

PUNJAB STATE INFORMATION COMMISSION

Red Cross Bhawan, Near Rose Garden, Madhya Marg,

Sector: 16, Chandigarh.

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Shri Bhupinder Singh Walia,
S/o Shri Jasbir Singh Walia,
R/o #120/3, Badal Colony,
Zirakpur, District: SAS Nagar .

-----Complainant

Vs

Public Information Officer
o/o Secretary to H.E. the Governor of Punjab,
Chandigarh.

-----Respondent

Complaint Case No. 616 of 2018

Present: Shri Gagandeep Singh, on behalf of the complainant.
None on behalf of the respondent.

ORDER

In this case, during hearing on 01.10.2018, it was revealed that the complainant had asked for a list of visitors from Technical Education Department, who visited Raj Bhawan to meet Principal Secretary/Additional Chief Secretary, Technical Education, during the period from 1.1.2015 to July, 2017, while he was holding the charge of Secretary to Governor. A register is maintained at the entry gate of Punjab Raj Bhawan in which entries of visitors are made. It was observed that no security aspect is involved in sharing the bare information of the visitors, who visited the Punjab Raj Bhawan to meet Principal Secretary/Additional Chief Secretary, Technical Education, while he was holding the charge of Secretary to Governor. Accordingly, it was directed that the requisite information be supplied to the appellant within 20 days and a compliance report be submitted on the next date of hearing. The case was adjourned to 01.11.2018.

2. On 01.11.2018, none was present on behalf of the complainant as well as the respondent without any intimation. Accordingly, the respondents were directed to send point

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wise reply to the complainant with a copy to the Commission before the next date of hearing.

The case was adjourned to 04.12.2018.

3. On 04.12.2018, none was present on behalf of the complainant as well as the respondent PIO. Viewing the callous attitude of the PIO seriously, he was directed to supply the requisite information to the complainant, before the next date of hearing. He was also directed to be present in person along with the said Register in which entries are made of the visitors visiting the Raj Bhawan. He was also directed to explain reasons for absence vis-à-vis the delay in the supply of information. The case was adjourned for today.

4. Today, the representative of the complainant informs that no information has been supplied to the complainant.

5. None is present on behalf of the respondents without any intimation. However, a letter No. PRB-3G-2018/10725, dated 21.12.2018 has been received from Smt. Shikha Nehra, Public Information Officer of the office of Punjab Raj Bhavan vide which a reply has been furnished, which inter-alia reads as under:-

“ It is again submitted that as per Punjab Govt. Notification No. 2/27/05-1AR/191, dated 23.02.2006, the Security Wing has been kept out of the purview of the provisions of the Right to Information Act, 2005. Hence the information sought by the applicant cannot be supplied to him.

It is further submitted that as per Section 2(h) of Right to Information Act, 2005, a “Public Authority” means any authority or body or institution of Self Government established or constituted. The office of Governor is not recorded as Public Authority on the records of Central Information Commission. Hence, the required information cannot be supplied to the complainant.

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In view of the above, it is prayed that the orders dated 01.10.2018 and 01.11.2018, passed by Ld. State Information Commissioner, may kindly be reviewed.”

6. Vide the above said letter it has been claimed by the PIO of the office of Governor House, Punjab, that the office of Governor is not mentioned in the Central Information Commission's list of Public Authorities. As per Section 2(h) of the RTI Act, "Public Authority" means any authority or body or institution of self-government established or constituted by or under the Constitution of India. The offices of President of India, Vice President of India and Prime Minister of India are Public Authorities and the information is being sought from them and being provided by them. The office of Governor of Punjab has appointed a PIO under the RTI Act and thus this office is a Public Authority under the said Act. Therefore, the plea put forth by the office of Governor that their office is not covered under the RTI Act is not tenable as it has been established under the Constitution of India and more-over, the information sought by the information seekers has been provided to them earlier.

7. In this case, a list of visitors from Technical Education Department, who visited Raj Bhawan to meet Secretary to Governor, who was holding charge of Principal Secretary/Additional Chief Secretary, Technical Education, during the period from 01.01.2015 to July, 2017, has been sought as a register is being maintained at the entry gate of Punjab Raj Bhawan in which entries of visitors are made. The PIO of the office of Governor, Punjab has requested the Commission to review its order on the ground that as per Punjab Govt. Notification No. 2/27/05-1AR/191, dated 23.02.2006, the Security Wing has been kept out of the purview of the provisions of the Right to Information Act, 2005.

8. The above notification gets attracted in case sensitive information concerning the

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deployment of security/forces, movement thereof, other details of the Security Wing is asked for. In the instant case, it is observed that no security aspect is involved in sharing the bare information of the visitors, who visited the Punjab Raj Bhavan to meet the Principal/Additional Chief Secretary, Technical Education, while he was holding the charge of Principal Secretary to Governor of Punjab. It is further observed that providing only the names of visitors as mentioned in the register maintained at the entry gate of the Governor House, after eclipsing the other details of the visitors, would do no harm to any one and would not attract the provisions of the said Notification. The RTI applicant is asking for only the names of visitors of Technical Education Department, who visited their Principal Secretary, Technical Education only. They had not come to visit the Principal Secretary to Governor of Punjab but him as he was holding the additional charge of their Department. Hence, it is directed that the names of the visitors of only Technical Education Department during the period from 1.1.2015 to July, 2017, be provided to the appellant, after eclipsing the other details of the visitors, before the next date of hearing.

9. To come up on **20.03.2019 at 11.30 A.M. for confirmation of compliance of orders.**

Dated : 04.02.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**