

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

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Sh. Tejinder Singh Advocate 9041004313
Civil Court Tehsil Complex,
Backside Sanj Kender,
Phillour,
District Ludhiana

....Appellant

vs

Public Information Officer
o/o Chief Secretary, Punjab
Punjab Civil Secretariat-1, Chandigarh.

First Appellate Authority
o/o Chief Secretary, Punjab,
Punjab Civil Secretariat-1, Chandigarh.

....Respondents

Appeal Case No. 3540 of 2021

(Video Conference/Telephone Proceedings)

Present:- None on behalf of the appellant.
None on behalf of the respondents.

ORDER:

This order may be read with reference to the previous order dated 27.09.2021.

2. The appellant has sought the following information as per his RTI Application dated 04.05.2021.

ਲੋੜੀਂਦੀ ਸੂਚਨਾ ਦਾ ਵੇਰਵਾ :

1) ਮੇਰੇ ਵੱਲੋਂ ਇਕ ਦਰਖਾਸਤ ਮਿਤੀ: 27-3-2021 ਨੂੰ ਸੇਠੀ ਆਈਸ ਕ੍ਰੀਮ 930 ਐਮਆਈਜੀ ਵੰਡਾਰੀ ਕਲਾਂ ਸਾਈਟ, ਜਮਾਲਪੁਰ ਲੁਧਿਆਣਾ ਦੇ ਖਿਲਾਫ ਸਰਕਾਰੀ ਜਮੀਨ ਤੇ ਕਬਜ਼ਾ ਖਾਲੀ ਕਰਵਾਉਣ ਨੂੰ ਦਿੱਤੀ ਸੀ। ਕੀਤੀ ਗਈ ਸ਼ਿਕਾਇਤ ਦੀ ਕਾਪੀ ਨਾਲ ਨੱਥੀ ਕਰ ਰਿਹਾ ਹਾਂ। ਦੱਸਿਆ ਜਾਵੇ ਕਿ ਉਕਤ ਸ਼ਿਕਾਇਤ ਤੇ ਹੁਣ ਤੱਕ ਜੋ ਕਾਰਵਾਈ ਕੀਤੀ ਗਈ, ਉਸ ਸਬੰਧੀ ਕੀਤੀ ਗਈ ਨੋਟਿੰਗ ਦੀ ਕਾਪੀ ਅਤੇ ਭੇਜੇ ਗਏ ਪੱਤਰਾਂ ਦੀ ਕਾਪੀਆਂ ਦਿੱਤੀਆਂ ਜਾਣ।

ਜਪਾਣੇ 10/- ਨੱਥੀ ਕੀਤੀ

3. Due to strike by the officials of the respondent-authority, none is present on behalf of the respondents. However, the appellant is also absent without intimation. Also, he has not pointed out any deficiencies in the information so supplied by the respondent. The appellant has sought the action taken on his complaint dated 27.03.2021 filed to the Chief Secretary, Punjab. Also, the General Administration Department (Coordination Branch) filed the specific reply vide Letter dated 21.09.2021 vide which, it has informed that the complaint of the appellant has already been sent to the Housing and Urban Development Department in original, for further necessary action.

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Appeal Case No. 3540 of 2021

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4. Keeping in view the above, the Commission observed that no further action is required to be taken in this case as the appellant has already been informed by the respondent authority that the complaint dated 27.03.2021 has already been transferred to the Housing and Urban Development Department as has been sought by the appellant. Accordingly, the case is disposed of and closed.

Dated: 01.11.2021

sd
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Kuldip Singh

H.No. 420, Sector 22-A, Chandigarh.

....Appellant

Vs

Public Information Officer

o/o Supdt. Establishment 4 Branch,

Punjab Civil Secretariat-1, Chandigarh.

First Appellate Authority

o/o General Administration Branch,

Establishment 4 Punjab Civil Secretariat-1,

Chandigarh.

....Respondents

Appeal Case No. 2105 of 2021

(Video Conference/Telephone Proceedings)

Present:- Shri Kuldeep Singh, appellant on Phone.

Sh. Sajneev Kumar, Supdt., 9779017215 on behalf of the respondents.

ORDER

The appellant has sent the submissions vide his Application dated 17.09.2021 that the orders of the Commission dated 18.08.2021 have not been complied with by the respondents. Accordingly, a notice of hearing was issued to the parties for today i.e. 01.11.2021.

2. The appellant has sought the following information:-

(1) ਆਪ ਦੁਆਰਾ ਮੇਰੇ ਪੂਰਵਲੇ ਵਿਭਾਗ (ਸਕੂਲ ਸਿੱਖਿਆ ਵਿਭਾਗ) ਨੂੰ ਮੇਰੇ ਸਰਵਿਸ ਰਿਕਾਰਡ ਸਬੰਧੀ ਸਮੇਂ ਸਮੇਂ ਤੇ ਲਿਖੇ ਗਏ ਸਾਰੇ ਪੱਤਰਾਂ ਦੀ ਕਾਪੀ ਅਤੇ ਇਹਨਾਂ ਪੱਤਰਾਂ ਨਾਲ ਸਬੰਧਤ ਸਾਰੀ ਨੋਟਿੰਗ ਦੀ ਕਾਪੀ ਦਿੱਤੀ ਜਾਵੇ ਜੀ।

(2) ਮੇਰੇ ਪੂਰਵਲੇ ਵਿਭਾਗ ਨੂੰ ਉਪਰੋਕਤ ਲਿਖੇ ਗਏ ਪੱਤਰਾਂ ਨਾਲ ਸਬੰਧਤ ਡਿਸਪੈਚ ਰਜਿਸਟਰ ਦੀ ਕਾਪੀ ਅਤੇ ਇਹਨਾਂ ਦੀ ਕਰਵਾਈ ਗਈ ਰਜਿਸਟਰੀ ਦੀ ਰਸੀਦ ਵੀ ਮੁਹੱਈਆ ਕਰਵਾਈ ਜਾਵੇ ਜੀ।

3. The representative of the respondents placed on record the information as per the submissions made by the appellant. The information so supplied by the respondent has been sent to the appellant through whatsapp during the course of hearing. After going through the same, the appellant states that he is satisfied with the information so supplied. He also submits that he will collect the copy of information from the Commission's office in person and requested to close the case. Accordingly, the appellant is advised to collect the same from the office of the Commission within 2 weeks.

4. Keeping in view the submissions made by the appellant that he is satisfied with the information so supplied by the respondents, the Commission observes that no further action is required to be taken in this case. Hence, the case is disposed of and closed.

sd

Dated: 01.11.2021

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Smt. Lakhwinder Kaur, W/o Late Sh. Charanjit Singh,
R/o H No 1026, Street No 5-1/2,
Near Babu Karyana Store,
Khזור Chowk, Salem Tabri,
Ludhiana. 78141-55450

Appellant

Vs

Public Information Officer,
O/o Deputy Commissioner,
Ludhiana.

First Appellate Authority
O/o Deputy Commissioner,
Ludhiana.

Respondents

Appeal Case No. 3714/2021

Present:- Smt. Lakhwinder Kaur, appellant.

None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 27.9.2021.

2. The appellant has sought the following information

iii) Description of the information required:-

1) provide the certified copy of the
complaint complaint dated 22.04.2021

posted vide registered post on dated
22.04.2021 moved by applicant.

2) provide the certified copies of All
statements of both the parties recorded
in the abovesaid Complaint.

3) provide the certified copies of Final
enquiry/investigation/conclusion report
submitted in above above said Complaint.

4) provide the certified copies of
documents if any submitted by both the
parties during enquiry.

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Appeal Case No. 3714 of 2021

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3. The appellant states that she is not satisfied with the response sent by the respondents. None is present on behalf of the respondent due to strike by the officials of the respondent authority. However, the response has already been received from the respondent PIO bearing No. 2443 dated 21.9.2021 vide which it has informed that the complaint of the appellant has already been sent to the District Food and Civil Supplies Officer for enquiry action of which has been sought by the appellant. A copy of the letter so received from the respondent is being **sent** to the appellant along with this order.

4. Since, the respondent-PIO has already filed the present status of the complaint as has been sought by the appellant, therefore, the Commission observes that no further action is required to be taken in this case. Hence, the case is disposed of and closed.

sd

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Dated: 01.11.2021

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Sh. Harjot Singh Harikay Advocate,

Chamber No 1011,

District Courts Complex,

Ludhiana. M : 9815000231

..Appellant

Vs

Sh. Joginder Singh,

Registered

Distt. Revenue Officer-cum-

Public Information Officer,

O/o Deputy Commissioner,

Ludhiana

First Appellate Authority

O/o Deputy Commissioner,

Ludhiana.

....Respondent(s)

Appeal Case No. 95/2021

(Video Conference/Telephone Proceedings)

Present:- Shri Lucky on behalf of the appellant.

None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 30.9.2021.

2. The appellant has sought the following information as per his RTI application:-

1) Enquiry no. 3585 dated 9.7.2019 marked by Deputy Commissioner, Ludhiana against Kanwar Narinder Tehsildar in lieu of gratification amount to Rs.22,50,000/-, conducted/probed by SDM West.

a) Copy of Enquiry alongwith documents through which enquiry is marked, office orders, office notings, copy of full file alongwith evidence attached with the file in regard to enquiry and action taken by Deputy Commissioner on this enquiry.

2) Copy of office orders/enquiry marked by Deputy Commissioner, Ludhiana, office order no.514, 515 and 516 dated 9.7.2019.

a) Copy of Enquiry alongwith documents through which enquiry is marked, office orders, office notings, copy of full file alongwith evidence attached with the file in regard to enquiry and action taken by Deputy Commissioner on this enquiry

3. None is present on behalf of the respondent Public Information Officer due to strike by the officials of the respondent authority. However, the representative of the appellant requested for the adjournment of the case to file the rejoinder.

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Appeal Case No. 95/2021

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4. After the perusal of the case file it has transpired that the appellant was advised to go through the information so supplied by the respondent vide order dated 30.9.2021 but till date no rejoinder has been filed by the appellant, therefore, the request of the appellant to adjourn the case today i.e. 1.11.2021 is not tenable. Accordingly, the Commission observes that no further action is required to be taken in this case. Hence the case is disposed of and closed. However, the liberty is granted to the appellant to file the submissions, if any, within two weeks for the consideration of the Commission.

sd

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Dated: 01.11.2021

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Sh. Mohinder Singh, S/o Sh. Charan Singh,
R/o Village Lakhuwal, PO Ajanala,
Tehsil & Distt Amritsar.
M : 9914833801

Complainant

Vs

Sh Arvinder Pal Singh,
Distt. Revenue Officer-cum
Public Information Officer,
O/o Addl. DC (Genearl),
(Arms Licence Branch)
Amritsar.

Registered

Respondents

Complaint Case No. 1015/2021

Present:- Sh. Mohinder Singh, appellant.
None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 27.9.2021.

2. The complainant states that he has sought the information pertaining to his arms licence which was submitted to the Deputy Commissioner on dated 31st August 2016. He further states that the Arms license was submitted for renewal from 2016 to 2019 (for three years) but the office renewed the same from 2010 to 2013 inadvertently whereas it should have been from 2016 to 2019. He further states that since then he is requesting the District Administration to renew the same but all in vain. Furthermore he states that neither the respondent public authority is renewing the same nor the information related to same are being supplied and he is being harassed. He also requested that the respondent Public Information Officer may be penalised for the same. However, none is present on behalf of the respondent due to strike by the officials of the respondent authority.

3. **Section 7 (1) and (2)** of the RTI Act, 2005 reads as under:-

“Disposal of Request --- (1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in section 8 and 9:

Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

(2) If the Central Public Information Officer or State Public Information Officer, as the case may be fails to give decision on the request for information within the period specified under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be shall be deemed to have refused the request.”

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Complaint Case No. 1015/2021

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It shall be relevant to reproduce **Section 20** of the Act as well which reads as under:-

“20. Penalties --- (1) *Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees:*

Provided that the Central Public Information Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him:

Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Public Information Officer or the State Public Information Officer, as the case may be.

(2) *Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall recommend for disciplinary action against the Central Public Information Officer or the State Public Information Officer, as the case may be, under the service rules applicable to him.”*

Its plain reading suggests that the responsibility of providing the information squarely lies on the PIO and if he fails to abide by the provisions, the penalty has also to be imposed on him. Therefore, the respondent-Public Information Officer is given an opportunity to show cause why an action may not be initiated as per the provisions of the RTI Act, 2005 mentioned herein. It is also clarified that in case no response is received from the respondent-Public Information Officer the case will be decided ex-parte on the next date of hearing on merit.

4. To come up on 29th November, 2021 to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Amritsar.

sd

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Dated: 01.11.2021

CC

Sh. Gurpreet Singh Khaira, IAS

Deputy Commissioner

Amritsar

Registered

To ensure compliance of this order.

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Sh. Jasbir Singh,
Guru Nanak Nagar,
Village Bholapur, Jhabewal,
P.O. Ramgarh,
District Ludhiana 141123 98886296107

..Complainant

Vs

Public Information Officer
o/o Chief Minister, Punjab
Punjab Civil Secretariat-1, Chandigarh.

....Respondent

Complaint Case No. 1010 of 2021

(Video Conference/Telephone Proceedings)

Present:- None on behalf of the appellant.

None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 27.9.2021.

2. The complainant has sought the following information:-

(1):- ਸ਼੍ਰੀ ਮਾਨ ਜੀ ਸਾਲ-2020 ਤੋਂ ਲੈ ਕੇ ਹੁਣ ਤੱਕ ਕਾਰੋਨਾ ਮਹਾਮਾਰੀ ਫੈਲਣ ਦੇ ਨਾਲ ਸਮੂਹ ਪੰਜਾਬ ਰਾਜ ਦੀਆਂ ਯੂਨਿਵਰਸਟੀਆਂ ਤੇ ਕਾਲੇਜ ਬੰਦ ਹੋਣ ਦੇ ਨਾਲ ਯੂਨਿਵਰਸਟੀਆਂ ਤੇ ਕਾਲੇਜ ਵੱਲੋਂ ਬੱਚਿਆਂ ਦੀ ਪੜਾਈ ਅਲ ਲਾਇਨ ਕਰਵਾਈ ਜਾ ਰਹੀ ਹੈ।

ਕਾਰੋਨਾ ਮਹਾਮਾਰੀ ਦੇ ਕਾਰਣ ਸਮੂਹ ਪੰਜਾਬ ਰਾਜ ਵਿੱਚ ਕਦੇ ਲਾਕ ਡਾਊਨ ਅਤੇ ਕਦੇ ਮੁਕੰਮਲ ਬੰਦ ਰਿਹਾ ਹੈ, ਜਿਸ ਦਾ ਸਿੱਧਾ ਅਸਰ ਆਮ ਲੋਕਾਂ ਦੇ ਕਾਰੋਬਾਰਾਂ ਉੱਪਰ ਪਿਆ ਹੈ। ਆਮ ਲੋਕਾਂ ਦੇ ਕੰਮ ਪੂਰੀ ਤਰ੍ਹਾਂ ਖਤਮ ਹੋ ਚੁੱਕੇ ਹਨ। ਇਹਨਾਂ ਹਾਲਤਾਂ ਵਿੱਚ ਵੀ ਪੰਜਾਬ ਦੀ ਸਮੂਹ ਯੂਨਿਵਰਸਟੀਆਂ ਤੇ ਕਾਲੇਜਾਂ ਵੱਲੋਂ ਬੱਚਿਆਂ (ਵਿਦਿਆਰਥੀਆਂ) ਤੋਂ ਜਬਰੀ ਪੂਰੀ ਫੀਸ ਲਈ ਜਾ ਰਹੀ ਹੈ। ਜਦੋਂ ਕਿ ਸਾਲ-2020 ਤੋਂ ਲੈ ਕੇ ਹੁਣ ਤੱਕ ਯੂਨਿਵਰਸਟੀਆਂ ਤੇ ਕਾਲੇਜ ਬੰਦ ਹਨ, ਜਿਸ ਦੇ ਨਾਲ ਯੂਨਿਵਰਸਟੀਆਂ ਤੇ ਕਾਲੇਜਾਂ ਦੇ ਮਾਲਕਾਂ/ਪ੍ਰਬੰਧਕਾਂ ਨੂੰ ਖਰਚਿਆ ਵਿੱਚ ਵੀ ਵੱਡੀ ਬਚਤ ਹੋ ਰਹੀ ਹੈ।

ਮਾਨਯੋਗ ਮੁੱਖ ਮੰਤਰੀ ਪੰਜਾਬ ਜਾਂ ਪੰਜਾਬ ਸਰਕਾਰ ਵੱਲੋਂ ਆਮ ਲੋਕਾਂ ਦੀ ਆਰਥਿਕ ਮੰਦਹਾਲੀ ਨੂੰ ਦੇਖਦੇ ਹੋਏ ਅਤੇ ਪੰਜਾਬ ਦੇ ਨਾਗਰਿਕਾਂ ਨੂੰ ਕੁਝ ਰਾਹਤ ਦੇਣ ਲਈ ਯੂਨਿਵਰਸਟੀਆਂ ਤੇ ਕਾਲੇਜਾਂ ਵਿੱਚ ਵਿਦਿਆਰਥੀਆਂ (ਬੱਚਿਆਂ) ਦੀ ਫੀਸ ਮਾਫ ਕਰਨ ਜਾਂ ਘੱਟ ਕਰਨ ਲਈ ਕੀਤੀ ਗਈ ਕਾਰਵਾਈ ਦੀ ਤਸਦੀਕਸੂਦਾ ਕਾਪੀ ਦਿੱਤੀ ਜਾਵੇ।

3. The written submission has been received from the appellant, which is taken on record. Also the reply dated 20.9.2021 has already been received from the respondent-Public Information Officer o/o Chief Minister, Punjab, which is taken on record. The respondent-Public Information Officer informed that the RTI application of the appellant has already been transferred to the Higher Education & Languages Department for further necessary action.

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Complaint Case No. 1010 of 2021

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4. It is pertinent to mention regarding the decision of the Hon'ble Supreme Court of India dated 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 (arising out of SLP @ No.32768-32769/2010) in which it has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information. Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

Also an alternative and efficacious remedy of first appeal is available to the complainant under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant case.

5. As the appellant has requested for the information, therefore, the titled case of the appellant is remanded to the First Appellate Authority o/o the Principal Secretary Higher Education Department (Education 1 Branch) and is directed to treat this application of the appellant as first appeal and decide the same within the period prescribed under the provisions of the RTI Act, 2005. He is also directed to pass an appropriate order after hearing both the parties and examining the record. A copy of the RTI application and annexures as has been received from the appellant is being sent to the First Appellate Authority along with this order.

7. With these directions the case is disposed of and closed. However, the liberty is granted to the complainant to file the 2nd appeal in this case, if he is not satisfied with the decision of the First Appellate Authority.

Dated: 01.11.2021

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

First Appellate Authority,
o/o Principal Secretary to Govt. of Punjab,
Higher Education & Languages Deptt.,
Punjab Civil Secretariat-1,
Chandigarh.

Registered