeal was filed in the Commission on 04.01.2023 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

The appellant has sought the following information:

ਨਿਮਨ ਹਸਤਾਖਰਕਰਤਾ **Kamaldeep Kaur, Ex (Adhoc, Assistant. Prof. in Comp. Sci.)** (as per Punjab Protection and Regulation of contractual Employees Bill, 2021, Front page " under **Definition 2->b: "ad hoc employee" without service break** ਹੁੰਦਾ ਹੈ) ਮਿਤੀ 12.08.2013 ਤੋਂ 28.08.2020, ਅਖੀਰ 29.08.2020 ਦੀ ਘਟਨਾ ਤੋਂ ਬਾਅਦ ਅਚਾਨਕ ਮਿਤੀ 30 August 2020, ਨੂੰ ਨਿਮਨਹਸਤਾਖਰ ਕਰਤਾ ਨੂੰ ਕਾਲਜ ਸਮੂਹ ਸਟਾਫ਼ ਦੇ ਸਾਥੇ Whatsapp Group "**MBGI Ralla**" , ਵਿਚੋਂ Admin sh. Balwinder Singh Brar (mob: +919872543143) Remove ਕੀਤਾ ਗਿਆ ਸੀ ਅਤੇ ਮੇਰੇ ਦਫ਼ਤਰੀ ਰਿਕਾਰਡ ਨਾਲ ਕੀਤੀ ਫੋਡ ਛਾੜ ਅਤੇ financial fraud/420 ਦੇ ਖਿਾਨਾ ਹਿੱਤ Officially Record ਦੀਆਂ ਤਸਦੀਕਸ਼ੁਦਾ ਦਸਤਾਵੇਜ਼ ਹੇਠ ਲਿਖੇ ਮੁਤਾਬਿਕ **Right to Information Act, 2005** ਅਧੀਨ ਜਾਣਕਾਰੀ ਹਿੱਤ ਭੇਜਣ ਦੀ ਕ੍ਰਿਪਾਲਤਾ ਕਰਨੀ ਸੀ:-

Query 1: Please provide certified photo copies (from First page to Last page) from my personal official file from dated 12.08.2013 ਤੋਂ 29.08.2020 including additional duties regarding my Adhoc Teaching service, Seeking such certified documents as information. (ਭਾਵ ਮਾਈ ਭਾਗੋ ਕਾਲਜ ਰੱਲਾ ਦੇ ਦਫ਼ਤਰ ਵਿਚ ਨਿਮਨ ਹਸਤਾਖਰ ਦੀ ਬਤੌਰ ਐਡਹਾਕ ਅਧਿਆਪਕ ਤੇ ਹੋਰ ਐਡੀਸ਼ਨਲ ਡਿਊਟੀਆਂ ਸ਼ਾਬਤ ਨਿੱਜੀ ਫਾਈਲ ਦੇ ਪਹਿਲੇ ਪੰਨੇ ਤੋਂ ਅਖੀਰਲੇ ਪੰਨੇ ਦੀਆਂ ਤਸਦੀਕਸ਼ੁਦਾ ਫੋਟੋ ਕਾਪੀਆਂ ਜਾਣਕਾਰੀ ਹਿੱਤ ਮੰਗ ਕੀਤੀ ਹੈ)

Query 2: Please provide certified photocopies of common teaching staff attendance registers from dated 12.08.2013 ਤੋਂ 29.08.2020 (including me attendance) from office record at mai bagho college ralla (mansa) Seeking such certified documents as information. (ਭਾਵ ਮਿਤੀ 12.2013 ਤੋਂ 29.08.2020 ਤੱਕ ਸਾਡੇ ਅਧਿਆਪਨ ਹਾਜ਼ਰੀ ਰਜਿਸਟਰਾਂ ਤਸਦੀਕਸ਼ੁਦਾ ਫੋਟੋ ਕਾਪੀਆਂ ਦੀ ਮੰਗ ਕੀਤੀ ਗਈ ਹੈ)

Query 3: Please provide certified document termination/permanent reliving order with reason, regarding under signed dated 29.08.2020 as verbal order MD kuldeep Singh/ by Original Principal. Seeking such certified documents as information.

Query 4: Please provide certified name of responsible authority/original principal/clerk staff who maintain time to time teaching service/circular records from dated 12.08.2013 ਤੋਂ 29.08.2020 Seeking such certified documents as information.

2. The representative of the appellant states that said college terminated Smt.Kamaldeep Kaur from the post of Adhoc Asstt.. Professor in Comp. Sci. 29.8.2020 after continuous service of 07 years. He further states that information relating to Ms. Kamaldeep Kaur has not

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been provided by the respondents. He requests the Commission to direct the respondents to provide the information.

3. None is present on behalf the respondents despite the fact that notice of hearing was sent to the respondents through registered post.

4. That it is appropriate to mention order dated 31.08.2022 passed by this bench in respect of same appellants and respondent PIO in **Appeal Case No. 2012 of 2022, Appeal Case No. 4266 of 2021 and Appeal Case no. 2815 of 2021** titled as **Smt. Kamaldeep Kaur w/o Dr. Hassan Sardar vs PIO Mai Bhago Degree College (Girls), Ralla, Mansa** wherein the appellant was able to establish that Mai Bhago Degree College, Ralla is a Public Authority as defined u/s 2(h) of the Act, 2005.. The relevant part of the order passed by this bench in said Appeal Cases is reproduced below:

"18. Undoubtedly, the RTI Act, 2005 has been enacted for setting out the practical regime of right to information for citizens to secure access to information under the control of 'public authorities', so as to promote transparency and accountability in the working of every 'public authority'. Since the Act provides a right to information for citizens to secure information only from 'public authorities', respondent college in the instant case, not being a 'public authority' cannot be directed to supply information. If such directions are issued, the rights of private institutions/ persons would be adversely affected.

Having said this, the Commission observes that though technically the respondent may not come under the purview of the RTI Act, 2005, yet it cannot escape the provisions of the Societies Registration Act, 1860 because it is a fact stated by the respondent that the College run by private management committee namely Punjabi Educational Society, Ralla, is registered under Societies Registration Act, 1860.

It is pertinent to quote an excerpt from the decision of Central Information Commission in Case No. CIC/CC/A/2015/001881-SA decided on 1.11.2016 :-

"A society may not be a public authority under RTI Act, but it is a public body, by virtue of their registration, which means they cannot keep their affairs out of public. They cannot plead privacy, or refuse to give their addresses etc, if they are the governors of the society. Every person has a right to verify the claims of these society leaders examine their performance and question them. A registered society cannot claim itself to be aloof or away from the social obligations, it has entrusted to itself by their rules and registration. They have to file annual list of managing body with full details of contacting addresses (Section 4)."

The Commission would further like to add that every authority, Public or Private, has an obligation to be transparent and accountable. Being an educational society, this responsibility increases manifold. The appellants may once again request the college authorities for her

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personal information and in the name of ethics, justice, equity and fair play, the college may consider, in public interest, giving personal information to an Assistant Professor, who served the college for seven years. Order pronounced and be intimated to the parties."

5. After deliberations with the representative of appellant and going through the case file and considering the nature of issue involved herein, a copy of this order along with the case file is being sent to the Registry Branch for constitution of Double Bench.

6. The next date of hearing which will be communicated to the parties after constitution of the Double Bench.

Dated: 09.03.2023

S

DR

sd

(Suresh Arora)

Chief Information Commissioner, Punjab.