



Sh. Himanshu Raj, C/o Law Office of Himanshu Raj,
102, Sector-10-A, Chandigarh.

... Complainant

Versus

Public Information Officer,
O/o Jalandhar Development Authority,
Jalandhar.

...Respondent

Complaint Case No. 32 & 33 of 2019

PRESENT: Ms.Sapna Randhawa, advocate for the complainant
Sh.Yogesh Kumar, Sr.Assistant O/o JDA for the Respondent

ORDER: The case was first heard on **23.04.2019**. The respondent was absent. The advocate representing the complainant requested for adjournment which was granted and the case was adjourned.

The case was last heard on **11.06.2019**. The respondent present pleaded that since the information is third party and the third party has not given its consent, it cannot be provided. The advocate representing the complainant pleaded that the CIC decision cited by the third party is for a private society whereas the appellant has sought information from the public authority.

Having gone through the record, the Commission observed that the PIO's claim of third party is arbitrary since the information has been sought by the appellant from a public authority and that all the documents that are available in public domain even of private parties, are public documents(subject to the RTI exemption). The PIO was hereby directed to provide the information on points-1 & 2 and send a compliance report to the Commission.

During hearing, it came to the notice of the Commission that the appellant had filed another appeal case No.33/2019 in the office of Chief Secretary, Punjab, Chandigarh which they transferred to JDA Jalandhar on 04.04.2018. Since the information sought in this case and appeal case No.33/2019 is similar in nature, both the cases were clubbed together.

Hearing dated 06.08.2019:

The respondent has brought the remaining information and handed over to the counsel. The counsel wants to go through the information. The appellant is directed to point out the discrepancies, if any to the PIO and the PIO is directed to remove the same.

With the above order, the case is **disposed off and closed**. However, the Commission makes it clear that if the discrepancy is not sorted out, the appellant is free to come to the Commission again.

Sd/-

Chandigarh
Dated 06.08.2019

(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: -psicsic30@punjabmail.gov.in
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Sh. Dharam Pal, S/o Sh Puran Chand,
Quarter No-6/24, Housing Board Colony Camp,
Dhangu Peer, Pathankot.

... Complainant

Versus

Public Information Officer,
O/o Estate Officer,
Amritsar Development Authority,
Amritsar.

...Respondent

Complaint Case No. 37 of 2019

PRESENT: Sh.Naresh Bhatia representative for the Complainant
Sh.Davinder Saini, SDO –JDA Amritsar for the Respondent

ORDER:

The case was first heard on **23.04.2019**. The respondent present pleaded that the information has been provided to the complainant on 05.04.2019 and a copy of the same sent to the Commission. The complainant was not satisfied and claimed that the PIO has not provided the information as per the RTI application.

The PIO was directed to relook at the RTI application and provide the information within 15 days. The PIO was also directed to explain the reasons for delay in attending to the RTI application within the time prescribed under the RTI Act.

The case was last heard on **11.06.2019**. The respondent present pleaded that the information has been provided to the appellant. The appellant was not satisfied with the information regarding point-1 stating that the list provided by the PIO is incomplete. The appellant produced a document showing that there are more migrants in number than 30, whereas the PIO has provided a list of 30 persons only. The PIO was directed to relook and provide complete information.

Hearing dated 06.08.2019:

The respondent present pleaded that a committee of 6 persons was constituted for conducting a fresh survey of the area and the Committee was asked to submit its report by 30.07.2019. The Committee has submitted its report and the department has already prepared a list of applicants. However, the same is yet to be finalized and approved by the competent authority. The respondent pleaded that the information will be provided to the appellant within 10 days.

The PIO is given one more opportunity and directed to provide the information to the appellant as per earlier order which still stands. The information be provided within 10 days and a compliance report be sent to the Commission.

With the above order, the case is **disposed off and closed**.

Chandigarh
Dated 06.08.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh.Raghubir Singh, S/o Sh Daljit Singh,
VPO Mauli Baidwan, Sector-80,
Tehsil & Distt SAS Nagar.

...Appellant

Versus

Public Information Officer,
O/oEstate Officer,
GMADA, Mohali.

First Appellate Authority,
O/oGMADA, Mohali.

...Respondent

Appellant Case No. 108 of 2019

PRESENT: Sh.Raghubir Singh as the Appellant
None for the Respondent

ORDER:

The case was first heard on **08.04.2019**. The respondent present pleaded that the information has been provided to the appellant vide letter dated 14.08.2018. The appellant claimed that he had received the information regarding points a & b but was not satisfied with the information regarding points c, d & e.

Having gone through the RTI application and the reply of the PIO, the Commission was of the view that the information on points a & b stands provided and directed the PIO to provide the information on points-c & d. The PIO was also directed to clarify point-e.

The case was last heard on **29.05.2019**. The respondent brought the information on point-c and handed over to the appellant. Regarding points-d & e, the respondent pleaded that the record has to be obtained from the concerned bank and as soon as the information is received from the bank, the same will be supplied to the appellant. The PIO was directed to check the record from the bank and provide the information to the appellant before the next date of hearing.

Hearing dated 06.08.2019:

The appellant claims that the PIO has not provided the remaining information. The Commission has received a letter diary No.12580 on 01.07.2019 from the PIO stating that they tried to get the record from the court and concerned bank but no record was made available. In the same letter, the PIO has asked the appellant to provide a copy of that voucher vide which the appellant had received the compensation, on the basis of which the department shall prepare and provide the information.

The appellant informed that he has already provided a copy of voucher to the PIO on 24.07.2019. The PIO is given one more opportunity and directed to provide the information as per earlier order which still stand.

To come up for further hearing on **06.11.2019 at 11.00 AM.**

Chandigarh
Dated 06.08.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

Note: Sh.Tarun Kumar, consultant and Ms.Gagandeep Kaur, Sr.Assistant Account Branch-GMADA appeared late and brought the information. A copy of the information is being enclosed with the order for the appellant.



Dr. Sandeep Kumar Gupta,
1722, Sector-14, Hisar.

... Appellant

Versus

Public Information Officer,
O/o Commissioner, Municipal Corporation,
Ludhiana.

First Appellate Authority,
O/o Commissioner, Municipal Corporation,
Ludhiana.

...Respondent

Appeal Case No. 165 of 2019

Present: None for for the appellant
Sh.Chander Parkash Draftsman-Drawing Branch-Zone-C, MC Ludhiana for
the Respondent

ORDER:

The case was first heard on **10.04.2019**. The respondent present pleaded that the information has been provided to the appellant vide letter dated 05.10.2018. The respondent also submitted a reply of the PIO which was taken on the file of the Commission. The Commission observed that the PIO has provided the information on point-1 and denied the information on point-2 by stating that the information is under fiduciary relationship, it cannot be supplied as no larger public interest involved in disclosure of such information and is exempted under section section 8(e) of the RTI Act.

The appellant was absent to plead his case. The appellant was directed to appear personally or through a representative to satisfy the Commission that there lies a larger public interest in revealing this information.

The case was last heard on **11.06.2019**. The appellant vide email has sent his reply that the disclosure of information has a larger public interest. The reply was taken on the file of the Commission. The representative appeared on behalf of the appellant further stated that a lot of universities have been declared invalid by the Hon'ble Supreme Court, and disclosure of information will help them to identify the officials appointed and working in the department with fake degrees. The case was adjourned.

Hearing dated 06.08.2019:

The appellant is absent. The case is adjourned.

To come up for further hearing on **13.11.2019 at 11.00 AM.**

Chandigarh
Dated 06.08.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Suresh Aggarwal, S/o Sh Prem Chand,
R/o H NO-2585/2-A, Jagar Nagar,
Basti Jodhwal, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Tehsildar (East),
Ludhiana.

First Appellate Authority,
O/o District Revenue Officer,
Ludhiana.

...Respondent

Appeal Case No. 173 of 2019

Present: Sh.Suresh Aggarwal as the Appellant
Ms. Alka, Clerk O/o DRO Ludhiana for the Respondent

ORDER:

The appellant through RTI application has sought certain information regarding measurement and encroachment of land adjoining Budha Nala. The appellant was not provided the information after which he filed first appeal with the First Appellate Authority on 29.10.2018 which took no decision on the appeal.

The case was first heard on 26.02.2019 by Sh.S.S.Channay, Chief Information Commissioner. The respondent was absent. The appellant informed that he has received a letter from the office of Tehsildar Ludhiana(East) vide which a report of patwari was sent to him. The appellant was not satisfied and informed that a survey was conducted and some encroachment was removed but complete information has not been provided to him so far. The Tehsildar Ludhiana (West) was directed to submit a detailed status report.

The case was again heard on 09.04.2019 by Sh.S.S.Channay, Chief Information Commissioner. The respondents present informed that the information has been provided to the appellant. The appellant was not satisfied with the information regarding point-1. The respondent was directed to provide the complete information before the next date of hearing.

The case has come up for hearing today. The respondent present pleaded that the concerned Kanoongo had called the appellant to specify the area for which the information is being sought since the area of Budha Nala is spread in whole of the city.

Hearing both the parties, the PIO is directed to provide whatever document is available with them for the area of Budha Nala under the jurisdiction of Tehsildar (East) Ludhiana. Further the appellant has also asked for inspection of the file. If such file exists, the appellant be allowed to inspect the file on 20.08.2019 at 11.00 AM and take the relevant information.

To come up for further information on **18.11.2019 at 11.00 AM.**

Chandigarh
Dated 06.08.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Suresh Aggarwal, S/o Sh Prem Chand,
R/o H NO-2585/2-A, Jagar Nagar,
Basti Jodhwal,
Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Municipal Corporation,
Zone-D, Ludhiana.

First Appellate Authority,
O/o Municipal Corporation,
Head Office, Mata Rani Chowk,
Ludhiana.

...Respondent

Appeal Case No. 177 of 2019

Present: Sh.Suresh Aggarwal as the Appellant
Sh.Bhavsagar Singh, JE-B&R-Zone-A, Sh.Dalip Kumar Soni, Jr.Draftman-
Zone-A, Sh.Akshey Bansal, JE-B&R-Zone-D, MC Ludhiana Ludhiana for
the Respondent

ORDER:

The case was first heard on **10.04.2019**. The respondent present from building branch Zone-A MC Ludhiana pleaded that the record relating to the information regarding points 1,3,5,6 & 7 is not available with them. The respondent present for PIO-cum-ATP Zone-D pleaded that the information regarding points 2,4 & 8 is not available with them and regarding points 3&5, the area comes under the jurisdiction of B & R Branch of Zone-B and Zone-A.

Since as per the respondents, the information was available with B & R Branch of MC Ludhiana, DRO and Irrigation department, the PIO-B&R Branch of MC, Ludhiana, PIO-DRO Ludhiana and PIO-O/o Irrigation department Ludhiana were impleaded in the case and directed to look at the RTI application and provide the information concerning before the next date of hearing.

The case was last heard on **11.06.2019**. The appellant claimed that despite order of the Commission, the information has not been provided by the concerned PIOs. The Commission received a letter on 30.04.2019 from the APIO-B&R Zone-B, MC Ludhiana stating that the information sought relates to their building branch. The respondent present from building branch of MC Ludhiana pleaded that the information concerning them has been provided to the appellant and remaining information has to be provided by the PIOs of A & D Zone.

The Commission observes that the file is moving from one desk to the other and no-one knows under whose custody the information lies. The Commissioner, MC Ludhiana was directed to look at the RTI application on urgent basis and get the information from the PIO under whose custody the information lies. After hearing both the parties, the following was concluded:

- Point-2 Partial information provided, remaining to be provided by the PIO, Zone-A, PIO- Zone-D, PIO-Drawing Branch, MC Ludhiana and PIO-Irrigation Department, Ludhiana

- Point-3 Partial information provided, remaining to be provided by PIO, Zone-A, PIO- Zone-D, PIO-Drawing Branch, MC Ludhiana
- Point-1 To be provided by PIO-Drawing Branch, MC Ludhiana
- Points-4,5&6 Available on website
- Point-7 To be provided by PIO-Zone-A, MC Ludhiana

The PIO-Zone-A, MC Ludhiana, PIO-Zone-D, MC Ludhiana, PIO-Drawing Branch, MC Ludhiana and PIO-Irrigation Department, Ludhiana were directed to look at the RTI application and provide the information concerning them to the appellants

Hearing dated 06.08.2019:

The respondents present informed that they have provided the information to the appellants concerning them and remaining information relates to the building branch Zone-D and PIO-Tehbazari.

The respondent from building branch, Zone-D and PIO-Tehbazari are absent. The Commission observes that partial information regarding point-2 has been provided and remaining pertains to the building branch Zone-D and Tehbazari. The PIO-Zone-D, and PIO-Tehbazari, MC Ludhiana are given one last opportunity to look at the RTI application and provided the information regarding point-2 to the appellants, within 15 days and send a compliance report to the Commission otherwise the Commission will be constrained to take action in terms of provisions of the RTI Act. Rest of the points stands settled.

To come up for further hearing on **18.11.2019 at 11.00 AM.**

**Chandigarh
Dated 06.08.2019**

**Sd/-
(Khushwant Singh)
State Information Commissioner**

CC to: The Commissioner, MC Ludhiana

- **PIO-Building Branch, MC-Zone-D Ludhiana**
- **PIO-Superintendent, Tehbazari, MC Ludhiana**

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Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: -psicsic30@punjabmail.gov.in
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Sh. Yogesh Majahan, S/o Sh Kuldeep Raj Mahajan,
Opposite Water Tank Municipal Market,
Mission Road, Pathankot.

... Appellant

Versus

Public Information Officer,
O/o Sub Division Officer,
Construction sub Division No-2,
PWD B&R, Sangrur.

First Appellate Authority,
O/o SE,
PWD B&R Circle, Sangrur.

... Respondent

Appeal Case No. 215 of 2019

PRESENT: None for the Appellant
Sh. Shankesh Sharma for the Respondent

ORDER: The case was first heard on 23.04.2019. Since both the parties were absent, the case was adjourned. The PIO was directed to provide the information to the appellant within 15 days and send a compliance report to the Commission.

The case was last heard on **11.06.2019**. The appellant was absent and vide email has informed that the PIO has not supplied the information. The respondent was absent nor had complied with the order of the Commission. The PIO was issued a show **cause notice and directed to file** an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission alongwith the written replies. The PIO was again directed to provide the information to the appellant within 10 days.

Hearing dated 06.08.2019:

The respondent present informed that the information has been provided to the appellant. The appellant vide email informed that he has received the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Chandigarh
Dated 06.08.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Vijay Hans,
H No-3, Satya Niwas, Silver City,
Zirakpur

... Appellant

Versus

Public Information Officer,
O/o Superintendent of Personnel (IAS Branch),
Govt of Punjab, Chandigarh.

First Appellate Authority,
Under Secretary,
Department of Personnel (IAS Branch),
Govt of Punjab, Chandigarh.

...Respondent

Appeal Case No. 3287 of 2018

Present: None for the Appellant
Sh.Saneev Sachdeva, Sr.Assistant, (IAS Branch) O/o Superintendent of Personnel for the Respondent

ORDER:

The case was first heard **on 18.12.2018**. It was observed that the appellant had filed RTI application with the Department of Personnel & Training, Government of India which vide letter dated 28.04.2018, informed the appellant that the information regarding point No.1 i.e. the procedure adopted for selection from Non-SCS cadre to IAS cadre is in accordance with the IAS(Appointment by Selection) Regulations, 1997, a copy of which available on the website of DoP&T. For the information regarding points 2 to 4, they forwarded the application to the UPSC and the Chief Secretary, Government of Punjab, Chandigarh.

The appellant informed that he has received the information regarding point No.4 from the UPSC. Regarding information relating to points 2 & 3, the PIO, Department of Personnel, Punjab has rejected the information on the basis of the section 8(1)(j) of the RTI Act and that there is no larger public interest involved. The appellant also stated that if the UPSC could provide the information, then there was no harm in providing him the information on points 2& 3. The case was adjourned for adjudication on points 2&3.

The case was again heard on **12.02.2019**. The respondent present reiterated the PIO's earlier stand on the basis of which the information was rejected. The appellant was absent and the case was adjourned.

The case was last heard on **01.04.2019**. The appellant was absent. The respondent had denied the information under section 8(1)(j) as well as stating that there was no larger public interest. The appellant in his application, made various allegations against the person about whom he has sought information and stated that the sought information has larger public interest. The appellant was given one last opportunity to appear before the Commission and produce credible evidence to substantiate his allegations and to establish that the disclosure of information has larger public interest.

Appeal Case No. 3287 of 2018

The case was last heard on **29.05.2019**. As per order of the Commission, the appellant could not produce evidence to establish that the disclosure of information has larger public interest. Having gone through the file, the PIO was directed to provide information on point-3. The point-2 will be adjudicated on the next date of hearing.

Hearing dated 06.08.2019:

The respondent present pleaded that the information regarding point-3 has been provided to the appellant vide letter dated 03.06.2019 and a copy of the same submitted to the Commission.

At the hearing of 01.04.2019, the appellant had been asked to produce credible evidence to establish that the disclosure of information regarding point-2 has a larger public interest. However, at the last hearing, the appellant could not produce any document or evidence to establish that the disclosure of information has a larger public interest. At this hearing, the appellant is again absent and has failed to produce any such document. The information regarding point-3 has been provided.

Regarding point-2, the appellant has asked about personal information of Sh.Bhupinder Singh. Since the appellant has not been able to establish that a larger public interest lies in disclosure of this information, I uphold the view of the PIO and see no reason to interfere in the matter.

The case is **disposed off and closed**.

Chandigarh
Dated: 06.08.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

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Sh Ravinder Singh,
H no-16, Shaheed Nagar, Chhehartta,
Amritsar.

... Appellant

Versus

Public Information Officer,
O/o Amritsar Development Authority,
Amritsar.

First Appellate Authority,
O/o Chief Administrator,
Amritsar Development Authority,
Amritsar.

...Respondent

Appeal Case No. 3697 of 2018

Present: None for the Appellant
Ms.Poonam and Sh.Gagandeep ,APIO O/o CTP for the Respondent

Order:

The case was first heard on **06.02.2019**. Since both the parties were absent, the case was adjourned.

The case was again heard on **25.03.2019**. The respondent present pleaded that the information concerning them has been provided to the appellant vide letter dated 30.11.2018 and remaining information relates to the office of CTP Punjab, Chandigarh. The appellant is not satisfied and claims that the respondent has not transferred the RTI application to the concerned department.

Having gone through the RTI application, the Commission was of the view that the information stands provided on points 1,3 &5 and for the remaining information, the PIO-ADA was directed to transfer the RTI application to the Chief Town Planner, Punjab. The PIO-CTP Punjab was impleaded as a party of the case and directed to provide the information regarding points 2,,4, 6,7 and 9 to 14. The PIO-ADA was also directed to explain the reasons for delay in providing the information and for not transferring the RTI application to the concerned department within the time prescribed under the RTI Act.

The case was last heard on **29.05.2019**. The respondent present from the office of ADA Amritsar informed that the information concerning them has been provided and for remaining information, they have already transferred the RTI application to CTP, Punjab. The respondent present from the office of CTC pleaded that they received the RTI application on 05.04.2019 and they asked the appellant vide letter dated 11.04.2019 to deposit requisite fee of Rs.3250/- and get the information. The appellant has not deposited the requisite fee.

Appeal Case No. 3697 of 2018

Having gone through the RTI application again, the Commission directed the PIO-CTP to relook at the RTI application and provide point-wise information to the appellant. If the appellant needs maps, the appellant to pay requisite fee and get the maps of the building. The appellant be allowed to inspect the record by fixing a mutually convenient date and time.

Hearing dated 06.08.2019:

The respondent present from the office of CTP informed that in compliance with the order of the Commission, the information has been provided to the appellant vide letter dated 23.07.2019 except the information on points 9, 11 & 12 which pertains to the office of ADA. A copy of the same is submitted to the Commission. The appellant is absent.

Having gone through the information provided by the CTP, the Commission observes that the information has been provided to the best possible extent. The PIO-ADA Amritsar is directed to provide the information on points 9, 11 & 12 within 15 days of the receipt of order and send a compliance report to the Commission.

With the above observation and order, the case is **disposed off and closed..**

**Chandigarh
Dated: 06.08.2019**

**Sd/-
(Khushwant Singh)
State Information Commissioner**

**CC to PIO, Chief Town Planners, Punjab,
PUDA Bhawan, Mohali.**



Sh. Karan Singh, S/o Sh. Shyam Singh,
79, High Land Society, Baltana, Zirakpur.

... Appellant

Versus

Public Information Officer,
State Transport Commissioner,
Sector-17, Chandigarh.

First Appellate Authority,
State Transport Commissioner,
Sector-17,
Chandigarh.

...Respondent

Appeal Case No. 1751 of 2018

Present: Sh.Karan Singh as the Appellant
Sh.Gurpal Singh, APIO, for the Respondent

ORDER:

The case was first heard on **29.08.2018**. The appellant petitioned for the information, as well as appropriate action against the PIO in accordance with the RTI Act for the delay in tending to his RTI application.

Sh.Gurpal Singh, APIO was present for the respondent. The respondent claimed that the record pertaining to the information sought is missing and sought more time to trace the record. The plea of the respondent was accepted and the case was adjourned with the instructions that the department makes a diligent effort to trace the file.

The case was again heard on **17.10.2018**. The APIO, Gurpal Singh in this hearing had changed the earlier stand of the missing file to deny information, to a different reason that even though the file has been traced, the office of the State Transport Commissioner cannot part with the information. The PIO attached an order of the Government of Punjab dated 23.02.2006 whereby it had notified exempting certain organizations from the Act.

On close scrutiny of the reply submitted by the PIO, it was observed that the PIO's reply is not in accordance with the RTI sought since the information sought was about usage of official vehicles attached with a former Minister, and hence had nothing to do with the Chief Minister's security.

The appellant pleaded that his RTI application pertains to the expenditure and names of drivers attached to former Minister's vehicles and has nothing to do with the security cover provided to the minister, Chief Minister or the Minister concerned. The appellant sought an adjournment due to ill health as well as to prepare and file his reply to the exemption that the respondent has sought.

The case was further heard on **22.01.2019**. The appellant was absent. The respondent, brought the information for point No-2. The respondent was directed to send the information of point No.2 to the appellant by registered post.

For information regarding point number-1 the respondent pleaded for more time. The reason cited was that since the record asked is for ten years, it is voluminous in nature, for which more time is required.

The case was again heard on **24.04.2019**. The respondent brought the information and handed over to the appellant. The appellant wanted to go through the information to point out the discrepancies, if any. The case was adjourned.

The case was last heard on **12.06.2019**. The respondent brought eight logbooks. The appellant was absent nor had communicated any discrepancy. The PIO was directed to bring the logbooks at the next date of hearing. Since the record appears to be voluminous the appellant was given last opportunity to browse through the logbooks and get the relevant record.

Furthermore, having gone through the entire case, the Commission observed that there are far too many RTI queries seeking details of vehicle numbers, fuel consumption and kilometers travelled of various ministers and these cases are in perpetuity in the commission which took attention of the Commission to section 4(2) of the RTI Act which states; it shall be a constant endeavor of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

Section 2 (f) that defines the meaning of information clearly describes logbooks as information and the above argument herewith further takes me to Section 19(8)(a)(iii) of the RTI Act, which empowers the Central Information Commission or State Information Commission to require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including by publishing certain information or categories of information,

Under the powers vested in this section, and for the sake of bringing transparency in the manner fuel expenses incurred on official vehicles of the Punjab ministers, The Commission directed the Transport Department, Punjab to proactively publish and upload the information available under its custody regarding monthly fuel expenses, kilometers, travelled of all the ministers of Punjab, in the format in which they are maintained by the public authority, subject to the proviso of the exemptions to be applicable to the vehicles used by the security wing as notified by the Govt. under section 24 of the RTI Act. The information was to be uploaded from 1st of January 2012 onwards to the present, with a provision to upgrade it every quarterly. The department was asked to take cue from PMO's website where the PMO has proactively disclosed expenditures incurred on the Prime Minister's various foreign visits (<https://www.pmindia.gov.in/en/details-of-foreigndomestic-visits/0>)

The Commission directed the Transport Department to prepare a roadmap and submit it at the next date of hearing for this order to be implemented in earnestness.

Hearing dated 06.08.2019:

The respondent has again brought the log books. The appellant wants help of someone to go through the log books, which are written in Punjabi, and also wants to inspect the record. The PIO is directed to allow inspection of the record to the appellant and provide the relevant information. The appellant is directed to visit the office of the PIO on 08.08.2019 at 11.00 AM and inspect the record and get relevant information.

To come up for further hearing on **18.11.2019 at 11.00 A.M.**

Chandigarh
Dated: 06.08.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Karan Singh, S/o Sh.Shyam Singh,
79, High Land Society, Baltana, Zirakpur.

... Appellant

Versus

Public Information Officer,
State Transport Commissioner,
Sector-17, Chandigarh.

First Appellate Authority,
State Transport Commissioner,
Sector-17, Chandigarh.

...Respondent

Appeal Case No. 1752 of 2018

Present: Sh.Karan Singh as the Appellant
Sh.Gurpal Singh, APIO for the Respondent

ORDER: The case was last heard on **29.08.2018**. Sh.Gurpal Singh, APIO was present. The respondent pleaded that the information was sent to the appellant on 17.04.2018. The appellant pleaded that he has not received the information. The respondent again brought the information and handed over to the appellant.

The appellant was asked to go through the information and inform the discrepancy, if any, to the PIO. The PIO was directed to remove the discrepancy.

The case was again heard on **17.10.2018**. The appellant informed that no information has been provided to him. The respondent at this hearing had changed his stand from providing the information to not providing the information. The PIO attached an order of the Government of Punjab dated 23.02.2006 whereby it had notified exempting certain organizations from the Act.

On close scrutiny of the reply submitted by the PIO, it was observed that the PIO's reply is not in accordance with the RTI sought since the information sought was about usage of official vehicles attached with a former Minister, and hence had nothing to do with the Chief Minister's security.

The appellant pleaded that his RTI application pertains to the expenditure and names of drivers attached to former Minister's vehicles and has nothing to do with the security cover provided to the minister, Chief Minister or the Minister concerned. The appellant sought an adjournment due to ill health as well as to prepare and file his reply to the exemption that the respondent has sought.

The case was further heard on **22.01.2019**. The appellant was absent. The respondent present pleaded for more time citing the reason that since the record asked is for ten years, it is voluminous in nature, for which more time is required.

The case was last heard on **24.04.2019**. The respondent present reiterated his earlier plea to not to provide the information. The appellant filed a reply to the exemption that was sought by the PIO which was taken on the file of the Commission. In the reply the appellant cited judgments of the Hon'ble High Court in case titled Additional Director General of Police v/s State Information Commissioner, decision of Central Information Commission in case titled Subhash Chandra Aggarwal v/s CPIO, President's Secretariat, New Delhi. A copy of the reply was provided to the respondent and the case was adjourned.

The case was last heard on **12.06.2019**. The respondent brought log books (43 in number) for the appellant to inspect the record and get the relevant information. The appellant was absent. The PIO was directed to bring the log books again at the next date of hearing. Since the record is voluminous, one last opportunity was granted to the appellant to appear and go through the log books and get the relevant information.

Hearing dated 06.08.2019:

The respondent has again brought log books. The appellant wants help of some-one to go through the log books, which are written in Punjabi, and also wants to inspect the record. The PIO is directed to allow inspection of the record to the appellant and provide the relevant information. The appellant is directed to visit the office of the PIO on 08.08.2019 at 11.00 AM and inspect the record and get relevant information.

To come up for further hearing on **18.11.2019 at 11.00 A.M.**

Chandigarh
Dated: 06.08.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Karan Singh, S/o Sh. Shyam Singh,
79, High Land Society, Baltana, Zirakpur.

... Appellant

Versus

Public Information Officer,
State Transport Commissioner,
Sector-17, Chandigarh.

First Appellate Authority,
State Transport Commissioner,
Sector-17,
Chandigarh.

... Respondent

Appeal Case No. 1753 of 2018

Present: Sh. Karan Singh as the Appellant
Sh. Gurpal Singh, APIO for the Respondent

ORDER:

The case was first heard on **29.08.2018**. The appellant petitioned for the information, as well as appropriate action against the PIO in accordance with the RTI Act for the delay in tending to his RTI application.

The respondent denied the information on points 1, 2, & 3 stating that the information sought is in the question form and cited an order of Chief Information Commissioner on dated 21/4/2006 whereby it was stated that the PIO is not obliged to provide information if it is in question form. The respondent, at the hearing, also cited security reasons for denial of information.

The matter before the commission to adjudicate was:

- 1) That whether the reasons for denial of information hold any ground under the RTI Act, 2005 or are mere pretexts to deny information.
- 2) That if the RTI application appears to be in question form, can it become a ground for denial of information, even though the information may be available with the Public Authority?
- 3) That whether the appellant has applied for information in a coherent form?

The Commission passed the following interim order

Interim Order-

1) The commission finds that the reason that divulging information about security men and drivers of a former minister can become a security hazard is rather far-fetched. A mere assumption cannot become a basis to deny information unless backed by material evidence. The PIO is hereby directed to cite the appropriate RTI Act rule, which exempts such information to be shared.

2) The PIO is also directed to mention the sections of the RTI Act under which the information has been denied in the letter (No-3631 dated 24/8/18) since denial of information has to be based on exemptions granted under the RTI Act and not arbitrarily.

3) The appellant is also hereby directed to be more specific with the identities of the persons about whom the information is being sought. Just writing two names and asking which minister they were attached to as drivers, and assuming that the public authority should know exactly that whom the appellant is referring to, is an unseemly way of seeking information. For example, if the appellant is seeking information about driver Kamal Kishor he should be more elaborate to identify the Kamal Kishor he is asking about. If not, then he should identify the Minister with whom he was attached to seek information about him. Obviously, there can be more than one Kamal Kishore and there can be many who are not attached with a minister. The appellant is hereby ordered to be more specific with the information that he seeks and bring the clarification at the next date of hearing.

The case was again heard on **17.10.2018**. The respondent at this hearing changed the reasons to not provide information. The PIO attached an order of the Government of Punjab dated 23.02.2006 whereby it had notified exempting certain organizations from the Act

On close scrutiny of the reply submitted by the PIO, it was observed that the PIO's reply was not in accordance with the RTI sought. The information sought is about Mr. Davinder Singh (Belt number 833), Mr. Bawa Singh (Driver) and one Kamal Kishor (Driver) that with which minister/ official and government vehicle was he attached as a driver and hence has nothing to do with the Chief Minister's security.

The appellant pleaded that his RTI application pertains to the expenditure and names of drivers attached to former Minister's vehicles and has nothing to do with the security cover provided to the minister, Chief Minister or the Minister concerned. The appellant sought an adjournment due to ill health as well as to prepare and file his reply to the exemption that the respondent has sought.

The case again came up for hearing on **22.01.2019**. The respondent brought the information. The appellant was absent. A copy of the information brought by the respondent was being enclosed with the order.

The case was again heard on **24.04.2019**. The respondent present pleaded that the information has been provided to the appellant. The appellant claimed that the PIO has not provided the information regarding distance covered per month with month-wise expenses. The PIO was directed to provide the information regarding distance covered with month-wise expenses for all the 3 points.

The case was last heard on **12.06.2019**. The respondent brought log books (12 in number) for the appellant to inspect the record and get the relevant information. The appellant was absent. The PIO was directed to bring the log books again at the next date of hearing. Since the record is voluminous, one last opportunity was granted to the appellant to appear and go through the log books and get the relevant information.

Hearing dated 06.08.2019:

The respondent has again brought the log books. The appellant wants help of someone to go through the log books, which are written in Punjabi, and also wants to inspect the record. The PIO is directed to allow inspection of the record to the appellant and provide the relevant information. The appellant is directed to visit the office of the PIO on 08.08.2019 at 11.00 AM and inspect the record and get relevant information.

To come up for further hearing on **18.11.2019 at 11.00 A.M.**

Chandigarh
Dated: 06.08.2019

Sd/-
(Khushwant Singh)
State Information Commissioner