

PUNJAB STATE INFORMATION COMMISSION

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

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Whatsapp No. 62848-20189



Sh. Lakhvir Singh S/o Sh. Balvir Singh,
Village Ghurala,
Po Chakohi,
Tehsil Khanna-141401.
Distt. Ludhiana. M : 9814116425

..Complainant

Vs

Public Information Officer,
O/o Tehsildar,
Khanna, Ludhiana.

Public Information Officer(By name) **Registered**
-cum-Agriculture Development Officer,
Khanna,
District Ludhiana

....Respondent(s)

Complaint Case No. 46/2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Sh. Lakhbir Singh, complainant.
None on behalf of the respondent 8146560503.

ORDER

The RTI application is dated 24.8.2020 vide which the complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 31.12.2020 under Section 18 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 no information has been provided by the respondents so far. However, a reference has been received from the Public Information Officer-cum-Tehsildar Khanna vide which the RTI application has been transferred under Section 6(3) of the RTI Act, to the Assistant Registrar Cooperative Society, Khanna. But the representative of the Society informed telephonically that the Public Information Officer in this case is Agriculture Development Officer, Khanna 8146560503.

3. Accordingly, the Public Information Officer –cum-Agriculture Development Officer, Khanna is impleaded as necessary party in this case with the directions to file the reply/supply the information as has been sought by the complainant before the next date of hearing. A copy of the RTI application is **sent** along with this order.

4. To come up on 3.5.2021 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: 17.3.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Nanak Singh Bhatti (Advocate),
R/o Village- Bal Labe Daria,
PO- Jagdev Khurd,
Tehsil - Ajnala
Distt Amritsar. M : 9855560437

..Complainant

Vs

Public Information Officer,
O/o Tehsildar,
Ajnala, Distt Amritsar.

....Respondent(s)

Complaint Case No. 50/2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Sh. Nanak Singh Bhatti, Advocate on phone.
Sh. Gursharan Singh, Ajnala 9855720272 Registry Clerk on behalf of the respondents.

ORDER

The RTI application is dated 27.10.2020 vide which the complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 28.12.2020 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The representative of the respondents states that the complainant has sought the information pertaining to registry for which he may apply in the Suvidha Kendra to get the copy of the same as per the Government instructions. However, the complainant states that as he has applied under the RTI Act, 2005 so the copy of the same may be provided under this Act.

3. The appellant has sought the copy of registry dated 25.5.2006, Vasika No. 901, Jild No. 4143, Safa No. 19 – Diwan Singh s/o Mangal Singh resident of Village Dhalla Rajputa.

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 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

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Complaint Case No. 50 of 2021

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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. 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-cum-Tehsildar 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. As the appellant is seeking the 3rd party information, therefore, 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.

5. To come up on 3.5.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Amritsar/cisco webex.

SD

(Suresh Arora)

Dated: 17.3.2021

Chief Information Commissioner, Punjab.

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Sh. Gurwinder Singh 8725889076
r/o VPO Wazidpur, Tehsil Bassi Pathana,
Fatehgarh Sahib

....Appellant

Vs

Public Information Officer
o/o Block Development and Panchayats Officer,
Block Bassi Pathana,
Fatehgarh Sahib

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

....Respondents

Appeal Case No. 3405 of 2020

(Video Conference/Telephone Proceedings)

Present:- Sh. Gurwinder Singh, appellant.
Sh. Gurwinder Singh, Panchayat Officer, on phone on behalf of the
respondents 9855168234.

ORDER

This order may be read with reference to the previous order dated 5.2.2021.

2. The appellant states that he has received the complete information except the copy of videography done during the auction of plots. However, the representative of the respondents states that nothing is available on record regarding the videography.

3. Accordingly, the respondent-Public Information Officer-cum-Panchayat Secretary is directed to provide the copy of the videography done during the auction of plots and in case the same is not available on record then an undertaking be filed before the next date of hearing failing which the punitive action will be initiated on the next date of hearing.

4. To come up on 30.3.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Fatehgarh Sahib/cisco webex.

SD

Dated: 17.3.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Jagshir Singh 8195800345

9/20, Mansi Mullanpur,

District Ludhiana 141101

....Appellant

Vs

Public Information Officer

o/o Block Development and Panchayats Officer,

Ghal Khurd,

Ferozepur.

First Appellate Authority

o/o District Development and Panchayats Officer,

Ferozepur

Sh. Rajinder Kumar, Panchayat Secretary

-cum-Public Information Officer,

Gram Panchayat Khanpur, Block Ghalkhurd,

o/o Block Development and Panchayats Officer,

Ghal Khurd,

Ferozepur.

....Respondents

Appeal Case No. 3388 of 2020

(Video Conference/Telephone/Cisco Webex Proceedings)

Present:- Sh. Jagshir Singh, appellant, through Cisco Webex.

Sh. Rajinder Kumar, Panchayat Secretary 9914419600, through video conference, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 5.2.2021.

2. The appellant states that no information has been provided by the respondents so far. However, the respondent-Public Information Officer states that the information is ready comprising 125 pages duly certified. The respondent-Public Information Officer also states that the same will be sent to the appellant through registered post today i.e. 17.3.2021 positively.

3. Accordingly, the respondent-Public Information Officer is directed to send the same through registered post and the appellant is advised to go through the same and point out deficiency, if any, 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 in case any deficiency is pointed out by the appellant before the next date of hearing.

4. To come up on 6.4.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ferozepur/cisco webex.

SD

Dated: 17.3.2021

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Sh. Pal Singh s/o Sh. Banta Singh,
Village Nizampur, Tehsil Payal,
Block Malaud,
District Ludhiana

..Complainant

Vs

Public Information Officer (By name) **Registered**
o/o Block Development and Panchayats Officer
Block Malaud,
District Ludhiana

....Respondents

Complaint Case No. 845 of 2020

(Video Conference/Cisco Webex Proceedings)

Present:- Sh. S.D. Goyal, Advocate on behalf of the appellant through Cisco Webex.
9041983187
Sh. Sukhjinder Singh, Panchayat Secretary and Sh. Jarnail Singh, 9855003560,
on phone, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 5.2.2021.

2. The representative of the respondents states that the information has already been sent to the complainant by post comprising 26 pages and also through whatsapp. The representative of the complainant states that he has just received the same through whatsapp and not by post. After going through the same, the representative of the complainant states that the information is incomplete.

3. Accordingly, the complainant is advised to send the deficiencies point wise to the respondent-Public Information Officer within 10 days and the respondent-Public Information Officer-cum-Block Development and Panchayats Officer is directed to remove the same before the next date of hearing. He is also directed to remain present at Chandigarh along with the original record pertaining to the RTI application of the appellant failing which the punitive action will be initiated as per the provisions of the RTI Act, 2005.

4. To come up on 5.5.2021 at 12.30 PM at Chandigarh.

Dated: 17.3.2021
SD/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Manjinder Kumar S/o Sh. Laxman Singh,
Village - Pensra,
House No. 120, PO - Majara Dingriya,
Tehsil - Garhshankar,
Distt Hoshiarpur-146109.M : 8968700606

....Complainant

Vs

Public Information Officer, **Registered**
O/o Block Development and Panchayat Officer,
Garhshankar, Distt Hoshiarpur.

Public Information Officer-cum- **Registered**
Panchayat Secretary,
o/o Block Development and Panchayats Officer
Garhshankar, Distt Hoshiarpur.

Public Information Officer
o/o the Addl. Deputy Commissioner (Dev.)
Hoshiarpur

Public Information Officer (By name) **Registered**
o/o the Sub Divisional Magistrate,
Garhshankar, Hoshiarpur

....Respondent

Complaint Case No. 461/2020

(Video conference/cisco webex/phone Proceedings)

Present:- Sh. Manjinder Singh, complainant through cisco webex.
Sh. Mehakmeet Singh, Block Development and Panchayats Officer
9814171290 and Sh. Makhan Singh, Panchayat Secretary 9417348556 on
behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 24.2.2021.

2. The complainant states that the respondent-Public Information Officer has not supplied the remaining information pertaining to Point No. 2, 9 and 10 of the RTI application. Regarding Point No. 10 he has placed on record a copy of the letter bearing No. 4270 dated 27.9.2019 and No. 5835 dated 8.11.2019, which is taken on record. He also states that no information has been supplied by the respondents related to letter No. 5270 (written by the Addl. Deputy Commissioner (Dev.) to Block Development and Panchayats Officer) as has been sought by him pertaining to Point No. 10 of the RTI application. However, the respondent-Public Information Officer-cum-Block Development and Panchayats Officer states that the information has already been sent to the complainant with a copy to the Commission concerning Point No. 2 and 9 of the RTI application. The respondent-Public Information Officer further states regarding Point No. 2, no funds have been spent by the panchayat, and as such no account has been prepared from January 2019 to April 2020. He also states that the appellant has already been informed accordingly with a copy to the Commission, which is taken on record. Regarding other information related to Point No. 2 of the RTI application concerning MGNREGA, the respondent-Public

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Complaint Case No. 461/2020

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Information Officer states that the appellant has been informed to download the same as the complete information related to MGNREGA is available on the website i.e. www.nrega.nic.in.

3. Regarding Point No. 9 of the RTI application i.e. the action taken on the complaint filed by Surjit Pal Singh s/o Chaman Lal and other residents of the Village Pansra (ਪੈਂਸਰਾ) diary No. 750, the respondent-Public Information Officer states that a letter No. 2032 dated 4.9.2020 was written to the District Development and Panchayats Officer, Hoshiarpur. He also states that the proceeding of the panchayat was sent along with the letter to close the complaint. Copy of the letter along with annexure has been received from the respondent, which is taken on record.

4. Regarding Point No. 10 of the RTI application, the respondent-Public Information Officer states that the reply will be sent to the Commission regarding letter No. 5270 received from the Addl. Deputy Commissioner (Dev.) to Block Development and Panchayats Officer.

5. Since, the information pertaining to Point No. 2 and 9 of the RTI application is available on record and sent by the respondent-Public Information Officer-cum-Block Development and Panchayats Officer, therefore, a copy of the same is **sent** along with this order to the appellant. Regarding the remaining information pertaining to MGNREGA, which is available on the website www.nrega.nic.in, this office has downloaded the same from the website related to the job card holders since 2006, muster roll(s) 2018-2019, 2019-2020, 2020-2021 and the same is also being **sent** to the appellant as has been requested by him.

6. Regarding Point No. 10 of the RTI application i.e. letter No. 5270 the respondent-Public Information Officer-cum-Block Development and Panchayats Officer is directed to file the status of the letter.

7. Regarding letter No. 5835, the Public Information Officer o/o the Sub Divisional Magistrate, Garhshankar, Hoshiarpur is impleaded as necessary party in this case to file the reply/supply the information on the letter sent by the Addl. Deputy Commissioner (Dev.), Hoshiarpur. A copy of the RTI application is **sent** along with this order.

8. Regarding letter No. 2475, the appellant is directed to place on record the said letter to ascertain the concerned respondent authority before the next date of hearing.

9. To come up on 3.5.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Hoshiarpur/cisco webex.

SD

Dated: 17.3.2021

(Suresh Arora)

Chief Information Commissioner,
Punjab.