

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

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Whatsapp No. 62848-20189



Shri Rajinder Goyal,  
State General Secretary,  
International Human Rights  
Association, Mata Modi Road,  
Sunam, Distt Sangrur -148028  
M ; 9814474275

Complainant

Vs

Public Information Officer,  
O/o DEO (SE), Sangrur.

Respondents

**Complaint Case No. 596/2022**

(Video Conference Proceedings)

Present: Sh. Rajinder Goyal, appellant.

Sh. Angrej Singh, Deputy DEO and Sh. Raj Kumar, Clerk(9855307901)

Order

The RTI Application is dated 22.07.2022 vide which the appellant has sought the following information in his RTI Application. The appellant filed a complaint case in the Commission under section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for 19.10.2022 but the case was adjourned due to administrative reasons and fixed for hearing today.

Subject- Regarding the 1% labour cess deposited to labour department by the Government schools under the jurisdiction of District Education officer (Secondary) which is mandatory to deposit with labour department on the cost of construction incurred by employers with a view to augmenting the resources of the Building and other Construction Workers' Welfare Boards constituted under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

# The period to which the information related -: from the Financial year 2009-10 to till date.

# Kindly provide me the following information point wise as mentioned below:

1(a) List of schools where construction work occurred during the period mentioned above.

(b) School wise details of the cost occurred in the process mentioned in point 1(A)

2(a) Certified copies of notifications/orders of competent authority, higher authority or concerned Department/ Govt. regarding the collection of labour cess.

(b) Certified copies of replies from your office to competent authority, higher authority or concerned Department/ Govt. regarding the collection of labour cess.

3(a) Certified copies of instruction issued to school heads by your office regarding collection of labour cess.

(b) School wise detail of labour cess deposited with labour department.

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2. The appellant states that the respondent PIO has provided irrelevant information as he had sought the list of the schools where the construction work was undertaken during 2009-10 till date. He further states that he had sought information regarding the mandatory (Building and other Construction Workers Act, 1996) 1% labour cess deposited by the Government Schools under the jurisdiction of D.E.O(SE), Sangrur with the Labour Department. The appellant submitted that the respondent had asked to submit ID proof through letter dated 1.8.2022 and knowingly dispatched the same on 16.9.2022. The appellant has sent submission through whatsapp which is taken on record.

3. The respondent who is present for the hearing states that information has been provided to the appellant by collecting it from DEO (EE) as they do not possess the same. The respondent submits that the letter was not dispatched to the appellant on time as dispatch clerk had proceeded on leave. The letter dated 6.10.2022 sent by PIO to the Commission is being taken on record.

4. Since the complainant has filed complaint u/s 18 of the RTI Act, the respondent is directed to send the copy of replay conveyed by him to the complainant vide letter bearing A-9 (236)/2022282641 dated 02.11.2022. It is pertinent to mention that decision dated 12.12.2011 of Hon'ble Supreme Court of India in Civil Appeal Case Nos. 10787-10788 of 2011 (Chief information Commissioner and Ans. vs State of Manipur and Anr. wherein the Hon'ble Supreme Court of India had laid down that CIC/ SIC has no jurisdiction to pass an order providing for access to information while entertaining a complaint under section 18 of RTI Act, 2005. (copy enclosed)

5. To come up on 17.2.2023 at 12.30 P.M. to be heard through video conference facility available in the office of the Deputy Commissioner, Sangrur.

Dated 10.01.2023

@s

sd

(Suresh Arora)

Chief information Commissioner, Punjab