

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Jasbir Singh,
Village Bholapur, Jhabewal,
Post Office Ramgarh, Distt. Ludhiana

Appellant

Versus

Public Information Officer,
O/o Commissioner,
Municipal Corporation,
Ludhiana

First Appellate Authority
O/o Commissioner,
Municipal Corporation,
Ludhiana

Respondents

APPEAL CASE NO.3572/2017

Date of RTI application : 18.09.2017
Date of First Appeal : 21.10.2017
Date of Order of FAA : Nil
Date of 2nd Appeal/complaint : 06.12.2017

Present: **Sh. Jasbir Singh, Appellant in person at Commission's off., Chd.**
 Sh. Rahul Kumar, Building Inspector, Zone 'A', MC Office, Ludhiana – for
 Respondents.

ORDER

The case has been heard through video conferencing.

The following order was passed by this forum on 09.01.2019:

"According to the appellant, the information relates to the encroachments of public properties in the town. The respondent says that as the matter is sub-judice they are not in position to reveal it.

The Commission is not inclined to accept their version. They should specify the authority under which they intend to take shelter. They should file a written statement before the next date of hearing positively."

"The case has come up today. In spite of the express directions of the court, the respondents have maintained a studied silence. The Commission takes a strong exception to such a callous attitude.

The PIO is hereby issued a show cause notice under section 20(1) of the Right to Information Act as to why a penalty at the rate of Rs. 250/- per day, subject to a maximum of Rs. 25000/- be not imposed upon him for the delay in the supply of information

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APPEAL CASE NO.3572/2017

and also to why a suitable compensation under Section 19(8)(b) of the RTI Act, 2005, be not awarded to the complainant for the loss and detriment suffered by him. He is also afforded an opportunity of personal hearing on the next date of hearing, before taking any action.”

Sh. Rahul Kumar, Building Inspector appearing on behalf of the respondents has submitted a written reply in which it has been stated that the PIO could not attend the hearing on account of his engagement in the conduct of panchayat elections. Thereafter, the appellant was provided with the information after facilitation of inspection of record. The appellant who is present in the Court expresses his satisfaction over the receipt of information. He does not intend to further pursue the issue.

The appeal is **closed**.

Sd/-

13.02.2019

**(Yashvir Mahajan)
State Information Commissioner**

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Sh. Jaspal Singh
S/o Sh. Ramesh Arora,
H.No.319/3, Gurdeep Nagar, Jagraon,
Distt. Ludhiana

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Nagar Council, Jagraon
Distt. Ludhiana

First Appellate Authority
O/o Deputy Director, Urban Local Bodies,
Ludhiana

Respondents

APPEAL CASE NO.536/2018

Date of RTI application : 23.11.2017
Date of First Appeal : 28.1.2017
Date of Order of FAA : Nil
Date of 2nd Appeal/complaint : 05.02.2018

Present: **None on behalf of the Appellant.**
 Sh. Amrinder Singh, PIO – cum - Executive Officer, NC Office, Jagraon – for Respondents.

ORDER

The case has been heard through video conferencing.

The following order was passed on 21.11.2018:

“This is a long standing case. The Commission finds that the complete information as sought by the appellant has not been provided to the appellant. The respondent Sh. Amrinder Singh EO, Municipal Committee submits that he has recently joined and ensures this forum to provide the complete information after looking into all the pending applications of RTI. While accepting his plea the commission desires him to ensure that the available information is provided to the appellant. Any laxity shall meet with serious consequences.”

The case has come up today for hearing. Sh. Amrinder Singh, PIO – cum – EO, NC, Jagraon is present in person. He submits that the information relating to five points out of six points of

Contd....page...2

APPEAL CASE NO.536/2018

his application was provided to him vide their letter dated 06.03.2018. However, information with reference to the last point could not be provided on account of its non-availability.

The appellant has sought an adjournment. The Commission finds that it is a long standing case. The appellant has not been able to specifically pinpoint the deficiency in the information. Besides, the information asked for in the last point is based on conjectures and not on substantive facts. No purpose shall be served to keep the case alive any more. The Commission is satisfied that the sufficient information has been given. The appeal is **disposed**.

Sd/-

13.02.2019

**(Yashvir Mahajan)
State Information Commissioner**

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Sh. Rajinder Pal Singh,
Head Office Anti Corruption Wing Punjab,
31-G, Sarabha Nagar, Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Block Ludhiana-1, Ludhiana.

First Appellate Authority,
O/o Block Development and Panchayat Officer,
Block Ludhiana-1, Ludhiana.

Respondents

Appeal Case No.3850/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
14.08.2018	Nil	17.09.2018	Nil	13.11.2018

Present: Sh. Rajinder Pal Singh, Appellant in person.
Sh. Jagroop Singh, Panchayat Secretary, BDPO off. Ludhiana – 1 – for Respondents.

ORDER

The case has been heard through video conferencing.

The appellant had sought to know the particulars of the persons in occupation of the land belonging to the panchayat in Khewat No.326 of jamabandi for the year 2008.

The Panchayat Secretary says that such an information can only be provided after getting the demarcation done from the revenue authorities as the record of rights shows it to be in the possession of the panchayat only. He does not deny that land of panchayat is under encroachment. The issue is not within the jurisdiction of this forum as available information/record has already been provided yet the Commission would like to observe that the officials in the Department of Rural Development & Panchayats in negligence or design are not safeguarding the interests of the gram panchayat. The Director of Rural Development & Panchayats, Punjab, hopefully shall look into it and take appropriate action. No intervention as far as the Commission is concerned is called for.

Disposed.

Sd/-

13.02.2019

(Yashvir Mahajan)
State Information Commissioner

CC: The Director of Rural Dev. & Panchayats, Punjab, Vikas Bhawan, Sector 62, SAS Nagar (Mohali) for necessary action.

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Sh. Sampooran Singh,
S/o S. Lal Singh,
VPO Bakipur,
Tehsil & Distt Tarn Taran.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Tarn Taran.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Tarn Taran.

Respondents

Appeal Case No.3920/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
11.08.2018	Nil	20.09.2018	Nil	14.11.2018

Present: None on behalf of the Appellant.
Sh. Lakhwinder Singh, APIO – cum – Superintendent, BDPO office, Tarn Taran – for Respondents.

ORDER

The case has been heard through video conferencing.

Sh. Lakhwinder Singh, APIO – cum – Superintendent submits that the appellant was desired to deposit an amount of Rs.19,048/- being the cost of providing information as it was approximately comprising in 9000 plus pages. He further states that having failed to deposit the fee he is not entitled to the information. The appellant is desired to react.

To come up on **24.04.2019 at 11.30 AM** through video conference at Tarn Taran.

13.02.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Retd. Subedar Chhanakh Singh,
S/o S. Veer Singh,
R/o Village Vadala Johal,
Tehsil & Distt Amritsar.

Appellant

Versus

Public Information Officer,
O/o Village Development Officer,
Gram Panchayat Vadala Johal,
Block Jandiala Guru, Distt Amritsar.

First Appellate Authority,
O/o District Social Security Officer,
Amritsar.

Respondents

Appeal Case No.3862/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
23.08.2018	Nil	03.10.2018	Nil	12.11.2018

Present: Retd. Subedar Chhanak Singh, Appellant in person.
None on behalf of the Respondents.

ORDER

The case has been heard through video conferencing.

The appellant had sought for an information pertaining to the APRs maintained by the gram panchayat of village Vadala for the disbursement of old age/widow pensions etc. for the period from July, 2013 to October, 2017. The District Social Security Officer, Amritsar, vide communication dated 08.02.2019 to the Commission intimated that the requisite information is in the custody of BDPO, Jandiala Guru who has already been intimated to make good the information to the information seeker. It has further been observed that the BDPO, Jandiala Guru in turn written to one Sh. Gurmukh Singh, VDO to part with the information as it is in his custody.

The Commission finds that the officers at various levels of the Public Authorities have duly forwarded the application under Section 6(3) of the Act to one Sh. Gurmukh Singh, VDO who obviously is the deemed PIO for the purpose of providing information to the appellant. However, he has failed to do the same. At its face the Commission finds that Sh. Gurmukh Singh is culpable of violating the provisions of RTI Act.

Appeal Case No.3862/2018

Sh. Gurmukh Singh, VDO is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.

To come up on **24.04.2019 at 11.30 AM through video conference at Amritsar.**

Sd/-

13.02.2019

**(Yashvir Mahajan)
State Information Commissioner**

**Cc: Sh. Gurmukh Singh, VDO, PIO Gram Panchayat Vadala Johal, O/o BDPO, Jandiala
Guru, Distt. Amritsar, for n/a.**

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Sh. Avtar Singh,
S/o Shri Gurbax Singh,
House No 105 C, Alpha International City,
GT Road, Daburji , Amritsar.

Appellant

Versus

Public Information Officer,
O/o Excise & Taxation Department,
Tarn Tarn.

First Appellate Authority,
O/o Asstt. Excise and Taxation Commissioner,
Tarn Taran.

Respondents

Appeal Case No.3865/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
08.08.2018	Nil	18.09.2018	Nil	06.11.2018

Present: Sh. Avtar Singh, Appellant in person.
None on behalf of the Respondents.

ORDER

The case has been heard through video conferencing.

The respondents are absent. The Commission takes a strong exception to their cavalier attitude. The original application was filed on 08.08.2018. Having failed to procure the information even after filing a first appeal with the First Appellate Authority he has been constrained to approach the Commission. The Commission takes a strong exception to the silence on the part of the respondents. Apparently they have violated the provisions of Section 7 (1) of the RTI Act.

The PIO (by name) O/o Excise & Taxation Department, Tarn Taran is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

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Appeal Case No.3865/2018

In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.

To come up on **24.04.2019 at 11.30 AM through video conference at Amritsar.**

Sd/-

13.02.2019

**(Yashvir Mahajan)
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Sh. Jagshir Singh,
S/o Sh. Gian Singh,
R/o H.No 9/20,
Back Side Pandori Nursing Home,
Mandi Mullanpur Dakha, Distt Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Ghal Khurd, Distt Ferozepur.

First Appellate Authority,
O/o Block Development and Panchayat Officer,
Ferozepur.

Respondents

Appeal Case No.3888/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
18.08.2018	Nil	25.09.2018	Nil	14.11.2018

Present: Sh. Jagshir Singh, Appellant in person.
Sh. Balkar Singh, Panchayat Secretary, O/o BDPO, Ghal Khurd – for Respondents.

ORDER

The case has been heard through video conferencing.

The perusal of the application suggests that the information sought relates to the period of last sixteen years. It also widely covers all the activities of the panchayat. The Commission feels that the provision of such a massive record shall tantamount to putting an uncalled for burden on

the Public Authority and disruption of its normal activities. The appellant is advised to inspect the record in the office of the respondents on a mutually agreed date and time. The respondents shall provide him certified copies of documents not beyond one hundred fifty pages free of cost.

To come up on **24.04.2019 at 11.30 AM through video conference at Ludhiana.**

Sd/-

13.02.2019

**(Yashvir Mahajan)
State Information Commissioner**

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Sh. Jagshir Singh,
S/o Sh. Gian Singh,
R/o H.No 9/20,
Backside Pandori Nursing Home,
Mandi Mullanpur Dakha, Distt Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Ghal Khurd, Distt Ferozepur.

First Appellate Authority,
O/o Block Development and Panchayat Officer,
Ferozepur.

Respondents

Appeal Case No.3889/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
18.08.2018	Nil	25.09.2018	Nil	14.11.2018

Present: Sh. Jagshir Singh, Appellant in person.
Sh. Balkar Singh, Panchayat Secretary, O/o BDPO, Ghal Khurd – for Respondents.

ORDER

The case has been heard through video conferencing.

The respondents are absent. Nothing has been heard from them also. The Commission takes a serious note of the callous attitude and directs the Public Authority to look into

his application and arrange to provide him the information as is admissible within the framework of Act and Rules under intimation to the Commission.

The matter shall be reheard on **24.04.2019 at 11.30 AM through video conference at Ludhiana.**

Sd/-

13.02.2019

**(Yashvir Mahajan)
State Information Commissioner**

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S. Jasbir Singh,
Village Bholapur, Jhabewal, Post Office Ramgarh,
District Ludhiana.

Appellant

Versus

Public Information Officer
O/o Sub District Magistrate,
Kharar, Distt Mohali.

First Appellate Authority
O/o Deputy Commissioner,
Mohali.

Respondents

Appeal Case No.3895/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if	Date of order, if any of FAA	Date of Second Appeal/ Complaint
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		any		
13.08.2018	Nil	17.09.2018	Nil	14.11.2018

Present: **Sh. Jasbir Singh, Appellant in person at Commission's off., Chandigarh.**
None is present on behalf of the Respondents.

ORDER

The case has been heard through video conferencing.

The respondents are absent. No reply has also been filed by them. The Commission takes a serious note of it.

The matter is deferred to be heard on **26.03.2019 at 11.30 AM at Chandigarh.**

13.02.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

Email:psic22@punjabmail.gov.in

Sh. Jasbir Singh,
Village Bholapur, Jhabewal,
Post Office Ramgarh, Distt. Ludhiana

Appellant

Versus

Public Information Officer,
O/o Commissioner,
Municipal Corporation, Mata Rani Chowk,
Ludhiana.

First Appellate Authority
O/o Commissioner,
Municipal Corporation, Mata Rani Chowk,
Ludhiana.

Respondents

APPEAL CASE NO.3091/2017

Date of RTI application : 16.08.2017
Date of First Appeal : 16.09.2017
Date of Order of FAA : Reply 22.09.2017
Date of 2nd Appeal/complaint :20.10.2017

Present: Sh. Jasbir Singh, Appellant in person at Commission's office, Chd.
Sh. Viney Kumar, Clerk, Zone 'A', MC Office, Ludhiana – for Respondents.

ORDER

The case has been heard through video conferencing.

"Heard. The respondents say that information sought for is personal information of an official and cannot be spared. Whereas, the Commission broadly agrees with their point of view, but on a closer view, it finds that they are obliged to provide him information like his salaries, place of postings etcetera which they are required to disclose under section 4(1)(10) of the Right to Information Act, 2005. Accordingly, the respondents are directed to sift the application carefully and provide the information which does not attract the exemption."

The matter has come up for hearing today. Sh. Viney Kumar appearing on behalf of the respondents submits that in compliance with the aforementioned order of the Commission a communication has been sent under registered cover to him. On further enquiry it is revealed that it has been sent only today. Let the appellant see and react to it.

The matter shall be reheard on **24.04.2019 at 11.30 AM through video conference at Ludhiana.**

Sd/-

13.02.2019

(Yashvir Mahajan)
State Information Commissioner

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Sh. Jasbir Singh
Village Bholapur Jhabewal,
P.O. Ramgarh, Distt. Ludhiana

Appellant

Versus

Public Information Officer,
O/o Commissioner,
Municipal Corporation,
Ludhiana

First Appellate Authority
O/o Commissioner,
Municipal Corporation,
Ludhiana.

Respondents

APPEAL CASE NO.2915/2017

Date of RTI application : 21.08.2017
Date of First Appeal : 21.09.2017
Date of Order of FAA : Reply 20.09.2017
Date of 2nd Appeal/complaint :23.10.2017

Present: Sh. Jasbir Singh, Appellant in person at Commission's office, Chd.
Sh. Viney Kumar, Accounts Clerk, Zone 'A', MC Office, Ludhiana – for Respondents.

ORDER

The case has been heard through video conferencing.

"The following order was passed by this forum on 09.01.2019:

"Heard. The respondents say that information sought for is personal information of an official and cannot be spared. Whereas, the Commission broadly agrees with their point of view, but on a closer view, it finds that they are obliged to provide him information like his salaries, place of postings etcetera which they are required to disclose under section 4(1)(10) of the Right to Information Act, 2005. Accordingly, the respondents are directed to sift the application carefully and provide the information which does not attract the exemption."

The matter has come up for hearing today. Sh. Viney Kumar appearing on behalf of the respondents submits that in compliance with the aforementioned order of the Commission a communication has been sent under registered cover to him. On further enquiry it is revealed that it has been sent only today. Let the appellant see and react to it.

The matter shall be reheard on **24.04.2019 at 11.30 AM through video conference at Ludhiana.**

Sd/-

13.02.2019

**(Yashvir Mahajan)
State Information Commissioner**

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Sh. Sukhdev Singh
226, Guru Arjan Dev Nagar,
Tarn Taran Road, Amritsar

Appellant

Versus

Public Information Officer,
O/o Chief Director, Vigilance Bureau, Punjab,
SCO No.60-61, Sector-17-D,
Chandigarh

Sh. Harjit Singh,
PIO – cum – Superintendent,
Department of Local Govt., (LG – 1 Br.),
Municipal Bhawan, Plot No. 3 A,
Sector -35, Chandigarh.

First Appellate Authority
O/o Chief Director, Vigilance Bureau, Punjab,
SCO No.60-61, Sector-17-D,
Chandigarh

Respondents

APPEAL CASE NO.3009/2017

Date of RTI application: 24.05..2017

Date of First Appeal : 03.07.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 26.10.2017

Present: **Sh. Sukhdev Singh, Appellant in person.**
 1. Sh. Gurbachan Singh, Superintendent, O/o Pb. Vigilance Bureau,
 2. Constable Anil Rattan, O/o Pb. Vigilance Bureau – for Respondents.

ORDER

The following order was made by the Commission on 21.11.2018:

“This is in continuation of order passed by this forum on 28.02.2018.

The PIO in the office of the Principal Secretary to Government, Punjab, Department of Local Government was directed to arrange inspection and provide copies to the information seeker.

None is present on their behalf. Nothing has been received in writing also.

The Commission makes a serious note of their absence and as a last opportunity advises them to comply with the order thus passed on 28.02.2018 under intimation to the Commission failing which the penal action shall follow.”

“The case has come up today. Vide above order the respondents were directed to arrange an inspection of the record and thereafter provide the certified copies of the documents identified by the appellant free of cost.

Contd...page...2

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APPEAL CASE NO.3009/2017

The appellant submits that he was summoned to Chandigarh for the inspection of the record. However, on his visit to Chandigarh was informed that no such record is available with them. Seemingly, the PIO – cum - Superintendent in the office of the Department of Local Government, Punjab, (L.G. - I Br.), is willfully suppressing the information and ignoring the directions issued by the Commission. He is hereby required to file an affidavit about his position and explain as to why taking it as a violation under Section 7 (1) of the Act, a penalty under Section 20(1) should not be imposed on him. Meanwhile, it should be ensured that the documents sought are arranged to be provided as directed earlier to the information seeker positively.”

“The case has again come up for hearing today. The appellant is not present. The respondents have failed to come up with any convincing response. A last opportunity is afforded to them to comply with the order of the Commission.”

The case has again come up today for hearing. It is very strange and intriguing that despite the express directions followed by a show cause notice to the PIO, O/o Department of Local Government (LG – 1 Br.), he has maintained a stony silence. The Commission is inclined to believe that Sh. Harjit Singh, PIO – cum – Superintendent is malafidely and willfully withholding the information and defying the order of the Commission. A final opportunity is afforded to him to comply with the directions passed by the Commission. Be it noted that he is already under the show cause notice of imposition of penalty.

To come up on **24.04.2019 at 11.30 AM through video conference at Amritsar.**

Sd/-

13.02.2019

**(Yashvir Mahajan)
State Information Commissioner**

Cc: The Principal Secretary to Government, Punjab, Department of Local Government,
Municipal Bhawan, Plot No. 3 A, Sector 35, Chandigarh, for information and n/a.

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Sh. Badal Singh,
S/o Sh. Gurdit Singh,
R/o #171, Near Civil Dispensary,
Vill.- Khane Ki Dhab,
Sri Muktsar Sahib, Malout.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Block-Malout.

First Appellate Authority,
O/o Block Development and Panchayat Officer,
Block-Malout, Distt.- Sri Muktsar Sahib.

Respondents

Appeal Case No.3023/2018

Date of RTI application: 21.05.2018
Date of First Appeal : 17.07.2018
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 05.09.2018

Present: Sh. Badal Singh, Appellant in person.
Sh. Swaran Singh, Panchayat Secretary, BDPO Office, Block Malout, Distt.
Sri Muktsar Sahib

Order

The case has been heard through video conferencing.

The following order was made by this forum on 21.11.2018:

“Sh. Jaswant Singh submits that he has recently joined. He further says that he has been busy through and through with conduct of Block Samiti elections. While regretting the delay he says that he may be allowed a period of 15 days to dispense the information. Though there is no provision in law to condone the delay. However, in view of his submission, his request is accepted with direction to ensure the supply information by the aforesaid time, failing which the penal provision shall be invoked.”

The case has come up today for hearing. Sh. Swaran Singh, Panchayat Secretary appearing on behalf of the respondents submits that the asked for information has been provided. The appellant points out a deficiency with reference to a bank statement maintained by the department. The Panchayat Secretary assures the Commission that he will make good the deficiency. The Commission feels, by and large, that the information sought has been provided. The bank statement should also be furnished to him immediately. With the consent of both the parties the appeal is **disposed**.

Sd/-

13.02.2019

**(Yashvir Mahajan)
State Information Commissioner**