

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
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Sh. Swaran Singh,
Village-Mehmood Khane Ke,
PO-Amirkhas, Tehsil-Jalalabad West,
District-Fazilka.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Guru Harsahai, District-Fazilka.

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

Respondents

Appeal Case Nos.2011&2013/2019

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
21.02.2019/20.02.2019	Nil	18.04.2019/15.04.2019	Nil	03.06.2019

Present: **Appellant-** **Sh. Swaran Singh.**
 Respondents- **Sh. Sukhbir Singh, Samiti Patwari;**
 Sh. Gurmeet Singh, Panchayat Secretary.

ORDER

The case has been heard through video conferencing.

Since the appellant, respondents and the subject matter of the issue is same,
it is clubbed with and shall be disposed of with single order.

The following order was made by the Commission on 11.09.2019:

*The appellant had sought the personnel details of Sh. Gurmeet Singh,
Panchayat Secretary, O/o the BDPO, Guruharsahai.*

Vide memo number 1168 dated 19.08.2019, the BDPO, Guruharsahai, had directed Sh. Gurmeet Singh, Panchayat Secretary, to appear in video conference. However, he is neither present nor has been any reply filed by him. The Commission observes that the information pertains to the person only who has been asked to furnish it. Obviously it shall lead to conflict of interest. The PIO has failed to apply himself to the issue in hand and provide the information within stipulated period.

The BDPO, is hereby 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

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Appeal Case Nos.2011 &2013/2019

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 Complainant 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.”

The case has come up today. Sh. Sukhbir singh, Samiti Patwari, and Sh. Gurmeet Singh, Panchayat Secretary, are present. They take the plea of personal information under section 8 (1) (J) of the Right to Information Act. The appellant on the other hand has some generalized apprehensions about the fairness in the appointment of Panchayat Secretary. However, without being specific, credence on such an insinuation cannot be taken. The BDPO should put forward their point of view in writing to the Commission so that appropriate call can be taken on the same.

The next date of hearing shall be intimated in due course.

13.11.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Sh. Swaran Singh,
Village-Mehmood Khane Ke,
PO-Amirkhas, Tehsil-Jalalabad West,
District-Fazilka.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Guru Harsahai, District-Fazilka.

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

Respondents

Appeal Case No.2012/2019

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
18.02.2019	Nil	15.04.2019	Nil	03.06.2019

Present:

Appellant- Sh. Swaran Singh.
Respondents- Sh. Sukhbir Singh, Samiti Patwari;
Sh. Gurmeet Singh, Panchayat Secretary.

ORDER

The case has been heard through video conferencing.

The Commission has made following order on 11.09.2019:

Having failed to procure the information at the level of PIO and the First Appellate Authority, the appellant has been constrained to file a second appeal. He had sought a copy of nomination papers filed by some candidates and their rejection orders by the Returning Officer during the Panchayat elections held recently.

Sh. Sukhbir Singh, Samiti Patwari, O/o BDPO, states that as the information is in the custody of the SDM of the sub division, he has been informed under section 6(3) of the RTI Act to provide the information to the information seeker. The PIO in the office of the SDM as such is impleaded as a necessary party. Considering him as a deemed PIO, he is desired to provide the information and to show cause as to why the penal proceedings

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Appeal Case No.2012/2019

should not be initiated against him for having failed to transmit the information as provided under Section 7(1) of the Act.”

The case has come up today. None is present on behalf of the SDM. The Commission takes a strong view of the same and directs him to provide the copy of the entire record of the papers filed by the appellant and the action taken thereon by the Returning Officer forthwith. The matter shall be reheard in due course.

13.11.2019

CC: The SDM, District- Fazilka.

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



Sh. Jagshir Singh,
S/o Sh. Gian Singh,
R/o # 9/20, Mandi Mullanpur, Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Panchayat Secretary,
Gram Panchayat, Village-Kular,
Ludhiana.

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

Respondents

Appeal Case No.496/2019

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
10.03.2017	Nil	05.05.2017	Nil	24.01.2019

Present:

Appellant- Sh. Jagshir Singh.

Respondents- Sh. Gurmeet Singh, Panchayat Secretary.

ORDER

The case has been heard through video conferencing.

The following order was made by the Commission on 11.09.2019:

“The respondents have brought along the record. The same has been handed over on spot during the course of hearing in video conference to the appellant. He intends to go through it and revert to suggest the infirmity in the information thus provided, if any.”

The case has come up today. The appellant submits that the documents pertaining to the deficiencies pointed out have been brought along by the respondents, who assure the Commission to hand it over to the appellant hereinafter the video conference only.

The Commission feels that no more further intervention is required. The appeal is **disposed**.

13.11.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



Sh. Rohit Sabharwal,
Kundan Bhawan,126,
Model Gram, Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Deputy Excise and Taxation Commissioner,
Mini Secretariat, Ludhiana.

First Appellate Authority,
O/o Deputy Excise and Taxation Commissioner,
Mini Secretariat, Ludhiana.

Respondents

Appeal Case Nos. 565&957/2019

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
15.10.2018/30.11.2018	Nil	19.11.2018/04.01.2019	Nil	29.01.2019/11.03.2019

Present: Appellant- None.
Respondents- Sh. Gurmeet Singh Kohli, ETO.

ORDER:

The case has been heard through video conference.

Since the appellant, respondents and the subject matter of the issue is same,

it is clubbed with and shall be disposed of with single order.

The following order was made on 28.08.2019:

26.06.2019:

"The appellant is seeking information about the particulars of the officials who have not filed their property returns with the public authority concerned. The respondent, represented by Shri Navjot Singh, ETO states that the information has been sent to the appellant vide communication dated 25.06.2019. Nothing is on record to ratify the same. The Commission finds that the response is very belated after a lapse of about 8 months. The respondents are directed to file a written reply to the notice of the Commission and explain the delay. Meanwhile, they should endorse a copy of the reply sent to the appellant, to the Commission also for its perusal.

The case has come up today. The Commission has perused the reply sent by the

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Appeal Case Nos. 565&957/2019

respondents. Apparently, it seems in order. The Commission finds that the original application was filed on 30.11.2018. It has taken them 10 months for them to file a reply. The delay is beyond 100 days. They have rendered themselves liable for imposition of penalty.

The PIO in the office of the Deputy Excise and Taxation Commissioner is hereby 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 Complainant 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.”

The case has again come up today. Sh. G.S. Kohli, Excise and Taxation Officer, is present. He submits that a self attested affidavit has been filed before the Commission in response to the show cause notice issued to them. It is their plea that the



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Appeal Case Nos. 565&957/2019

information available with them was provided to the appellant forthwith on their knowledge of the applicant having sought the information. The original application could not be traced despite their best effort. The Commission has gone through the contentions made by the respondents and is inclined to accept the same. The appellant is consistently absent. The Commission does not see any malafide on the part of the respondents to withhold the information. The show cause notice issued is filed and the appeal is **disposed**.

13.11.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Sh. Lal Chand S/o Sh.Chaman Lal Virhe,
R/o Garhi Sheru, Rahon Road,
PO Mattewara, Via Basti Jothewal,
Tehsil & District-Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Deputy Commissioner of Police,
Mini Secretariat, Ludhiana.

First Appellate Authority,
O/o Commissioner of Police,
Mini Secretariat, Ludhiana.

Respondents

Appeal Case Nos.3101, 3102, 3103, 3104, 3105, 3320 and 3321/2019
(Life & Liberty)

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
26.07.2019	Nil	09.08.2019	Nil	26.08.2019

Present:

Appellant- None.
Respondents- Sh. Ramesh Kumar, O/o Commissioner of Police, Ludhiana.

ORDER

The case has been heard through video conference.

The Commission has made following order on 25.09.2019:

05.09.2019

"A couple of appeals in addition to the ones already pending have been received from the appellant. In Appeal Case Nos. 3101, 3102, 3103 and 3105 of 2018 the Commission has made following order on 05.09.2019:

Since the appellant and the respondents are same and the information sought and emanates from the same incident, the single order shall dispose off all the appeals.

Notice was issued to the respondents on the request of the appellant to treat it as a case of life and liberty under proviso to section 7(1) of the RTI Act as he was a victim of an assault and the FIR under Section 307 and other sections of IPC stand registered on 23.05.2019 in the jurisdictional police station. The appellant is absent, as the notices for

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Appeal Case Nos.3101, 3102,3103, 3104, 3105, 3320 and 3321/2019

hearing were sent only a couple of days before, seemingly it has not been delivered to him. The respondents nonetheless are present. They submit that the information sought by the appellant with regard to the counter application filed by his opponents has been provided to him. They further add that investigation in the case has already been completed and the Charge sheet has been filed in the Court. He should approach the office of the concerned magistrate to seek the information relating to investigation and the charge sheet. They further say that the original incident occurred in May, 2019. As of now according to them, there is no apprehension of breach of peace or imminent threat to life and liberty of anybody.

In order to arrive at just conclusion the appellant is desired to respond to the submissions of the respondents expeditiously.

The case has come up today. The Commission understands that all his applications accrue from the same issue and they are desirable to be disposed of with a single order only. The respondents, who are present in the court, submit that they are open to the inspection of the record relevant with his applications and to provide the certified copies of the documents identified by him. They admit that the investigation has been completed and the revelation of information shall not impede investigation, apprehension or the prosecution of the accused in the FIR registered. The exemptions under section 8 (1) (h) of the RTI Act are not afforded to them. They are directed to allow the appellant the inspection of the record



Appeal Case Nos.3101, 3102,3103, 3104, 3105, 3320 and 3321/2019

within 15 days from today positively by communicating him the particular date, time and venue in writing; and thereafter, provide him the certified copies of the documents identified by him.”

The case is being taken up today. The appellant is absent. The respondents say that in compliance with the orders of the Commission, the relevant record was got inspected and the copies of the documents identified by him was provided. They have sent across an acknowledgement of appellant also in token of having received the information. No further action is called for. **Disposed.**

13.11.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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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 Astd. 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: Appellant- None;
Respondents- Sh. Amrik Singh, Excise and Taxatation Officer.

ORDER

The case has been heard through video conference.

The following order was passed on 25.09.2019:

13.02.2019:-

"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.

In addition to the written reply, the PIO is also given an opportunity under Section

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Appeal Case No.3865/2018

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."

17.07.2019

Shri Harpreet Singh, Excise & Taxation Inspector, Department of Excise & Taxation, Tarn Taran who is present in the Amritsar studio, submits that the sought for information has been dispatched by post to the information seeker. He was duly responded in time earlier as well to make good the deficiency in the information already provided. The respondents have requested for filing the Show Cause Notice issued to the PIO.

The appellant is absent. An opportunity is afforded to him to respond to the submissions of the respondent, failing which it shall be presumed that he is satisfied with the information provided to him and his application shall be disposed accordingly.

25.09.2019

The case has come up today. The respondents are absent. The Commission takes serious note of their absence. The appellant is present and he denies having received any information. The respondents are directed to produce evidence of having transmitted the information to the information seeker and explain in writing the delay in providing or having failed to provide the information. Be it noted that they are already under a notice of imposition of penalty; no further opportunity shall be afforded."

The case is again being considered today. In compliance with the directions passed above, the respondents have intimated that the appellant was informed on



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Appeal Case No.3865/2018

24.12.2018. The information was repeatedly sent on 18.02.2019. The copies of the memos have been forwarded to the Commission which has been taken on record. The appellant is absent. The Commission feels that he was that he was suitably informed in time. No further intervention is required. The matter is **disposed**

13.11.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Sh. Daljit Singh,
S/o Sh. Amrik Singh,
R/o Bheni Badeshan,
PO-Khilchiya,
Tehsil-Baba Bakala Sahib, District-Amritsar.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Jandiala Guru, Amritsar.

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

Respondents

Appeal Case No.1993/2019

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
07.03.2019	Nil	10.04.2019	Nil	31.05.2019

Present: Appellant- None.
Respondents- None.

ORDER

None is present. The matter is adjourned. The next date of hearing shall be intimated in due course.

13.11.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Sh. Satish Kumar Bhiri, Advocate,
Ward No. 10, Near Nehru Park,
Jaito, District-Faridkot.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Jaito, Faridkot.

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

Respondents

Appeal Case No.1956/2019

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
30.01.2019	Nil	14.03.2019	Nil	29.05.2019

Present: Appellant- None.
Respondents- Ms. Neeru Garg, BDPO.

ORDER

An email has been received from the appellant wherein he has acknowledged the receipt of the information to his satisfaction.

Disposed.

13.11.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

