**PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGRH**

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Smt. Surinder Kaur Dhillon

W/o Late Sh. Balwant Singh Dhillon,

#272, Western Homes Colony, Jhungian

Tehsil Kharar Distt. S.A.S. Nagar Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Council, Kharar

.

First Appellate Authority

O/o Regional Deputy Director,

Local Bodies, Patiala. Respondents

**APPEAL CASE NO.504/2018**

Date of RTI application : 06.11.2017

Date of First Appeal : 09.12.2017

Date of Order of FAA : Reply20.11.2017

Date of 2nd Appeal/complaint : 01.02.2018

**Present:** Smt. Surinder Kaur, Dhillon, Appellant in person.

1. Sh. Rajbir Singh, SDO, NC Office, Kharar,

2. Sh. Gujinder Mohan Singh, Superintendent, NC Office, Kharar – for Respondents.

**ORDER**

The issue involves a controversy about construction in an estate approved under T.P. scheme by the Municipal Council, Kharar. Before a considered view is taken the respondents are directed to file a written statement point-wise with reference to the application filed by the appellant at the earliest in any case before the next date of hearing positively. Meanwhile they shall ensure that the admissible information on record is provided to the appellant.

To come up on **29.05.2018 at 11.30 AM.**

**Sd/-**

**05.04.2018 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Ajaib Singh

S/o Sh.Bhinder Singh,

Village Bishanpura, Tehsil Samana

Distt. Patiala Appellant

Versus

Public Information Officer,

O/o Sub Divisional Magistrate,

Samana Distt. Patiala

.

First Appellate Authority

O/o Sub Divisional Magistrate,

Samana Distt. Patiala Respondents

**APPEAL CASE NO.490/2018**

Date of RTI application : 09.08.2016

Date of First Appeal : 02.08.2017

Date of Order of FAA : Reply 08.08.2017

Date of 2nd Appeal/complaint : 21.01.2018

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

Sh. Harpreet Singh, Superintendent, SDM Office, Samana – for Respondents.

**ORDER**

The appellant has some misgivings about the allotment of four marla plots to inhabitants of Village Bishanpura, Tehsil Samana, District Patiala under a State Government Scheme of habitation of landless citizens. He had sought a copy of the enquiry conducted on his complaint and the statements recorded thereof.

The respondents contend that the entire information concerning the subject has already been given to him. They have brought along the certified copies which have also been handed over on spot to the appellant. Though the appellant still seems dissatisfied but he has not been able to point out the deficiency in information thus provided.

The Commission is convinced that the sufficient information has been given to him. No further intervention of the Commission is called for. The appeal is **disposed.**

**Sd/-**

**05.04.2018 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh.Ankit Jain

S/o Sh. Yashpal Jain,

#1006, Morni Wala Khoo,

Dera Bassi, S.A.S.Nagar Complainant

Versus

Public Information Officer,

O/o Senior Supdt. of Police,

S.A.S.Nagar Respondent

**COMPLAINT CASE NO.178/2018**

Date of RTI application : 11.12.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 29.01.2018

**Present:** Sh. Ankit Jain, Complainant in person.

1. ASI Harjinder Singh, SSP Office, Mohali,

2. HC Ramanjit Kaur, SSP Office, Mohali – for Respondent.

**ORDER**

The complainant had sought to know the action having been taken by the respondent in the matter of an FIR No. 69 filed with the Police Station, Dera Bassi, under Section 452 etc.

The respondents say that they have already supplied most part of the information and the rest could not be furnished for want of specifics of the query. They assure the Commission to do the needful in a couple of days.

The complainant is satisfied with the averments made by the respondents. The complaint is **disposed** with the direction to the respondent to do the needful forthwith.

**Sd/-**

**05.04.2018 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Ankit Jain

S/o Sh. Yashpal Jain,

#1006, Morni Wala Khoo,

Dera Bassi, S.A.S.Nagar Complainant

Versus

Public Information Officer,

O/o Nagar Council, Dera Bassi,

S.A.S.Nagar Respondent

**COMPLAINT CASE NO.169/2018**

Date of RTI application : 14.11.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 2901.2018

**Present:** Sh. Ankit Jain, Complainant in person.

Sh. Sarbjeet Singh, Bldg. Inspector, NC office, Dera Bassi – for Respondent.

**ORDER**

The complaint is vague and unintelligible. He is simply questioning the reason of a communication missent to him. No cognizance of such an issue can be taken as the application is seeking an information as defined under Section 2(f) of the Act.

**Disposed.**

**Sd/-**

**05.04.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Ankit Jain

S/o Sh. Yashpal Jain,

#1006, Morni Wala Khoo,

Dera Bassi, S.A.S.Nagar Complainant

Versus

Public Information Officer,

O/o Nagar Council, Dera Bassi,

S.A.S.Nagar. Respondent

**COMPLAINT CASE NO.168/2018**

Date of RTI application : 06.11.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 29.01.2018

**Present:** Sh. Ankit Jain, Complainant in person.

Sh. Sarbjeet Singh, Building Inspector, NC Office, Dera Bassi – for Respondent.

**ORDER**

The complainant had sought to know the information about the show cause notices issued by the respondents to the violators of the building bye-laws in its jurisdiction and the consequent follow up action having been taken by them from the year 2010 onwards.

The respondent says that such an information is not being maintained by them in a concise form. In case they undertake to collect and collate, it shall divert their resources disproportionately.

The Commission accepts their contention partially. As the subject is important the Commission directs them to arrange to provide them the information for the period from Ist January 2017 onwards till date. The respondents are further advised to maintain the record in a fashion that such an information can easily be accessed in future.

To come up on **29.05.2018 at 11.30 AM.**

**Sd/-**

**05.04.2018 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh.Ankit Jain

S/o Sh. Yashpal Jain,

#1006, Morni Wala Khoo,

Dera Bassi, S.A.S.Nagar Complainant

Versus

Public Information Officer,

O/o Nagar Council, Dera Bassi,

S.A.S.Nagar Respondent

**COMPLAINT CASE NO.167/2018**

Date of RTI application : 03.11.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :29.01.2018

**Present:** Sh. Ankit Jain, Complainant in person.

Sh. Sarbjeet Singh, Building Inspector, NC Office, Dera Bassi – for Respondent.

**ORDER**

The respondent says that the original application has been duly answered by them. The complainant seems dissatisfied. He should specifically pin-point the infirmity in the information thus stated to have been provided. A copy be sent to the Commission also before the next date of hearing.

To come up on **29.05.2018 at 11.30 AM.**

**Sd/-**

**05.04.2018 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Madan Gopal,

S/o Sh. Devki Nandan,

Village Tasimbli Tehsil Dera Bassi,

S.A.S. Nagar Complainant

Versus

Public Information Officer,

O/o Senior Supdt.of Police,

S.A.S.Nagar Respondent

**COMPLAINT CASE NO.164 /2018**

Date of RTI application : 24.11.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 29.01.2018

**Present:** Sh. Madan Gopal, Complainant in person.

1. Sh. Harish Kumar, Naib Reader, DSP Office, Dera Bassi, and

2. HC Ramanjit Kaur, O/o SSP, Mohali – for Respondent.

**ORDER**

The appellant had sought information about the number of criminal cases registered within the jurisdiction of Dera Bassi Tehsil and consequent action taken towards arrest, investigation and prosecution into them.

The respondents have brought along the information which has been handed over on spot to the complainant. The complainant may like to go through it and intimate the deficiencies if discovered by him to the respondent who shall endeavour to make it good forthwith.

To come up on **29.05.2018 at 11.30 AM.**

**Sd/-**

**05.04.2018 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Navdeep Gupta,

Kothi No.455, Gillco Valley,

Kharar, Distt. Mohali Complainant

Versus

Public Information Officer,

O/o Senior Supdt. of Police,

S.A.S.Nagar Respondent

**COMPLAINT CASE NO.161/2018**

Date of RTI application : 04.09.2018

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 20.01.2018

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

HC Prem Chand, Police Station (City), Kharar – for respondent.

**ORDER**

A communication has been received from the complainant in this office on 19.03.2018. He seeks to be excused from his presence. The respondent also requests for an adjournment so that suitable action on his application can be taken and a reply filed with the Commission. The request is acceded to.

To come up on **29.05.2018 at 11.30 AM.**

**Sd/-**

**05.04.2018 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Navdeep Gupta,

Kothi No.455, Gillco Valley,

Kharar, Distt. Mohali Complainant

Versus

Public Information Officer,

O/o Senior Supdt. of Police,

Police Hqrs, Judicial Complex,

S.A.S.Nagar Respondent

**COMPLAINT CASE NO.159/2018**

Date of RTI application : 25.09.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 25.01.2018

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

HC Surjit Singh, (No.716), O/o SSP, Mohali – for Respondent.

**ORDER**

The respondent from the office of the SSP, Mohali submits that the issue relates to the Dy. Superintendent of Police, Kharar. He has been advised to file a suitable reply.

None is present on behalf of the Dy. Supdt. of Police, Kharar. Nothing has been heard from him in writing also.

The Dy. Superintendent of Police, Kharar, is advised to provide him the information under intimation to the Commission.

To come up on **29.05.2018 at 11.30 AM.**

**Sd/-**

**05.04.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: The Deputy Superintendent of Police, Kharar, for n/a.**

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Sh. Navdeep Gupta,

Kothi No.455, Gillco Valley,

Kharar, Distt. Mohali Complainant

Versus

Public Information Officer,

O/o Deputy Commissioner,

District Administrative Complex,

Sector-76, S.A.S. Nagar. Respondent

**COMPLAINT CASE NO.158/2018**

Date of RTI application : 31.08.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 27.01.2018

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

1. Sh. Jagdeep Singh, Superintendent, Gr.1, DC Office, Mohali,

2. Sh. Gurbinder Singh, Clerk, DC office, CIA Br., Mohali – for Respondent.

**ORDER**

The complainant is not present.

The respondent says that the information asked for relates to the office of the Sr. Superintendent of Police, Mohali and they have duly forwarded it to him under Section 5(4) of the Act for appropriate action.

The Sr. Superintendent of Police, SAS Nagar is impleaded as a necessary party. He is directed to file a suitable reply to the Commission besides taking a cognizance of the original application filed by the complainant.

To come up on **29.05.2018 at 11.30 AM.**

**Sd/-**

**05.04.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: The Sr. Superintendent of Police, SAS Nagar for n/a.**

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Sh. Pawan Kumar Sharma, Advocate,

Kothi No.585, Phase -2,

S.A.S. Nagar. Complainant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

S.A.S. Nagar. Respondent

**COMPLAINT CASE NO.1175/2017**

Date of RTI application : 03.09.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :16.10.2017

**Present:** Sh. Pawan Kumar Sharma, Complainant in person.

None on behalf of the Respondent.

**ORDER**

None is present on behalf of the respondent. The Commission makes a serious note of it. A final opportunity is afforded to them to comply with the order passed by the Commission on 22.02.2018.

To come up on **29.05.2018 at 11.30 AM.**

**Sd/-**

**05.04.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**PS: Sh. Sarbjeet Singh, PIO – cum – Assistant Commissioner, MC Office, Mohali has come present after the hearing was over. He has been apprised of the above observations of this forum.**

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Sh. Jagroop Singh

S/o Sh. Hakum Singh

R/o H.No.354, Sector-91, S.A.S. Nagar Complainant

Versus

Public Information Officer,

O/o Senior Supdt of Police,

District Administrative Complex,

Sector-76, S.A.S. Nagar. Respondent

**COMPLAINT CASE NOs.248 and 249 of 2018**

Date of RTI application : 07.02.2018/09.02.2018

Date of First Appeal : N/A

Date of Order of FAA : N/A

Date of 2nd Appeal/complaint : 19.02.2018

**Present:** Sh. Jagroop Singh, Complainant along with Adv. Karan Bhardwaj, Counsel.

1. ASI Harjinder Singh, O/o SSP, Mohali, and

2. HC Ramanjit Kaur, O/o SSP, Mohali – for Respondent.

**ORDER**

The Commission had made the following observations on 15.03.2018:

*“Since the complainant and the respondents are the same and the nature of the issue in hand is identical, the single order shall dispose of both the complaints.*

*The respondents are absent despite issue of notice. The Commission takes serious note of the apathy and directs him to file a written statement before the next date of hearing.”* The status quo remains. The Commission is anguished to note that the displeasure conveyed earlier seemingly has not have the desired effect. A last opportunity is afforded to the respondent to take appropriate action on the original application and file a reply to the Commission else it shall be taken as a case of willful denial and the penal consequences shall follow.

To come up on **29.05.2018 at 11.30 AM.**

**Sd/-**

**05.04.2018 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Roop Kishor Soni,

S/o Sh. Shiv Narayan Soni,

District Jail, Roopnagar -14001 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-A, Patiala. Respondents

**APPEAL CASE NO.2912/2017**

Date of RTI application : 08.06.2017

Date of First Appeal : 10.07.2017

Date of Order of FAA : Reply 23.09.2017

Date of 2nd Appeal/complaint :17.10.2017

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

ASI Harjinder Singh, SSP Office, Mohali – for Respondents.

**ORDER**

The following order was passed by the Commission on 13.03.2018:

*“The order was reserved on 06.02.2018.*

*It shall be useful to reproduce interim order passed by this forum on 16.01.2018 so as to apprise of the factual matrix of the case:*

*“The appellant had sought the copies of the daily diary and the jimnies recorded in the investigation of FIR No.30 dated 11.06.2016 under Section 304 – B of IPC registered in Police Station, Mullanpur, SAS Nagar (Mohali).*

*The respondents are seeking exemption under Section 8(1) (h) of the   
Act to the effect that the revelation of the information sought shall hamper the investigation. It is also their plea that one of the accused is yet to be apprehended.*

*The appellant who is an accused in this case alleges that the investigation is not being done in a fair manner. The vital information about the psychic condition of his deceased wife who was under treatment in the PGI is not being made a part of the record. He is being denied bail*

*Contd..page..2*

*-2-*

***APPEAL CASE NO.2912/2017***

*due to the suppression of the information by the Investigation Officer.*

*The contention of the respondents cannot be taken at its face value until or unless they convince this forum as to how the revelation of information sought by him shall hinder or put a spanner into the investigation. In a communication sent by the SHO to the Sr. Superintendent of Police under diary No.1384/5A dated 26.06.2017, it has been admitted that all the accused in the case have been arrested. So much so even the challan in the case has also been submitted in the Court. Simultaneously, they take the plea that the ‘Takmeel Tafteesh’ in the case is still pending. There are perceptible chinks in their defence. Before a final call is taken on the issue the respondents are directed to inform the Commission in an ambiguous way as to how the revelation of the information sought by the appellant entitles them to claim an exemption under Section 8(1) (h) of the RTI Act.”*

*“*On the last hearing held on 16.01.2018 the respondent ASI Satwinder Singh stated *that he had obtained legal opinion from District Attorney, Bathinda, who had opined that this information cannot be supplied in view of the provisions of Section 172 of the Cr.P.C. The respondent submitted that there is a specific bar imposed by Section 172(3) Cr. P.C. against supply of this information. The appellant on the other hand argued that Section 22 of the RTI Act overrides all other Acts for the time being in force. To the extent the provisions of Section 172 and 172(3) Cr. P.C. are contrary to the substantive provisions of the Right to Information Act, these Sections of Cr. P.C. shall stand superseded and will have no adverse effect on the request of an information seeker. He further argued that in the present case, ‘challan’ has been presented in the Court. Since investigation has been completed and trial is under process before the judicial court, discloser of information relating to case-diary (Zimni) could not possibly have any prejudicial effect on investigation or prosecution of the accused. The information, therefore, should not be denied under provisions of RTI Act.*

*The issue in hand has been elaborately dealt with in the Commission in an order passed by the then Chief Information Commissioner on 16.11.2009 in Complaint Case No.3209 of Contd..page..3*

*-3-*

***APPEAL CASE NO.2912/2017***

*2009.*

*The facts are similar in the case in hand. In view of the overriding effect of Section 22 as mentioned above and the fact that the investigation has already been completed the information sought cannot be denied to the appellant specifically when he himself is defending a serious charge under Section 304 (b) and is under detention for over a year. The respondents are directed to provide him the information thus sought within fifteen days from the issue of the order positively under intimation to the Commission.”*

It is intriguing to find that neither the above order has been complied nor any position on the same has been taken by the respondents. They have simply chosen to ignore it. The Commission takes it a case of willful denial of the information coupled with defiance of the orders sof the Commission. The PIO has rendered himself thus liable for penal consequences.

Sh. Ravinder Pal Singh, PIO – cum – SHO, Police Station, Mullanpur 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.

Contd…page..4

-4-

***APPEAL CASE NO.2912/2017***

To come up on **26.04.2018 at 11.30 AM.**

**Sd/-**

**05.04.2018 (Yashvir Mahajan)**

**­ State Information Commissioner**

**CC: Sh. Ravinder Pal Singh, PIO – cum – SHO, Police Station, Mullanpur, for n/a.**

**CC: Sr. Superintendent of Police, Mohali.**