

PUNJAB STATE INFORMATION COMMISSION
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Sector 16, Chandigarh.
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Helpline No. 0172-2864100



Sh. Gurjeet Singh, Village Barihman
Tehsil Amloh, Fatehgarh Sahib – 147203
(7888671761)

.....Appellant

Vs

Public Information Office
O/o DC, Mohali
First Appellate Authority
o/o DC, Mohali

.....Respondent

AC.No. 4908 of 2021

Present : (i) Sh. Gurjeet Singh the appellant in the Commission office
(ii) None is present on behalf of the respondent

ORDER

The RTI application is dated 10.08.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 11.09.2021 and second appeal was filed in the Commission on 27.10.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 10.12.2021 in the Commission.
3. The appellant states that no information has been given to him so far.
4. The respondent is absent today. He has sent his reply stating that the information demanded by the appellant is vague.
5. After going through the RTI of the appellant, it is ascertained that the RTI application vide 10.08.2021, the appellant has sought information on 05 points in shape of questions. It is further ascertained that the respondent has duly intimated the information seeker vide letter dated 24.08.2021 that the information sought by him is vague and therefore information cannot be provided.

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6. The appellant may take note that there is the judgment of The Central Information Commission vide order dated 21.04.2006 in case no. CIC/AT/A/2006/00045 has decided that -

(The RTI Act does not cast on the public authority any obligation to answer queries, as in this case, in which a petitioner attempts to elicit answers to his questions with prefixes, such as, why, what, when and whether. The petitioner's right extends only to seeking information as defined in Section 2 (f) either by pinpointing the file, document, paper or record, etc., or by mentioning the type of information as may be available with the specified public authority.)

7. In wake of above the instant Appeal Case is hereby **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated :10.12.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh Rajat Singla, (M-9115591501)
S/o Sh Surinder Kumar,
Rame Wali Khuhi, Near Purana Thana,
Ward no 11, Lehragaga-148031

.....Appellant

..Vs

Public Information Officer,
O/o Department of Finance (Treasuries and Accounts) Pb
Plot No 1&2, Sector 33D, Chandigarh-160020

First Appellate Authority ,
O/o Department of Finance (Treasuries and Accounts) Pb
Plot No 1&2, Sector 33D, Chandigarh-160020

.....Respondent

AC No. 4972 of 2021
(In the Commission office)

Present : (i) Sh Rajat Singla, appellant.

(ii) For the Respondent: Sh Paramjit, PIO and Sh Vishal Khullar, Sr Asstt.

ORDER

1. The RTI application is dated 04.04.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 28.10.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 10.12.2021 in the Commission office.
3. The Respondent states that the information, as available in their official record, has been provided to the Appellant Further, some information, as sought by the Appellant is third-party information. Hence, the same cannot be provided.
4. The Appellant states that he has not received the information so far.
5. Today all the points pertaining to the RTI of the Appellant have been discussed between both the parties. Accordingly the Respondent-PIO is directed to provide the information pertaining to point no.3 and 4, after applying section 10(severability

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AC No. 4972 of 2021

clause) by masking the information which cannot be provided under the Act, within one week. The appellant expressed his satisfaction over the same and stated that he had no objection if the case is disposed of accordingly.

6. With these directions, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Dated :10.12.2021

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh Gulshan Kumar, S/o Sh Devi Dayal, (M-7888456698)
Village Harna, PO Baras,
Distt Fatehgarh Sahib

.....Complainant

..Vs

Public Information Officer,
O/o Punjab Police Headquarters, Pb
Sector -9, Chandigarh

.....Respondent

CC No. 1259 of 2021
(In the Commission office)

Present : (i) Sh Gulshan Kumar, appellant.
(ii) For the Respondent: Smt Nirlep Kaur, Sr Asst. (9876060574)

ORDER

1. The RTI application is dated 28.09.2021 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 01.11.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice was issued to the parties for hearing for 10.12.2021 in the Commission
3. The Respondent states that they have sent their reply to the Appellant.
4. The appellant states that he has not received the information so far. He has also filed his submission via e-mail. Copy of the same is taken on record.
5. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereof, it has been held that while entertaining a complaint case under Section 18 of the RTI Act , 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:-

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CC No. 1259 of 2021

(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information).

As such, since the complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

6. Since there is an alternative and efficacious remedy of first appeal available to the Complainant under Section 19(1) of the RTI Act, 2005, which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

7. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) as the first appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard. He is directed to give an early date to hear the complainant and decide the matter. In case the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

8. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

9. In view of the observations noted above, the instant case is **disposed of**. Copies of this decision be sent to the parties through registered post. **Sd/-**

Dated : 10.12.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

CC: First Appellate Authority (Registered Post)
O/o DIG (admin) Punjab Police Headquarters,
Sector-9, Chandigarh

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Sh Deepak Kalia, (M-8198000785)
#31, Kailash Nagar, Jalandhar

.....Appellant

..Vs

Public Information Officer,
O/o DGP, Pb
Punjab Police Hqrs, Sector-9, Chandigarh

First Appellate Authority ,
O/o DGP, Pb
PP Hqrs, Sector-9, Chandigarh

.....Respondent

AC No. 4888 of 2021
(In the Commission office)

Present : (i) Sh Deepak Kalia, the appellant.

(ii) For the Respondent: Sh Paramdip Singh Sandhu, AIG (Security) (9508252118)
and Sh Bhajan Singh, SI (9855853935) o/o ADGP (Security) Punjab

ORDER

The RTI application is dated 05.11.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 22.10.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 13.12.2021 in the Commission office.

3. The appellant states that he has not received the information so far.

4. After hearing both the parties and going through the case file, it is observed that the appellant Sh. Deepak Kalia filed RTI with the PIO, o/o DGP Punjab. Further PIO, o/o DGP Punjab has transferred the RTI of the appellant to the PIO, o/o ADGP (Admn). The respondent o/o ADGP (admn) has sent their reply, which was received in the Commission vide Commission diary no. 27241 dated 03.12.2021. The same is as under:-



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2. ਵਿਸ਼ਾ ਐਕਿਤ ਕੇਸ ਸਬੰਧੀ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਉਪਰੋਕਤ ਪ੍ਰਾਰਥੀ ਨੇ ਆਪਣੀ ਆਰ.ਟੀ.ਆਈ ਦਰਖਾਸਤ ਸਬੰਧੀ 08 ਨੁਕਤਿਆਂ ਵਿੱਚ ਸੂਚਨਾ ਦੀ ਮੰਗ ਕੀਤੀ ਸੀ। ਮਾਨਯੋਗ ਏ.ਆਈ.ਜੀ./ਪਰਸ-2-ਕਮ-ਲੋਕ ਸੂਚਨਾ ਅਫਸਰ ਜੀ ਦੇ ਹੁਕਮਾਂ ਅਨੁਸਾਰ ਪ੍ਰਾਰਥੀ ਵੱਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਦੇ ਨੁਕਤਾ ਨੰਬਰ-1 ਤੋਂ 4 ਅਤੇ 7 ਆਰ.ਟੀ.ਆਈ ਐਕਟ ਦੀ ਧਾਰਾ 7(9) ਅਧੀਨ ਆਉਂਦੀ ਹੋਣ ਕਾਰਨ ਇਸ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰਬਰ-773/ਆਰ.ਟੀ.ਆਈ-3 ਮਿਤੀ 11.02.2021 (ਕਾਪੀ ਨੰਬਰ) ਸੂਚਨਾ ਦੇਣ ਤੋਂ ਇਨਕਾਰ ਕੀਤਾ ਗਿਆ ਸੀ। ਨੁਕਤਾ ਨੰਬਰ-5 ਅਤੇ 6 ਦਾ ਸਬੰਧ ਤੀਜੀ ਧਿਰ ਨਾਲ ਸਬੰਧਤ ਹੋਣ ਕਰਕੇ ਆਰ.ਟੀ.ਆਈ. ਐਕਟ 2005 ਦੀ ਧਾਰਾ 11 ਅਧੀਨ ਇਸ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰਬਰ 773/ਆਰ.ਟੀ.ਆਈ.-3 ਮਿਤੀ 11.02.2021 (ਕਾਪੀ ਨੰਬਰ) ਰਾਹੀਂ ਸੂਚਨਾ ਮੁਹੱਈਆ ਕਰਵਾਉਣ ਤੋਂ ਇਨਕਾਰ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ ਜੀ ਅਤੇ ਨੁਕਤਾ ਨੰਬਰ-8 ਦਾ ਸਬੰਧ ਅਸਿਸਟੈਂਟ ਇੰਸਪੈਕਟਰ ਜਨਰਲ ਪੁਲਿਸ/ਸੁਰੱਖਿਆ-ਕਮ-ਲੋਕ ਸੂਚਨਾ ਅਫਸਰ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ ਨਾਲ ਹੋਣ ਕਰਕੇ ਇਸ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰਬਰ-2727/ਆਰ.ਟੀ.ਆਈ-3 ਮਿਤੀ 10.12.2020 (ਕਾਪੀ ਨੰਬਰ) ਰਾਹੀਂ ਆਰ.ਟੀ.ਆਈ ਐਕਟ ਦੀ ਧਾਰਾ 6(3) ਅਧੀਨ ਅਗੇਰੀ ਕਾਰਵਾਈ ਹਿੱਤ ਤਬਦੀਲ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਜਿਸ ਦੇ ਸਬੰਧ ਵਿੱਚ ਆਪ ਜੀ ਨੂੰ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਨੁਕਤਾ ਨੰਬਰ-8 ਦਾ ਸਬੰਧ ਅਸਿਸਟੈਂਟ ਇੰਸਪੈਕਟਰ ਜਨਰਲ ਪੁਲਿਸ/ਸੁਰੱਖਿਆ-ਕਮ-ਲੋਕ ਸੂਚਨਾ ਅਫਸਰ, ਪੰਜਾਬ, ਚੰਡੀਗੜ੍ਹ ਨਾਲ ਹੋਣ ਕਰਕੇ ਉਹਨਾਂ ਦੇ ਦਫਤਰ ਦੇ ਕਿਸੇ ਇੱਕ ਅਧਿਕਾਰੀ ਨੂੰ ਇਸ ਕੇਸ ਵਿੱਚ ਨਾਮਜ਼ਦ ਕੀਤਾ ਜਾਵੇ ਜੀ।

The above said reply of the respondent clearly shows that the respondent , o/o ADGP (admn) has transferred the RTI of the appellant regarding point no. 8 to the Security wing. Today, Sh Paramdip Singh Sandhu, AIG(security) is appearing and states that the information pertaining to Point 8 cannot be provided to the Appellant. They have also filed their reply regarding the same vide Commission diary no. 27470 dated 07.12.2021 as under:-

"On examining the above said application, it was observed that the information sought by the applicant could not be provided to him, as the same relates to the subject of security and the Security Wing of Punjab Police has been kept out of the purview of the Right to Information Act-2005, vide notification dated 23.02.2006 and dated 07.06.2016."

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5. I agree with the contention of the respondent , hence this objection of the respondent is upheld. The instant Appeal Case is devoid of merit which is hereby **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated : 10.12.2021

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab