

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.
Ph: 0172-2864111, Visit us @ www.infocommpunjab.com,
Email:psic21@punjabmail.gov.in



Mohammed Nazir,
s/o Sh. Rehamdin,
Village Bhaini Kamboan,
PO Khanpur,
Tehsil Malerkotla,
District Sangrur.

Versus

Public Information Officer,
o/o Chief Executive Officer,
Punjab Waqf Board,
SCO: 1062-63, Sector-22 B,
Chandigarh,
First Appellate Authority,
o/o Chairman,
Punjab Waqf Board,
SCO: 1062-63, Sector-22 B,
Chandigarh.

Appeal Case No. 3468 of 2019

PRESENT:

(Appellant) Absent

Tayyeb Hasan Falahi, PIO-cum-Education & Development Officer (Respondent) 97810-23786

ORDER:

1. The RTI application is dated **10.6.19** vide which the appellant has sought information regarding the PWB chairman's official vehicle, travel and salary etc., as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **19.9.19** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **13.11.19**.
2. The appellant is absent but has informed the Commission that he is occupied with a hearing in the Civil Judge Sr. Division-Cum-CJM's Court at Ferozpur and requested an adjournment.
3. The respondent PIO Office of Punjab Waqf Board, Tayyeb Hasan Falahi, has submitted that the requested information was sent to the appellant on 17.10.19. He has also offered that the appellant can visit the Waqf Board office at Chandigarh on any working day if he found any shortcoming in the information already furnished. This Commission advises the appellant to point out any shortcoming in the information furnished pointwise in writing to this Commission as well as the respondent PIO in advance of such a visit.

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5. **Next hearing on 15.1.20 at 11.00 am.**

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
13.11.19



Sukwinder Singh,
Secretary, Parents Association (Regd),
Machhiwara,
District Ludhiana – 141115

Versus

Public Information Officer,
o/o Senior Superintendent of Police,
Khanna.
First Appellate Authority,
o/o Deputy Inspector General,
Ludhiana

Appeal Case No. 3474 of 2019

PRESENT:

(Appellant) Absent
Roor Singh, ASI (for the Respondent) 97800-01280

ORDER:

1. The RTI application is dated **10.6.19** vide which the appellant has sought information pertaining to the action taken on a Parents' Association complaint to the DSP at Samrala, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **18.9.19** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **13.11.19**.

2. The appellant is absent but has sent a letter stating that the requested information has been given to him and he is satisfied with it.

3. The respondent PIO represented by Roor Singh, ASI, explained that the information was delayed point to the fact that the investigation report from Samrala was received only on 11.11.19.

4. There is no further cause for action and this appeal case is herewith **CLOSED**.

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
13.11.19

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Baljeet Kaur,
212, Sector 124, Sunny Enclave,
Kharar, District Moahli.

Versus

Public Information Officer,
o/o Sub Divisional Magistrate,
Khamano, District Fatehgarh Sahib.

Complaint Case No. 828 of 2019

PRESENT:

Baljeet Kaur (Complainant) 99882-10063
(Respondent) Absent

ORDER:

1. The complainant, **Baljeet Kaur**, filed this RTI application dated **6.7.19** and sought information pertaining to details of land acquired by the government and the compensation paid thereon, from the PIO o/o **Sub Divisional Magistrate, Fatehgarh Sahib**. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **16.9.19**. Notice was issued to the parties for first hearing in the Commission on **13.11.19**.

2. The respondent PIO is absent without any intimation to this Commission. The appellant Baljeet Kaur is present and has submitted that she has made number of reminders to the Public Authority in question as well as other senior officials regarding her RTI application 6.7.19. The appellant also stated that was a deliberate attempt to withhold the information she seeks.

4. This Commission grants the respondent PIO one final opportunity to appear in person with the original record and attested copies for the complainant, along with a written reply explaining the long delay in addressing this RTI request. Failing this, penal action under the RTI Act will be initiated against him.

5. Next hearing on 15.1.20 at 11.00 am.

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
13.11.19



Gurpreet Singh,
Clerk of M.M. Mohar Advocate,
Chamber No. 32, New Judicial Court Complex, Ajnala
Tehsil Ajnala, District Amritsar.

Versus

Public Information Officer,
o/o Senior Superintendent of Police (Rural),
District Amritsar.

Complaint Case No. 830 of 2019

PRESENT:
(Complainant) Absent
(Respondent) Absent

ORDER:

1. The complainant, **Gurpreet Singh**, filed this RTI application dated **9.8.19** and sought information pertaining to one ASI Tejinder Singh (Belt No. 14), from the PIO o/o **SSP Amritsar**. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **17.9.19**. Notice was issued to the parties for first hearing in the Commission on **13.11.19**.

2. Both parties are absent.

3. The respondent PIO in a letter dated 4.11.19 has sought exemption for disclosing the information requested by the complainant contending that it was all personal information that is exempt from disclosure under section 8(1)(j) of the RTI Act.

4. This Commission concurs with the submission made by the respondent PIO that the information requested pertains to the personal service record of a particular police officer disclosures of which can conceivably serve no public interest and has therefore been denied to the appellant.

5. This Commission sees no further cause for action and this complaint case is herewith **CLOSED**.

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
13.11.19



Vinod Gupta,
88, Chandigarh Road,
Samrala Chowk,
District Ludhiana-141008

Versus

Public Information Officer,
o/o Director General of Police,
Punjab, Chandigarh.

Complaint Case No. 832 of 2019

PRESENT:

(Complainant) Absent

Purshotam Kumar, Head Constable (for the Respondent) 94171-31510

Narinder Singh, Constable (for the Respondent) 87278-00286

ORDER:

1.The complainant, **Vinod Gupta**, filed this RTI application dated **22.2.19** and sought Information pertaining to Complaint No. 1445810 dated 16.10.18 to the Commissioner of Police at Ludhiana, from the PIO o/o **Director General of Police, Pb., Chandigarh**. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **17.9.19**. Notice was issued to the parties for first hearing in the Commission on **13.11.19**.

2. The appellant is absent and has informed the Commission about his inability to attend today's hearing.

3. The respondent PIO, represented by Purshotam Kumar, Head Constable, has submitted that no RTI application has been received from the complainant till date. He stated that the complainant did submit an application to the office of the DGP Punjab on 20.12.18, but this was not in the stipulated format of an RTI application and so not treated as one.

4. On perusing the complaint file, it was noticed that the complainant has not appended his original RTI application with this complaint to this Commission on 17.9.19. The appellant is requested to submit a copy of original RTI application before next hearing on 15.1.20 so that this case can be taken forward.

5. Next hearing on 15.1.20 at 11.00 am.

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
13.11.19

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Gurjit Kaur,
w/o Daljit Singh,
Ward No. 2, Bugga Road,
Amlah, Tehsil Amlah,
District Fatehgarh Sahib

Versus

Public Information Officer,
o/o Executive Officer,
Municipal Council, Amlah, Tehsil Amlah,
District Fatehgarh Sahib.

Complaint Case No. 836 of 2019

PRESENT:

Gurjit Kaur (Complainant) 78889-74034
(Respondent) Absent

ORDER:

1. The complainant, **Gurjit Kaur**, filed this RTI application dated **1.8.19** and sought information from the PIO o/o **Executive Officer, M.C., Fatehgarh Sahib** pertaining to her own property by way of property tax receipts etc.. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **19.9.19**. Notice was issued to the parties for first hearing in the Commission on **13.11.19**.
2. The respondent is absent without any intimation to this Commission. The complainant is present and has submitted that she needs the requested information urgently to pursue a civil litigation currently pending in the Punjab & Haryana High Court at Chandigarh.
3. This Commission takes a very serious view of the respondent PIO's absence at this hearing and directs him to be personally present at the next hearing with the original record pertaining to the information requested in this RTI application. Failing this, the Commission will be constrained to initiate penal action against him under the RTI Act.
4. **Next hearing on 15.1.20 at 11.00 am.**

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
13.11.19

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Dr. Manjit Singh Komal,
Ex-Principal GGN Khalsa College,
174-A, Shastri Nagar,
Ludhiana.

Versus

Public Information Officer,
o/o Commissioner of Police,
Ludhiana.

First Appellate Authority
o/o Commissioner of Police,
Ludhiana.

Public Information Officer,
o/o SHO, Police Station,
Salem Tabri,
Ludhiana.

Appeal Case No. 1127 of 2018

PRESENT:

Dr. Manjit Singh Komal (Appellant) 99145-14555
Usha Rani, PIO-Cum-Sub Inspector (Respondent) 98729-55111
Jawala Parshad, ASI (for the Respondent) 98557-83289

ORDER:

1. The RTI application is dated **12.1.18** vide which the appellant has sought information regarding the action taken and inspection report prepared by ASI Sukhwinder Singh etc. on his complaint emailed to the Deputy Chief Minister on 13.2.16, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **27.3.18** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **13.11.19**.
2. Both parties are present. The respondent PIO, represented by Jawala Parshad, ASI and Usha Rani, PIO-Cum-Sub Inspector, have again agreed to provide the appellant the information that he has requested i.e. statement of Sukhjinder Singh, ASI, pertaining to his email to the Deputy CM Punjab on 13.2.16.
3. The respondent PIO is directed to handover a duly attested copy of the aforesaid statement to the appellant and the PIO in this instance, SI Usha Rani from the office of CP, Ludhiana is

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directed to submit an affidavit to this Commission that no investigation report or statements recorded by ASI, Sukhjinder Singh pertaining to the appellant's complaint emailed to the Dy. CM on 13.2.16, exist in the office of Commissioner of Police, Ludhiana.

4. **Next hearing on 15.1.20 at 11.00 am.**

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
13.11.19

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Jagtar Singh,
798, Sector-22,
Village Dhanoni, Near Gurudwara Shaib,
Tehsil Dera Bassi,
District SAS Nagar.

Versus

Public Information Officer,
o/o Executive Officer, Nagar Council,
Zirakpur.
First Appellate Authority
o/o Regional Deputy Director, Urban Local Bodies,
Patiala.

Appeal Case No. 2739 of 2019

PRESENT:

Jagtar Singh (Appellant)94636-18716
(Respondent)Absent

ORDER:

(To beread in continuity with earlier orders on 29.8.19 and 27.9.19)

1. The RTI application is dated **21.6.18** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **29.7.19** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **13.11.19**.

2. The appellant is present. The respondent PIO-cum-EO Municipal Council Zirakpur, Sukhjinder Singh Sidhu is absent for the third successive time despite show cause notice issued to him by name on 27.9.19. Neither has he bothered to appear at this hearing with a written reply, as directed by this Commission, nor has he chosen to take the opportunity for the personal hearing offered to him before the imposition of a penalty.

Order: Keeping all the facts of the case in mind, this is a fit case to invoke Section 20 of RTI Act and impose a penalty on the respondent PIO Section 20(1), which reads as under:

“Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub Section (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of 250/- Rupees each day till application is

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received or information is furnished, so however, the total amount of such penalty shall not exceed Twenty Five Thousand Rupees;

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

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

The onus and responsibility lie on the PIO to ensure the transmission of the complete information to the appellent. The PIO Sukhjinder Singh Sidhu, Executive Officer, Municipal Council, Zirakpur is hereby held guilty for not providing the information on time as prescribed under Section 7, which is within 30 days of the receipt of the request and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of Rupees Twenty-five Thousand (Rs. 25,000.00) is hereby imposed upon the PIO, Executive Officer, Municipal Council, Zirakpur, which be deducted from his salary and deposited in the Punjab Government Treasury under head "**0070-Other Administrative Services-60-other Services-8000-Other Receipts-86-Fees Under the Right to Information Act.**" The PIO Municipal Council, Zirakpur is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan at the next hearing of this appeal case.

3. Copies of this order are addressed to the Secretary, Local Government, Punjab, Chandigarh and Regional Deputy Director, Urban Local Bodies, Patiala, who are requested to ensure compliance.

4. **Next hearing on 15.1.20 at 11.00 am.**

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
13.11.19

CC – for information and necessary action:

1] Secretary Local Government, Municipal Bhawan, Plot No. 3, Dakshin Marg, Sector 35-A, Chandigarh-160022.

2] Regional Deputy Director, Urban Local Bodies, Patiala.

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Satish Bahadur Advocate,
Chamber No. 121-122, District Courts,
Fazilka.

Versus

Public Information Officer,
o/oTehsildar, Fazilka.
First Appellate Authority
o/o Sub Divisional Magistrate,
Fazilka.

Appeal Case No. 2740 of 2019

PRESENT:

Umesh Kumar Advocate (for the Appellant)
(Respondent) Absent

ORDER:

(To be read in continuity with earlier orders on 29.8.19 and 27.9.19)

1. The RTI application is dated **23.7.18** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **29.7.19** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **13.11.19**, wherein the respondent PIO was directed to retrieve the information from the office of the Deputy Commissioner Fazilka and furnish it to the appellant, who was represented by his advocate, Umesh Kumar.

2. The respondent PIO is absent without intimation for the second successive time. This is despite the fact that he was issued show cause notice at the last hearing on 27.9.19. In the interim, neither has the respondent PIO supplied the information requested by the appellant nor has he informed this Commission or the appellant of any compelling reasons for this over long delay. The respondent PIO has also failed to take the opportunity of a personal hearing offered to him in the show cause notice issued on 27.9.19.

3. Under the circumstances, this Commission has no option but to impose penalty stipulated in the RTI Act.

Order: Keeping all the facts of the case in mind, this is a fit case to invoke Section 20(1) of RTI Act and impose a penalty on the PIO, which reads as follows:-

“Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished

information within the time specified under sub Section (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or

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destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of 250/- Rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed Twenty Five Thousand Rupees;

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

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

The onus and responsibility lie on the PIO to ensure the transmission of the complete information to the appellant. The PIO is hereby held guilty for not providing the information on time as prescribed under Section 7, which is within 30 days of the receipt of the request and for repeated and willful defiance of the Punjab State Information Commission's orders.

A penalty of Rupees Twenty-five Thousand (Rs. 25,000.00) is hereby imposed upon the PIO, which be deducted from his salary and deposited in the Punjab Government Treasury "**0070-Other Administrative Services-60-other Services-8000-Other Receipts-86-Fees Under the Right to Information Act.**" The PIO is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan at the next hearing.

4. Copies of this order are addressed to the Deputy Commissioner Fazilka and SDM Fazilka, who are requested to ensure compliance.

5. **Next hearing on 15.1.20 at 11.00 am.**

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh
13.11.19

CC – for information and necessary action:

- 1] Deputy Commissioner, Fazilka
- 2] Sub Divisional Magistrate, Fazilka