

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh. Basant Singh,
H No-733, Phase-3B1,
Mohali.

... Appellant

Versus

Public Information Officer,
O/o SGPC,
Amritsar.

First Appellate Authority,
O/o Chief Secretary,
SGPC, Amritsar.

...Respondent

Appeal Case No. 55 of 2021

Present: None for the Appellant
Sh.Simarjit Singh, PIO for the Respondent

ORDER:

The appellant through RTI application dated 01.07.2020 has sought the following information:

1. A copy of documents that entitle the SGPC for ownership, or any type of right on the basis of which SGPC tried to forcibly evict the persons in possession of land for the purpose of leasing of agricultural land measuring 161 acres.
2. Copy of title deeds/rights in favour of SGPC Amritsar
3. A copy of any court order to forcibly evict persons in possession of the said land
4. copy of any legal opinion from its legal advisor of SGPC how to get possession and do the subsequent lease
5. Resolution of the competent authority of SGPC authorising eviction of persons in possession as enumerated in the RTI application concerning the office of SGPC Amritsar. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 19.08.2020 which took no decision on the appeal.

On the date of the first hearing on 05.05.2021, both the parties were absent, the case was adjourned. The PIO was directed to re-look at the RTI application and send a point-wise reply to the appellant with a copy to the Commission.

On the date of the next hearing on **27.07.2021**, as per the appellant, the information was not supplied by the PIO.

The respondent was absent on 2nd consecutive hearing nor had complied with the order of the Commission. The PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit**. The PIO was again directed to provide information to the appellant within 10 days.

On the date of the hearing on **09.09.2021**, the appellant claimed that the PIO has not supplied the information.

The respondent present pleaded that the land was evicted as per due procedure and through the proper channel.

Having gone through the RTI application and hearing both the parties, the PIO was directed to provide the information on all points on the date of filing of the RTI application. The information be provided within 15 days of the receipt of the order.

The PIO had not filed a reply to the show-cause notice. The PIO was given one last opportunity to file a reply to the show-cause notice otherwise it will be presumed that the PIO has nothing to say in the matter and the decision will be taken ex-party.

On the date of last hearing on **04.01.2022**, the respondent present informed that the information has been supplied to the appellant.

The appellant was absent.

The PIO however, did not file a reply to the show cause notice. The PIO was given one more opportunity to file a reply to the show-cause notice otherwise it will be presumed that the PIO has nothing to say in the matter and the decision will be taken ex-party.

Hearing dated 09.05.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that the information has already been supplied to the appellant vide letter dated 25.09.2021. The respondent has also sent a copy of the information to the commission which has been taken on record.

The appellant is absent for 2nd consecutive hearing nor has communicated any discrepancies. It is presumed that the appellant has received the information and is satisfied.

The PIO has also sent a reply to the show cause notice which has been taken on record. In the reply, the PIO has mentioned that since the matter was pending in the court of Divisional Commissioner, Faridkot, the information was not provided.

Since the information has been provided, no further interference from the Commission is required. The show cause is dropped and the case is **closed**.

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

Chandigarh
Dated 09.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Kulwinder Singh S/o Sh. Ujjagar Singh, (6239336034)
R/o Village & Post Office Nadampur,
Tehsil Bhawanigarh, District Sangrur.

...Appellant

Versus

Public Information Officer,
O/o DPI (Colleges), Punjab,
S.A.S Nagar (Mohali).

First Appellate Authority
O/o DPI (Colleges), Punjab,
S.A.S Nagar (Mohali).

...Respondents

APPEAL CASE NO. 4591 OF 2021

PRESENT: Sh.Kulwinder Singh as **the Appellant**
Sh.Harpreet Singh, Sr.Assistant O/o DPI (Colleges) for the Respondent

ORDER:

The appellant through RTI application dated 06.10.2018 has sought information regarding an enquiry report in case of enquiry of Sikander Singh-Executive Principal Govt Kirti College conducted by Principal Govt Girls College Patiala in the year 2008 as enumerated in the RTI Application from the office of DPI(Colleges) Punjab. The appellant was not provided with the information after which the appellant filed first appeal before the first appellate authority on 09.11.2018 which took no decision on the appeal.

The case was first heard by Sh.Hem Inder Singh, State Information Commissioner on 09.12.2021. The appellant claimed that the PIO has not supplied the information.

The respondent was absent. The PIO was directed to submit his written submission in reply to the notice of the Commission and appear before the Commission on the next date of hearing.

The case last came up for hearing on 21.02.2022 before this bench today. The respondent present pleaded that since the information is 3rd party, it cannot be provided and the reply has been sent to the Commission with a copy to the appellant.

The appellant was absent. The case was adjourned.

Hearing dated 09.05.2022:

The case has come up for hearing today through video conferencing at DAC Sangrur. Sh.Harpreet Singh, Sr.Assistant O/o DPI(Colleges) is present and reiterated their earlier plea that the information being 3rd party, it cannot be provided.

Having gone through the record, the Commission observes that there is nothing on record which shows that the disclosure of this information has a larger public interest since it is settled law that, for seeking personal information regarding any third party, which has nothing to do with

public activity, the applicant must disclose a sustainable public interest. Section 8(1)(j) of the Act was enacted to ensure that all information furnished to public authorities including personal information is not given free access to. As per this Section, unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be satisfied that the larger public interest justifies, the disclosure of any such information that invades the privacy of an individual is not permissible. The Hon'ble Supreme Court in a case titled *Girish Ramchandra Deshpande v/s CEN Information Commr & Ors* citation as 2012 LawSuit(SC) 662 held as under:

"We are in agreement with the CIC and the courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show cause notices and orders of censure/punishment etc. are qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act. The performance of an employee/officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause an unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the appellate authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed by the petitioner cannot claim those details as a matter of right."

In view of the above, since the information that has been sought by the appellant is personal information that has no relationship to any public activity or interest, hence I uphold the view of the PIO and reject the appeal.

The case is **closed**.

Chandigarh
Dated: 09.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Kulwinder Singh S/o Sh. Ujjagar Singh, (6239336034)
R/o Village & Post Office Nadampur,
Tehsil Bhawanigarh, District Sangrur.

...Appellant

Versus

Public Information Officer,
O/o DPI (Colleges), Punjab,
S.A.S Nagar (Mohali).

First Appellate Authority
O/o Principal Secretary,
Higher Education Department, Punjab,
Civil Sectt.-II, Sector-9, Chandigarh.

...Respondents

APPEAL CASE NO. 4616 OF 2021

PRESENT: Sh.Kulwinder Singh as **the Appellant**
Sh.Harpreet Singh, Sr.Assistant O/o DPI (Colleges) for the Respondent

ORDER:

The appellant through RTI application dated 17.11.2018 has sought information regarding an enquiry report in case of enquiry of Sikander Singh- Govt Kirti College conducted by Abdus Salam Niaji Principal Govt Girls College Malerkotla in the year 2008 as enumerated in the RTI Application from the office of DPI(Colleges) Punjab. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 18.01.2019 which took no decision on the appeal.

The case was first heard by Sh.Hem Inder Singh, State Information Commissioner on 09.12.2021. The appellant claimed that the PIO has not supplied the information.

The respondent was absent. The PIO was directed to submit his written submission in reply to the notice of the Commission and appear before the Commission on the next date of hearing.

The case last came up for hearing on 21.02.2022 before this bench today. The respondent present pleaded that since the information is 3rd party, it cannot be provided and the reply has been sent to the Commission with a copy to the appellant.

The appellant was absent.

Hearing dated 09.05.2022:

The case has come up for hearing today through video conferencing at DAC Sangrur. Sh. Harpreet Singh, Sr.Assistant O/o DPI(Colleges) is present and reiterated their earlier plea that the information being 3rd party, it cannot be provided.

Having gone through the record, the Commission observes that there is nothing on record which shows that the disclosure of this information has a larger public interest since it is settled law that, for seeking personal information regarding any third party, which has nothing to

do with public activity, the applicant must disclose a sustainable public interest. Section 8(1)(j) of the Act was enacted to ensure that all information furnished to public authorities including personal information is not given free access to. As per this Section, unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be satisfied that the larger public interest justifies, the disclosure of any such information that invades the privacy of an individual is not permissible. The Hon'ble Supreme Court in a case titled *Girish Ramchandra Deshpande v/s CEN Information Commr & Ors* citation as 2012 LawSuit(SC) 662 held as under:

"We are in agreement with the CIC and the courts below that the details called for by the petitioner i.e. copies of all memos issued to the third respondent, show cause notices and orders of censure/punishment etc. are qualified to be personal information as defined in clause (j) of Section 8(1) of the RTI Act. The performance of an employee/officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or public interest. On the other hand, the disclosure of which would cause an unwarranted invasion of privacy of that individual. Of course, in a given case, if the Central Public Information Officer or the State Public Information Officer of the appellate authority is satisfied that the larger public interest justifies the disclosure of such information, appropriate orders could be passed by the petitioner cannot claim those details as a matter of right."

In view of the above, since the information that has been sought by the appellant is personal information that has no relationship to any public activity or interest, hence I uphold the view of the PIO and reject the appeal.

The case is **closed**.

Chandigarh
Dated: 09.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Shivam Gupta, S/o Sh Rajesh Gupta,
R/o F-9/2277, Street NO-1, Gopal Nagar,
Majitha Road, Amritsar.

... Appellant

Versus

Public Information Officer,
O/o SSP, (Rural),
Amritsar.

First Appellate Authority,
O/o IGP, Border Range,
Amritsar.

...Respondent

Appeal Case No. 3730 of 2021

PRESENT: None for the Appellant

Sh.Rashminder Singh-ASI O/o SSP-Rural, Amritsar for the Respondent

ORDER:

The appellant through an RTI application dated 26.04.2021 has sought information regarding the status report of Police station Raja Sansi on the complaint dated 26.08.2018-diary No.221 dated 27.08.2018 as enumerated in the RTI application from the office of SSP Rural Amritsar. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 18.06.2021 which took no decision of the appeal.

The case first came up for hearing on 23.02.2022 through video conferencing at DAC Amritsar/ Chandigarh. As per the appellant, the PIO has not supplied the information.

The respondent asked for a copy of the RTI application which was provided to the respondent by the appellant. The PIO was directed to look at the RTI application and provide information to the appellant within 15 days of the receipt of the order and send a compliance report to the Commission.

Hearing dated 09.05.2022:

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that as per the report of SHO Police Station Raja Sansi, the complaint which was received on dated 27.08.2018 is recorded in the rojnamcha. According to them, the same was marked to Sh.Pargat Singh, ASI for enquiry, however, due to the sudden death of Sh.Pargat Singh in an accident on 07.08.2020, the same is shown pending in his name.

The respondent has, however, assured to procure and provide the information to the appellant.

The appellant is absent.

The PIO is directed to procure the information from the concerned authority and provide to the appellant within 15 days with a copy to the commission.

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

Chandigarh
Dated: 09.05.2022

Sd/-
(Khushwant Singh)
State Information Commissioner