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**RED CORSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

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Sh. Jasbir Singh

Village Bholapur, P.O. Ramgarh,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Senior Supdt. of Police, (Rural),

Amritsar.

First Appellate Authority

O/o Senior Supdt. of Police, (Rural),

Amritsar Respondents

 **APPEAL CASE NO.1377/2017**

**Date of RTI application : 02.03.2017**

**Date of First Appeal : 03.04.2017**

**Date of Order of FAA: Nil**

**Date of 2nd Appeal/complaint :17.05.2017**

**Present:** Sh. Jasbir Singh, Appellant in person at Commission’s office, Chandigarh.

 ASI Davinder Singh, O/o SSP, Amritsar (Rural) – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

The following order was passed by this forum on 16.08.2017:

 ”The Commission had made the following order on 04.07.2017:

 *“ASI Nirmal Singh is present on behalf of the respondents. He submits that no FIR stands registered with reference to the information sought by the information seeker. The appellant has shown us a copy of the FIR registered on 17.11.2016 under Section 304 (A) and Section 279 of IPC in the Police Station, Mehta of Amritsar (Rural ) Police district.*

 *The Commission feels that the issue has been mishandled as ASI Nirmal Singh appearing on behalf of the respondents is posted in the Police Station, Kamboh under SSP (Rural), Amritsar.*

 *The Public Authority is desired to look into it and arrange to supply the appropriate information immediately to the appellant under intimation to the Commission in any case before the next date of hearing.”*

 *Contd…page…2*

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**APPEAL CASE NO.1377/2017**

 *“The case has been taken up today. Sh. Gurpartap Singh Sahota, Dy. Superintendent of Police says that the information available with them has already been conveyed to the appellant. The appellant denies having received it. He is desired to send a copy again to the appellant under endorsement to the Commission. The respondents are directed to send an affirmation to the Commission that no more information with reference to the original application has been withheld by them.”*

The case has come up today. ASI Davinder Singh appearing on behalf of the respondents states that the matter having been investigated has been submitted before the Court for prosecution of the accused. All the documents relating to the same have been filed in the Court. The only record that is available with them at this juncture is the FIR lodged with the respective police station. The respondents are directed to send a copy of FIR to the appellant with a copy to the Commission along with a declaration in the shape of an affidavit that no other document concerning the original application is available with them.

 The matter shall be reconsidered on **01.11.2017 at 11.30 AM through VC at Ludhiana.**

**04.10.2017 ( Yashvir Mahajan )**

 **State Information Commissioner**

**CC: The Superintendent of Police (Rural), Amritsar, for appropriate action.**

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Sh. Jagsir Singh

S/o Sh. Chhota Singh,

V & P.O Cheema, Ward No.11,

Tehsil Sunam, Distt. Sangrur Appellant

Versus

Public Information Officer,

O/o President,

Local Gurdwara Parbandhak Committee,

Cheema

First Appellate Authority

O/o Incharge,

Shromani Gurdwara Parbandhak Committee,

Sri Amritsar Sahib Respondents

 **APPEAL CASE NO.1955/2017**

Date of RTI application : 26.10.2016

Date of First Appeal : 15.11.2016

Date of Order of FAA : Reply 26.01.2017

Date of 2nd Appeal/complaint :20.07.2017

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

 1. Adv. Janak Singh Bhinder, Counsel for the Respondents at Commission’s office, Chandigarh.

 2. Sh. Gurcharan Singh, Pardhan, Local Gurdwara Parbandhak Committee, Cheema,

 3. Sh. Darshan Singh, Member, Local Gurdwara Parbndhak Committee, Cheema – for Respondents.

 4. Sh. Simrerjeet Singh on behalf of FAA -- at Commission’s office, Chandigarh.

**ORDER**

 **The case has been heard through video conferencing.**

Heard.

 What transpires is that the appellant is a retrenched employee of the Gurdwara, Cheema who was recruited by its local management committee. The representative of the SGPC says that it is only an affiliated unit with the SGPC and is not a Public Authority within the meaning of the Act.

 The SGPC is directed to file a written statement in this regard. The matter needs to be examined as to whether the local Gurdwara Parbandhak Committee under consideration is a Public Authority with its obligation to part with the information or not ?

 To come up on **25.10.2017 at 11.30 AM through video conference at Sangrur.**

**04.10.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Rakesh Kumar Gupta, Advocate,

8/237, Jagraon Road, Mandi Mullanpur,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Municipal Council, Mullanpur Dakha

Distt. Ludhiana

First Appellate Authority

O/o Regional Deputy Director,

Local Bodies, Ludhiana Respondents

 **APPEAL CASE NO.1692/2017**

Date of RTI application : 20.10.2016

Date of First Appeal : 15.03.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 21.06.2017

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

 1. Sh. Vikram Jit, E.O., MC, Mullanpur Dakha,

 2. Sh. Sukhdeep Singh, Jr. Assistant, MC office, Mullanpur Dakha and

 3. Sh. Amarjeet Singh, Inspector, O/o M.C., Mullanpur Dakha – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

Vide Commission’s order dated 23.08.2017 the following was observed:

 *“The appellant submits that he has been in receipt of the information. However, he finds certain deficiencies. The same according to him has been conveyed to the respondents. The respondents are advised to make good the deficiencies well before the next date of hearing.”* The case has come up for hearing today. The appellant is absent. Nothing has been heard from him in writing also. The respondents who are present in the Court itself submit that the deficiencies as pointed above have been made good. The appellant has not conveyed any infirmity Contd…page…2

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**APPEAL CASE NO.1692/2017**

or shortcoming in the information already supplied to him in Commission. The Commission presumes the absence of any response that sufficient information has been given to him.

 The case is **closed.**

**04.10.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Mrs. Satnam Kaur

W/o Late Sh. Gian Singh,

House No.224, Block-B,

Model Town Extension,

Ludhiana Appellant

Versus

Public Information Officer,

O/o Assistant Town Planner,

Zone-D, Municipal Corporation,

Ludhiana

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Mata Rani Chowk, Ludhiana Respondents

 **APPEAL CASE NOs.1711 and 1742 of 2017**

Date of RTI application : 28.02.2017

Date of First Appeal : 25.04.2017

Date of Order of FAA : Reply 20.03.2017

Date of 2nd Appeal/complaint : 27.06.2017

**Present:** Sh. Gurpreet Singh on behalf of the appellant - Mrs. Satnam Kaur, Appellant.

 Sh. Jagdeep Singh, Draftsman, Zone ‘D’, MC Office, Ludhiana – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

The following order was passed by this forum on 23.08.2017:-

 *“The appellant had sought an information on the action having been taken for the offences made by the owners towards its construction of property No.234/235-B, Model Town Extension, Ludhiana. Other concomitant information relating to same available in their office has also been requisitioned.*

 *The respondents have brought the information which has been handed over to the appellant on spot. The appellant may go through it and convey his reaction to the respondents as well as the Commission before the next date of hearing.”*

The cases have come up for hearing today.

 Sh. Gurpreet Singh son of the appellant is present on behalf of her. He is still dissatisfied with the information provided to him. Having considered the matter in entirety it transpires that he is seeking some executive action against the offenders who have violated the building bye- Contd…page…2

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**APPEAL CASE NOs.1711 and 1742 of 2017**

laws. The Commission observes that such an authority is not vested in it to pass on the directions. It seems that the information available with the respondents has been transmitted to the appellant. However, he submits that there has been inordinate delay in providing the information.

 The original applications were filed by the appellant on 28.02.2017/28.03.2017 and the information has been provided during the course of hearing on 23.08.2017. There is tangible delay of more than one hundred days.

 Sh. Vijay Kumar, PIO – cum – ATP, Zone ‘D’ , O/o Municipal Corporation, Ludhiana is 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 himfor causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant 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 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.

 **To come up on 07.11.2017 at 11.30 AM in Commission’s office, Chandigarh.**

**04.10.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: Sh.Vijay Kumar, PIO – cum - Assistant Town Planner, Zone ‘D’, Municipal Corporation, Mata Rani Chowk, Ludhiana.**

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Mrs. Satnam Kaur

W/o Late Sh. Gian Singh,

House No.224, Block-B,

Model Town Extension,

Ludhiana Appellant

Versus

Public Information Officer,

O/o Municipal Town Planner, (Building Br.),

Municipal Corporation, Ludhiana

First Appellate Authority

O/o Commissioner,

Municipal Corporation,

Mata Rani Chowk,

Ludhiana Respondents

 **APPEAL CASE NO.1742/2017**

Date of RTI application : 28.03.2017

Date of First Appeal : 05.05.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 28.06.2017

**Present:** Sh. Gurpreet Singh on behalf of the appellant - Mrs. Satnam Kaur, Appellant.

 Sh. Harjeet Singh, Draftsman, Zone ‘D’, M.C. Office, Ludhiana – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

The appellant had sought an information about the action having been taken regarding supply of certain information on a complaint filed by her on 08.02.2017.

 The respondents have brought the information which has been handed over to the appellant on spot. The appellant may go through it and convey the observations to the respondents as well as the Commission before the next date of hearing.

 To come up on **04.10.2017 at 11.30 AM through video conference at Ludhiana.**

**04.10.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Rakesh Kumar Gupta,

S/o Late Sh. Deen Dayal,

Chamber No.362, Lawyers Chamber complex

Judicial Courts, Ludhiana Appellant

Versus

Public Information Officer,

O/o Zonal Superintendent,

Zone-D (B&R Br.), Municipal Corporation,

Ludhiana

First Appellate Authority

O/o Municipal Corporation Zone-D,

Ludhiana Respondents

 **APPEAL CASE NO.1796/2017**

Date of RTI application : 21.02.2017

Date of First Appeal : 15.04.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 09.06.2017

**Present:** Sh. Rakesh Kumar Gupta, Appellant in person.

 Sh. Ravinder Singh Walia, Draftsman, Zone ‘D’, MC Office, Ludhiana – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

The Commission in its interim order dated 23.08.2017 had made the following observations:

 *“The appellant had sought to know an information concerning the land comprised in Khasra No.653, 655, 657, 660, 659, 656, 657, 658 measuring of about 300 plus acres of land situated in village Barewal HB No.157, Tehsil and District Ludhiana.*

 *It is alleged that the land in question is in illegal occupancy of one Sh. Garib Singh. The appellant seeks to know the Authority under which he is in occupation of land? Is an amount of lease if at all being charged from him? Some other concomitant information with reference to above*

*property has also been sought.*

 *Contd…page…2*

 *-2-*

***APPEAL CASE NO.1796/2017***

 *The reply filed by the respondents is very sketchy. An attempt has been made to*

*pass the buck to different branches of the Corporation. The PIO (Hqrs.) who acts as a Nodal Officer of the Public Authority is directed to compile the appropriate reply and arrange to provide the information thus sought to the appellant well before the next date of hearing. Serious allegations have been made. Any delay shall entail penal consequences.”*

Sh. Ravinder Singh Walia, Draftsman appearing on behalf of the respondents submits that the order of the Commission was duly forwarded to Sh. Vijay Kumar, PIO –lcum – ATP, Zone ‘D’ to provide the information to the appellant. He has neither filed any written reply nor provided the information to the appellant.

 The Commission observes that a direction from the First Appellate Authority to provide the information has also been ignored.

 The PIO seems to be defied the order of the Authority duly passed under the dictate of law. He has rendered himself, as such, liable for the penal consequences for having failed to provide the information timely in terms of Section 7(1) of the Act.

 Sh. Vijay Kumar, PIO – cum – Assistant Town Planner, Zone ‘D’, Municipal Corporation 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 himfor causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded

 *Contd…page…3*

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***APPEAL CASE NO.1796/2017***

to the Appellant 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 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.

 To come up on **07.11.2017 at 11.30 AM. In Commission’s office, Chandigarh.**

**04.10.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Gagandeep Singh Threeke,

Sr. Vice President, Congress,

H.No.27-A, First Floor, Bhatia Colony,

Village Threeke, Tehsil Ludhiana West,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o O& M. Cell, Zone-D,

Municipal Corporation, Ludhiana

First Appellate Authority

O/o Commissioner, Zone-D,

Municipal Corporation, Ludhiana Respondents

 **APPEAL CASE NO.1855/2017**

Date of RTI application : 23.04.2017

Date of First Appeal : 08.05.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 07.07.2017

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

Sh. Dalip Kumar, Clerk, Zone ‘D’, O & M Cell, MC Office, Ludhiana – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

This order be read in continuation of Commission’s order dated 23.08.2017.

 Despite having been afforded a couple of opportunities the appellant has failed to prove his cause as he is neither present nor any communication has been received from him. The Commission is inclined to accept the version of the respondents that the due information stands supplied since to him way back in 2014. The appeal fails and **disposed** accordingly.

**04.10.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Jasbir Singh

Village Bholapur Jhabewal,

Post Office Ramgarh, Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Ludhiana

First Appellate Authority,

O/o Commissioner,

Municipal Corporation,

Ludhiana Respondents

 **APPEAL CASE NO.997/2017**

 **Date of RTI Application : 16.01.2017** **Date of First Appeal : 20.02.2017**  **Date of order of FAA : Nil**

 **Date of Second Appeal : 28.03.2017**

**Present:** Sh. Jasbir Singh, Appellant at Commission’s office, Chandigarh.

 Sh. Randhir Singh, Jr. Draftsman, Zone ‘B’, MC Office, Ludhiana – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

 The appellant is present. He admits having received the information to his satisfaction. No further intervention of the Commission is called for.

 The appeal is **disposed.**

**04.10.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Tejinder Singh,

 House No.836, MIG, P.H.B. Colony,

Jamalpur, Ludhiana Complainant

Versus

Public Information Officer,

O/o Station House Officer,

Police Station, Gharinda,

Amritsar. Respondent

**COMPLAINT CASE NO.349/2017**

 **Date of RTI Application : 16.02.2017** **Date of First Appeal : Nil**

 **Date of order of FAA : Nil**

 **Date of Second Appeal : 29.03.2017**

**Present:** Sh. Jasbir Singh on behalf of the Complainant at Commission’s office, Chandigarh.

 ASI Sashpal Singh, PS: Gharinda, o/o SSP (Rural), Amritsar – for Respondent.

**ORDER**

 **The case has been heard through video conferencing.**

Sh. Jasbir Singh is present on behalf of the appellant.

 ASI Sashpal Singh appearing in the studio of DC Office, submits that no criminal case as mentioned in the original application by the complainant has been registered. Resultantly no information exists on record and the same cannot be provided. The complaint as such is misplaced. No action seems called for.

  **Disposed.**

**04.10.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Sr. Superintendent of Police (Rural), Amritsar, for information and n/a.**

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Sh. Jasbir Singh

Village Bholapur Jhabewal,

P.O: Ramgarh, Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Ludhiana -141001

First Appellate Authority,

O/o Commissioner,

Municipal Corporation,

Ludhiana -141001 Respondents

**APPEAL CASE NO.820/2017**

 **Date of RTI Application : 31.12.2016** **Date of First Appeal : 31.01.2017**

 **Date of Order of FAA : Nil**

 **Date of Complaint : 14.03.2017**

**Present:** Sh. Jasbir Singh, Appellant at Commission’s office, Chandigarh.

 Sh. Randeep Singh, JE, Zone ‘C’ (O & M Br.), M.C. Office, Ludhiana – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

 The Commission had observed on 23.08.2017:

 *“The Commission had made the following observations on 13.07.2017 :-*

 *“Vide a communication dated 07.06.2017 the appellant has denied the receipt of information.*

 *Sh. Randip Singh, JE appearing on behalf of the Respondents states that details about the service stations operating in Zone ‘C’ as asked for by the appellant have since been provided to him. He has also shown us a copy of the same which seems in order. A copy of it has been taken on record.*

 *A part of the information sought concerns the dimensions of the buildings as available Contd…page…2*

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**APPEAL CASE NO.820/2017**

*with the respondent which remains to be furnished. Sh. Randip Singh, JE says that the aforesaid information concerns the building branch of the Corporation. Sh. Vijay Kumar, PIO, Building Branch of the Corporation is directed to provide him the rest of the information under intimation to the Commission before the next date of hearing.”*

 *“Despite the clear and express order nothing seems to have been done. The PIO looking after the work of the building branch of Zone ‘C’ of Municipal Corporation is hereby directed to provide him the rest of the information as per above order and file a reply as to why penal action should not be initiated against him.”*

Despite a couple of directions to the PIO of Zone ‘C’ as mentioned above nothing reportedly has been done. It smacks of a defiance on the part of the PIO. The original application was filed on 31.12.2016, a period beyond one hundred days has elapsed. The PIO as such has violated the provisions of Section 7(1) of the Act and has rendered himself liable for penalty as enshrined under Section 20(1) and disciplinary action under Section 20(2) of the Act.

 Sh. Sanjeev Devgan, PIO – cum – Assistant Town Planner, Zone ‘C’, Municipal Corporation, Ludhiana 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 himfor causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant 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 Contd…page…3

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**APPEAL CASE NO.820/2017**

20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of 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.

 To come up on **02.11.2017 at 11.30 AM in Commission’s office, Chandigarh.**

**04.10.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: Sh. Sanjeev Devgan, PIO – cum – Assistant Town Planner,**

 **Zone ‘C’, Gill Road, Municipal Corporation, Ludhiana.**

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Sh. Jaspal Singh,

S/o Sh. Ramesh Arora,

H;No.319/3, Gurdeep Nagar,

Jagraon, Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Council,

Jagraon,

First Appellate Authority,

O/o Regional Deputy Director,

Urban Local Bodies,

Ludhiana Respondents

**APPEAL CASE NO.1049/2017**

 **Date of RTI Application : 19.01.2017** **Date of First Appeal : 22.02.2017**

 **Date of order of FAA : Nil**

 **Date of Second Appeal : 05.04.2017**

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

 Sh. Manohar Singh, Superintendent and Sh. Joginder Pal Singh, Jr. Assistant, NC Office, Jagraon – for Respondents.

**ORDER**

 **The case has been heard through video conferencing.**

The following order was passed by this forum on 23.08.2017:-

 *“Vide our order dated 05.07.2017 the respondents in the office of the Regional Deputy Director, Urban Local Bodies, Ludhiana were directed to apprise the appellant of the information which was originally asked from the Executive Officer, N.C., Jagraon.*

 *Sh. Vijay Kumar representing the Regional Deputy Director, Urban Bodies, Ludhiana says that he has brought along the information which has been handed over on spot to the appellant.*

 *The appellant says that the same is deficient specifically with reference to Point
No. 7. The respondents are directed to send across the copy of the reply thus handed over to Contd..page…2*

 *-2-*

**APPEAL CASE NO.1049/2017**

*appellant to the Commission. They shall also look into the deficiencies pointed out by him during the course of hearing. Meanwhile the appellant may intimate the Commission in writing of the deficiencies thus observed by him after going through the reply given to him.”*

The case is being taken up today. The respondents have brought the information concerning Point No. 7 as well and has been delivered to the appellant on spot in person. Sufficient information as such has been provided to him. No more intervention of the Commission is called for.

 **Disposed.**

**04.10.2017** **(Yashvir Mahajan) State Information Commissioner**

**CC: The Regional Deputy Director,**

 **Urban Local Bodies, Ludhiana, for information and immediate necessary action.**