

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100
Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com
Whatsapp No. 62848-20189 Cisco Webex: 158 708 3455



Sh. Gurdas Singh,
R/o Village Bajewala,
Block Ghal Khurd.

Appellant

Versus

Sh. Dilbag Singh,
Public Information Officer-cum-
O/o Block Development and Panchayat Officer,
Ghal Khurd, Tehsil & Distt. Ferozepur.
9041823362

Registered

First Appellate Authority,
O/o District Development and Panchayats Officer,
Ferozepur.

Sh. Gurpreet Singh,
Panchayat Secretary,
C/o Block Development and Panchayats Officer,
Ghal Khurd, Ferozepur.

Sh. MS Chhatwal, IAS
Public Information Officer (By Name)
O/o Director,
Rural Development & Panchayat Deptt. Pb.
Vikas Bhawan, Sector-62, Mohali.

Registered

Respondents

Appeal Case No. 3049 of 2020

(Video Conference/Telephone Proceedings)

Present:- Sh. Sukhdev Singh s/o Sh. Gurdas Singh, on telephone, on behalf of the appellant.
Sh. Vinod Kumar, Deputy Director, o/o Director, Rural Development & Panchayats Punjab 9872113580 on behalf of the respondents 9914400049.

ORDER

This may be read in continuation to the previous order dated 09.09.2021.

2. The representative of the respondents Deputy Director Shri Vinod Kumar on behalf of the Director Rural Development and Panchayats Punjab states that Shri Rajwant Singh Panchayat secretary has not handed over the record of Village Panchayat, information of which has been sought by the appellant. He further states that the Panchayat Secretary has already been suspended and an FIR has already been lodged against him by the department. He has also sent a copy of his suspension letter along with copy of FIR, which is taken on record. Also a copy of the same is being sent to the appellant along with this order to file the submissions, if any, before the next date of hearing.

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Appeal Case No. 3049 of 2020

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3. Also no reply has been received from Shri Dilbag Singh Block Development and Panchayats Officer and Shri Jaswant Singh Block Development and Panchayats Officer regarding show cause notice issued to them. One last opportunity is granted to both of them to file their reply failing which the decision will be taken ex-party on merit on the next date of hearing.

4. To come up on 10th November, 2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ferozepur.

sd

Dated: 11.10.2021

(Suresh Arora)

Chief Information Commissioner,
Punjab

CC

Sh. Jaswant Singh,
Public Information Officer-cum-
c/o Block Development and Panchayat Officer,
Ghal Khurd, Tehsil & Distt. Ferozepur.

Sh. Rajwant Singh,
Panchayat Secretary,
c/o Block Development and Panchayats Officer
Moga-1,
Moga.

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Sh. Vishal Aggarwal s/o Sh. Amarnath Aggarwal,
r/o H.No. 519, Mamta Enclave Dhakoli,
Dera Bassi, Zirakpur, SAS Nagar.

....Appellant

Vs

Public Information Officer
o/o Civil Judge,
(Sr.) Division, Amritsar

First Appellate Authority
o/o Civil Judge,
(Sr.) Division, Amritsar

....Respondents

Appeal Case No. 3791 of 2021

(Video Conference/Telephone Proceedings)

Present:- Sh. Mohit Garg, Advocate, on telephone on behalf of the appellant.
Ms Prem Kumari Clerk of Court 8427948811 on behalf of the respondents.

ORDER

The RTI application is dated 31.5.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) dated NIL and second appeal was filed in the Commission on 24.8.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The respondent-Public Information Officer states that the sought information cannot be supplied to the appellant as the same relates to the 3rd party. She further states that the objections were sought from the 3rd party who has not given their consent to supply the requisite information to the applicant i.e. Sh. Vishal Aggarwal. However the Advocate on behalf of the appellant states that the information is in the larger public interest as there is discrimination regarding pay fixation among the employees of the respondent authority as the appellant and Shri Ramesh Kumar Stenographer and Shri Naresh Sharma, Stenographer. Thereafter the respondent-Public Information Officer clarified that Sh. Naresh Sharma, Stenographer is not an employee of the District and Sessions Judge, District Amritsar.

3. It is also appropriate to mention the decision of the Hon'ble Supreme Court of India in Civil Appeal No. 10044 of 2010 – Central Public Information Officer, Hon'ble Supreme Court of India Vs Subhash Chandra Agarwal in which the issue regarding the exemptions under Section 8, procedure under Section 11 to be adopted by the Central Public

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Appeal Case No. 3791 of 2021

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Information Officer/State Public Information Officer has been elaborated in detail which are in line with the cases in question. The relevant portion of the judgement is reproduced below:-

“The definition of a “third party” includes a public authority. ‘Third party information’ is information which “relates to or has been supplied by any other person (including a public authority) other than the information applicant and has been treated as confidential by such third party. Where disclosure of ‘third party information’ is sought, and such information has been prima facie treated as confidential by the third party in question, the procedure under Section 11 of the RTI Act is mandatory. The Information Officer shall, within five days of receiving the request for ‘third party information’ notify the relevant third party to whom the information relates or which had supplied it. The notice shall invite the third party to submit reasons (in writing or orally) as to whether or not the information sought should be disclosed. Section 11(2) provides the third party with a right to make a representation against the proposed disclosure within ten days of receiving the notice. The provision expressly mandates the Information Officer to take into consideration the objections of the third party when making a decision with respect to disclosure or non-disclosure of the information. It encapsulates the fundamental idea that a party whose personal information is sought to be disclosed is afforded the opportunity to contest disclosure. The proviso to sub section (1) of Section 11 permits disclosure where the “public interest” in disclosure “outweighs” any possible harms in disclosure highlighted by the third party.

Sections 8 and 11 must be read together. Other than in a case where the information applicant seeks the disclosure of information which relates to the information applicant himself, information sought that falls under the category of “personal information” within the meaning of clause (j) of Section 8(1) is also “third party information” within the ambit of Section 11, Therefore, in every case Where the information requested is “personal information” within the operation of clause (j) of sub section 1 of Section 8, the procedure of notice and objections under Section 11 must be complied with. The two provisions create a substantive system of checks and balances which seek to balance the right of the information applicant to receive information with the right of the third party to prevent the disclosure of personal information by permitting the latter to contest the proposed disclosure.”

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Appeal Case No. 3791 of 2021

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Furthermore, the apex court has held that

“Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied.”

4. Also the Punjab Right to Information Rules, 2017 provides that

“11. Procedure for deciding appeals – The Commission while deciding an appeal may,-

(i) to (iv)

(v) hear third party “

5. Keeping in view the above and in the interest of natural justice, Shri Ramesh Kumar, Stenographer is impleaded as necessary party in this case to file the submissions, if any, that why the information pertaining to his pay fixation may not be supplied to the appellant as has been sought by him. Further, it is clarified that in case no response is received from the said employees, the Commission will decide the issue on the next date of hearing ex-party on merit.

6. To come up on 30.11.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana.

sd

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Dated: 11.10.2021

Shri Ramesh Kumar, Stenographer **Registered**
c/o Civil Judge, (Sr.) Division, Amritsar

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Sh. Narinder Singh s/o Sh. Malkiat Singh
r/o Village Chotta Buda Theh,
Tehsil Baba Bakala Sahib
Amritsar 9592398776

....Appellant

vs

Public Information Officer
o/o Addl. Deputy Commissioner (D)
Amritsar

First Appellate Authority
o/o Deputy Commissioner
Amritsar

Public Information Officer **Registered**
o/o the Sub Divisional Magistrate,
Baba Bakala, Amritsar

...Respondents

Appeal Case No. 3847 of 2021
(Video Conference Proceedings)

Present:- Sh. Narinder Singh, appellant.
Sh. Narinder Pal Singh, Election Clerk o/o A.D.C.(D), Amritsar on behalf of the respondents.

ORDER

The RTI application is dated 17.2.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 21.6.2021 and second appeal was filed in the Commission on 26.8.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The representative of the respondents states that the application of the appellant has already been transferred to the Sub Divisional Magistrate, Baba Bakala under Section 6(3) of the RTI act being the custodian of the record. Accordingly the Public Information Officer o/o the Sub Divisional Magistrate, Baba Bakala is impleaded as necessary party in this case to file the reply/supply the information in this case before the next date of hearing.

3. To come up on 10th November, 2021 to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Amritsar.

sd

Dated: 11.10.2021

(Suresh Arora)
Chief Information Commissioner, Punjab.

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Sh. Ajay Nand/ Ajay Kumar Mehta,
#C 118, East Mohan Nagar,
Chamrang Road,
District-Amritsar.

Appellant

Versus

Public Information Officer
o/o Sub Divisional Magistrate,
Amritsar-1, Amritsar.

First Appellate Authority
O/O Deputy Commissioner,
Amritsar

Public Information Officer **Registered**
o/o Municipal Corporation,
Amritsar

Respondents

Appeal Case No. 1627 of 2021
(Video Conference/Telephone Proceedings)

Present:- Sh. Ajay Nand appellant
Ms Rajinder Kaur, Jr. Asstt _____ 9464852900.

ORDER

This may be read in continuation to the previous order dated 9.09.2021.

2. The representative of the respondent states that the matter is under enquiry concerning Point Number 2 and 3 of the RTI application, so no information can be supplied to the appellant till the finality of the enquiry. Regarding Point Number 1 of the RTI application, the representative of the respondent states that the information has to be supplied by the Municipal Corporation, Amritsar.

3. Accordingly the Public Information Officer o/o Municipal Corporation, Amritsar is directed to provide the numbers of documents and total number of registries related to 40 acre land acquired which have been registered without appointment before the next date of hearing.

4. Also the Public Information Officer o/o the Sub Divisional Magistrate, Amritsar-1 is directed to file the present status of the enquiry pertaining to Point No. 2 & 3 of the RTI application before the next date of hearing.

5. To come up on 10th November, 2021 to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Amritsar. sd

Dated: 11.10.2021

(Suresh Arora)
Chief Information Commissioner, Punjab

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Sh. Harjot Singh s/o Sh. Avtar Singh
r/o 78, New Preet Nagar,
Batala Road, Near Sun City Park,
District Amritsar 9877747146

..Complainant

Vs

Public Information Officer
o/o Deputy Commissioner,
District Amritsar

Public Information Officer
o/o Superintending Engineer,
Water Supply and Sanitation Circle,
District Amritsar

Public Information Officer **Registered**
o/o the Commissioner,
Municipal Corporation,
Amritsar.

....Respondents

Complaint Case No. 729 of 2021
(Video Conference Proceedings)

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

ORDER

This order may be read with reference to the previous order dated 9.9.2021.

2. None is present on behalf of the parties. However, the Public Information Officer o/o the Municipal Corporation, Amritsar was impleaded as necessary party in this case to file the reply but neither the respondent-Public Information Officer nor any submissions have been received from him. Last opportunity is granted to the Public Information Officer o/o the Municipal Corporation, Amritsar failing which punitive action will be initiated on the next date of hearing.

3. To come up on 10th November, 2021 at 12.30 PM through video conferencing facility available in the office of the Deputy Commissioner, Amritsar.

Dated: 11.10.2021

sd
(Suresh Arora)

Chief Information Commissioner,
Punjab

Sh. Malwinder Singh Jaggi, IAS
Commissioner,
Municipal Corporation, Amritsar.

To ensure compliance of this order.

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Sh. Amarjit Singh Dhamotia
H.No. 60-35, P 376-1, Street No. 8,
Maha Singh Nagar, PO Dhandari Kalan
Ludhiana 141014 9888490031

....Appellant

vs

Public Information Officer
o/o Deputy Commissioner,
Ludhiana

First Appellate Authority
o/o Deputy Commissioner,
Ludhiana

....Respondents

Appeal Case No. 3801 of 2021
(Video Conference Proceedings)

Present:- None on behalf of the parties.
ORDER

The RTI application is dated 31.5.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 5.7.2021 and second appeal was filed in the Commission on 24.8.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant informed telephonically that he is unable to attend the hearing and requested for the adjournment of the case. Accordingly the respondent authority has been informed telephonically not to appear in this case.

3. Accordingly, the case is adjourned. To come up on 30.11.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner,
Ludhiana

sd

Dated: 11.10.2021

(Suresh Arora)
Chief Information Commissioner, Punjab.

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Sh. Sarabjit Singh Gill
NCAG Office, Street No. 5,
1331-5, Vishawkarma Bhawan,
Down Canal Road, Shimlapuri,
Ludhiana 9888710031

....Appellant

Vs

Public Information Officer
o/o Deputy Commissioner,
Ludhiana

First Appellate Authority
o/o Deputy Commissioner,
Ludhiana

Appeal Case No. 3804 of 2021
(Video Conference Proceedings)

Present:- None on behalf of the parties.
ORDER

The RTI application is dated 21.5.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 24.6.2021 and second appeal was filed in the Commission on 24.8.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant informed telephonically that he is unable to attend the hearing and requested for the adjournment of the case. Accordingly the respondent authority has been informed telephonically not to appear in this case.

3. Accordingly, the case is adjourned. To come up on 30.11.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana

sd

Dated: 11.10.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.