

PUNJAB STATE INFORMATION COMMISSION
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Sh.Tejinder Singh,
R/o Village Bholpaur, P.O Ramgarh,
Chandigarh Road, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o GLADA,
Ludhiana.

First Appellate Authority,
O/o Addl, Chief Administrator,
GLADA, Ludhiana.

...Respondent

Appeal Case No. 21 of 2019

PRESENT: Sh.Tejinder Singh as the Appellant
Sh.Santosh Kumar Bains, PIO GLADA for the Respondent

ORDER:

The case was last heard on 08.04.2019. The appellant was absent and vide email informed that the PIO has not provided the information.

The respondent present pleaded that they have already started action against the allottee of the flat and the allottee has been issued notices on 13.03.2019, 22.03.2019 and 05.04.2019 for calling reply. The respondent further informed that they have sent reply to the appellant on 05.04.2019. The Commission recommended that the action against the defaulter be taken as per law and a compliance report be sent to the Commission. The PIO was also directed to explain the reasons for delay in attending to the RTI application.

Hearing dated 12.06.2019:

The appellant claims that the PIO has not provided the information. The appellant further informed that he has not received the letter dated 05.04.2019 vide which the respondent claims to have sent reply to the appellant.

In the last order, the Commission had recommended that the action be taken against the defaulter as per law and a compliance report be sent to the Commission. The PIO however, has not complied with the order of the Commission, nor has supplied the information to the appellant. The Commission observes that there is an enormous delay of nine months in providing the information. The Commission has taken a serious note of this scant regard of the PIO towards the RTI Act and hereby directs the PIO to show **cause why penalty be not imposed on the PIO under section 20 of the RTI Act for not supplying the information within the statutorily prescribed period of time**, He/She should file an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission alongwith the written replies.

The case is adjourned. To come up for further hearing on **05.08.2019 at 11.00 AM.**

Chandigarh
Dated 12.06.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Tejinder Singh,
R/o Village Bholpaur, P.O Ramgarh,
Chandigarh Road, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o GLADA,
Ludhiana.

First Appellate Authority,
O/o Addl, Chief Administrator,
GLADA, Ludhiana.

...Respondent

Appeal Case No. 76 of 2019

PRESENT: Sh.Tejinder Singh as the Appellant
Sh.Santosh Kumar Bains, PIO-GLADA for the Respondent

ORDER:

The case was last heard on 08.04.2019. The appellant was absent and vide email informed that the PIO has not provided the information.

The respondent present pleaded that the department had not granted any permission to the allottee for setting up of a factory in the flat. The respondent further informed that they have already started action against the allottee of the flat and the allottee has been issued notices on 13.03.2019, 22.03.2019 and 05.04.2019 for calling reply.

The PIO was directed to provide the information to the appellant as per the RTI application and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act.

Hearing dated 12.06.2019:

The appellant claims that despite order of the Commission, the PIO has not supplied the information. In the last hearing, the PIO was directed to provide the information to the appellant as per the RTI application and explain the reasons for not attending to the RTI application within the time prescribed under the RTI Act. The PIO however, has not complied with the order of the Commission, nor has supplied the information to the appellant.

The Commission observes that there is an enormous delay of ten months in providing the information. The Commission has taken a serious note of this scant regard of the PIO towards the RTI Act and hereby directs the PIO to show **cause why penalty be not imposed on the PIO under section 20 of the RTI Act for not supplying the information within the statutorily prescribed period of time**, He/She should file an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission alongwith the written replies.

The case is adjourned. To come up for further hearing on **05.08.2019 at 11.00 AM.**

Sd/-

Chandigarh
Dated 12.06.2019

(Khushwant Singh)
State Information Commissioner



Smt Gursimran kaur,
R/o 836 MIG, PHB Colony,
Jamalpur, Ludhiana.

...Appellant

Versus

Public Information Officer,
O/o State Transport Commissioner,
Pb, Chd.

First Appellate Authority,
O/o State Transport Commissioner,
Pb, Chd.

...Respondent

Appellant Case No. 116 of 2019

PRESENT: Sh.Tajinder Singh for the Appellant
Sh.Gurpal Singh, APIO, STC Pb for the Respondent

ORDER:

The case was last heard on 08.04.2019. The appellant through RTI application dated 23.08.2018 had sought information regarding deduction of penalty amount of Rs.15000/- from the salary of Sh.Baldev Randhawa, Secretary, Regional Transport Authority Gurdaspur imposed in appeal case No.1851/2017 by State Information Commission on 07.06.2018 and other information concerning the office of State Transport Commissioner, Punjab, Chandigarh. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 18.11.2018 which took no decision on the appeal.

Since both the parties were absent, the case was adjourned.

Hearing dated 12.06.2019:

The appellant claims that the PIO has not supplied the information. The respondent present pleaded that since the information relates to the RTA Ferozepur, they have already transferred the RTI application to the PIO-RTA Ferozepur vide letter dated 30.08.2018.

The PIO-Regional Transport Authority, Ferozepur is hereby impleaded in the case and directed to provide the information to the appellant as per the RTI application transferred by the STC Punjab on 30.08.2018. The PIO-RTA is also directed to explain the reasons for not attending to the RTI application well within the time prescribed under the RTI Act and appear before the Commission on the next date of hearing alongwith the explanation on an affidavit.

Both the parties to be present on **05.08.2019 at 11.00 AM.**

Sd/-

Chandigarh
Dated 12.06.2019

(Khushwant Singh)
State Information Commissioner



Smt Satwinder Kaur,
1-B, Ajit Enclave, Dhakoli,
Zirakpur, Mohali

... Complainant

Versus

Public Information Officer,
O/o XEN, PSPCL,
Zirakpur Circle, Zirakpur.

...Respondent

Complaint Case No. 1133 of 2018

Present: None for the Complainant
Sh.Gaurav Kamboj AEE O/o PSPCL Zirakpur for the Respondent

Order:

The case was first heard on **04.02.2019**. Since both the parties were absent, the case was adjourned.

The case was last heard on **24.04.2019**. The respondent present pleaded that the information has been provided to the complainant vide letter dated 21.05.2018. The complainant was not satisfied and claimed that the information has not been provided as per the RTI application.

Having gone through the RTI application and the reply of the PIO, the Commission observed that the point-1 had been suitably replied and points 2 & 4 did not qualify as information under the RTI Act. Regarding points 3 & 5, the PIO was directed to relook at the RTI application and provide the information on these points. The PIO was also directed to provide supporting documents pertaining to this information.

Hearing dated 12.06.2019:

The respondent present pleaded that in compliance with the order of the Commission, the information regarding points 3 & 5 has been provided to the appellant vide letter dated 08.05.2019. Since the appellant was absent nor sent any communication regarding the discrepancies, if any in the information, the case was closed.

The appellant appeared late and pleaded that the PIO has not supplied the information as per the RTI application and the information supplied is misleading. The case is reopened and the PIO is directed to comply with the earlier order of the Commission which still stands and send comprehensive reply to the appellant on points 3 & 5.

Both the parties to be present on **08.07.2019 at 11.00 AM** for further hearing.

Sd/-

Chandigarh
Dated: 12.06.2019

(Khushwant Singh)
State Information Commissioner



Sh. Tejinder Singh,
R/o Village Bholapur, P.O Ramgarh,
Chandigarh Road, Ludhiana.

...Appellant.

Versus

Public Information Officer,
SDM, Licensing Authority & Registering,
Sri Anandpur Sahib.

First Appellate Authority,
DC,
Ropar.

...Respondent

Appeal Case No. 1325 of 2018

Present: Sh.Tejinder Singh as the Appellant
Sh.Gurpal Singh, APIO-STC Punjab, Sh.Inderjit Singh, Suptd, O/o SDM Sri Anandpur Sahib and Sh.Puran Kumar, Clerk, DTO Ropar for the Respondent

ORDER: The case was first heard on **25.06.2018**. The PIO was directed to forward the RTI application relating to point No.4, 5 & 9 to the concerned department and PIO of that department was directed to provide the information to the appellant and be present on the next date of hearing. “

The case was again heard on **01.08.2018**: The PIO was directed to provide the information relating to point No.4 as per original order. The PIO, STC was also directed to provide the information concerning them and to appear on the next date of hearing.

The case again came up for hearing on **05.09.2018**: The respondent present from the office of SDM (Licensing and Registering Authority) pleaded that the information regarding point No.4 has been sent to the appellant. The APIO from State Transport Commission had not brought the information regarding point No.9 as according to him there was no clarity about which sub-division the information was sought. However, since it was clear that the information sought is concerning Anandpur Sahib, the PIO was directed to send the information regarding point No.9 to the appellant within 10 days of the receipt of the orders of the Commission.

The case was again heard on **09.10.2018**. The appellant was absent and vide e-mail informed that he has not received the remaining information.

The respondent present pleaded that the information pertains to the Anandpur Sahib. It was observed that the PIO is dilly dallying in providing this particular information and therefore, the PIO, STC, Punjab was directed to coordinate and collect the information from the concerned department and send the same to the appellant within 15 days through registered post. The PIO was also directed to send the compliance report to the Commission.

The case further case for hearing on **21.11.2018**. The respondent from the O/o STC Punjab pleaded that the information regarding point No.9 has been sent to the appellant vide letter dated 26.10.2018 and the appellant has also been informed that there is no driving test track in Sub Division Anandpur Sahib and the driving test track is available in Ropar. The PIO was directed to collect the information regarding driving track tests undertaken by the residents of Sri Anandpur Sahib from the concerned division and provide the same to the appellant .

The case was again heard on **15.01.2019**. The appellant informed that the information has not been provided. The respondent was absent. The Commission took a serious view of the scant regard of the PIO and directed the PIO-STC Punjab Chandigarh to provide the

information to the appellant as per earlier order of the Commission within 10 days otherwise the Commission will be constrained to take action as per RTI Act.

The case was further heard on **11.03.2019**. The respondent present from STC Punjab informed that the information has been provided to the appellant. The appellant was not satisfied and stated that he has sought information regarding driving tracks test record. The respondent further pleaded that the information is available with the office of SDM Ropar. The PIO-STC, Punjab was directed to coordinate and procure the record from the concerned authority and provide the information to the appellant.

The Commission observed that there was ambiguity regarding the custody of the record. The PIO-SDM, Ropar and the PIO-SDM Anandpur Sahib were also directed to coordinate and send complete record to the PIO-STC, Punjab for compliance and PIO-STC was directed to provide the information in CD to the appellant before the next date of hearing.

The case was last heard on **23.04.2019**. The appellant was absent and vide letter received in the Commission on 22.04.2019 informed that the PIO-SDM Anandpur Sahib has provided incomplete information and the PIO-SDM Ropar has not provided the information.

The respondent present from the office of STC, Punjab pleaded that the PIO-SDM Ropar is not cooperating in providing the information inspite of directions of the Commission as well as to their oral commutation to procure the same. The PIO-SDM Ropar was impleaded in the case and directed to provide the information as per earlier order otherwise the Commission will be constrained to issue show cause and act as per the provisions of the RTI Act.

Hearing dated 12.06.2019:

The case has come up for hearing today. The respondent present pleaded that the remaining information has been provided to the appellant in a pen drive and the appellant has acknowledged having received the same.

The appellant however, pleaded that he has been harassed by not providing the information after a lapse of one & half year, the PIO be panelized and suitable compensation be given to the appellant for unnecessary harassment and delay in providing the information

Having gone through the entire sequence of the events, it has been observed that the PIO-SDM Sri Anandpur Sahib has not handled the RTI application in time as well as with appropriate due diligence and has misled the Commission.

Further, the Commission is of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant u/s 19(8)(b) of the RTI Act.

The PIO-SDM Sri Anandpur Sahib is directed to pay an amount of **Rs.5000/-** via demand draft drawn through Govt. Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting information in time. The PIO is directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

To come up for compliance on **05.08.2019 at 11.00 AM.**

Chandigarh
Dated: 12.06.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to: - PIO, STC Punjab, Chandigarh
- PIO-SDM, Ropar.



Sh.Tejinder Singh,
Village Bholapur, P.O Ramgarh,
Chandigarh Road, Ludhiana.

Appellant.

Versus

Public Information Officer,
O/o SDM, Licensing & Registration Authority,
Kapurthala.

First Appellate Authority,
O/o DC, Kapurthala

...Respondent

Appeal Case No. 1657 of 2018

Present: Sh.Tejinder Singh as the Appellant
Sh.Gurpal Singh, APIOSTC, Punjab and Sh.SwaranSingh O/o SDM
Kapurthala for the Respondent

ORDER: The case was first heard on 21.08.2018. The respondent present pleaded that the appellant was asked vide letter dated 28.12.2017 to specify the category of license for which the information was sought but the appellant has not responded the letter. The appellant pleaded that instead providing information, he has been asked for the purpose of seeking information in violation of the provisions of the RTI Act.

The PIO was directed to provide the point-wise information to the appellant and explain the rationale behind asking the purpose of information u/s 6(2) of the RTI Act."

The case was again heard on **15.10.2018**. The appellant was absent and sought adjournment. Vide email, the appellant further informed that the information has not been provided to him by the PIO.

The respondent was also absent and vide letter received in the Commission on 12.10.2018, the PIO sought adjournment. In the letter, the PIO also mentioned that since the information pertains to STC Punjab, Chandigarh, they have already written to them vide letter dated 27.09.2018 to provide the information but this office has not received the information from them. The PIO was directed to comply with the earlier orders of the Commission which still stands and be present on the next date of hearing.

The case again came up for hearing on **21.11.2018**. The appellant informed that information has not been provided to him. The respondent was absent. Since in a communication, the PIO had mentioned that some information pertains to STC, Punjab, Chandigarh, the PIO-SDM (Licensing & Registration Authority) Kapurthala was made as deemed PIO and was directed to provide all the information point-wise and if the information pertains to any other department, it is the responsibility of the PIO,SDM Kapurthala to collect and provide to the appellant.

The case was again heard on **15.01.2019**. The respondent was absent. The Commission received a letter dated 11.01.2019 from the PIO stating that the information concerning to them has been provided to the appellant vide letter dated 08.01.2019 and for information regarding points 2 to 5, the PIO-STC Punjab, Chandigarh was asked vide letter dated 27.09.2018 to provide the information, but they did not respond.

Appeal Case No. 1657 of 2018

The appellant claimed that since the website of the department can only be accessed via a password, the information regarding point 7 cannot be downloaded. The appellant was not satisfied with the reply of the PIO regarding point-9 and wanted the information in CD/Pen Drive.

Since the PIO-SDM Kapurthala at the hearing on 21.11.2018 was made as deemed PIO, the PIO –SDM, Kapurthala was directed to clarify regarding point 7 and provide the information regarding point 9 in CD/Pen-drive. The PIO-STC, Punjab, Chandigarh was also made a party to the case and was directed to bring the information regarding points 2 to 5 on the next date of hearing.

The case was further heard on **11.03.2019**. The respondent present from the office of SDM Kapurthala brought a Pen Drive regarding information relating to point-9 and handed over to the appellant. The point 7 also stood clarified. The respondent present from the office of STC Punjab pleaded that they have not received the copy of RTI application. The copy of RTI application was provided to the APIO-STC. The PIO-STC was directed to provide the information regarding points 2 to 5 within 15 days.

The case was last heard on **23.04.2019**. The appellant was absent and vide letter received in the Commission on 22.04.2019 informed that the PIO–SDM Kapurthala has provided the information but with a delay of one year and three months.

The respondent was absent to plead the case. The case was adjourned.

Hearing dated 12.06.2019:

The respondent present pleaded that the information has been provided to the appellant. The appellant has received the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed off and closed**.

Sd/-

Chandigarh
Dated: 12.06.2019.

(Khushwant Singh)
State Information Commissioner

CC to PIO-STC, Punjab, Sector 17, Chandigarh

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Sh. Karan Singh, S/o Sh. Shyam Singh,
79, High Land Society, Baltana, Zirakpur.

... Appellant

Versus

Public Information Officer,
State Transport Commissioner,
Sector-17, Chandigarh.

First Appellate Authority,
State Transport Commissioner,
Sector-17,
Chandigarh.

...Respondent

Appeal Case No. 1751 of 2018

Present: None for the the Appellant
Sh.Gurpal Singh, APIO, for the Respondent

ORDER:

The case was first heard on **29.08.2018**. The appellant petitioned for the information, as well as appropriate action against the PIO in accordance with the RTI Act for the delay in tending to his RTI application.

Sh.Gurpal Singh, APIO was present for the respondent. The respondent claimed that the record pertaining to the information sought is missing and sought more time to trace the record. The plea of the respondent was accepted and the case was adjourned with the instructions that the department makes a diligent effort to trace the file.

The case was again heard on **17.10.2018**. The APIO, Gurpal Singh in this hearing had changed the earlier stand of the missing file to deny information, to a different reason that even though the file has been traced, the office of the State Transport Commissioner cannot part with the information. The PIO attached an order of the Government of Punjab dated 23.02.2006 whereby it had notified exempting certain organizations from the Act.

On close scrutiny of the reply submitted by the PIO, it was observed that the PIO's reply is not in accordance with the RTI sought since the information sought was about usage of official vehicles attached with a former Minister, and hence had nothing to do with the Chief Minister's security.

The appellant pleaded that his RTI application pertains to the expenditure and names of drivers attached to former Minister's vehicles and has nothing to do with the security cover provided to the minister, Chief Minister or the Minister concerned. The appellant sought an adjournment due to ill health as well as to prepare and file his reply to the exemption that the respondent has sought.

The case was further heard on **22.01.2019**. The appellant was absent. The respondent, brought the information for point No-2. The respondent was directed to send the information of point No.2 to the appellant by registered post.

For information regarding point number-1 the respondent pleaded for more time. The reason cited was that since the record asked is for ten years, it is voluminous in nature, for which more time is required.

The case was last heard on **24.04.2019**. The respondent brought the information and handed over to the appellant. The appellant wanted to go through the information to point out the discrepancies, if any. The case was adjourned.

Hearing dated 12.06.2019:

The appellant is absent. In the last hearing, he had been provided the information, but he had sought another date to point out discrepancies if any. The respondent present has brought eight logbooks that in case any discrepancy occurs in the previously provided information, it could be sorted out. However, the appellant is absent and nor has he communicated any discrepancy in the information. The PIO is directed to bring the logbooks at the next date of hearing. Since the record appears to be voluminous the appellant is given last opportunity to browse through the logbooks and get the relevant record.

Furthermore, I have gone through the entire case and observed that there are far too many RTI queries seeking details of vehicle numbers, fuel consumption and kilometers travelled of various ministers. These cases are in perpetuity in the commission.

The entire saga of such cases takes my attention to section 4(2) of the RTI Act which states; it shall be a constant endeavor of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

Section 2 (f) that defines the meaning of information clearly describes logbooks as information and the above argument herewith further takes me to Section 19(8)(a)(iii) of the RTI Act, which empowers the Central Information Commission or State Information Commission to require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including by publishing certain information or categories of information,

Under the powers vested in this section, and for the sake of brining transparency in the manner fuel expenses are incurred on official vehicles of the Punjab ministers, I hereby direct the Transport Department, Punjab to proactively publish and upload the information available under its custody regarding monthly fuel expenses, kilometers, travelled of all the ministers of Punjab, in the format in which they are maintained by the public authority, subject to the proviso of the exemptions to be applicable to the vehicles used by the security wing as notified by the Govt. under section 24 of the RTI Act.

This information is to be loaded from 1st of January 2012 onwards to the present, with a provision to upgrade it every quarterly. The department can take cue from PMO's website where the PMO has proactively disclosed expenditures incurred on the Prime Minister's various foreign visits (<https://www.pmindia.gov.in/en/details-of-foreign-domestic-visits/0>)

Keeping in view the complexity to implement this order, the Commission directs the Transport Department to prepare a roadmap and submit it at the next date of hearing for this order to be implemented in earnestness.

To come up for further hearing on **06.08.2019 at 11.00 A.M.**

Sd/-

Chandigarh
Dated: 12.06.2019

(Khushwant Singh)
State Information Commissioner



Sh Karan Singh, S/o Sh.Shyam Singh,
79, High Land Society, Baltana, Zirakpur.

... Appellant

Versus

Public Information Officer,
State Transport Commissioner,
Sector-17, Chandigarh.

First Appellate Authority,
State Transport Commissioner,
Sector-17, Chandigarh.

...Respondent

Appeal Case No. 1752 of 2018

Present: None for the Appellant
Sh.Gurpal Singh, APIO for the Respondent

ORDER: The case was last heard on **29.08.2018**. Sh.Gurpal Singh, APIO was present. The respondent pleaded that the information was sent to the appellant on 17.04.2018. The appellant pleaded that he has not received the information. The respondent again brought the information and handed over to the appellant.

The appellant was asked to go through the information and inform the discrepancy, if any, to the PIO. The PIO was directed to remove the discrepancy.

The case was again heard on **17.10.2018**. The appellant informed that no information has been provided to him. The respondent at this hearing had changed his stand from providing the information to not providing the information. The PIO attached an order of the Government of Punjab dated 23.02.2006 whereby it had notified exempting certain organizations from the Act.

On close scrutiny of the reply submitted by the PIO, it was observed that the PIO's reply is not in accordance with the RTI sought since the information sought was about usage of official vehicles attached with a former Minister, and hence had nothing to do with the Chief Minister's security.

The appellant pleaded that his RTI application pertains to the expenditure and names of drivers attached to former Minister's vehicles and has nothing to do with the security cover provided to the minister, Chief Minister or the Minister concerned. The appellant sought an adjournment due to ill health as well as to prepare and file his reply to the exemption that the respondent has sought.

The case was further heard on **22.01.2019**. The appellant was absent. The respondent present pleaded for more time citing the reason that since the record asked is for ten years, it is voluminous in nature, for which more time is required.

The case was last heard on **24.04.2019**. The respondent present reiterated his earlier plea to not to provide the information. The appellant filed a reply to the exemption that was sought by the PIO which was taken on the file of the Commission. In the reply the appellant cited judgments of the Hon'ble High Court in case titled Additional Director General of Police v/s State Information Commissioner, decision of Central Information Commission in case titled Subhash Chandra Aggarwal v/s CPIO, President's Secretariat, New Delhi. A copy of the reply was provided to the respondent and the case was adjourned.

Appeal Case No. 1752 of 2018

Hearing dated 12.06.2019:

The respondent present has brought log books (43 in number) for the appellant to inspect the record and get the relevant information. The appellant is absent. The PIO is directed to bring the log books again at the next date of hearing. Since the record is voluminous, one last opportunity is granted to the appellant to appear and go through the log books and get the relevant information.

To come up for further hearing **on 06.08.2019 at 11.00AM.**

Chandigarh
Dated: 12.06.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Karan Singh, S/o Sh. Shyam Singh,
79, High Land Society, Baltana, Zirakpur.

... Appellant

Versus

Public Information Officer,
State Transport Commissioner,
Sector-17, Chandigarh.

First Appellate Authority,
State Transport Commissioner,
Sector-17,
Chandigarh.

... Respondent

Appeal Case No. 1753 of 2018

Present: None for the Appellant
Sh.Gurpal Singh, APIO for the Respondent

ORDER:

The case was last heard on **29.08.2018**. The appellant petitioned for the information, as well as appropriate action against the PIO in accordance with the RTI Act for the delay in tending to his RTI application.

The respondent denied the information on points 1,2, & 3 stating that the information sought is in the question form and cited an order of Chief Information Commissioner on dated 21/4/2006 whereby it is stated that the PIO is not obliged to provide information if it is in question form. The respondent, at the hearing, also cited security reasons for denial of information.

The matter before the commission to adjudicate was:

- 1) That whether the reasons for denial of information hold any ground under the RTI Act, 2005 or are mere pretexts to deny information.
- 2) That if the RTI application appears to be in question form, can it become a ground for denial of information, even though the information may be available with the Public Authority?
- 3) That whether the appellant has applied for information in a coherent form?

The Commission passed the following interim order

Interim Order-

1) The commission finds that the reason that divulging information about security men and drivers of a former minister can become a security hazard is rather far-fetched. A mere assumption cannot become a basis to deny information unless backed by material evidence. The PIO is hereby directed to cite the appropriate RTI Act rule, which exempts such information to be shared.

2) The PIO is also directed to mention the sections of the RTI Act under which the information has been denied in the letter (No-3631 dated 24/8/18) since denial of information has to be based on exemptions granted under the RTI Act and not arbitrarily.

3) The appellant is also hereby directed to be more specific with the identities of the persons about whom the information is being sought. Just writing two names and asking which minister they were attached to as drivers, and assuming that the public authority should know exactly that whom the appellant is referring to, is an unseemly way of seeking information. For example, if the appellant is seeking information about driver Kamal Kishor he should be more elaborate to identify the Kamal Kishor he is asking about. If not, then he should identify the Minister with whom he was attached to seek information about him. Obviously, there can be more than one Kamal Kishore and there can be many who are not attached with a minister. The appellant is hereby ordered to be more specific with the information that he seeks and bring the clarification at the next date of hearing.

The case was last heard on **17.10.2018**. The respondent at this hearing changed the reasons to not provide information. The PIO attached an order of the Government of Punjab dated 23.02.2006 whereby it had notified exempting certain organizations from the Act

On close scrutiny of the reply submitted by the PIO, it was observed that the PIO's reply was not in accordance with the RTI sought. The information sought is about Mr. Davinder Singh (Belt number 833), Mr. Bawa Singh (Driver) and one Kamal Kishor (Driver) that with which minister/ official and government vehicle was he attached as a driver and hence has nothing to do with the Chief Minister's security.

The appellant pleaded that his RTI application pertains to the expenditure and names of drivers attached to former Minister's vehicles and has nothing to do with the security cover provided to the minister, Chief Minister or the Minister concerned. The appellant sought an adjournment due to ill health as well as to prepare and file his reply to the exemption that the respondent has sought.

The case was again heard on **22.01.2019**. The respondent brought the information. The appellant was absent. A copy of the information brought by the respondent was being enclosed with the order.

The case was last heard on **24.04.2019**. The respondent present pleaded that the information has been provided to the appellant. The appellant claimed that the PIO has not provided the information regarding distance covered per month with month-wise expenses. The PIO was directed to provide the information regarding distance covered with month-wise expenses for all the 3 points.

Hearing dated 12.06.2019:

In the last hearing, the PIO was directed to provide the information regarding distance covered with month-wise expenses for all the 3 points. The respondent has brought log books (12 in number) for the appellant to inspect the record and get the relevant information. The appellant is absent. The PIO is directed to bring the log books again at the next date of hearing. Since the record is voluminous, one last opportunity is granted to the appellant to appear and go through the log books and get the relevant information.

The case is adjourned. To come up for further hearing on **06.08.2019 at 11.00 A.M.**

Chandigarh
Dated: 12.06.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Satpal Sharma, S/o ShGian Chand Sharma,
H No-3623, Street No-1,
Durga Puri Haibowal Kalan,
Ludhiana

...Appellant

Versus

Public Information Officer,
O/oGLADA,
Ludhiana.

First Appellate Authority,
O/oChief Administrator,
GLADA, Ludhiana.

...Respondent

Appellant Case No. 3810 of 2018

Present: Sh.Satpal Sharma for the Appellant
Sh.Santosh Kumar Bains, PIO for the Respondent

Order:

The case was last heard on 05.03.2019. Since both the parties were absent, the case was adjourned.

The case was again heard on **24.04.2019**. The respondent present brought the information and handed over to the appellant. The appellant claimed that the information was incomplete and the PIO had not provided the map of the building.

Having gone through the RTI application and the reply of the PIO, the Commission observed that the information on points 1,2& 6 had been suitably provided. Point-3 will be decided on the next date of hearing. Regarding points 4 & 5, the PIO stated that the information is not available in their record. The PIO was directed to give this on an affidavit. The PIO was also directed to provide the information on points 7 & 8.

Hearing dated 12.06.2019:

The appellant claims that the PIO has not provided the information as per order of the Commission. In the last hearing, the respondent had stated that the information regarding points-4 & 5 is not available in their record and the respondent was directed to give this on an affidavit. The PIO was also directed to provide information on points 7 & 8. The respondent has not brought any affidavit regarding points-4 & 5 nor has provided complete information on points-7 & 8.

It is a clear case of enormous delay in providing the information and non-compliance of the order of the Commission. The Commission has taken a serious view of this and hereby directs the PIO to show **cause why penalty be not imposed on the PIO under section 20 of the RTI Act for not supplying the information within the statutorily prescribed period of time**, He/She should file an affidavit in this regard, if there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission alongwith the written replies.

The PIO is again directed to provide complete information as per earlier orders within 10 days.

The case is adjourned. Both the parties to be present on **09.07.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 12.06.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - sicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh. Tahaf Bains, S/o Sh.Dipender Singh,
1562, Sector-18-D, Chandigarh.

.....Appellant

Versus

Public Information Officer,
O/o Sub Registrar, Jalalabad,
Distt.Fazilka..

First Appellate Authority,
O/oSDM, Jalalabad,
Distt.FAzilka.

...Respondent

Appeal Case No. 3838 of 2018

Present: Sh.Tahaf Bains as Appellant
Sh.Manoj Kumar, Bill Clerk, O/o Sub Registrar, Jalalabad for the
Respondent

Order:

The case was first heard on 05.03.2019. Since the PIO denied the information stating that the information is in question form and it cannot be provided, the appellant filed first appeal before the First Appellate Authority which disposed off the appeal on 20.08.2018 with the order that the information is third party information.

The appellant claimed that he being a co-parcener and legal heir as per law, is legally entitled to a share in the coparcenary property of his father and fore-fathers and for implementing that right, he requires details of the property. The respondent was absent. The PIO was directed to appear personally on the next date of hearing and explain the reasons for not providing the information in accordance with the RTI Act.

The case was again heard on **26.03.2019**. The respondent present pleaded that the information sought by the appellant is not specific and is third party information. The respondent further pleaded that the appellant has not provided the vasika number of the property. The appellant had provided only the mutation numbers of the property to the respondent, which makes it difficult for the public authority to trace the sought information.

After having gone through the arguments of the case, the Commission found both the pleas of the PIO untenable. Regarding the Vasika numbers being not provided, the Commission found this a mere tactics to delay the information since enough evidence had been provided to establish the particulars of the property about which the information is sought.

Regarding the PIO's plea that the information sought is third party, the Commission observed that since the appellant is a co-parcener and legal heir in the property, he has every right to access the information. The PIO was directed to provide the information to the appellant as sought in the RTI application before the next date of hearing.

Appeal Case No. 3838 of 2018

The case was last heard on **24.04.2019**. The respondent present brought the Vasika numbers and informed that on the basis of these vasika numbers, the appellant can get the information from the Sewa Kendra by depositing requisite fee. The appellant said that since they have asked the information under RTI Act, they are not to go to the Sewa Kendra and the information be provided under the RTI Act.

Since the appellant had asked the information under the RTI Act, the respondent was directed to raise the fee under the RTI Act within a week and provide the information before the next date of hearing.

Hearing dated 12.06.2019:

The respondent present pleaded that in compliance with the order of the Commission, the information on 24 Vasika Numbers out of 35 have been provided to the appellant and they shall provide information of the remaining vasika number. The respondent further informed that the information on remaining 7 vasika numbers (55, 639,649,761,3434, 5617, 5619, 6436, 04, 09) has to be provided by the office of Deputy Commissioner, Fazilka.

The PIO-DC Fazilka is hereby impleaded in the case and directed to provide the information of each vasika.

To come up on **31.07.2019 at 11.00 AM** for further hearing.

Chandigarh
Dated: 12.06.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-Deputy Commissioner,
Fazilka.