

PUNJAB STATE INFORMATION COMMISSION

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

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Whatsapp No. 6284820189



Smt Varinder Kaur,
490, Urban Estate,
Phase-1,
Jalandhar. M : 9501456703; 8837536544

..Appellant

Vs

Public Information Officer (By name)
O/o Deputy Commissioner,
Amritsar.

Registered

First Appellate Authority
O/o Deputy Commissioner,
Mini Secretariat,
Amritsar.

....Respondents

Appeal Case No. 2138/2020

ORDER

This order may be read with reference to the previous order dated 28.1.2021 vide which the case was reserved to be pronounced.

2. The appellant has sought the following information:-

“ਬੇਨਤੀ ਹੈ ਕਿ ਮੈਨੂੰ ਸ੍ਰੀ ਅਰਵਿੰਦਰ ਸਿੰਘ ਸੰਧੂ ਰੀਡਰ ਤਹਿਸੀਲਦਾਰ ਅੰਮ੍ਰਿਤਸਰ 2 ਦੇ ਖਿਲਾਫ ਹੋਈ ਐਫ.ਆਈ.ਆਰ. ਦੀ ਕਾਪੀ ਅਤੇ ਦਫਤਰ ਵੱਲੋਂ ਕੀਤੇ ਗਏ ਮੁਅੱਤਲੀ/ਸਸਪੈਂਸ਼ਨ/ਸਸਮੈਂਡ ਦੀ ਕਾਪੀ।”

3. The respondent-Public Information Officer has already supplied the copy of the FIR against Sh. Arvinder Singh Sandhu, Reader Tehsildar, Amritsar-2 with which the appellant satisfied. The only issue pertaining to supply the copy of suspension order of Sh. Arvinder Singh Sandhu is pending.

4. The representative of the respondents contended that the information falls under Section 8(1)(j) of the RTI Act, 2005 so the same is being denied. However, the appellant contended that the sought information is not exempted and the public interest warrants to the disclosure of the same as the same does not fall under Section 8(1)(j) of the RTI Act, 2005. The appellant has also filed the rejoinder

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regarding the submissions made by the respondent, which had been diarized in the Commission at diary no. 17320 dated 2.12.2020 and has already been taken on record.

5. The provision of Section 8(1)(j) of the RTI Act, 2005 is reproduced below:-

“8. (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.”

6. It is appropriate to mention the decision given by the Central Information Commission No. CIC/SG/A/2012/000189/17680 in Appeal No. CIC/SG/A/2012/000189 – Mr N David Viajay Kumar Vs The Pallavan Grama Bank, Indian Bank and the relevant portion of the same is reproduced below:-

*“Various Public authorities in performing their functions routinely ask for 'personal' information from Citizens, and this is clearly a public activity. When a person applies for a job, or gives information about himself to a Public authority as an employee, or asks for a permission, licence or authorisation, all these are public activities. Also when a Citizen provides information in discharge of a statutory obligation this too is a public activity. We can also look at this from another aspect. **The State has no right to invade the privacy of an individual.** There are some extraordinary situations where the State may be allowed to invade the privacy of a Citizen. In those circumstances special provisions of the law apply;- usually with certain safeguards. Therefore where the State routinely obtains information from Citizens, this information is in*

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relationship to a public activity and will not be an intrusion on privacy. Certain human rights such as liberty, freedom of expression or right to life are universal and therefore would apply uniformly to all human beings worldwide. However, the concept of 'privacy' is a cultural notion, related to social norms, and different societies would look at these differently. Therefore referring to the UK Data protection act or the laws of other countries to define 'privacy' cannot be considered a valid exercise to constrain the Citizen's fundamental Right to Information in India. Parliament has not codified the right to privacy so far, hence in balancing the Right to Information of Citizens and the individual's Right to Privacy the Citizen's Right to Information would be given greater weightage. The Supreme of India has ruled that Citizens have a right to know about charges against candidates for elections as well as details of their assets, since they desire to offer themselves for public service. It is obvious then that those who are public servants cannot claim exemption from disclosure of charges against them or details of their assets. Given our dismal record of mis-governance and rampant corruption which colludes to deny Citizens their essential rights and dignity, it is in the fitness of things that the Citizen's Right to Information is given greater primacy with regard to privacy.

The Commission does not accept the plea for exemption under Section 8(1)(j) and views that the information sought by the appellant would have to be provided since it is not exempt"

7. Keeping in view the above, record available in the case file and the submissions made by the parties, the Commission is of the view that it is in larger public interest to provide the information sought and hence, the respondent-Public Information Officer o/o the Deputy Commissioner, Amritsar to supply the copy of the suspension order of Sh. Arvinder Singh, Reader/Tehsildar within four weeks from the issue of this order as has been sought by the appellant. With these directions the case is disposed of and closed. However the liberty is granted to the appellant to approach the Commission within two months from the issue of this order in case she does not receive the same.

Dated: 8.2.2021

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