

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Madhya Marg, Sector 16, Chandigarh.
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Smt. Kamaldeep Kaur, W/o Sh. Ajaypal Singh,
VPO Guntala, Opp. Govt Dispensary,
Ward No-5, Amritsar. (9872139640).

...Appellant

Versus

Public Information Officer,
O/o Project Director,
SarvSikhyaAbhiyan-cum-DEO (EE),
Amritsar.

First Appellate Authority,
O/o DEO (EE),
Amritsar

..... Respondent

Appeal Case No. 472 of 2020

PRESENT: Mrs. Kamaldeep Kaur as the appellant
Sh. Sukhjit Pal Singh, DPI(SE) for the Respondent

ORDER: This order should be read in continuation to the previous order.

The case was first heard on 02.07.2020. Hearing both the parties, the Commission observed that the building safety certificate, fire safety certificate and school affiliation certificate are the public information and should be displayed on the notice board of the department. The PIO was directed to provide copy of these certificates to the appellant and if the information was not readily available, the PIO was directed to procure it from the concerned department/school and provide to the appellant.

On the date of next hearing on 28.07.2020, the respondent present from the office of DEO (EE) Amritsar informed that the available information i.e. building safety certificate, fire safety certificate and school affiliation certificate has been supplied to the appellant on 08.07.2020. The appellant was not satisfied and informed that the PIO has not supplied the information from the year 2013-2019. The respondent informed that they had asked the concerned school to deposit the current fire safety and building safety certificate which as per respondent, the school could not seek extension for that year because of lockdown due to ongoing pandemic.

Given the issue at hand, the order was passed in two parts; A) the PIO was directed to sort out the discrepancies pointed out by the appellant and provide the appellant with all the documents that have been sought and are available in the record. If the documents not available in the record, the PIO was directed to state the missing documents in the information sought on an affidavit.

Part-B – A large issue emerged in front of the bench i.e. regarding the safety of children and staff in the schools all over Punjab since some schools might not be meeting and complying with the prescribed standards of building and fire norms set by the appropriate authority. It was made clear that there is an urgent need to bring about transparency in this matter as these certificates should be a matter of suo-motto declaration rather than being confined in record rooms. Under the powers vested under section 19(8) of the RTI Act, the Commission directed that valid certificates of fire and building safety and board affiliations issued by the appropriate authorities be declared suo-motto by all the schools in Punjab on their websites and notice board. The certificates should be latest, legible and valid.

All District Education Officers were directed to ensure compliance of this order and upload this information on their websites. A copy of the order was sent to the Secretary School Education, Punjab and DPs of Elementary and Secondary Education Punjab for the purpose of implementation effective monitoring.

On the next date of hearing on 25.08.2020, the case could not be heard because of internet snag and it was adjourned. However, regarding part-A, the Commission received a letter from DEO Amritsar stating that the complete information available with them has been provided to the appellant.

Regarding part-B, there had been no communication from any of the parties and neither of them appeared before the Commission. The Commission directed the Secretary School Education to implement the order the Commission dated 28.07.2020 and a representative be present at the next date of hearing to show the evidence that the order has been complied with. The part-B of the order dated 28.07.2020 was reproduced in the order dated 25.08.2020. The case was adjourned for 15.09.2020. The concerned PIOs were directed to appear at Chandigarh.

On the date of hearing of **15.09.2020**, the appellant claimed that the PIO has not provided the complete information. The respondent present from the office of DEO Amritsar informed that the available information has been supplied and no further information is available with them. They also claimed that to implement part-B of the Commission's order, they have already issued instructions to President/Principals of all private schools of Amritsar for uploading of valid building safety, fire safety and affiliation certificate on their websites or to display them on the noticeboard.

After hearing both the parties, it was concluded that part-A of the order i.e. the RTI application had been sufficiently replied to and complied with.

Regarding the implementation of Part-B, since the order was partially implemented, as the DEO had sent instructions to only private schools and not Govt or Govt. aided schools, the PIO was directed to extend the directions to all schools in the District.

Regarding implementation of the order in the rest of the state, the Commission had implored the Punjab Education Department (Elementary & Secondary) to implement the order dated 28.07.2020 which was reproduced in the instant order.

Further order:

Since the Education Department had failed to appear twice at the hearing, neither replied to the two notices issued to it to make it a party in the case, the commission under the powers vested under section 19(8)(ii) of the RTI Act made the DP of Elementary Education and Secondary Education as deemed PIOs to implement this order of the commission.

The two deemed PIOs were ordered be present at the next date of hearing with enough proof to satisfy the commission that the order of disseminating suo-motto information (Section 4 (b)) as described in the order of date 28.07.202 was being complied with.

It was made clear that the deemed PIOs would be responsible for implementing this order, or they would be held accountable under the proceedings of Section 20 of the RTI Act, in case of reluctance or failure to comply with this order.

Appeal Case No. 472 of 2020

Hearing dated 07.10.2020:

The case has come up for hearing today through video conferencing at DAC Amritsar, where the appellant is present.

Sh.Sukhjit Pal Singh, Director Public Instructions (Secondary Education, Punjab), who had been declared the deemed PIO alongside DPI (Elementary) is present at Chandigarh. DPI Elementary is absent.

Sh.Sukhjit Pal Singh has informed that in compliance with the order of the Commission, the education department has issued necessary instructions to all the District Education Officers of both Secondary and Elementary schools, Principal/Heads/Managers of all the private unaided schools, and Principal/Heads/Managers of all the Govt. aided schools in the State of Punjab vide letter dated 07.10.2020 for implementation of the order of the Commission.

The respondent has submitted a copy of the order which has been dispatched to all the district DEOs (Elementary and Secondary) to the Commission which has been taken on the file of the Commission.

This case is being kept open to ensure that it is complied with full earnestness. Hence the PIO is directed to submit a progress report of the implementation and proof of having implemented the order on the next date of hearing.

The case is adjourned. To come up for further hearing on **14.12.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar. The PIO-DPIs to appear at Chandigarh.

Chandigarh
Dated 07.10.2020

(Khushwant Singh)
State Information Commissioner

CC to : 1. The Secretary, Govt of Punjab,
Department of School Education,
Vidya Bhawan, Phase-VIII,
SAS Nagar, Mohali

2. Director, Public Instructions
(Elementary Education) Pb,
Vidya Bhawan, Phase-VIII, SAS
Nagar, Mohali.

3. Director Public Instructions
Secondary Education),
Pb Vidya Bhawan, Phase-VIII,
SAS Nagar, Mohali



Sh.Amritpal Singh, S/o ShAvtar Singh,
H No-263, A/13, Gali No-8,
Hussainpura East, Amritsar.

...Appellant

Versus

Public Information Officer,
O/o Addl Secretary,
Local Govt Deptt,
Sector-35-A, Chandigarh.

First Appellate Authority,
O/o Secretary,
Local Govt. Deptt,
Sector-35-A, Chandigarh.

..... Respondent

Appeal Case No. 1623 of 2020

PRESENT: Sh.Harjinder Singh Walia for the appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 25.02.2020 has sought information regarding enquiry report on the enquiry to be conducted by B.C.Gupta, Retd. Additional Session Judge relating to embezzlement in provident fund and pension contribution in MC Amritsar and other information concerning the office of Addl. Secretary, Local Govt. Department, Pb Chandigarh. The appellant was not satisfied with the reply of the PIO dated 09.03.2020 vide which the PIO denied the information, after which the appellant filed first appeal before the first appellate authority on 16.03.2020 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Amritsar. The appellant claims that the PIO has not provided the information. The appellant further informed that he received a telephonic call from the department for deposit of Rs.100/- which was deposited via postal order.

The respondent is absent. If the enquiry is complete, the call for deposition of the required fee being the indicator, the PIO is directed to provide a copy of the Inquiry report to the appellant.

The case is adjourned. To come up for further hearing on **14.12.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar. The PIO to appear at Chandigarh.

Chandigarh
Dated 07.10.2020

(Khushwant Singh)
State Information Commissioner

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Sh. VikarmVaid,
H No-1527, Gali No-2,
Bagh Rama Nand,
Amritsar.

...Appellant

Versus

Public Information Officer,
O/o Director of Local Govt,
Sector-35-A, Chandigarh.

First Appellate Authority,
O/o Addl, Director,
Deptt of Local Govt,
Sector-35-A, Chandigarh.

..... Respondent

Appeal Case No. 1336 of 2020

PRESENT: Sh.VikramVaid as theAppellant
Sh.Santokh Lal, Accountant, Nagar Panchayat Mehatpur for the
Respondent

ORDER:

The appellant through RTI application dated 05.11.2019 has sought information regarding details of funds allotted to Mehatpur Nagar Panchayat after 01.09.2006 in Nakodar – objective plan for which funds were allotted – bank details of MehatpurPanchyat – internal audit report – AG Punjab audit report – deficiency found in audit report and other information concerning the office of Director of Local Govt. Department, Pb Chandigarh. The appellant was not provided the information after which the appellant filed first appeal before the first appellate authority on 22.12.2019 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that the information has been sent to the appellant vide letter dated 03.10.2020 and a copy of the same is submitted to the Commission. The appellant claims that he has not received the information.

Since as per respondent, the information has been sent on 03.10.2020, once the information is received, the appellant is directed to point out the discrepancies to the PIO and the PIO is directed to remove the same.

The case is adjourned. To come up for further hearing on **14.12.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated 07.10.2020

(Khushwant Singh)
State Information Commissioner

CC to : Executive Officer,
Nagar Panchayat, Mehatpur(Jull)



Sh.YogeshMahajan S/o ShKuldeep Raj Mahajan,
Opposite Water Tank, Municipal Market,
MissionRoad,Pathankot.

Appellant

Versus

Public Information Officer,
O/o XEN, Water Supply & Sanitation,
Division No-2, Amritsar.

First Appellate Authority,
O/o SE, Water Supply and Sanitation,
SanitationCircle,Amritsar,

...Respondent

Appeal Case No. 1272 of 2020

PRESENT: None for theAppellant
Sh.Jaskaran Singh, Xen for the Respondent

ORDER:

The appellant through RTI application dated 06.01.2020 has sought information regarding works undertaken during 06.01.2019 to 06.01.2020 in Sub Division Tarsika, Sub Division No. 6 Amritsar and Sub Division Rayya – work order – comparative statements and other information concerning the office of Xen Water Supply and Sanitation Division No.2 Amritsar. The appellant was not provided the information after which the appellant filed first appeal before the first appellate authority on 05.02.2020 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that the information has been sent to the appellant vide letter dated 06.10.2020. The appellant is absent and vide email has informed that he has not received the information.

Since as per respondent, the information has been sent on 06.10.2020, once the information is received, the appellant is directed to point out the discrepancies to the PIO and the PIO is directed to remove thesame.

The case is adjourned. To come up for further hearing on **14.12.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated07.10.2020

(KhushwantSingh)
State InformationCommissioner



Sh.YogeshMahajan S/o Sh.Kuldeep Raj Mahajan,
Opposite Water Tank, Municipal Market,
MissionRoad,Pathankot.

...Appellant

Versus

Public Information Officer,
O/o XEN, Water Supply & Sanitation,
Division No-2, Amritsar.

First Appellate Authority,
O/o SE, Water Supply and Sanitation,
SanitationCircle,Amritsar,

...Respondent

Appeal Case No. 1270 of2020

PRESENT: None for theAppellant
Sh.Jaskaran Singh, Xen for the Respondent

ORDER:

The appellant through RTI application dated 06.01.2020 has sought information regarding grants received/utilized from 07.01.2019 to 06.01.2020 in the division – comparative statements approved by competent authority for works by e-tendering – comparative statements for work by tender/offline – sanction letter issued for work of CSR and other information concerning the office of Xen Water Supply and Sanitation Division Amritsar. The appellant was provided the information after which the appellant filed first appeal before the first appellate authority on 05.02.2020 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that the information has been sent to the appellant vide letter dated 06.10.2020. The appellant is absent and vide email has informed that he has not received the information.

Since as per respondent, the information has been sent on 06.10.2020, once the information is received, the appellant is directed to point out the discrepancies to the PIO and the PIO is directed to remove thesame.

The case is adjourned. To come up for further hearing on **14.12.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated07.10.2020

(KhushwantSingh)
State InformationCommissioner

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Sh.Rajbir Singh. S/o Sh. Gurnam Singh,
R/o Near Bharat Gas Agency,
Faridkot Road Sadik, Distt. Faridkot.

...Complainant

Versus

Public Information Officer,
O/o Block Primary Education Officer,
Block-3, Faridkot.

Respondent

Complaint Case No. 296/2020 and 297/2020

PRESENT: Sh.Rajbir Singh as the Complainant
None for the Respondent

ORDER:

The complainant through RTI application dated 03.01.2020 has sought information regarding copy of record of committee members in which Sh. Nachhattar Singh s/o Darbara Singh was the member and other information concerning the office of Block Primary Education Officer, Block-3 Faridkot. The appellant was not provided the information after which the appellant filed first appeal before the first appellate authority on 27.05.2020 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Faridkot. The appellant claims that the PIO has not provided the information.

The respondent is absent. The Commission has received a letter on 28.09.2020 from the PIO vide which the PIO has sent his reply along with the information, which has been taken on the file of the Commission.

In the said letter, the PIO has pleaded that since the subject matter of information sought by the appellant in appeal case No. 296 and appeal case of No. 297 is the same, both the cases be clubbed.

I accept the plea of the PIO and both the cases are clubbed together. A copy of the information is attached with the order for the appellant and the appellant is directed to point out the discrepancies if any to the PIO with a copy to the Commission. The PIO is directed to remove the discrepancies, if any.

The case is adjourned. To come up for further hearing on 18.11.2020 at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Faridkot.

Chandigarh
Dated 07.10.2020

(Khushwant Singh)
State Information Commissioner