

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,  
Sector 16, Chandigarh.

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

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Whatsapp No. 62848-20189



Sh. Jagir Singh 9463447732

Village Majwind PO Kathunangal,

Tehsil Majitha,

District Amritsar

....Appellant

Vs

Public Information Officer

o/o Tehsildar Majitha,

District Amritsar

First Appellate Authority

o/o Sub divisional magistrate,

Majitha, Amritsar

Sh. Ajay Kumar,

**Registered**

Naib Tehsildar,

Taran Taran M – 9592981111

....Respondents

Appeal Case No. 3953 of 2020

(Cisco Webex/Telephone Proceedings)

Present:- Sh. Jagjit Singh son of Sh. Jagir Singh, on telephone on behalf of the appellant.

Sh. Ajay Sharma, Naib Tehsildar and Sh. Balwinder Singh, Patwari, on telephone  
9501287717 9872187800 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 18.3.2021.

2. The appellant has sent a request in which he has pointed out the deficiencies in the information so supplied by the respondents which has been diarized in the Commission vide No. 10026 dated 4.5.2021, and is taken on record.

3. Sh. Ajay Sharma, Naib Tehsildar, Taran Taran states that he has already sent the record related to the RTI application of the appellant. Also the representative of the respondents Sh. Balwinder Singh, Patwari confirmed that he has received the record from Sh. Ajay Sharma, Naib Tehsildar. Further he requested for the adjournment of the case and assured that the information will be supplied on the basis of record else an undertaking will be given on the next date of hearing.

4. According to the request of the representative of the respondents the case is adjourned with the directions to the respondent-Public Information Officer to file the reply/supply the information before the next date of hearing to the appellant with a copy to the Commission.

5. Also Sh. Jasbir Singh, Naib Tehsildar, Majitha 9872187800 is directed to remain present on the next date of hearing.

6. To come up on 27.5.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Amritsar/cisco webex.

Sd/

Dated: 5.5.2021

(Suresh Arora)

Chief Information Commissioner, Punjab.

CC

Deputy Commissioner (By name) Registered

District Amritsar

Shri Jasbir singh, M 9872187800

Naib Tehsildar, Majitha, Distt Amritsar

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Sh. Gagandeep Singh Thareeke 9780471680

SCO 26, Shant Park, Main Sua Road,  
Thareeke, District Ludhiana.

....Appellant

Vs

Public Information Officer  
o/o District Development and Panchayats Officer  
District Ludhiana

First Appellate Authority  
o/o Director,  
Rural Development & Panchayat Deptt., Pb.  
Vikas Bhawan, Sector 62, Mohali

Public Information Officer  
o/o Block Development and Panchayats Officer  
Block Ludhiana-1,  
District Ludhiana

....Respondents

Appeal Case No. 3349 of 2020  
(Cisco Webex/Telephone Proceedings)

Present:- Sh. Gagandeep Singh Thareeke, appellant on telephone.  
None on behalf of the respondents. 62390 79871

## ORDER

This order may be read with reference to the previous order dated 16.3.2021.

2. A request has been received from the respondent-Block Development and Panchayats Officer through email vide which it has been requested to adjourn the case due to Corona pandemic. Accordingly, the request of the appellant is accepted and the case is adjourned.

3. To come up on 21.6.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

Dated: 5.5.2021

Sd/  
(Suresh Arora)  
Chief Information Commissioner,  
Punjab.

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Sh. Prem Kumar Rattan,  
House No 78/8, Park Road,  
Navi Mandi, Dhuri,  
Distt Sangrur. M : 8509580002

..Appellant

Vs

Public Information Officer,  
O/o Deputy Commissioner,  
Ludhiana

First Appellate Authority  
O/o Deputy Commissioner,  
Ludhiana.

....Respondent(s)

Appeal Case No. 174/2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- None on behalf of the appellant.

Sh. Ranjit Singh, NSK, 7696681960 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 16.3.2021.

2. The representative of the respondents states that the dealing hand in this case is Sh. Kuldeep Kumar. But due to corona pandemic and strike in the office, he requests for the adjournment of the case. Also a request has been received from the appellant through email, which is taken on record, vide which he has requested for the adjournment of the case. He has also submitted that no information has been supplied by the respondents so far. Therefore, the case is adjourned with the directions to the respondent-Public Information Officer to file the reply/supply the information before the next date of hearing to the appellant with a copy to the Commission.

3. To come up on 21.6.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

Sd/

Dated: 5.5.2021

(Suresh Arora)

Chief Information Commissioner,  
Punjab.

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Whatsapp No. 62848-20189



Smt. Neena Gupta 9855014101

H.No. 1410, Phase 1,

Urban Estate,

Dugri Road, District Ludhiana.

..Complainant

Vs

Sh. Lakshya Kumar,

Public Information Officer (By name)

Registered

o/o Tehsildar

Ludhiana West,

District Ludhiana

....Respondent

Complaint Case No. 720 of 2020

(Video Conference proceedings)

Present:- Sh. Sushil Kumar husband of the complainant on behalf of her.

None on behalf of the respondents. 9417000060

## ORDER

This order may be read with reference to the previous order dated 16.3.2021.

2. The representative of the complainant states that nothing has been supplied by the respondent so far. None is present on behalf of the respondents due to strike by the revenue staff. However, the sought information is available in the case file except Point No.4 and a copy of the same was also sent along with the order dated 16.3.2021. But the representative of the complainant states that the complainant has not received the same. Therefore, a copy of the information pertaining to Point No. 1 to 3 as available in the case file is again being **sent** along with this order and through whatsapp during the course of hearing.

3. With regard to the information pertaining to Point No. 4 of the RTI application, the respondent-Public Information Officer Sh. Lakshey Kumar, Tehsildar is directed to remain present on the next date of hearing. Also one more opportunity is granted to the respondent-Public Information Officer Sh. Lakshey Kumar, Tehsildar to file the reply regarding show cause notice issued to him failing which ex-parte decision will be taken on the next date of hearing.

4. To come up on 10.6.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

Sd/

Dated: 5.5.2021

(Suresh Arora)

Chief Information Commissioner,  
Punjab.

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Whatsapp No. 62848-20189



Ms. Chinder Kaur 7973122252

Village Basti Kamrewala,

Tehsil Jalalabad,

Fazilka.

....Appellant

Vs

Public Information Officer

o/o V.D.O. Gram Panchayat,

Basti Kamre Wala

Tehsil Jalalabad,

Fazilka.

First Appellate Authority

o/o District Development and Panchayats Officer,

Fazilka

Public Information Officer

o/o Block Development and Panchayats Officer,

Jalalabad,

Fazilka.

....Respondents

Appeal Case No. 3240 of 2020

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Ms Chinder Kaur, appellant on telephone.

Sh. Harjinder Singh, Panchayat Secretary on telephone 7347255689 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 18.3.2021.

2. The appellant has sent the deficiencies in the information so supplied by the respondents through email which are taken on record.

3. Accordingly, a copy of the same is being sent along with this order to Sh. Harjinder Singh, Panchayat Secretary. A copy of the same has been sent to him through whatsapp also, with the directions to remove the deficiencies before the next date of hearing under intimation to the Commission. He also states that he will supply the information from June, 2019 and the record from January, 2019 to May, 2019 has not been handed over to him so far and he is unable to supply the information in the absence of the record.

4. Also Sh. Gurjinder Singh, 9855300174, Public Information Officer –cum-Block Development and Panchayats Officer was issued a show cause notice but no reply has been received from him. One opportunity is granted to him to file the reply regarding show cause notice issued. He is also directed to place on record regarding the action taken regarding the recovery of the official record pertaining to January, 2019 to May, 2019.

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Appeal Case No. 3240 of 2020

5. A copy of the order is also sent to the Director, Rural Development & Panchayat Deptt., Pb. to look into the matter personally and ensure that the record be handed over to the present Panchayat Secretary to enable him to supply the information and a compliance report be sent to the Commission before the next date of hearing.

6. To come up 10.6.2021 at 12.30 PM on to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Fazilka/cisco webex.

Sd/

(Suresh Arora)

Chief Information Commissioner,

Punjab

Dated: 5.5.2021

CC

The Director (By name)

Rural Development and Panchayat Deptt.

Vikas Bhawan,

Sector 62, Mohali

Registered

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Sh. Pal Singh s/o Sh. Banta Singh,  
Village Nizampur, Tehsil Payal,  
Block Malaud,  
District Ludhiana

..Complainant

Vs

Public Information Officer (By name) **Registered**  
o/o Block Development and Panchayats Officer  
Block Malaud,  
District Ludhiana

....Respondents

Complaint Case No. 845 of 2020

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- None on behalf of the complainant 9041983187  
Sh. Jarnail Singh, Supdt, on telephone 9855003560, on behalf of the respondents.

## ORDER

This order may be read with reference to the previous order dated 17.3.2021.

2. A request has been received from the complainant regarding adjournment of the case. Accordingly, the case is adjourned.

3. To come up on 10.6.2021 at 12.30 PM to be heard through Cisco Webex - 1587083455.

Dated: 5.5.2021

Sd/  
(Suresh Arora)  
Chief Information Commissioner,  
Punjab.

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Whatsapp No. 62848-20189



Sh. Vinod Kumar Gupta 9417152218  
H.No. 88/Chandigarh Road,  
Samrala Chowk,  
Ludhiana

....Appellant

Vs

Public Information Officer  
o/o Sub Registrar, Transport Nagar,  
Ludhiana East,  
Ludhiana

First Appellate Authority  
o/o Addl. Deputy Commissioner (Gen.)  
Ludhiana

....Respondents

Appeal Case No. 3202 of 2020

(Cisco Webex/Telephone Proceedings)

Present:- Sh. Vinod Kumar Gupta, appellant ( on telephone).  
Sh. Kuldeep Kumar, Record Keeper 8528084905 on behalf of the respondents.

## ORDER

The titled case is being heard today i.e. 5.5.2021 after consideration of the request of the appellant.

2. The appellant states that the respondents are not providing the attested copy of the information. He also states that the respondents have supplied the copy of FARD dated 9.7.2015 whereas it should have been 10 days prior to the date of registry as per the Government instructions. However, the representative of the respondents states that the information comprising total 20 pages which includes a copy of FARAD dated 9.7.2015 as available on record duly attested has already been supplied to the appellant with a copy to the Commission through whatsapp, which is taken on record.

3. Since, the respondents have sent the information comprising 20 pages, duly page numbered, to the Commission, therefore, a copy of the same is being **sent** along with this order to the appellant to go through the same and point out deficiency, if any, before the next date of hearing to the respondents with a copy to the Commission.

4. To come up on 10.6.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana/cisco webex.

Sd/

Dated: 5.5.2021

(Suresh Arora)

Chief Information Commissioner,  
Punjab.



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Sh. Jasbir Singh,  
Guru Nanak Nagar,  
Village - Bholapur, Jhabewal,  
Post Office - Ramgarh,  
District Ludhiana.141123 M : 9888296107

..Appellant

Vs

Public Information Officer,  
O/o Punjab State Information Commission,  
Sector 16,  
Chandigarh.

First Appellate Authority  
O/o Punjab State Information Commission,  
Sector 16, Chandigarh.

....Respondent(s)

Appeal Case No. 238/2021

(Cisco Webex/Telephone Proceedings)

Present:- Sh. Jasbir Singh, appellant on telephone.  
Sh. Sudhir Kumar on behalf of the respondents.

## ORDER

This order may be read with reference to the previous order dated 16.3.2021.

2. The appellant states that the respondent-Public Information Officer may be directed to supply the information as nothing has been supplied to him so far. He has also sent the submissions in this regard which has been diarized in the Commission vide no. 8783 dated 19.4.2021 and 7533 dated 1.4.2021. However, the representative of the respondents states that the sought information relates to the third party so the same cannot be supplied to the appellant.

3. It is also appropriate to mention the decision of the Hon'ble Supreme Court of India in Civil Appeal No. 10044 of 2010 – Central Public Information Officer, Hon'ble Supreme Court of India Vs Subhash Chandra Agarwal in which the issue regarding the exemptions under Section 8, procedure under Section 11 to be adopted by the Central Public Information Officer/State Public Information Officer has been elaborated in detail which are in line with the cases in question. The relevant portion of the judgement is reproduced below:-

*"The definition of a "third party" includes a public authority. 'Third party information' is information which "relates to or has been supplied by any other person (including a public authority) other than the information applicant and has been treated as confidential by such third party. Where disclosure of 'third party information' is sought, and such information has been prima facie treated as confidential by the third party in question, the procedure under Section 11 of the RTI Act is mandatory. The Information Officer shall, within five days of receiving the request for 'third party information' notify the relevant third party to whom the information relates or which had supplied it. The notice shall invite the third party to submit reasons (in writing or orally) as to whether or not the information sought should be disclosed. Section 11(2)*

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Appeal Case No. 238/2021

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*provides the third party with a right to make a representation against the proposed disclosure within ten days of receiving the notice. The provision expressly mandates the Information Officer to take into consideration the objections of the third party when making a decision with respect to disclosure or non-disclosure of the information. It encapsulates the fundamental idea that a party whose personal information is sought to be disclosed is afforded the opportunity to contest disclosure. The proviso to sub section (1) of Section 11 permits disclosure where the "public interest" in disclosure "outweighs" any possible harms in disclosure highlighted by the third party.*

*Sections 8 and 11 must be read together. Other than in a case where the information applicant seeks the disclosure of information which relates to the information applicant himself, information sought that falls under the category of "personal information" within the meaning of clause (j) of Section 8(1) is also "third party information" within the ambit of Section 11, Therefore, in every case Where the information requested is "personal information" within the operation of clause (j) of sub section 1 of Section 8, the procedure of notice and objections under Section 11 must be complied with. The two provisions create a substantive system of checks and balances which seek to balance the right of the information applicant to receive information with the right of the third party to prevent the disclosure of personal information by permitting the latter to contest the proposed disclosure."*

Furthermore, the apex court has held that

*"Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied."*

3. After hearing both the parties and going through the facts of the case, the respondent-Public Information Officer is directed to adopt the procedure under Section 11 of the RTI Act, 2005 and after adoption of the procedure, he is directed to take appropriate decision and the same be conveyed to the Commission for consideration.

4. To come up on 21.6.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana/cisco webex.

Sd/

(Suresh Arora)

Dated: 5.5.2021

Chief Information Commissioner,  
Punjab