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Sh. Rajesh Kumar, Chief Editor,

RTI Activist,

C/o 2253/1, Pipli Wala Town, Manimajra

Chandigarh Appellant

Versus

Public Information Officer,

O/o Sub Divisional Magistrate,

Dera Bassi,

Distt. S.A.S.Nagar

First Appellate Authority

O/o Sub Divisional Magistrate,

Dera Bassi

Distt. S.A.S. Nagar Respondents

 **APPEAL CASE NO.216/2018**

Date of RTI application : 29.06.2017

Date of First Appeal : 30.07.2017

Date of Order of FAA : Reply 05.08.2017

Date of 2nd Appeal/complaint : Recd. in Commission on 03.01.18

**Present:** None on behalf of the Appellant.

 Sh. Rajiv Kumar, Reader to SDM, Dera Bassi – for Respondents.

**ORDER**

 Sh. Rajiv Kumar appearing on behalf of the respondents has submitted a written reply wherein it has been stated that the information sought does not directly relate to them. It has been forwarded under Section 6(3) of the Act to the concerned departments under intimation to the Commission for suitably responding to the appellant.

 The matter is adjourned to be heard on **12.06.2018 at 11.30 AM.**

 **Sd/-**

**01.05.2018 ( Yashvir Mahajan )**

 **State Information Commissioner**

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Sh. Sandeep Singh Ahuja,

Chamber No.249, District Courts,

Patiala Appellant

Versus

Public Information Officer,

O/o Municipal Corporation,

Patiala

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Patiala Respondents

 **APPEAL CASE NO.2416/2014**

Date of RTI application : 08.02.2014

Date of First Appeal : 16.05..2014

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :22.07.2014

**Present: None.**

**ORDER**

 The respondents are again directed to convey the outcome of the enquiry fixing the responsibility of the delinquent officials.

 To come up on **12.06.2018 at 11.30 AM.**

  **Sd/-**

**01.05.2018**  **(Yashvir Mahajan)**

 **State Information Commissioner**

**Cc: The Commissioner, Municipal Corporation, Patiala, for n/a.**

**\**

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Sh. Jatinder Singh

C/o 2253/1, Pipli Wala Town

Manimajra (Chandigarh) Appellant

Versus

Public Information Officer,

O/o Sub Divisional Magistrate,

Dera Bassi,

Distt. S.A.S.Nagar

First Appellate Authority

O/o Sub Divisional Magistrate,

Dera Bassi

Distt. S.A.S. Nagar Respondents

 **APPEAL CASE NO.217/2018**

Date of RTI application : 14.07.2017

Date of First Appeal : 01.09.2017

Date of Order of FAA : Reply 01.09.2017

Date of 2nd Appeal/complaint :03.01.2018

**Present:** Sh. Jatinder Singh, Appellant in person.

 1. Sh. Rajiv Kumar, Reader to SDM, Dera Bassi,

 2. Mahipal Sharma, Jr. Assistant, Tehsil Office, Dera Bassi – for Respondents.

**ORDER**

 Sh. Rajiv Kumar appearing on behalf of the respondents has submitted a written reply which has been taken on record. It has been contended that the information with regard to Point
No. 1 is available with the Tehsil Office, Dera Bassi who has been asked to deal with the same. As far as the Point Nos. 2 to 14 of the original application are concerned they relate to the commercial confidence of a private organization. More so it is not available with them.

 A reply from the Tehsildar, Dera Bassi has also been received. It has been stated that the certified copies of the registered sale deeds can be procured on payment of prescribed fee from the service centre established by the government in each Sub Division. The appellant according to them has been suitably informed.

 As the appellant is absent an opportunity is afforded to him to react to the submissions made by the Respondents.

 To come up on **12.06.2018 at 11.30 AM.**

 **Sd/-**

**01.05.2018 ( Yashvir Mahajan )**

 **State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Gurinder Singh

S/o Sh. Gurdial Singh

Village Pyound P.O. Jundla, Sub Tehsil Nissing,

Karnal Appellant

Versus

Public Information Officer,

O/o Sub Divisional Magistrate,

Rajpura, Distt. Patiala.

First Appellate Authority

O/o Deputy Commissioner,

Patiala. Respondent

 **APPEAL CASE NO.538/2018**

Date of RTI application : 26.04.2017

Date of First Appeal : 26.06.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 26.12.2017

**Present:** Sh. Gurinder Singh, Appellant in person.

 Smt. Harvinder Kaur, Superintendent, SDM Office, Rajpura – for Respondents.

**ORDER**

 The appellant is not present.

 The matter is adjourned to **12.06.2018 at 11.30 AM.**

 **Sd/-**

**01.05.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**PS: Sh. Gurinder Singh reached the Commission office after the hearing was over. He has been informed of the next date of hearing.**

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Sh. Rajesh Kumar

S/o Sh. Mahavir Singh,

R/o Village Suchan Kotli

Tehsil & Distt. Sirsa ( Haryana) Appellant

Versus

Public Information Officer,

O/o Chief Director, Vigilance Bureau, Punjab

SCO No.60-61, Sector-17-D,

Chandigarh.

.

First Appellate Authority

O/o Chief Director, Vigilance Bureau, Punjab

SCO No.60-61, Sector-17-D,

Chandigarh. Respondents

 **APPEAL CASE NO.2857/2017**

Date of RTI application : 01.08.2017

Date of First Appeal : 09.09.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :13.10.2017

**Present:** Sh. Rajesh Kumar, Appellant in person.

 HC Purshottam Kumar, O/o DGP, Punjab – for Respondents.

**ORDER**

The Commission had passed the following order on 15.03.2-018:

 *“The Commission had made the following observations on 15.02.2018:*

 *“The Commission had passed the following order on 12.12.2017:*

 *“Sh. Gurnam Singh, Sr. Assistant appearing on behalf of the PIO, O/o Director General of Police, Punjab, says that the information was sent to him under registered cover. The appellant denies having received it. A photo copy of the same has been arranged to be handed over to the appellant on spot. The appellant may go through it and file reservations, if any, before the next date of hearing.*

 *As the issue concerns the normal crime investigations, no role of the Vigilance Bureau is involved. Accordingly, they are exempted from the appearance in the Court in future.”*

 *“None is present on behalf of the PIO, O/o Director General of Police, Punjab, Chandigarh. The appellant submits that the information provided to him has been found wanting to the extent that a report of enquiry dated 17.07.2017 conducted by the then DIG, Ferozepur Range, Contd…page…2*

 *-2-*

***APPEAL CASE NO.2857/2017***

*Ferozepur has not been provided. The respondents are directed to do the needful under intimation to the Commission before the next date of hearing positively failing which the Commission shall be constrained to invoke the penal provisions of the Act.”*

 *“HC Purshottam Kumar, o/o the DGP, Punjab states that no separate enquiry by the DIG in this case was conducted. His application No.1805 dated 08.06.2017 was duly considered by the then DIG on being marked by the DGP and the same was ordered to be filed. The relevant documents in this regard have already been supplied to him. The appellant insists that an enquiry was conducted by the DIG. He is directed to file specifics of the enquiry report in case it is available with him so that the Commission could take cognizance of the same.”*

The case has come up today.

 HC Purshottam Kumar, O/o DGP appearing on behalf of the respondents has brought along the original record which has been shown to the appellant in the Court itself. The appellant insists on providing him a copy of the record wherein his representation has been dealt with in the office the DGP. We have been shown the report which has been originally disposed of by the Director General of Police with his observations on the margin of representation directing the I.G. to deal the case on merits.

 We appreciate that no specific paper has been generated in this regard. The Commission is convinced that the entire available information concerning the original application has been given to him.

  **Disposed.**

 **Sd/-**

**01.05.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The PIO, O/o The Director General of Police, Punjab, Punjab Police Headquarter,**

 **Sector – 9, Chandigarh, for n/a.**

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Sh. Prem Kumar

S/o Sh. Raj Juwaya,

H.No.38, Ward No.3, Gali Chhota Bazar, Thanesar,

Distt. Kurukshetra ( Haryana) Appellant

Versus

Public Information Officer,

O/o Tehsildar, Patiala.

First Appellate Authority

O/o Deputy Commissioner, Patiala. Respondents

 **APPEAL CASE NOs.3643 and 91 of 2017 and 2018**

Date of RTI application : 26.07.2017

Date of First Appeal : 31.08.2017

Date of Order of FAA : Reply 13.10.2017

Date of 2nd Appeal/complaint :22.11.2017

**Present:** Adv. Sham Singh Chhokar, Counsel for the Appellant.

 Sh. Gurmeet Singh, Office Kanungo, Tehsil Office, Patiala – for Respondents.

**ORDER**

The reproduction of interim order passed on 15.03.2018 shall keep us in good state to take the things in right perspective:

 *“The Commission had made the following order on 06.02.2018:*

 *“Since the appellant, the respondents are the same and the information sought for is similar, single order shall dispose of both the above appeals.*

 *The appellant is seeking a copy of the record concerning settlement proceedings having taken place in the earlier years of the previous century. The respondents deny the availability of the record whereas the appellant asserts that the record is very much available with them. Probably they are not able to decipher it because the same is in Urdu script. The Commission directs the respondents to allow him the inspection on some mutually agreed date and time. They shall provide him the certified copies of the documents identified by them not beyond fifty pages free of charge. The appellant may take along a person who can read Urdu script for his assistance.” The case has come up today. The status quo remains. Whereas the appellant Contd…page…2*

 *-2-*

***APPEAL CASE NOs.3643 and 91 of 2017 and 2018***

*alleges that the relevant record has not been produced by the respondents for inspection the respondent on the contrary submits that the available record has been shown to him. The Commission feels that another serious attempt is desirable to be made as the information sought pertains to a permanent record to be maintained in the office of the Tehsildar, Patiala. The defence of its non-availability shall not hold good. The respondents are again directed to look for it by taking the appellant into confidence and arrange to supply him the information sought by him.”*

 The case has again been taken up today. The respondents have made a submission in writing that the information being sought pertains to the record from the year 1948 to 1960 and is not traceable. They have also submitted that during the floods of 1993 some record was damaged, may be it could have been a part of the same.

 The counsel of the appellant says that the argument of the respondent is not tenable. The information sought relates to a permanent record. The plea taken by the respondents without any definite order of its loss or destruction is not acceptable. It does not steer them clear of the responsibility to provide the information. He has finally pleaded either to arrange the information or penalize them.

 The Commission has given its thoughtful consideration to the submissions made by the parties in fray and perused the record on file. Undoubtedly, the information sought pertains to a record which is in the nature of its maintenance permanently. However, due regard has to be given to the fact that the record probably is in Urdu script and is more than 70 years old. Due access has also been given to the appellant to assist the authorities in tracing it as well. It shall not be appropriate to draw an adverse inference on the bonafides of the respondents to deny him the Contd…page…3

 -3-

***APPEAL CASE NOs.3643 and 91 of 2017 and 2018***

information. The loss of record in the 1993 floods which reportedly had inundated the Patiala town precariously cannot be discounted. Seemingly, an earnest effort has been made to dig out a very old information. Now that it has not been traced the same obviously cannot be provided to him.

 **Disposed.**

 **Sd/-**

**01.05.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Roop Kishor Soni

S/o Sh. Shiv Narayan Soni,

Distt Jail, Roopnagar Appellant

Versus

Public Information Officer,

O/o Deputy Supdt of Police,

Sub Division, Kharar,

Distt. S.A.S.Nagar.

First Appellate Authority

O/o Senior Superintendent of Police,

S.A.S.Nagar. Respondents

 **APPEAL CASE NO.3601/2017**

Date of RTI application : 10.07.2017

Date of First Appeal : 16.08.2017

Date of Order of FAA : Reply 24.08.2017

Date of 2nd Appeal/complaint :06.12.2017

**Present:** Sh. Roop Kishor Soni, Appellant in person.

 ASI Satwinder Singh, PS: Mullanpur Garibdass – for Respondents.

**ORDER**

 ASI Satwinder Singh appearing on behalf of the respondents has brought along the statements which have been handed over on spot to the appellant. He is satisfied with the outcome of his application.

  **Disposed.**

 **Sd/-**

**01.05.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Mohinder Singh,

Booth No.49, Phase 5,

S.A.S. Nagar Appellant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

S.A.S.Nagar.

First Appellate Authority

O/o Inspector General of Police, Pb.

Zone -1, Patiala. Respondents

 **APPEAL CASE NO.3225/2017**

Date of RTI application : 13.06.2017

Date of First Appeal : 07.08.2017

Date of Order of FAA : Reply 21.06.2017

Date of 2nd Appeal/complaint :13.11.2017

**Present:** Sh. Mohinder Singh, Appellant in person along with Adv. Ms. Damayandi, Counsel.

 None on behalf of the Respondents.

 **ORDER**

 It shall be appropriate to reproduce the interim orders passed on 01.02.2018 and 13.03.2018:

 **Order dated 01.02.2018**

 ***“****The Commission has made the following order on 28.12.2017:*

 *“Feeling aggrieved with the inaction of the respondents on his application dated 13.06.2017 the appellant has filed second appeal with the Commission. The appellant had sought information about the registration of an FIR under Section 406 and 498A IPC.*

 *ASI Avtar Singh, PS (City), Kharar is present. He draws our attention to a reply sent by the respondents to the appellant vide their memo dated 21.06.2017. Its perusal suggests that the enquiry in this case has already been completed and has been committed to the Court. Even so they are invoking the exemption under Section 8(1) (h) of the Act which reads as under:*

***Section 8 (1) (h) --- Exemption from disclosure of information ---***

 ***“information which would impede the process of investigation or apprehension or prosecution of offenders.***

 *Contd…page…2*

*-2-*

***APPEAL CASE NO.3225 /2017***

 *It has been admitted by the respondents in writing as well as orally that the investigation has already been completed. The apprehension of any accused is no more required. They don’t intend to prosecute the accused also as per findings in the interim enquiry. In the face of the aforesaid facts it does not lie in their mouth to invoke Section 8(1) (h).”*

 *The appellant is entitled to the information sought for. The respondents are directed to provide him the asked for information forthwith but not beyond fifteen days from today positively.”*

 *“The case has come up today. The respondents submit that in compliance of the above order of the Commission they have provided the information comprised in 54 numbers of pages to the appellant. However, the appellant submits that it does not meet his requirement. Some of the queries have been ducked whereas the complete documents have not been provided.*

 *The respondents say that they are inclined to get the entire record inspected and provide copies of the documents identified by the appellant. The Commission accepts the submission of the respondents and directs them to fix mutually agreed date and time which shall be conveyed to him in writing and thereafter the certified documents identified by the appellant shall be provided to him free of cost.”*

**Order dated 13.03.2018**

 *“None is present on behalf of the appellant.*

 *ASI Avtar Singh appearing on behalf of the respondents says that the information has been provided. The matter is adjourned to* ***01.05.2018 at 11.30 AM*** *for confirmation of the appellant.”*

 *Contd…page…3*

**-3-**

**APPEAL CASE NO.3225/2017**

The case has come up today. None has appeared on behalf of the respondents.

 Adv. Damayandi, counsel for the appellant submits that vide communication
No.82/5 A dated 31.03.2018, the complete information has been provided by the respondents. She has shown us a copy of the same which has been taken on record. She further expresses her satisfaction over the information thus delivered on her. While parting with the order the Commission observes that the undue delay has been taken by the respondents in furnishing the complete information. However, no malafide has been attributed to it by the appellant. While disposing of the appeal the respondents are cautioned to be watchful in future to timely respond to the RTI applications.

  **Disposed.**

 **Sd/-**

**01.05.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The PIO, O/o SHO, P.S. (City), Kharar, for n/a.**

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Sh. Kul Shashi Parkash,

48/1,Ekta Vihar, Gangayal (Jammu) Complainant

Versus

Public Information Officer,

O/o Sub Registrar-cum- Tehsildar,

Mini Sectt. Patiala. Respondent

 **COMPLAINT CASE NO.851/2017**

Date of RTI application : 06.02.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :23.08.2017

**Present:** None on behalf of the Complainant.

 Sh. Gurmeet Singh, Office Kanungo, Tehsildar Office, Patiala – for Respondent.

 **ORDER**

The Commission had observed on 13.03.2018 as follows:

 *“The Commission had made the following observations on 28.12.2017:*

 *“The complainant is present. He is a senior citizen who has come all the way from Jammu. Probably it is in the knowledge of the respondent. Despite the fact that his application should have been dealt on priority they are maintaining a lackadaisical and defiant stance. Having failed to provide the information in a stipulated time the PIO in the office of the Sub Registrar, Patiala is liable to be penalized.*

 *The PIO is, thus, issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

 *In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of Contd…page…2*

 *-2-*

***COMPLAINT CASE NO.851/2017***

*hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”*

 *“The respondents are absent on trot. The PIO despite having been issued a clear notice, have refused to file a written reply. Last opportunity is afforded to him to take cognizance of the show cause notice and present his cause. No further opportunity shall be afforded and the matter shall be decided on merit.”*

The issue has come up today. The complainant had expressed his concern about the non-compliance of provisions of the Registration Act and put some posers to the respondents. The respondent has submitted a reply in the shape of an affidavit. The main contention is that the information sought seeks answers to the queries as well as the explanations. The plead that they are not obliged to respond to such requisitions.

 The Commission feels that such a liberty is not available to the applicant. He should seek information which materially exists on record with the Public Authority. Though he has a relevant and cogent observation about the non-conformity to provisions of Registration Act which needs to be implemented at the cutting edge. He should take it up with the Supervisory authorities. We are not in a position to issue executive instructions. Thus being the case the Commission does not see any further requirement to intervene into the matter.

 The complaint is **closed** and the SCN issued to the respondent is filed.

 **Sd/-**

**01.05.2018 ( Yashvir Mahajan )**

 **State Information Commissioner**

**CC: The Sub – Registrar – cum – Tehsildar, Mini Secretariat, Patiala.**

**CC: The Deputy Commissioner, Patiala.**

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Sh. Harjeet Singh Kochhar

R/o Kothi No. 484, Phase 9

S.A.S Nagar, Punjab Appellant

 Versus

Public Information Officer

O/o Senior Superintendent of Police

District Administrative Complex, Sector 76,

S.A.S Nagar, Punjab

First Appellate Authority

O/o Inspector General of Police

Zone 1, Patiala, Punjab Respondents

**APPEAL CASE NO. 952/2018**

Date of RTI application: 21.11.2017

Date of First Appeal : 29.12.2017

Date of Order of FAA: Reply 18.01.2018

Date of 2nd Appeal/complaint 14.03.2018

**Present:** Sh. Harjeet Singh Kochhar, Appellant in person.

 None on behalf of the Respondents.

**ORDER**

 The appellant in his original application has sought a copy of the FIR No.31 dated 24.03.2015 registered at Police Station, Phase No. 1, Mohali and other connected information thereto.

 The respondents are absent. No reply has been filed by them to the notice issued by the Commission also. The Commission takes serious note of the indifference shown by them. An opportunity is afforded to them to provide the information and explain the reasons for having failed to provide the information so far failing which penal provisions of the Act shall be invoked.

 To come up on **12.06.2018 at 11.30 AM.**

 **Sd/-**

**01.05.2018**  **(Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Sadhu Ram Kusla,

S/o Sh. Ram Chand Bansal,

House No.138, Indira Lodge,

Veer Colony, Maharaja Aggarsain Road,

Bathinda Complainant

Versus

Public Information Officer,

Chief Executive Officer,

Max Super Specialty Hospital,

NH-64, Near District Hospital,

Bathinda. Respondent

**COMPLAINT CASE NO.1031/2016**

 Date of RTI application : 26.04.2016

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :30.11.2017

**Present:** Sh. Sham Arora on behalf of the Complainant.

 Ms. Amanpreet Kaur, proxy Counsel of Adv. Nakul Sharma - for Respondent.

**ORDER**

 Having ordered the adjournment of the case **sine die** the same has been reopened on the request of the complainant.

 The case has come up today. Adv. Amanpreet Kaur appearing on behalf of the respondent says that the writ is under consideration of the Hon’ble Punjab & Haryana High Court, Chandigarh for hearing on 31.07.2018. She says that they are pleading for the Stay of the order.

 The Commission deems it appropriate to wait the outcome of the hearing by the Hon’ble Punjab & Haryana High Court.

 To come up on **07.08.2018 at 11.30 AM.**

 **Sd/-**

**01.05.2018**  **(Yashvir Mahajan)**

 **State Information Commissioner**