

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
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Sh. Harjinder Singh,
S/o Sh. Mewa Singh,
R/o Gunike, Tehsil Nabha,
Distt. Patiala.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Nabha, Distt. Patiala

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

Respondents

APPEAL CASE NO.2132/2018

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 order, if any of FAA
15.03.2018	Nil	08.05.2018	Nil	22.06.2018

Present: Sh. Harjinder Singh, Appellant in person.
Sh. Ram Das, JE, O/o Water Supply and Sanitation, Division-1, Patiala.

ORDER

The following order was made by this forum on 04.04.2019:

“The appellant had sought the information about the grants and the income that has accrued to the gram Panchayat of village Gunike and the amount spent on the various development works during the period from the year 2013 to 2018. The respondents have brought the entire record comprised in about 700 pages which has been handed over on spot to the appellant. The appellant points out that the copy of the record pertaining to the water supply is not included in the same.

The Commission has been made to understand that the above record is being maintained by the XEN, Rural Water Supply & Sanitation, Patiala. He is directed to provide him the information asked for before the next date of hearing. The respondents in the appeal shall duly intimate him about the above order of the Commission sufficiently in advance also of the next date of hearing.”

“The case has come up today. Despite notice the respondents in the Department of Rural Water Supply & Sanitation, Punjab, has neither provided the information nor filed a written

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APPEAL CASE NO.2132/2018

reply. The Commission takes a serious view of it. The XEN, Rural Water supply & Sanitation, Patiala is once again directed to provide the information asked for by him else he shall be proceeded against for imposition of penalty as per provision of the RTI Act.”

“The case has again come up for hearing today. The XEN, Div. No. 1, Rural Water Supply & Sanitation, Patiala has failed to reply to the notice of the Commission and provide the requisite information to the

appellant. The Commission has taken serious note of it. Sh. Baljit Singh, PIO – Executive Engineer, Water Supply & Sanitation, Division No. 1, Nabha Road, Patiala, 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 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 matter is being taken up today. It is very intriguing that despite issue of show cause notice by name to the Executive Engineer, Rural Water Supply and Sanitation, Division No. 1, he has maintained a studied silence. His conduct seemingly is disdainful and defiant to the directions of the Commission. He has already rendered himself liable for imposition of penalty. However, in the

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interest of fair play a final opportunity is afforded to him to provide the information to the appellant and reply to the Commission before the next date of hearing positively. He may take a note that he is already under show cause notice and no further opportunity shall be afforded and the issue shall be decided on merit based on the information on record."

The case is being taken up today. Sh. Ram Das, JE, has submitted an affidavit of Sh. Jasinder Singh Sidhu, XEN, Water Supply and Sanitation, Division-1, Patiala. It has been stated that the former incumbent Sh. Baljit Singh has retired on 30.04.2019 and he has assumed the office on 03.05.2019. It has further been submitted that the water supply scheme in contention has since been handed over to Gram Panchayat of Gunike and the entire record pertaining to the scheme has been in custody of the former Sarpanch Smt Mandeep Kaur, W/o Sh. Jarnail Singh. Besides it has been submitted that they have made multiple attempts to impress upon the Sarpanch to hand over the sought for record to information seeker but in vain. In the course of discussion, it transpires that the appellant, Sh. Harjinder Singh himself has been the treasurer of the of the Water Supply and Sanitation Committee, whose task was to raise and collect bills and maintain the water supply in the village. The appellant did not disclose this fact during the course of hearing that he in a way has himself been the custodian of the record. Obviously, he has not approached the Commission with clean hands. The record available with the government offices has already been provided to him. The Commission feels that he has been sufficiently informed. Meanwhile, it directs the BDPO, Nabha, to ensure that the record in the custody of the former Sarpanch is transferred to its successors and the erring former Sarpanch is taken to task for the misconduct, if any.

Disposed.

16.05.2019

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



Sh. Rakesh Kumar Gupta, Advocate,
R/o 8/237, Jagraon Road,
Mandi Mullanpur, Distt. Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Senior Superintendent of Police,
Fatehgarh Sahib.

First Appellate Authority,
O/o Inspector General of Police,
Roop Nagar Range, Roopnagar, Pb.

Respondents

Appeal Case No.3233/2018

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
27.05.2018	30.06.2018	27.07.2018	Nil

Present: None on behalf of the Appellant.
1. ASI Surjit Chand, Incharge RTI, SSP Office, Fatehgarh Sahib,
2. HC Gurnam Singh– for Respondents.

Order

The following order was passed by the Commission on 04.04.2019:

“ASI Ranjit Singh, appearing on behalf of the respondents submits that the information is a personal information’ of third parties who have asked the Public Authority not to reveal it. Even so, the respondent says that they had requested the appellant to inspect the record to which he did not respond. They have requested to dismiss the appeal.

The appellant is not present. Another opportunity is afforded to him to respond to the submissions of the respondent, if any failing which it shall be presumed that he has nothing to say on the issue and the matter shall be finalized as per record on file.

The issue has been taken up today. The appellant says that he is asking for an information to safeguard the interest of one of his clients, who allegedly has been harassed by jurisdictional police. The respondents take the plea of a third party’s personal information. Such a



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Appeal Case No.3233/2018

blanket defence cannot be taken at its face value. They are directed to file a written statement and justify exemption in the light of the provisions of law.

The case has come up for hearing. The respondents have filed a detailed reply in which they have taken a plea that the copies of the roznamcha en block for various dates cannot be provided as it attracts exemption under Section 8(1) (h) and (j) of the RTI Act. The Commission finds that a copy of the reply has also been endorsed to the appellant. He may like to react on the same”

The appellant was desired to comment on the submissions made by the respondents vide their communication dated 02.04.2019. The appellant denies its receipt and through an e-mail, he is demanding its copy from the respondents so as to comment on the same. The respondents say that the endorsement has been sent to the appellant by registered post. The Commission has no reason to believe that the document sent by registered post does not reach its addressee. The Commission finds that the appellant is indiscriminately seeking copies of *Roznamcha* which has remote connection with his case. Vital information connected with the Crime and Law and Order cannot be allowed to be shared without any tangible cause. The defence of exemption under Section 8(1)(h)&(j), as such, cannot be dismissed.

It is understood that the charge sheet in the instant case has been filed and prosecution case is yet to be decided. No more intervention of the Commission is called for.

Disposed.

16.05.2019

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



Smt. Surinder Kaur (Sarpanch),
Village-Bhundian,
PO- Behram Saishta,
Distt. Jalandhar.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Block-Bhogpur, Sirwal,
Distt. Jalandhar.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Tehsil Complex, Jalandhar.

Respondents

Appeal Case No.2637/2018

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
12.02.2018	Nil	13.04.2018	Nil	11.07.2018

Present: Smt. Surinder Kaur, Appellant in person.
Sh.Raghbir Singh, Panchayat Secretary,O/oBDPO, Bhogpur – for Respondents.

Order

It should be read in continuation of order dated 03.04.2019.

Sh. Raghbir Singh, Panchayat Secretary comes present today. He submits that the information available in the record has been transmitted to the appellant. The appellant is dissatisfied. She has pointed out deficiencies vide letter dated 22.04.2019. The respondents are required to look into it and furnish the point-wise reply along with the information, if already not supplied.

To come up on **02.07.2019 at 11.30 AM.**

16.05.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner



Sh. Ranjit Singh,
S/o Sh. Rewal Singh,
R/o #63, Phase-3B-1,
SAS Nagar. 160059.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Block Nadala,
Distt. Kapurthala.

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

Respondents

Appeal Case No.647/2019

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
08.10.2018	Nil	09.11.2018	Nil	08.02.2019

Present: Sh. Ranjit Singh, Appellant in person.
None is present for Respondents.

ORDER

The following order was passed on 04.04.2019:-

"The appellant had sought an information about the resolutions passed, the streets and drains constructed from a grant of Rs. 8 lakh received by the gram panchayat of Village Saintpur, Block Nadala, District Kapurthala and other connected information.

Sh. Yusuf Masih, Panchayat Secretary appearing on behalf of the respondents, denies having received any such grant. The appellant refutes his contention. He has produced a document duly attested by the BDPO, Nadala which refers to a grant of Rs. 8 lakh in respect of the aforesaid village. However, in what context this figure appears, is not clear. The respondents allude it to a demand forwarded to the Government which as yet has not fructified. They are advised to file a written reply in this regard.



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Appeal Case No.647/2019

The Commission feels that in case no grant has been received obviously the rest of the information sought is redundant and cannot be provided. The appellant may like to advert in writing on the submissions made by the respondents before the next date of hearing”.

The case is again being considered today.

The respondents are absent. The Commission believes that they are deployed on election duty. However, it takes a strong exception against the respondents for having failed to file a written reply. They are directed to do the same well before the next date of hearing and come present along with the original record on the issue.

To come up on **25.06.2019 at 11.30 AM.**

16.05.2019

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

PUNJAB STATE INFORMATION COMMISSION
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Sh. Ajay Kumar,
S/o Sh. Santokh Ram,
V.P.O. Khaira, Tehsil Phillaur,
District Jalandhar.

Appellant

Versus

Public Information Officer,
O/o Block Development & Pachayat Officer,
Block Phillaur, District Jalandhar.

First Appellant Authority
O/o Distt. Development & Panchayat Officer,
Jalandhar.

Respondents

Appeal Case No.2647/2018

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
07.04.2018	Nil	24.05.2018	Nil	03.08.2018

Present: Shri Ajay Kumar, Appellant in person
None is present on behalf of respondents.

ORDER:

The respondents have made a request for adjournment as they have been deployed on election duty. The request is acceded to.

The matter is deferred to be heard on **09.07.2019 at 11.30 AM.**

16.05.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner



Smt. Jagwinder Kaur,
W/o Sh.Amarjit Singh,
V.P.O. Lohara,
Tehsil Nihal Singh Wala,
District Moga.

Appellant

Versus

Public Information Officer,
O/o Block Development & Pachayat Officer,
Moga.

First Appellant Authority
O/o Distt. Development & Panchayat Officer,
Moga.

Respondents

Appeal Case No.2033/2018

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
04.07.2018	Nil	30.11.2017	Nil	14.06.2018

Present: Smt. Jagwinder Kaur, Appellant is absent.
Sh.Gurjinder Singh, Panchayat Secretary, on behalf of respondents.

ORDER:

The Appellant has sought to know the outcome of the complaint made by her against some inhabitants of the village and the B.D.P.O. Moga. Shri Gurjinder Singh, Panchayat Secretary appearing as proxy for the respondents has brought along a copy of forwarding letter vide which the information was transmitted to the appellant. The acknowledgment from the appellant on the receipt register has also been furnished and placed on record. The appellant is desired to react on the submissions made by the respondents, if she desires so.

To come up on **25.06.2019 at 11.30 AM.**

16.05.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner



Sh. Sawinder Singh,
S/o Shri Bal Singh,
PO Shutrana, Tehsil Patran,
Distt Patiala. 147105.

Complainant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Patran, Distt Patiala.

Respondent

Complaint Case No.1086 of 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 Complaint
03.07.2018	Nil	Nil	Nil	15.09.2018

Present: Sh. Sawinder Singh, Complainant in person.
None on behalf of the Respondent.

ORDER

It will be appropriate to reproduce the following order passed by the Commission on 29.01.2019:

"The appellant had sought the survey report of a mining allegedly having been made illegally at the site of the cremation ground of village Shutrana, Block Patran, District Patiala.

The Commission finds that the original application was made on 27.07.2018. Despite a lapse of significant period, the information has not been provided. No written reply has also been filed in response to the notice of the Commission. The Commission takes a serious note of the lackadaisical conduct of the PIO. A last opportunity is provided to him to provide the information else penal consequences shall follow.

The case has come up today. Sh.Sukhwinder Singh, Panchayat Secretary is present on behalf of BDPO, Patran. He assures the Commission that the copy of the enquiry conducted by BDPO on the subject shall be conveyed to the complainant before the next date of hearing positively. The Commission accedes to his submission with the direction to ensure its compliance positively failing which the penal consequences shall follow".



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Complaint Case Nos.1086 of 2018

Despite the express directions of Commission in the same and the issue mentioned in the order, the respondents have failed to either provide information to the complainant or file a written reply before the Commission. The Commission feels that the respondents are willfully withholding the information in spite of the directions of the Commission.

The BDPO Patran, Sh.Sanjeev Kumar 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 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.

To come up on **09.07.2019 at 11.30 AM.**

16.05.2019

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



Sh. Sawinder Singh,
S/o Shri Bal Singh,
PO Shutrana, Tehsil Patran,
Distt Patiala. 147105.

Complainant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Patran, Distt Patiala.

Respondent

Complaint Case No.1089 of 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 Complaint
03.07.2018	Nil	Nil	Nil	15.09.2018

Present: Sh. Sawinder Singh, Complainant in person.
None on behalf of the Respondent.

ORDER

It will be appropriate to reproduce the following order passed by the Commission on 29.01.2019:

“Sh.Jarnail Singh, Panchayat Secretary appearing on behalf of the respondent submits that he has already transmitted the information to him in thousands of pages which cost him about six-seven thousand of rupees. The complainant denies its receipt and say that it does not serve his purpose. The Commission takes it with a grain of salt. Nonetheless, another opportunity is afforded to him to inspect the record in the office of the BDPO, Patran on 15.02.2019 at 11.00 AM. The respondent shall provide him the certified copies of the documents but no beyond one hundred pages on payment of fee.

Despite the express directions of Commission in the same and the issue mentioned in the order, the respondents have failed to either provide information to the complainant or file a written reply before the Commission. The Commission feels that the respondents are willfully withholding the information in spite of the directions of the Commission.



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Complaint Case Nos.1089 of 2018

The BDPO Patran, Sh.Sanjeev Kumar 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 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.

To come up on **09.07.2019 at 11.30 AM.**

16.05.2019

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



Sh. Sawinder Singh,
S/o Shri Bal Singh,
PO Shutrana, Tehsil Patran,
Distt Patiala. 147105.

Complainant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Patran, Distt Patiala.

Respondent

Complaint Case No.1092 of 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 Complaint
03.07.2018	Nil	Nil	Nil	15.09.2018

Present: Sh. Sawinder Singh, Complainant in person.
None on behalf of the Respondent.

ORDER

It will be appropriate to reproduce the following order passed by the Commission on 29.01.2019:

“The complainant is interested to know the outcome of the complaint made by him to the Vigilance Department against the Sarpanch of Village Shutrana, Block Patran, alleging his involvement in getting the ‘shamlat’ land of the village encroached by the inhabitants of the village.

Sh.Sukhdev Singh, Sr. Assistant, O/o Rural Development & Panchayats Department, Punjab, submits that they have endorsed his complaint to the Block Development & Panchayat Officer, Patran for taking appropriate action and inform the complainant. The BDPO, Patran seemingly has maintained a studied silence. As the Directorate has already directed him to take appropriate action under Section 6(3) of the Act, he is deemed to be a PIO by the Commission. He is advised to inform him of the action having been taken by him under intimation to the Commission before the next date of hearing. Else, it shall be constrained to proceed disciplinarily against him under the provisions of RTI Act.



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Complaint Case Nos.1092 of 2018

The case has come up today. Nothing has been heard from the respondents. The Block Development & Panchayat Officer, Patran is directed to apprise him of the status of the matter before the next date of hearing positively.

Despite the express directions of Commission in the same and the issue mentioned in the order, the respondents have failed to either provide information to the complainant or file a written reply before the Commission. The Commission feels that the respondents are willfully withholding the information in spite of the directions of the Commission.

The BDPO Patran, Sh.Sanjeev Kumar 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 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.

To come up on **09.07.2019 at 11.30 AM.**

16.05.2019

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



Ms. Shivani, Advocate,
D/o Sh. Raj Kumar,
R/o House No. 89, Ward NO. 10,
Mohalla Katehra, Bassi Pathana,
Fatehgarh Sahib, Punjab.

Appellant

Versus

Public Information Officer,
O/o District Bar Association,
Lawyer's Chambers Complex,
District Court Complex,
Fatehgarh Sahib. 140412.

First Appellate Authority,
O/o District Bar Association,
Lawyer's Chambers Complex,
District Court Complex,
Fatehgarh Sahib. 140412

Respondents

Appeal Case Nos.514, 515, 516 and 517 of 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
29.09.2018/11.10.2018	Nil	14.11.2018/13.11.2018/26.11.2018	Nil	22.01.2019

Present: Adv. Saajan Singla, Counsel for the Appellant.
None on behalf of PIO, O/o President, Bar Association, Fatehgarh Sahib –
for Respondents.

Order

The following order was passed on 02.04.2019:

“The appellant and the respondents are the same. The matter seemingly emanates from the same issue. It shall be appropriate to dispose of the aforementioned appeals with a single order.

The respondents have not as yet filed any reply/written statement to the notice issued by the Commission. They are advised to do so with an advance copy to the appellant who may like to react on the same in case she desires so”.



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Appeal Case Nos.514, 515, 516 and 517 of 2019

Despite having passed express directions, the respondents have failed to file any written reply to the notice of the Commission. The appellant, on the other hand, citing the orders of Central Information Commission, insists that the respondents are a public authority and falls within the domain of RTI Act, 2005. Final opportunity is afforded to the respondents to put forward their view point, failing which the Commission shall pass an appropriate order based on the record on file.

The matter shall be taken up on **04.07.2019 at 11.30 AM.**

16.05.2019

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