

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100,

Email: - pcic20@punjabmail.gov.in



Shri Amar Nath,
H.No.33159, Street No.01,
Partap Nagar, Bathinda-151005.

----- Complainant

Vs

Public Information Officer
o/o Cabinet Minister, Punjab,
Department of Local Government,
Chandigarh.

-----Respondent

Complaint Case No. 1030 of 2018

Present: Shri Baljit Singh, on behalf of the complainant.
None on behalf of the respondent.

ORDER

In this case, Shri Amar Nath, Complainant, vide his RTI application dated 14.07.2018, addressed to the PIO of the office of Cabinet Minister, Department of Local Government, Punjab, Chandigarh, sought Action Taken Report on a Report No. 540/B, dated 19.02.2018 and dated 22.06.2018 sent by Commissioner, Municipal Corporation, Bathinda. On receiving no information, he filed a complaint with the Commission vide letter dated 19.09.2018, which was received in the Commission on 24.09.2018. Accordingly, a Notice of Hearing was issued to the parties for 19.11.2018.

2. On 19.11.2018, none was present on behalf of the respondent. Hearing Notice sent to the PIO of the office of Cabinet Minister, Punjab, Local Government Department, Chandigarh was received back undelivered in the Commission with the remarks of the postal authority that there is no PIO in the office of Cabinet Minister, Local Government Department, Punjab.

3. The matter has been considered in depth. As per Section 2(h) of The Right to

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Information Act, the “Public Authority “ means any authority or body or institution of self-government established or constituted-

- a) by or under the Constitution;
- b) by any other law made by Parliament;
- c) by any other law made by State Legislature;
- (d) by notification issued or order made by the appropriate Government, and includes any – (i) body owned, controlled or substantially financed; (ii) non Government Organisation substantially financed, directly or indirectly by funds provided by the appropriate Government.

It provides several conditions and circumstances to declare an authority as ‘Public Authority’, the first clause in that definition itself substantially covers each and every Minister of both Center and State Governments. Besides, the Hon’ble Central Information Commission, New Delhi, in its order dated 12.03.2016 in case No. CIC/SA/A/2015/000435 titled as Hament Dhage , Ahmednagar Vs. Department of Legal Affairs, GOI, has observed inter-alia as under:-

“The expression “authority” would also include all persons or bodies that have been conferred a power to perform the functions entrusted to them under the constitution and merely because the Ministers are individuals, the same would not render the office of the Cabinet Minister any less authoritative than other constitutional functionaries. The expression “authority” as used in Section 2(h) cannot be read as a term to exclude bodies or entities which are, essentially, performing functions in their individual capacity. The expression “authority” as used in Section 2(h) of the Act would encompass any office that is conferred with any statutory or constitutional power. The office of the Cabinet Minister is an office established under the Constitution of India; the incumbent appointed to

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that office discharges functions as provided under the Constitution. Indisputably, the appointee to that office is, by virtue the constitution, vested with the authority to discharge those functions.”

4. On the basis of above observations, Central Information Commission has given the following directions:-

In the light of above analysis, the Commission has no hesitation to declare the Ministers in the Union Government and all State Governments as ‘public authorities’ under Section 2(h). Thus the Commission holds that the Ministers have a statutory obligation to inform the people as mandated by the Right to Information Act, 2005.

The Commission strongly recommends the Centre and States to provide necessary support to each minister, including designating some officers, or appointing as Public Information Officers and First Appellate Authorities. They also shall be given an official-website for suo moto disclosure of the information with periodical updating as prescribed under Section 4 including the facility of meeting people since the Ministers deserve necessary assistance to receive, acknowledge and provide response to the representations given by the people and as Constitutional functionaries, the Ministers have a duty to inform the people about their efforts to fulfill the promises they have made, through Section 4(1)(b) of RTI Act and also to furnish the information as sought by their voters under other provisions of RTI Act. Exercising the power given under Section 19(8)(a)(ii) the Commission requires the public authority, especially, the Cabinet Secretary of Union and all Chief Secretaries of States, to take such steps as

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may be necessary to secure compliance of the Right to Information Act and the directions in this order, including appointing a Public Information Officer within two months from the date of receipt of this order. The Commission directs its office to send this order to every Chief Secretary of State and Union Territory where the Council of Ministers are constituted for compliance.

A perusal of above order shows that a copy of the said order has been sent to Chief Secretaries of all the States including the State of Punjab for compliance.

5. It is also pertinent to mention here that the offices of President of India, Vice President of India, Prime Minister of India, Governors of State are Public Authorities under the RTI Act and they have appointed PIOs and First Appellate Authorities to deal with the RTI applications/First Appeals. Undoubtedly, the office of a Cabinet Minister is also a Public Authority as it has been established under the Constitution of India and officials of the rank of Secretary to Minister/Private Secretary, Personal Assistants are posted with him to assist him. In case, any information relating to the his office is sought by an applicant, the same needs to be provided to him by his personal staff.

6. Also, the Chief Information Commissioner, Haryana in Case No. 357 of 2010 – Shri Ramesh Verma Vs. SPIO-cum-Under Secretary, Cabinet Branch, Haryana Civil Secretariat, Chandigarh has directed SPIO-cum-Superintendent, Cabinet Section and SPIO-cum-Superintendent, Political Branch, office of Chief Secretary to Government, Haryana on 12.11.2010 to appoint SPIO/FAA for the offices of Ministers/Chief Parliamentary Secretaries/Parliamentary Secretaries.

7. More-over, The Right to Information Act, 2005 has been enacted for citizens to secure access to information under the control of public authorities, in order to promote

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transparency and accountability in the working of every public authority. Besides, the Constitution of India has established democratic Republic and democracy requires an informed citizenry and transparency of information which are vital to its functioning and also to contain corruption and to hold Government and their instrumentalities accountable to the governed. Therefore, I am of the considered view that the offices of Ministers should be declared as Public Authorities under the RTI Act, 2005. Accordingly, a copy of this order is sent to the Chief Secretary to Government of Punjab, Chandigarh to declare the offices of Ministers etc. as Public Authorities under the RTI Act, 2005 and to appoint PIOs and First Appellate Authorities so that access to the information could be facilitated to the citizens of the country.

8. As and when the orders to declare the offices of Ministers etc. are passed by the Government of Punjab, the application of the appellant received in the instant case will be sent to the PIO of the office of Local Government Minister, Punjab, along with fresh Hearing Notice .

9. Since my term is expiring on 04.05.2019, I am not in a position to fix next date for hearing in this case. Therefore, this case file is sent to Registry for taking further necessary action to get it re-allocated to some other Bench of the Commission, which will intimate the next date of hearing, after the orders to declare the offices of Ministers etc. are passed by the Government of Punjab.

Dates: 16.04.2019

**Sd/-
(S.S. Channy)
State Information Commissioner
Punjab**

**CC: Chief Secretary to Government of Punjab,
Punjab, Civil Secretariat -1,
Chandigarh.**

REGISTERED

CC: D.R.(alongwith original file)

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Shri Gurbax Singh
s/o Shri Bakhat Singh,
H.No.16-C, Dr. Kitchlu Nagar,
Rajpura Road, Civil Lines,
Ludhiana-141001.

-----Appellant

Vs

Public Information Officer,
o/o Director Bureau of Investigation, Punjab,
Sector: 9, Chandigarh.

First Appellate Authority
o/o Director Bureau of Investigation, Punjab,
Sector: 9, Chandigarh.

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

-----Respondents

Appeal Case No. 2339 of 2018

Present:- Shri Gurbax Singh, Appellant, in person.
Shri Pawandev Singh, S.I., on behalf of the respondents.

ORDER

The case was last heard on 12.03.2019, when the appellant was not present. However, a letter dated 11.03.2019 was received from him through e-mail informing that Action Taken Report against the guilty officials/officers for submitting fraudulent Police Verification Report has not been provided to him. The representative of the office of Commissioner of Police, Ludhiana submitted a copy of letter No. 210-211/P.C., dated 29.01.2019 from Commissioner of Police Ludhiana vide which reply had been sent to Director, Bureau of Investigation, Punjab, Chandigarh. Accordingly,

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the PIO of the office of Director Bureau of Investigation, Punjab, Chandigarh was directed to take necessary action on the reply received from the Commissioner of Police, Ludhiana and submit Action Taken Report on the next date of hearing. The case was adjourned for today.

2. Today, the appellant informs that no C.D. has been provided to him as yet. He further informs that action against the guilty officers/officials for giving wrong Police Verification Report in respect of Smt. Sukhwinder Kaur has not been taken by the authorities.

3. During hearing of this case it has come to the notice of the Commission that the office of the Commissioner of Police Ludhiana has taken a stand that no papers have been submitted by the appellant and also relevant record of their office has got destroyed due to rain, termite and falling of the roof etc. due to which inquiry could not be completed. This version has been repeated time and again.

4. The appellant states that he has got papers through RTI which are relevant in this case and he has furnished to the authorities for conducting a proper inquiry. He has again submitted these papers on 11.02.2019 as well. He states that an FIR under Section 182 has been registered against Smt. Sukhwinder Kaur.

5. Correspondence in the matter is going on between Director, Bureau of Investigation, Chandigarh and Commissioner of Police, Ludhiana and fresh status report is not coming up due to non availability of the relevant papers having been destroyed due to rain etc.

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6. Since the appellant has set of those documents with him which he has got through RTI, matter needs to be re-investigated and proper action taken if not done so far as has been mentioned above. The appellant has been seeking action against the officers/officials who submitted wrong Police Verification Report in respect of Smt. Sukhwinder Kaur as they did not mention about the registration of FIR against her.

7. Accordingly, the appellant is advised to submit the relevant papers to the Commissioner of Police Ludhiana, who is directed to reinvestigate the matter to its logical end.

8. With these directions, the instant case is **disposed of**

Sd/-

Dated : 16.04.2019

**(S.S. Channy)
Chief Information Commissioner
Punjab**

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Shri Rakesh Kumar Gupta,
8/237, Jagraon Road, Mandi Mullanpur,
District Ludhiana-141101.

-----Appellant

Vs.

Public Information Officer
O/o Assistant Inspector General of Police
(Community Policing Wing),
Punjab Police Complex, Mohali.

First Appellate Authority,
O/o Director General of Police, Punjab,
(Police Headquarters), Sector:9, Chandigarh.

Public Information Officer,
O/o Senior Superintendent of Police,
Ludhiana(Rural), Jagraon.

-----Respondents

Appeal Case No. 3377 of 2017

Present:- None for the appellant.

Shri Harprit Singh, ASI, office of SSP, Ludhiana(Rural), on behalf of the respondents.

ORDER

The case was last heard on 12.03.2019, when again the appellant was not present. However, a letter dated 12.03.2019 was received from him through e-mail informing that the respondents had supplied a CD to him with only one conversation i.e. the complaint of Prem Lata Gupta(the wife of appellant) with 181 police helpline. He further informed that the file was not properly readable and could not be copied as the media was damaged. He requested to instruct the PIO to supply soft copy to him through e-mail at rakeshmlp@gmail.com. Accordingly, the PIO was directed to supply a soft copy of the file to the appellant at his e-mail address and on receipt of the same, the appellant was directed to furnish his observations, if any, to the PIO, with a copy to the Commission. The case was adjourned for today.

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2. Today, the appellant is not present. However, a letter dated 16.04.2019 has been received from him through e-mail informing that the respondents have failed to provide readable media or e-mailing the required file.

3. The representative of the respondents informs that soft copy and hard copy(C.D.) have been sent to the appellant by registered post and nothing is left which can be supplied to the appellant. In case the appellant is still not satisfied, he is directed to visit the office of the PIO to collect the desired information.

4. With these directions, the case is **disposed of and closed.**

Dates: 16-04-2019

**Sd/-
(S. S. Channy)
Chief Information Commissioner
Punjab**

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Shri Jagmohan Singh Makkar,
#334, G.T. Road, Salem Tabri, Ludhiana.

-----Appellant

Vs

Public Information Officer
o/o Sub Registrar (East),
Transport Nagar, Ludhiana.

First Appellate Authority
o/o Sub Divisional Magistrate(East),
Mini Secretariat, Ferozepur Road, Ludhiana.

-----Respondents

Appeal Case No. 3845 of 2018

(Through Video Conference)

Present: Shri Jagmohan Singh Makkar, Appellant, in person, at Ludhiana.

Shri Vineet Kaushal, Clerk, on behalf of the respondents, at Ludhiana.

ORDER

The case was last heard on 12.03.2019, when Video Conference Facility was not functioning due to a technical snag. However, the appellant was present at Ludhiana. He informed on telephone that no information had been supplied to him till date by the respondent PIO. None was present on behalf of the respondents without any intimation. Accordingly, one last opportunity was afforded to the respondent PIO to supply the requisite information to the appellant before the next date of hearing failing which punitive action under the provisions of RTI Act, 2005 would be initiated against him. The case was adjourned for today.

2. Today, the Video Conference Facility is not available. The appellant and the representative of the respondents are present at Ludhiana. They are contacted on telephone. The representative of the respondents assures that the requisite information will be provided to the appellant within a week. Accordingly, the respondent PIO is directed to supply the requisite information to the appellant before the next date of hearing.

3. Since my term is expiring on 04.05.2019, I am not in a position to fix next date for hearing in this case. Therefore, this case file is sent to Registry for taking further necessary action to get it re-allocated to some other Bench of the Commission, which will intimate the next date of hearing.

Sd/-

Dated : 16.04.2019

**(S.S. Channy)
Chief Information Commissioner
Punjab**

CC: D.R.(alongwith original file)

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Shri Varinder Mahajan,
198, Professor Colony,
Tilak Nagar, Amritsar.

-----Appellant

Versus

Public Information Officer
O/o Additional Deputy Commissioner(G),
Amritsar.

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

-----Respondents

Appeal Case No. 2817 of 2017

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

ORDER

The case was last heard on 12.03.2019, when none was present on behalf of the appellant as well as the respondents. However, a letter dated 11.03.2019 was received from the appellant informing that he had not received a copy of Inquiry Report as yet. Accordingly, one more copy of letter No. Reader/A.D.C./75, dated 01.02.2019 received from Deputy Commissioner, Amritsar along with a copy of Inquiry Report was sent to the appellant and he was directed to send his observations, if any, to the PIO, with a copy to the Commission. The case was adjourned for today.

2. Today, none is present on behalf of the appellant as well as the respondents. However, a letter dated 13.04.2019 has been received from him through e-mail vide which he has furnished the deficiencies in the provided information. Accordingly, the PIO is directed to send reply to this letter to the appellant, before the next date of hearing.

3. Since my term is expiring on 04.05.2019, I am not in a position to fix next date for hearing in this case. Therefore, this case file is sent to Registry for taking further necessary action to get it re-allocated to some other Bench of the Commission, which will intimate the next date of hearing.

Sd/-

Dated : 16.04.2019

**(S.S. Channy)
Chief Information Commissioner
Punjab**

Encl. A copy of letter dated 13.04.2019

CC: D.R.(alongwith original file)

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Er. Arun Garg s/o Shri Sham Lal,
H.No.40-41, Central Town,
Village Dad, P.O. Lalton Kalan,
District: Ludhiana.

-----Appellant

Vs

Public Information Officer
o/o Sub Divisional Magistrate,
Ludhiana (West).

First Appellate Authority
o/o Sub Divisional Magistrate,
Ludhiana (West).

-----Respondents

Appeal Case No. 373 of 2019

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

ORDER

In this case, Shri Arun Garg, Appellant, vide his RTI application dated 21.08.2018, addressed to the PIO, sought indexed list of all provided documents showing serial number and total number of pages regarding whereabouts and status of Complaint u/s 7 of Noise Pollution (Regulation & Control) Rules, 2000 titled 'Arun Garg Vs. Abhishek Aggarwal & Others. On receiving no information, he filed first appeal with the First Appellate Authority vide application dated 02.10.2018 and subsequently approached the Commission in Second Appeal vide application dated 25.12.2018, which was received in the Commission on 15.01.2019. Accordingly, a Notice of Hearing was sent to the concerned parties for 12.03.2019.

2. On 12.03.2019, the appellant was not present. However, a letter dated 09.03.2019 was received from him through e-mail informing that no response had been received till date from the respondents. He requested to fix hearing through Video Conference. None was present on behalf of the respondents without any intimation nor any reply had been filed by the PIO. Viewing the absence of the respondents seriously, the PIO was directed to

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supply the requisite information to the appellant before the next date of hearing. The case was adjourned for today.

3. Today again, none is present on behalf of the appellant as well as the respondents. However, a letter dated 16.04.2019 has been received from the appellant informing that he is unable to attend hearing due to ill health. He has further informed that no response has been received from the respondents. He has further requested to hear the case through Video Conference. Viewing the absence of the respondents seriously, one last opportunity is afforded to the PIO to supply the requisite information to the appellant before the next date of hearing failing which punitive action under the provisions of RTI Act will be initiated against him.

4. Since my term is expiring on 04.05.2019, I am not in a position to fix next date for hearing in this case. Therefore, this case file is sent to Registry for taking further necessary action to get it re-allocated to some other Bench of the Commission, which will intimate the next date of hearing.

Dated : 16.04.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

CC: D.R.(alongwith original file)

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Shri Tarlochan Singh
#4587-A, Sector 70, Mohali.

-----Appellant

Vs

Public Information Officer
o/o Deputy Commissioner of Police,
Amritsar (City)

First Appellate Authority
o/o Commissioner of Police,
Amritsar City.

-----Respondents

Appeal Case No. 352 of 2019

Present:- None for the appellant.

Shri Surinder Singh, Incharge/RTI, on behalf of the respondents.

ORDER

The case was last heard on 12.03.2019, when the appellant informed that information regarding 2 points had been provided but copy of Power of Attorney had not been supplied. The representative of the respondent informed that Power of Attorney was not available in the file. Consequently, after hearing both the parties and discussing the matter, the respondents were directed to check the record about the availability of the Power of Attorney and submit status report on the next date of hearing. The case was adjourned for today.

2. Today, the representative of the respondents informs that requisite information has been supplied to the appellant. A letter dated 14.04.2019 has been received from the appellant through e-mail informing that he has received all the deficient documents to his satisfaction.

3. Accordingly, the case is **disposed of and closed**.

Dated : 16.04.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Shri Ajit Singh s/o Shri Piara Singh
Village Talwandi Raja,
Dena Nath, PO Bhikhariwal (Mohal)
Tehsil and Distt. Gurdaspur

-----Appellant

Vs

Public Information Officer
o/o Director General of Police, Punjab,
Sector:9, Chandigarh.

First Appellate Authority-cum-
Deputy Inspector General of Police (Admn)
o/o Director General of Police, Punjab,
Sector:9, Chandigarh.

Public Information Officer
o/o Inspector General of Police, Punjab,
P.A.P., Jalandhar.

-----Respondents

Appeal Case No. 367 of 2019

Present:- Shri Iqbal Singh, ASI, on behalf of the appellant.
Shri Sohan Lal, DSP; Shri Madan Lal, AS;I and Shri Parshotam Kumar, Head
Constable, on behalf of the respondents.

ORDER

The case was last heard on 12.03.2019, when the representative of the respondents reiterated that the information was available in the office of P.A.P. Jalandhar. Accordingly, the PIO of the office of Inspector General of Police, Jalandhar was impleaded as a necessary party in this case and he was directed to supply the requisite information to the appellant before the next date of hearing. The case was adjourned for today.

2. Today, the representative of the appellant submits a letter dated 16.04.2019 from the appellant vide which he has submitted that he has received the requisite information to his satisfaction and the case may be closed.

3. Accordingly, the case is **disposed of and closed**.

Dated : 16.04.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**