

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.

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Whatsapp No. 62848-20189 Cisco Webex: 158 708 3455



Sh. Rajesh Kumar

2049/9B, Jain Nagar

Shiv Puri

District Ludhiana 141008 M 7837744724

....Appellant

Vs

Public Information Officer

o/o Deputy Commissioner,

District Ludhiana

First Appellate Authority

o/o Deputy Commissioner,

District Ludhiana

Public Information Officer

(Registered)

o/o Commissioner of Police,

District Ludhiana

....Respondents

Appeal Case No. 1067 of 2021

(Cisco Webex/Telephone Proceedings)

Present:- Sh. Rajesh Kumar, appellant.

Sh. Ramesh Kumar, ASI 9915603000 o/o Commissioner of Police, District Ludhiana and Sh.Pardeep Bhatti, Sr. Asstt 9988110640 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 10.5.2021.

2. The representative of the respondents on behalf of the Commissioner of Police, District Ludhiana states that the information whatever on record has already been supplied to the appellant. However, the appellant states that he is satisfied with the information so supplied by the office of the Commissioner of Police, District Ludhiana. He further states that the office of the Deputy Commissioner, District Ludhiana has sent 11 pages vide letter dated 28.6.2013 to the Additional Secretary, Department of Sports & Youth Services, Sports & Youth Services Branch, Chandigarh and the Public Information Officer o/o the Deputy Commissioner, District Ludhiana is not supplying the said pages. He also states that the said letter has already been attached with the 2nd appeal filed in the Commission.

3. The representative of the respondent states that the case may be adjourned and he will trace the concerned file and in case 11 pages are available on the case file then the same will be supplied to the appellant before the next date of hearing else a self declaration will be filed. A copy of the letter dated 28.6.2013 is being sent along with this

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Appeal Case No. 1067 of 2021

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order to the Public Information Officer o/o the Deputy Commissioner, District Ludhiana.

4. Accordingly, the case is adjourned. The Public Information Officer o/o the Commissioner of Police, District Ludhiana is exempted from further appearance in this case.

5. To come up on 30.6.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

Dated: 15.6.2021

SD
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Harjinder Singh Bawa 9814409026

672, Urban Estate, Kapurthala.



...Appellant

Vs

Public Information Officer

o/o Director Warden of Fisheries,

Punjab, Mohali

First Appellate Authority

o/o Director Warden of Fisheries,

Punjab,

Mohali

...Respondents

Appeal Case No. 1357 of 2021

(Video Conference Proceedings)

Present:- Sh. Harjinder Singh Bawa Long with Advocate Sh. Shiv Kumar Sonik.

Ms Sarabjit Kaur, in person, on behalf of the respondents.

ORDER

The RTI application is dated 20.10.2020 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 9.12.2020 and second appeal was filed in the Commission on 15.3.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 15.6.2021.

2. The representative of the respondents states that the information complete in all respects has already been supplied to the appellant. However the appellant states that the information is incomplete.

3. After deliberations, the appellant is advised to point out deficiency in the information so supplied by the respondents before the next date of hearing to the respondent Public Information Officer with a copy to the Commission. Also the respondent Public Information Officer is directed to remove the same before the next date of hearing in case pointed out by the appellant.

4. To come up on 13.7.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Kapurthala/Mohali/cisco webex.

SD

(Suresh Arora)

Dated: 15.6.2021

Chief Information Commissioner, Punjab.

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Sh. Naveen Mahajan, S/o Sh. Brij Mohan Mahajan,
R/o Kothi NO. 23-B,
White Avenue, Manjitha Road,
Amritsar-143001.M : 7814124146

..Appellant

Vs

Public Information Officer,
O/o Deputy Commissioner -cum- Chairman,
Fee Regulatory Committee,
Amritsar.

First Appellate Authority
O/o Deputy Commissioner,
Amritsar.

Sh. Satinder Bir Singh, **Registered**
Distt. Education Officer, Secondary,
Amritsar 7347200459

....Respondent(s)

Appeal Case No. 615/2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- None on behalf of the appellant.
None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 6.5.2021.

2. The appellant is absent without intimation. Also a reference has been received from the District Education Officer, Amritsar, which is taken on record and a copy of the same is also being **sent** along with this order to file the rejoinder, if any, before the next date of hearing.

3. The last hearing was adjourned on the request of the District Education Officer, Amritsar, therefore, he is impleaded as necessary party in this case. Today i.e. 15.6.2021 neither he nor his representative is present. He is not responding to the calls made by the office. Video Conference Facility/cisco webex facility was introduced for convenience of general public and for government officials. Viewing the absence of the respondent and attitude in dealing with the RTI application of the appellant seriously, Sh. Satinder Bir Singh, District Education Officer, Amritsar, is, thus, 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 a maximum of

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Appeal Case No. 615 of 2021

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Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing wilful delay/denial of the information to the RTI application and to issue show cause for compensation to the appellant for detriment suffered by him under section 19(8) of the RTI Act,2005.

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 a note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the next date, it will be presumed that he has nothing to say and the Commission will proceed ex-parte.

3. To come up on 13.7.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Amritsar/cisco webex.

Dated: 15.6.2021

SD
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Lt. Col L.S. Bedi (Retd.) 9216869001

F 84, Army Flats, Sector 4,

MDC Panchkula.



....Appellant

Vs

Public Information Officer
o/o Punjab State Information Commission,
Chandigarh.

First Appellate Authority
Public Information Officer
o/o Punjab State Information Commission,
Chandigarh.

....Respondents

Appeal Case No. 1374 of 2021

Present:- Lt. Col L.S. Bedi (Retd.), appellant, in person.
Sh. Sudhir Kumar, S.O. on behalf of the respondents.

ORDER

The RTI application is dated 28.12.2020 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 19.1.2021 and second appeal was filed in the Commission on 15.3.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 15.6.2021.

2. After going through the submissions made by the respondent-Public Information Officer and hearing the appellant, the orders in this case is 'RESERVED' and will be pronounced later on.

Dated: 15.6.2021

SD
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Bharat Bhushan Mattu 9779928472
153 Akash Nagar, Near Green Land School,
Central post Office, District Ludhiana

....Appellant

Vs

Public Information Officer
o/o Deputy Commissioner,
District Ludhiana

First Appellate Authority
o/o Commissioner,
Patiala Division, Patiala.

....Respondents

Appeal Case No. 1462 of 2021
(Video Conference Proceedings)

Present:- Sh. Bharat Bhushan Mattu, appellant.
Sh. Gurmeet Singh 9417376731 on behalf of the respondents.

ORDER

The RTI application is dated 19.12.2020 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 25.1.2021 and second appeal was filed in the Commission on 16.3.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 15.6.2021.

2. The appellant states that no information has been provided by the respondents so far. However, the representative of the respondents requested for the adjournment of the case and assured that the information will be supplied before the next date of hearing and in case no information exist on record then the specific undertaking will be filed.

3. Accordingly, the case is adjourned with the directions to the respondent-Public Information Officer to file the reply/supply the information before the next date of hearing to the appellant with a copy to the Commission failing which a show cause notice will be issued on the next date of hearing.

4. To come up on 13.7.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana /cisco webex.

SD

Dated: 15.6.2021

(Suresh Arora)

Chief Information Commissioner, Punjab.

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Sh. Sukhchain Singh s/o Baldev Singh
r/o Basti Hajara Singh Wali,
Tehsil & Distt. Ferozepur.

..Complainant

Vs

Sh. Gurmeet Singh Kahlon,
Public Information Officer **Registered**
o/o Block Development and Panchayats Officer,
Block Mamdot,
Ferozepur.

Sh. Ruldu Singh, Panchayat Secretary **Registered**
c/o Director,
Rural Development & Panchayat, Pb.,
Vikas Bhawan, Sector 62,
Mohali

Sh. Sandeep Kumar, Panchayat Secretary **Registered**
-cum-Public Information Officer
Basti Hazara Singh Wali,
c/o Block Development and Panchayats Officer
Block Mamdot, Ferozepur.

....Respondents

Complaint Case No. 811 of 2020
(Video Conference Proceedings)

Present:- None on behalf of the complainant.

Sh. Sandeep Kumar, Panchayat Secretary 9463830644, 9646729136 , Sh.
Ruldu Singh, Panchayat Secretary and Sh. Bagicha Singh, Sarpanch on behalf
of the respondent.

ORDER

This order may be read with reference to the previous order dated 10.5.2021.

2. The complainant states that the respondent-Public Information Officer Sh. Sandeep Kumar is not supplying the complete information pertaining to the year 2019 and 2020. However, Sh. Ruldu Singh, Panchayat Secretary states that he has already handed over the complete record to the Sarpanch Sh. Bagicha Singh with which Sh. Bagicha Singh, Sarpanch agreed to. Sh. Bagicha Singh, Sarpanch also states that he will provide the complete record to the present Panchayat Secretary Sh. Sandeep Kumar to enable him to supply the information.

3. Since the appellant has sought the information from the respondent-Public Information Officer –cum-Block Development and Panchayats Officer and he is absent

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Complaint Case No. 811 of 2020

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without intimation. Video Conference Facility was introduced for convenience of general public and for government officials. Viewing the absence of the respondent and attitude in dealing with the RTI application of the complainant seriously, Sh. Gurmeet Singh Kahlon, Block Development and Panchayats Officer Mamdo (having additional charge), is, thus, 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 a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing wilful delay/denial of the information to the RTI applicant. 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 next date, it will be presumed that he has nothing to say and the Commission will proceed ex-parte.

3. Accordingly, Sh. Sandeep Kumar, respondent-Public Information Officer-cum-Panchayat Secretary is directed to supply the complete information duly certified to the complainant as has been sought by him from 1.1.2019 to 31.12.2019 and 1.1.2020 to 31.12.2020 under intimation to the Commission before the next date of hearing.

4. Also the Director, Rural Development & Panchayat Deptt.,Pb. is directed to place on record the action taken against Sh. Ruldu Singh, Panchayat Secretary in this case before the next date of hearing.

5. To come up on 30.6.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ferozepur/cisco webex.

SD

Dated: 15.6.2021

(Suresh Arora)

Chief Information Commissioner,Punjab.

CC

Sh. M.S. Chhatwal, IAS

Director,

Registered

Rural Development & Panchayat Deptt.,Pb.

Vikas Bhawan, Sector 62, Mohali

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Shri Dilbagh Chand (Naib Subedar Retd), S/o Shri Ramji Dass,
R/o - Village - Hayatpur,
PO Hambowal,
Tehsil Samrala, Distt Ludhiana.
M : 9814414473; 9463262669

..Appellant

Vs

Sh. Avtar Singh,
Public Information Officer , **Registered**
O/o Adl. Deputy Commissioner(Development),
Ludhiana.

First Appellate Authority
O/o Adl. Deputy Commissioner (Development),
Ludhiana.

Sh. Joginder Singh,
Public Information Officer **Registered**
o/o the Deputy Commissioner,
Ludhiana

....Respondent(s)

Appeal Case No. 519/2021
(Cisco Webex Proceedings)

Present:- Sh. Dilbagh Chand, appellant.

None on behalf of the respondents. 9815196874. 9988003512

ORDER

This order may be read with reference to the previous order dated 6.5.2021 vide which the Adl. Deputy Commissioner (Dev.) District Ludhiana was directed to file the reply/supply the information pertaining to Point No. 1 of the RTI application and the Public Information Officer o/o the Deputy Commissioner, District Ludhiana was impleaded as necessary party in this case to file the reply/supply the information pertaining to Point No. 2 of the RTI application and the case was adjourned for today i.e. 15.6.2021.

2. The appellant states that he has not received the information pertaining to Point No. 1 and 2 of the RTI application. None is present on behalf of the respondent-Public Information Officer o/o the Adl. Deputy Commissioner (Dev.) District Ludhiana and Public Information Officer o/o the Deputy Commissioner, District Ludhiana. They have also not submitted any response in this regard. Video Conference Facility/cisco webex facility was introduced for convenience of general public and for government officials. Viewing the

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Appeal Case No. 519/2021

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absence of the respondents seriously, Sh. Joginder Singh, District Revenue Officer-cum-Public Information Officer o/o the Deputy Commissioner, Ludhiana and Sh. Avtar Singh, Asstt. Project Officer-cum-Public Information Officer o/o the Addl. Deputy Commissioner (Dev.) District Ludhiana are, thus, 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 a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on them for causing wilful delay/denial of the information to the RTI application and to issue show cause for compensation to the appellant for detriment suffered by him under section 19(8) of the RTI Act,2005.

In addition to the written reply, the Public Information Officers are 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. They may take a note that in case they do not file their written reply and do not avail themselves of the opportunity of personal hearing on the next date, it will be presumed that they have nothing to say and the Commission will proceed ex-parte.

3. They are also directed to file the reply/supply the information before the next date of hearing i.e. Point No. 1 of the RTI application (Addl. Deputy Commissioner (Dev.) District Ludhiana) and Point No. 2 (Deputy Commissioner, District Ludhiana) under intimation to the Commission. A copy of the RTI application is being **sent** along with this order.

5. To come up on 13.7.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ludhiana/cisco webex.

Dated: 15.6.2021

SD
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Gurpreet Singh 9888131522
10569, Haqikat Nagar,
Haibowal Kalan,
District Ludhiana

..Complainant

Vs

Public Information Officer
o/o Deputy Commissioner,
District Ludhiana

....Respondent

Complaint Case No. 326 of 2021
(Video Conference Proceedings)

Present:- None on behalf of the complainant.
Sh. Sarbjit Singh, on behalf of the respondents. M _____

ORDER

The RTI application is dated 10.3.2021 vide which the complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 30.3.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 15.6.2021.

2. The representative of the respondents states that the complainant has already been informed that the sought information can be sought through Seva Kendra. He has also sent a written reply bearing No. 9052 dated 11.6.2021 in this regard, which is taken on record.

3. The complainant has sought the following information:-

”ਬੇਨਤੀ ਇਹ ਹੈ ਕਿ ਮਾਨਯੋਗ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ ਲੁਧਿਆਣਾ ਦੀ ਅਦਾਲਤ ਵਿੱਚ ਮੇਰੇ ਤੇ ਮੇਰੀ ਪਤਨੀ ਦੇ ਖਿਲਾਫ ਸੀਨੀਅਰ ਸਿਟੀਜਨ ਐਕਟ ਅਧੀਨ ਮੇਰੇ ਪਿਤਾ ਸ੍ਰੀ ਮਹਿੰਦਰ ਸਿੰਘ ਵਾਸੀ 10569 ਹਕੀਕਤ ਨਗਰ ਹੈਬੋਵਾਲ ਕਲਾਂ, ਲੁਧਿਆਣਾ ਵੱਲੋਂ ਕੇਸ ਦਾਖਲ ਕੀਤਾ ਗਿਆ ਸੀ ਜਿਸ ਵਿੱਚ ਸਾਲ 9/3/2021 ਸਾਰੇ ਪੇਸ਼ ਹੋਏ। ਉਸ ਕੇਸ ਨਾਲ ਸਬੰਧਤ ਸਾਰੇ ਦਸਤਾਵੇਜ਼ਾਂ ਦੀ ਕਾਪੀਆਂ ਤਸਦੀਕਸੁਦਾ”

4. It is appropriate to mention the decision of the Hon'ble Supreme Court of India in Civil Appeal No. 5665/2014 – Institute of Companies Secretaries of India Vs Paras Jain, and the relevant portion of the same is reproduced below:-

“...Rule 4, The Right to Information (Regulation of Fees and Cost) Rules, 2005 which also entitles the candidates to seek inspection and certified copies of their answer scripts. In our opinion, the existence of these two avenues is not mutually exclusive and it is up to the candidate to choose either of the routes. Thus, if a candidate seeks

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Complaint Case No. 326 of 2021

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information under the provisions of the Right to Information, then payment has to be sought under the Rules therein, however, if the information is sought under the Guidelines of the appellant, then the appellant is at liberty to charge the candidates as per its guidelines....“

5. It is also appropriate to mention the decision of the Hon'ble Punjab and Haryana High Court in Civil Writ Petition No. 12016 of 2016 in Shakti Singh Vs State Information Commission, Haryana and others, and the relevant portion of the same is reproduced below:-

“...12. The reply to this question is that there being no inconsistency under the RTI Act and the provisions of the other statute/law, the option and prerogative is with the citizen to select and choose to exercise his right under such Act/law or the RTI Act. In case the citizen prefers to move an application under the RTI Act, Public Information Officer, on receipt of such request, shall proceed to take a decision thereon and provide information as a norm and any denial of the same must be in accordance with Sections 8, 9 and 11 only. The right to information, thus, cannot be denied under the RTI Act merely because a statutory mechanism is evolved and prescribed under an Act, which is also applicable, obliging a public authority to share the same by following a prescribed procedure subject to fulfilment of prescribed conditions. If it is held otherwise, it would negate and lead to derecognising the fundamental right to information as granted under the RTI Act, which is unacceptable.

13. The answers to the two questions as posed in para 6 above are;

(i) In case of any inconsistency between the provisions of RTI Act and other Act/law, the RTI Act shall prevail.

(ii) In case of an application preferred under the RTI Act where alternative procedure and conditions are prescribed under any other statute/law, the said application cannot be rejected and/or information denied on this ground.

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Complaint Case No. 326 of 2021

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Such application shall be dealt with under the provisions of the RTI Act.

14. In the light of the above, the impugned order dated 04.04.2016 (Annexure P-6) passed by the State Information Commission, Haryana, cannot sustain as the Commission has rejected the claim of the petitioner under the RTI Act proceeding upon the wrong assumption that the 6 of 7 Registration of Births and Deaths Act, 1969, being a legislation and statutory in nature, is not overridden by the RTI Act. It may be added here that the information under the RTI Act can only be denied if the same is exempted from disclosure of information under the provisions of RTI Act itself such as Sections 8, 9 and 11 thereof."

Keeping in view the judicial pronouncements mentioned herein, the respondent-Public Information Officer has to supply the information under the RTI Act, 2005 after charging of fees as per the provisions of the RTI Act, 2005. But, it is also a fact that in case the complainant is seeking the information under the provisions of the RTI Act, 2005 then the other provisions have to be followed. In case, the complainant is seeking the 3rd party information, then the respondent-Public Information Officer is directed to adopt the procedure laid down under Section 11 of the RTI Act, 2005. After adoption of the procedure, the appropriate decisions be taken by the respondent-Public Information Officer and the same be sent to the Commission for consideration before the next date of hearing else file the reply/supply the complete information in this case to the complainant before the next date of hearing and in case there is any documentation fee prescribed under the RTI Act, 2005 then the same may be charged from the complainant.

6. To come up on 1.7.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

Dated: 15.6.2021

SD
(Suresh Arora)
Chief Information Commissioner,
Punjab.

PUNJAB STATE INFORMATION COMMISSION

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Sh. Jatin Kumar Gupta,
33, New Vikas Nagar,
Baltana,
Zirakpur.
M : 7276200004

....Appellant

Vs

Public Information Officer,
O/o Secretary,
Personnel Department, PB,
Chandigarh.

First Appellate Authority
O/o Secretary,
Personnel Department, PB,
Chandigarh.

....Respondent(s)

Appeal Case No. 623/2021

(Cisco Webex/Telephone Proceedings)

Present:- Sh. Rajinder Kumar Gupta father of Sh. Jatin Kumar Gupta, on telephone, on behalf of the appellant.

Sh. Rajwinder Kaur, Superintendent-cum-Public Information Officer, PP1 Branch, 9914400197 on telephone, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 6.5.2021.

2. After hearing, both the parties are directed to remain present at Chandigarh along with the original record/information supplied to take the matter to its logical end 13 July 2021.

3. To come up on 13.7.2021 at 12.30 PM at Chandigarh.

Dated: 15.6.2021

SD
(Suresh Arora)
Chief Information Commissioner,
Punjab.