

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



REGISTERED SHOW CAUSE NOTICE

Kadambini (Advocate)
D/o Mukand Lal,
4125, Abohar Road,
Sri Muktsar Sahib – 152026

Versus

Public Information Officer,
o/o Shiv Dham Welfare Society
Jalalabad Road, Sri Muktsar Sahib.
Public Information Officer,
o/o Executive Officer,
Municipal Council, Sri Muktsar Sahib.

Complaint Case No. 129 of 2020 (Video Conference Proceedings)

PRESENT:

Ms. Kadambini (Complainant) 98142-06385
Vikram Dhuriya, PIO-cum-Superintendent (Respondent) 98889-00445

ORDER:

(To be read in continuity with earlier orders on 4.6.2020, 6.8.2020, 25.11.2020, 27.1.2021, 8.9.2021, and 13.4.2022)

1. The complainant, Kadambini, filed this RTI application dated **7.11.2019** and sought information as under:

“Shiv Dham Welfare Society Jalalabad Road, Sri Muktsar Sahib is on government land i.e. Municipal Committee, hence the following information (directly or indirectly aided by government):

- 1] Copies of Income Tax Returns for the last five years – 2015 till date along with annexures.
- 2]. Copies of Bank Statement account for the years 2015 to date.
- 3] Copies of cash book and ledger alongwith receipt and payment voucher (cash receipts issued) for the year 2015 till date.
- 4] Copies of Resolutions passed by the executive committee / general house for 2015 till date.
- 5] Copies of designs of construction work undertaken by the Society in the last five years i.e. 2015 till date alongwith approval by the competent authority i.e. Nagar Council.
- 6] Copies of audit Report conducted by the CA for the last five years and copies annexed with Income Tax Returns.”

from the **PIO o/o Executive Officer, Nagar Council, Sri Muktsar Sahib**. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **28.1.2020**. The case was last heard on **13.4.2022**.

Contd....2

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Complaint Case No. 129 of 2020 (Video Conference Proceedings)

2. Both parties are present. The respondent PIO Shiv Dham Welfare Society is absent without intimation. In its order of 13.4.2022, the Commission had raised following questions at para 9 which were reply to be both the respondent PIO Shiv Dham Welfare Society as well as the PIO-cum-EO, Municipal Council, Sri Muktsar Sahib:

A] Is the land on which Shiv Dham Welfare Society operates a cremation ground, in fact owned by the Municipal Council / State Government? If yes, then what are the terms on which said land was handed over to the Shiv Dham Welfare Society and when?

B] Does the respondent Shiv Dham Welfare Society, as contended by the complainant, charge a fee of Rs. 6,000.00 per cremation carried out at its cremation ground?

C] Has the Municipal Council Shri Muktsar Sahib stipulated any fees / charges for the cremations carried out at the cremation ground being operated by the respondent Shiv Dham Welfare Society?

D] In its submission to this Commission dated 6.8.2021, the respondent Shiv Dham Welfare Society has rather vaguely described itself as a “*simply private society, which is made by a group of social workers*”. The respondents must clarify whether the Shiv Dham Welfare Society is in fact a society registered under the Societies Registration Act? If yes, then details regarding said registration be submitted to the Commission.

3. The Municipal Council, Sri Muktsar Sahib, has submitted a reply vide Letter No. 1265 Dated 11.5.2022, clearly establishing that the land on which the cremation ground is being operated by the Shiv Dham Welfare Society, is owned by the Municipal Council, Sri Muktsar Sahib.

4. In consequence, this Commission holds that the **Shiv Dham Welfare Society, Jalalabad, Municipal Council, Sri Muktsar Sahib, is in fact a Public Authority as defined by 2(h) of the RTI Act, 2005**. Following from the above, the Commission impleads the PIO-cum-EO, Municipal Council, Sri Muktsar Sahib, in this Complaint Case and hereby issues this Show Cause Notice to both the respondent PIO, Shiv Dham Welfare Society, Sri Muktsar Sahib as well as the PIO-cum-EO, Municipal Council, Sri Muktsar Sahib.

5. The respondent **PIO o/o Shiv Dham Welfare Society and PIO-cum-EO, Municipal Council, Sri Muktsar Sahib**, is herewith ordered to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20 (1) of RTI Act, 2005, for causing willful delay/denial of the information requested by the appellant as far back as on **7.11.2019**.

“In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) provision there to, 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*.” Copies of this order be sent to the parties through registered post.

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Complaint Case No. 129 of 2020 (Video Conference Proceedings)

6. The above said respondents are hereby directed to submit a written reply along with a copies of relevant record to the queries raised by this Commission at para 9 of its Order of 13.4.2022.

7. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under:

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

8. **Next hearing on 3.8.2022 at 11.00 am via Video Conference Facility at DC Office, Sri Muktsar Sahib.**

Sd/-

(ASIT JOLLY)

State Information Commissioner, Punjab.

Chandigarh

13.5.2022

Cc: Additional Deputy Commissioner,
Urban Development,
Sri Muktsar Sahib, for information and further necessary action.

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Subhash Chander,
S/o Sh. Tirath Ram,
Street No. 2, New Luxmi Nagar,
Kapurthala.

Versus

Public Information Officer,
o/o Divisional Forest Officer,
Basti Jana, Near Forest Training School,
Bhangi Chow, Hoshiarpur.
First Appellate Authority,
o/o Conservator of Forest, North Circle,
Department of Forest & Wildlife,
Near Main Post Office,
Hoshiarpur.

Appeal Case No. 4184 of 2021 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent

Sanjeev Kumar, Forest Range Officer (for the Respondent) 88724-32888

ORDER:

(To be read in continuity with earlier orders on 11.2.2022)

1. The RTI application is dated **7.6.2021** vide which the appellant has sought information **regarding CAMPA Scheme (range bise)**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **26.7.2021** and Second Appeal was filed in the Commission on **15.9.2021** under Section 19 of the Right to Information Act, 2005. The case was last heard on **11.2.2022**.

2. The appellant is absent but has informed the Commission that he has received the information, but that he needs time to examine it for deficiencies.

3. The respondent PIO, represented by Sanjeev Kumar, Forest Range Officer, states that 585 pages of information were handed over to the appellant vide Letter No. 157-58 Dated 19.4.2022 and additional 5,063 pages were given to him vide Letter No. 425 Dated 11.5.2022. In view of the appellant's request, he is granted one opportunity to examine the information for any deficiency. This must be intimated to the respondent PIO along with copy to the Commission.

4. **Next hearing on 3.8.2022 at 11.00 am via Video Conference Facility at DC Office, Hoshiarpur.**

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
13.5.2022

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Gurjit Singh Jassi,
S/o Sh. Hardeep Singh,
3260/2, Sector-45 D,
Chandigarh.

Versus

Public Information Officer,
o/o Senior Superintendent of Police,
Patiala.

First Appellate Authority,
o/o Inspector General of Police,
Patiala Range, Patiala.

Appeal Case No. 3133 of 2021 (Video Conference Proceedings)

PRESENT:

Gurjit Singh Jassi (Appellant) 92161-33343
ASI Hakam Singh (for the Respondent) 62399-82833

ORDER:

(To be read in continuity with earlier orders on 2.3.2022)

1. The RTI application is dated **30.7.2020** vide which the appellant has sought **information regarding application dated 1.6.2020**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **29.10.2020**, and Second Appeal was filed in the Commission on **9.7.2021** under Section 19 of the Right to Information Act, 2005. The case was last heard on **2.3.2022**.

2. Both parties are present. In a letter to the Commission vide No. 960 Dated 23.4.2022, the respondent PIO states that the information was received from the Complaints Branch and was being sent to the appellant. The appellant however states that he has not received any information. The respondent PIO states that the said information which was sent by registered post was returned to the office of SSP, Patiala, by the postal authorities.

3. The respondent PIO is hereby directed to submit the reply and information that was sent to the appellant, to this Commission forthwith. The same is then to be collected by the appellant at his convenience.

4. **Next hearing on 17.8.2022 at 11.00 am via Video Conference Facility.** (The appellant will attend the hearing at DC Office, Mohali and the respondent PIO will attend the hearing at DC Office, Patiala.)

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
13.5.2022

PUNJAB STATE INFORMATION COMMISSION

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Gurjit Singh Jassi,
S/o Sh. Hardeep Singh,
3260/2, Sector-45 D,
Chandigarh.

Versus

Public Information Officer,
o/o Station House Officer,
Thana Banur, Mohali.
First Appellate Authority,
o/o Senior Superintendent of Police,
Mohali.

Appeal Case No. 3134 of 2021 (Video Conference Proceedings)

PRESENT:

Gurjit Singh Jassi (Appellant) 92161-33343
ASI Mahinder Singh (for the Respondent) 83601-03224

ORDER:

(To be read in continuity with earlier orders on 2.3.2022)

1. The RTI application is dated **22.6.2020** vide which the appellant has sought **information regarding action on the complaint by Harbans Kaur, W/o Late Hardeep Singh**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **28.10.2020**, and Second Appeal was filed in the Commission on **22.7.2021** under Section 19 of the Right to Information Act, 2005. The case was last heard on **2.3.2022**.

2. Both parties are present. The respondent PIO represented by ASI Mahinder Singh, from Police Station Banur, made an oral submission. Notably, the PIO-cum-SHO, Police Station Banur was issued Show Cause Notice at the last hearing on 2.3.2022, to which he has neither submitted any written reply nor opted to be heard in person.

3. The respondent PIO-cum-SHO, Police Station Banur, is hereby granted one final opportunity to submit a written reply to the Show Cause Notice issued to him. He is also directed to submit written reply to the RTI application along with all information/record pertaining to the complaint cited in the said RTI application by way of duly attested copies. This must be done before the next hearing.

4. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under:

Information supplied under the RTI Act, 2005
Signature of the PIO
Name of the PIO
Name of the Public Authority
Date

Contd....2

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Appeal Case No. 3134 of 2021 (Video Conference Proceedings)

5. **Next hearing on 17.8.2022 at 11.00 am via Video Conference Facility at DC Office, Mohali.**

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
13.5.2022

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Pradeep Kumar,
S/o Shri Babu Ram,
Ward No.5, Jogian Mohalla,
Naraingarh, Ambala (Haryana)

Versus

Public Information Officer,
o/o Senior Superintendent of Police,
B-Block, Mini Secretariat,
Patiala.

First Appellate Authority,
o/o Inspector General of Police,
Patiala Range, Opp. Circuit House,
Baradari Gardens,
Patiala.

Appeal Case No. 834 of 2022 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent

ASI Hakam Singh (for the Respondent) 62399-82833

ORDER:

1. The RTI application is dated **27.9.2021** vide which the appellant has sought information **regarding a dowry and domestic violence complaint (No. 4119/Peshi dated 8.6.2021) to the DSP (Crime against Women) by Mrs. Roma d/o Suresh Pal against the appellant**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **11.12.2021** and Second Appeal was filed in the Commission on **14.12.2021** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **13.5.2022**.

2. The appellant is absent without intimation. As per his reply to this Commission's Notice of Hearing of 2.3.2022, the respondent PIO states that a challan has been filed regarding the complaint cited in the RTI application and is currently pending in the court of JMJC Patiala. In view of the above, the respondent PIO has sought exemption from disclosing the requested information under Section 8(1)(h). The Commission has examined the RTI application and Second Appeal filed by the appellant. It is also noted that the First Appellate Authority in his order dated 14.12.2021, directed the respondent PIO to provide the requested information within 10 days of said Order. However, the respondent PIO failed to comply with the FAA's order.

3. The respondent PIO is herewith directed to retrieve a copy of complaint cited in the RTI application and provide a duly certified copy to the appellant with a copy to this Commission within 10 days of receipt of this order.

Contd....2

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Appeal Case No. 834 of 2022 (Video Conference Proceedings)

4. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under:

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

5. **Next hearing on 17.8.2022 at 11.00 am via Video Conference Facility at DC Office, Patiala.**

Sd/-

(ASIT JOLLY)

State Information Commissioner, Punjab.

Chandigarh

13.5.2022

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Harinder Pal Singh,
S/o Sh. Dalbir Singh,
278, Near Old Talab,
Hira Mahal Colony,
Nabha-147201

Versus

Public Information Officer,
o/o Executive Officer,
Nagar Council, Nabha,
Patiala.

First Appellate Authority,
o/o Additional Deputy Commissioner,
Urban Development,
Patiala.

Appeal Case No. 3122 of 2020 (Video Conference Proceedings)

PRESENT:

Harinder Pal Singh (Appellant) 98153-44250
Harjinder Pal, Clerk (for the Respondent)

ORDER:

(To be read in continuity with earlier orders on 8.6.2021, 11.8.2021, 26.8.2021, 12.10.2021, 16.11.2021, 7.12.2021, 5.1.2022, and 11.2.2022)

1. The RTI application is dated **6.7.2020** vide which the appellant has sought Information **regarding construction of roads in the jurisdiction of Nagar Council Nabha,** as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **19.8.2020** and Second Appeal was filed in the Commission on **20.10.2020** under Section 19 of the Right to Information Act, 2005. The case was last heard on **11.2.2022**.
2. Both parties are present. As directed at the last hearing, the appellant has emailed a copy of his affidavit to the Commission. The said affidavit however not notarized as directed. During this hearing, the appellant has pointed out that 549 pages supplied to him do not include the MBs, which are in fact with the custody of the respondent.
3. The respondent PIO is once again directed to go through his records and provide any pending information that is in his custody to the appellant. Following this, the respondent PIO is to submit a duly notarized affidavit stating clearly that all the requested information as available in the record, has been provided to the appellant and that there is no additional record in his custody. In addition to the affidavit, the respondent PIO is also directed to submit duly attested copies of all the record supplied to the appellant, to this Commission within 10 days of receipt of this Order.

Contd....2

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Appeal Case No. 3122 of 2020 (Video Conference Proceedings)

4. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under:

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

5. **Next hearing on 17.8.2022 at 11.00 am via Video Conference Facility at DC Office, Patiala.**

Sd/-

(ASIT JOLLY)

State Information Commissioner, Punjab.

Chandigarh

13.5.2022

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Birchh Bhan,
S/o Sh. Saroop Chand,
33, Kahangarh Road, Pataran,
Patiala

Versus

Public Information Officer,
o/o Executive Officer,
Block Samiti, Patran,
Patiala.
First Appellate Authority,
o/o Additional Deputy Commissioner,
Urban Development,
Patiala.

Appeal Case No. 3099 of 2021 (Video Conference Proceedings)

PRESENT:

Birchh Bhan (Appellant) 98761-01698
(Respondent) Absent

ORDER:

(To be read in continuity with earlier orders on 2.3.2022)

1. The RTI application is dated **12.4.2021** vide which the appellant has sought **information regarding equipments given to Panchayats from January, 2020 to March, 2021**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **15.5.2021**, and Second Appeal was filed in the Commission on **7.7.2021** under Section 19 of the Right to Information Act, 2005. The case was last heard on **2.3.2022**.

2. The respondent PIO is absent without intimation. This is despite the Show Cause Notice issued to him/her in the last hearing on 2.3.2022. The PIO be contacted on telephone to confirm that he/she received the Show Cause Notice. If any said notice is not received, the same be conveyed to the respondent PIO with a direction to file a written reply to the RTI application as well as explain the delay/denial of the information.

3. **Next hearing on 17.8.2022 at 11.00 am via Video Conference Facility at DC Office, Patiala.**

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
13.5.2022

PUNJAB STATE INFORMATION COMMISSION

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Jagjiwan Singh Jhammat,
S/o Shri Balwant Singh,
H. No. 2718, Urban Estate,
Phase -2, Patiala – 141 007.

Versus

Public Information Officer,
o/o Deputy Commissioner,
Patiala.
First Appellate Authority,
o/o Deputy Commissioner,
Patiala.

Appeal Case No. 743 of 2022 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent

Tirath Singh, Junior Assistant (for the Respondent) 94647-45370

ORDER:

1. The RTI application is dated **14.10.2021** vide which the appellant has sought **information regarding the ownership of a Maruti Alto Car**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **3.12.2021**, and Second Appeal was filed in the Commission on **11.2.2022** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **13.5.2022**.

2. The appellant is absent but has informed the Commission of his inability to attend the hearing. The respondent PIO, represented by Tirath Singh, Junior Assistant from the office of Deputy Commissioner, Patiala, has submitted copy of reply sent to the appellant vide Letter No. 1660 Dated 6.5.2022, with 25 pages of information. The appellant is advised to examine the same for any deficiency.

3. The respondent PIO is meanwhile directed to send duly attested copies of all the information supplied to the appellant, to this Commission.

4. **Next hearing on 17.8.2022 at 11.00 am via Video Conference Facility at DC Office, Sri Patiala.**

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
13.5.2022

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D.C. Gupta, IDAS (Retd.),
778, Urban Estate, Phase-1,
Patiala – 147002

Versus

Public Information Officer,
O/o Dharmaarth Board,
O/o Deputy Commissioner,
Patiala.

First Appellate Authority,
O/o Deputy Commissioner, Patiala.

Appeal Case No. 697 of 2022 (Video Conference Proceedings)

PRESENT:

(Appellant) Absent

Neetu Rani, Junior Assistant (for the Respondent) 94177-58470

ORDER:

1. The RTI application is dated **5.10.2021** vide which the appellant has sought **information regarding Shri Mata Kali Devi Mandir, Patiala**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **30.11.2021**, and Second Appeal was filed in the Commission on **4.2.2022** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **13.5.2022**.

2. The appellant is absent. The respondent PIO has submitted a detailed, pointwise reply to the RTI application along with all the requested information vide Letter No. 365 Dated 9.5.2022. However, it is notable that none of the pages supplied as information have been attested.

3. The respondent PIO is directed to attest every individual page as "Information supplied under the RTI Act, 2005" and convey it to the appellant. Copy of the covering letter with the appellant's receiving be sent to the Commission.

4. **Next hearing on 17.8.2022 at 11.00 am via Video Conference Facility at DC Office, Patiala.**

Sd/-
(ASIT JOLLY)
State Information Commissioner, Punjab.

Chandigarh
13.5.2022