

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

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Whatsapp No. 6284820189



Sh. Jasbir Singh 98882961907

Village Bholapur, Jhabewal,

PO Ramgarh,

District Ludhiana

....Appellant

Vs

Public Information Officer

o/o Deputy Commissioner,

District Ludhiana

First Appellate Authority

o/o Deputy Commissioner

District Ludhiana

....Respondents

Appeal Case No. 2914 of 2020

(Video Conference Proceedings)

Present:- None on behalf of the appellant.

Sh. Kuldeep Singh 9915233869 on behalf of the respondents. 9915233869.

ORDER

This order may be read with reference to the previous order dated 29.1.2021.

2. The appellant has sought the information pertaining to appointment of handicapped persons by the government.

3. The appellant has sent the submissions through email that he has received the information and is satisfied. Copy of the email sent by the appellant is taken on record.

4. According to the submissions made by the appellant, the Commission observes that no further action is required to be taken in this case. Therefore, the case is disposed of and closed.

Dated: 15.2.2021

Sd/

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Sh. Ashok Kumar 9815308391

H.No. 18 village Alipur,

PO Mithapur, Jalandhar

....Appellant

Vs

Public Information Officer

o/o Block Development and Panchayats Officer

Nakodar Road, Jalandhar

First Appellate Authority

o/o Commissioner,

Jalandhar Division,

Jalandhar.

Sh. Rampal, **(Registered)**

Public Information Officer

o/o District Education officer (EE)

Jalandhar.

....Respondents

Appeal Case No. 2628 of 2020

(Video Conference/phone Proceedings)

Present:- None on behalf of the appellant.

Sh. Ashwani Kumar, Supdt and Ms Pushap Lata Sr. Asstt 8054700591 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 6.1.2021.

2. The appellant has sought the information pertaining to grants received by the Panchayat and regarding the primary school of Village Alipur PO Mithapur.

3. The appellant is absent without intimation. However, the Block Development and Panchayats Officer office has already supplied the information to the appellant. With regard to the remaining information related to the primary school, the representative of the respondents states that the complete information has already been supplied to the appellant. Sh. Ashwani Kumar, Supdt also states that he is the Public Information Officer in the office of the District Education Officer (EE), Jalandhar and not Sh. Rampal. He also requests to withdraw the show cause notice issued to Sh. Rampal and tenders the unconditional apologies for the same.

4. Since, the respondent-Public Information Officer has already sent the complete information to the appellant. As per the submissions made by the respondent-Public Information Officer the show cause notice issued to Sh. Rampal, District Education Officer (EE) is hereby withdrawn. Therefore, the Commission observes that no further action is required to be taken in this case. Hence, the case is disposed of and closed. However, the liberty is granted to the appellant to approach the Commission within 10 days in case of any submissions.

Sd/

(Suresh Arora)

Dated: 15.2.2021

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Sh. Jasbir Singh Sekhon,
s/o Late Shri Kartar Singh
Village Tandi, P.O. Laroya,
District Jalandhar.

.....Appellant

Vs

Public Information Officer,
o/o Sarpanch, Gram Panchayat
Tandi, Block Bhogpur,
District Jalandhar.

First Appellate Authority,
o/o Block Development and Panchayats Officer,
Bhogpur, District Jalandhar.

.....Respondents

Appeal Case No. 4008 of 2019

(Video Conference Proceedings)

Present:- None on behalf of the appellant.

Ms Manjinder Kaur, Block Development and Panchayats Officer 7087605121
94172 46564 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 1.2.2021.

2. The representative of the respondents states that she has paid the compensation amounting to Rs.10,000/- vide cheque No. 495163. She also states that a copy of the same has already been sent to the Commission. She further requested to close the case as the complete information in this case has already been supplied to the appellant.

3. Accordingly, the Commission observes that no further action is required to be taken in this case. Hence, the case is disposed of and closed.

Sd/

Dated: 15.2.2021

(Suresh Arora)

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Punjab.

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Sh. Gurpreet Singh s/o Sh. Shingara Singh
r/o Village Rattanpanlo,
Tehsil Amloh,
Fatehgarh Sahib.

....Appellant

Vs

Public Information Officer
o/o Block Development and Panchayats Officer,
Block Amloh,
Fatehgarh Sahib.

First Appellate Authority
o/o District Development and Panchayats Officer,
Mini Secretariat,
Fatehgarh Sahib.

Sh. Kulwinder Singh, Registered
Block Development and Panchayats Officer,
Block Amloh,
Fatehgarh Sahib.

....Respondents

Appeal Case No. 2223 of 2020

(Video Conference/Cisco Webex/phone proceedings)

Present:- Sh. Gurpreet Singh Lapra, appellant, in person.
Sh. Balkar Singh, Supdt, 9815020040 and Sh. Bhupinder Singh, Panchayat Secretary
in person, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 29.1.2021.

2. The appellant states that he has received the complete information as per his RTI application except 70 vouchers. He further requested to direct the respondents to supply the same. However, the representative of the respondents states that earlier the record was not being handed over by the previous Panchayat Secretary, Sh. Rajinder Kumar and after issuance of letter No. 3743 dated 27.10.2020 to the S.H.O. Amloh, the record has been handed over by the appellant. Copy of the said letter has been placed on record by the respondents. With regard to the 70 vouchers, he states that the similar action is being taken to take the charge of the said vouchers from the previous Panchayat Secretary, Sh. Rajinder Kumar. Furthermore, he states that since the same are not available on record, therefore, it cannot be supplied to the appellant as has been sought by the appellant.

3. Accordingly, it is a serious matter, that the official record is missing/not handed over by the previous Panchayat Secretary, Sh. Rajinder Kumar. So, the respondent-Public Information Officer/Block Development and Panchayats Officer/District Development and Panchayats Officer is directed to take appropriate action under the law under intimation to the Commission. Since, the remaining information i.e. 70 vouchers are not available in the office, no further directions can be given to the respondent-Public Information Officer. With these directions, the case is disposed of and closed. Copy of the letter mentioned above dated 27.10.2020 is **sent** to the appellant along with this order.

Sd/

Dated: 15.2.2021

(Suresh Arora)

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Punjab.

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Sh. Prem Kumar Rattan
H.No. 78/8 Park Road,
Navi Mandi, Dhuri,
District Sangrur 8509580002

....Appellant

vs

Public Information Officer
o/o Hon'ble Chief Justice,
Punjab and Haryana High Court,
Chandigarh.

First Appellate Authority
-cum-Registrar (Administration)
o/o Hon'ble Chief Justice,
Punjab and Haryana High Court,
Chandigarh.

....Respondents

Appeal Case No. 3495 of 2020
(Video Conference Proceedings)

Present:- Sh. Prem Kumar Rattan, appellant.
Sh. Satish Kumar Wig, respondent-Public Information Officer on behalf of the respondents.

ORDER

The RTI application is dated 4.7.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 26.8.2020 and second appeal was filed in the Commission on 11.11.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant has sought the information pertaining to refund of fees due to mutual understanding.

3. The appellant states that the respondents be directed to supply the information. However, the respondent-Public Information Officer states that the First Appellate Authority has already passed the detailed order and the same may be treated as reply in this case, copy of which has already sent to the appellant vide No. 163 dated 15.10.2020.

4. The reply of the respondent authority is reproduced below:-

"2. The brief facts of the case are that the appellant moved an application before the Public Information Officer seeking certain information. While disposing of the application the Learned Public Information Officer held as under:-

"The information does not fall within the meaning 'information' as defined under Section 2(f) of the RTI Act, 2005, as the undersigned is not supposed to comment, opine or advice the matter or to create information; or to interpret information; or to solve the problems raised by the applicant; or to furnish replies to hypothetical questions.

In case you are not satisfied with this response, you may file an appeal under Section 19 of the Right to Information Act, 2005 to the appellant authority within thirty days of the issue of this communication...."

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Appeal Case No. 3495 of 2020

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3. Aggrieved by the aforesaid, the present appeal has been preferred. The appeal was received in this office on 21.9.2020. Notice of the appeal was issued. However, no one appeared despite service. No written arguments were filed. In the appeal, it has been averred that the Public Information Officer has wrongly and illegally denied the information sought by the appellant. It has been submitted that all the facts be considered and the appeal be allowed.

4. Record of the Public Information Officer has been summoned and perused.

5. After going through the record as also the grounds of appeal, this authority is of the considered opinion that there is no merit in the present appeal. The information sought by the appellant is in the form of seeking opinion on judicial orders and is not with respect of any information available in the records. Under the circumstances the Public Information Officer rightly rejected the request of the appellant.

6. The term 'information' has been defined under Section 2(f) of the RTI Act, 2005 which is reproduced as under:-

"Information" means any material in any form, including records, documents, means, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force"

Section 2(j) of the RTI Act is reproduced as under:-

"(j) right to information" means the right to information accessible under this Act, which is held by or under the control of any public authority and includes...."

7. In the case of C.B.S.E. Vs. Aditya Bandhopadhyay (Civil Appeal No. 6454 of 2011) Hon'ble Apex Court held as under:-

"At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of 'information' and 'right to information' under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non available information and then furnish it to an applicant. A public authority is also not required to furnish information which require drawing of inferences and/or making of assumptions. It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant.

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Appeal Case No. 3495 of 2020

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8. In the case of Khanapuram Gandaiah vs Administrative Officer & Ors Special Leave Petition (Civil) No. 34868 of 2009, Hon'ble Supreme Court of India held as under:-

"Under the RTI Act "information" is defined under Section 2(f) which provides:

"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force." This definition shows that an applicant under Section 6 of the RTI Act can get any information which is already in existence and accessible to the public authority under law. Of course, under the RTI Act an applicant is entitled to get copy of the opinions, advices, circulars, orders, etc., but he cannot ask for any information as to why such opinions, advices, circulars, orders, etc. have been passed, "

7. "...Public Information Officer is not supposed to have any material which is not before him; or any information he could have obtained under law. Under Section 6 of the RTI Act, an applicant is entitled to get only such information which can be accessed by the "public authority" under any other law for the time being in force. The answers sought by the petitioner in the application could not have been with the public authority nor could he have had access to this information and Respondent No. 4 was not obliged to give any reasons as to why he had taken such a decision in the matter which was before him.."

9. Further in the case of Union of India V. Namit Sharma in REVIUEW PETUTION (C) No. 2309 of 2012 IN Writ Petition (C) No. 210 of 2012 with State of Rajasthan and Anr. Vs Namit Sharma Review Petition (C) No. 2675 of 2012 in Writ Petition (C) No. 210 of 2012, Hon'ble the Supreme Court of India held as under:-

"While deciding whether a citizen should or should not get a particular information "which is held by or under the control of any public authority, the Information Commission does not decide a dispute between two or more parties concerning their legal rights other than their right to get information in possession of a public authority. This function obviously is not a judicial function, but an administrative function conferred by the Act on the Information Commissions."

10. The aforesaid judgements made it clear that only the information which is available in the records maintained in the office can be treated as "information" under Section 2(f) of the RTI Act. In the instant case, since no information was available, the same was rightly declined. I do not find any infirmity in the reasoning given by the Ld. Public Information Officer.

11. In so far as the query of the appellant qua Para 2 and 3 of the application are concerned, the said information is readily available on the official website of this Court i.e. www.highcourtchd.gov.in under the head 'Rules and Orders' subhead 'ADR

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Appeal Case No. 3495 of 2020

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Rules' and 'Mediation Rules' and when any information is disclosed to the public at large by a public authority through the website, the Public Information Officer is not bound to provide the same as the appellant can get the said information easily there from. To support this view, reliance is placed on the judgement passed by the Central Information Commission in File No. CIC/YA/A/2014/000379/SB Dated 19.9.2016 titled as "Shri Ram Singh Vs. CPIO".

12. In view of the aforesaid, there is no merit in the present appeal and the same is hereby dismissed."

5. Keeping in view the submissions made by the parties and record available on the case file, judicial pronouncements, the Commission observes that no further action is required to be taken in this case as the respondent authority has already complied with Section 4 of the RTI Act, 2005 and the necessary instructions/rules are uploaded/available on their website at www.highcourtchd.gov.in. Also the appellant has not submitted any documentary evidence on the basis of which the plea taken by the respondent authority can be rejected. Therefore, the reply of the respondent authority is accepted. Accordingly, the Commission observes that no further action is required to be taken in this case. Hence, the case is disposed of and closed.

Dated: 15.2.2021

SD/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Shri Amin Chand s/o Late Sh. Tek Chand,

H.No. 205, Ghumar Mandi, Ludhiana.

Moblie 9876780196.

Appellant

Vs

Public Information Officer,

o/o Tehsildar(East), Ludhiana.

First Appellate Authority,

o/o Deputy Commissioner, Ludhiana.

Respondents

Appeal Case No. 3437 of 2020

(Video Conference Proceedings)

Present:- Shri Amin Chand, appellant.

Shri Gurbaj Singh, M- 9781310729 on behalf of the respondents.

ORDER

The RTI application is dated 07.7.2020 vide which the appellant has sought information pertaining to the action taken report on his application dated 13.3.2020 in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 14.8.2020 and second appeal was filed in the Commission on 9.11.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant states that he has received the information but is not satisfied with the information so supplied by the respondents. He further states that the respondents be directed to supply the copy of information/documents on the basis of which the names of the dependent family members have been mentioned in the said property.

3. However, the representative of the respondents states that the sought information has been provided vide their letter no. 131 dated 10.2.2021 with copy to the Commission through email dated 12.2.2021. The email received from the respondent-Public Information Officer is taken on the record. He further states that the appellant has sought the action taken on his request dated 13.3.2020 which has been supplied and in case the appellant needs more information the appellant may be advised to file the RTI application afresh.

4. Since, the respondent-Public Information Officer has provided the information pertaining to the RTI application of the appellant, therefore, the Commission observes that no further action is required to be taken in this case. However, the appellant is advised to file the RTI application afresh in case he needs more information pertaining to a particular property. Also the respondent-Public Information Officer is directed to dispose of the RTI application of the appellant expeditiously, in case he filed the RTI application afresh. With these directions, the case is disposed of and closed.

SD/

Dated: 15.2.2021

(Suresh Arora)

Chief Information Commissioner,
Punjab.