

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh. Akash Verma,
80, New Officers Colony,
Stadium Road, Patiala..

... Appellant

Versus

Public Information Officer,
O/o Secretary, General,
SOS Children's Village National Office,
Plot-4, Block C-1, Institutional Area,
Nelson Mandela Marg, Vasant Kunj,
New Delhi.

First Appellate Authority,
O/o Secretary, General,
SOS Children's Village National Office,
Plot-4, Block C-1, Institutional Area,
Nelson Mandela Marg, Vasant Kunj,
New Delhi.

...Respondent

Appeal Case No. 82 of 2021

PRESENT: Sh.Akash Verma as the Complainant
Sh.Santosh Singh-PIO-SOS Children Village, Rajpura for the Respondent

ORDER:

The appellant through RTI application dated 31.08.2020 has sought information regarding details of donations collected through outsourced contracts from fundraising companies – name & details of agencies with whom contract has been entered - amount/percentage of donations collected & details of commission paid to outsource agencies – date on which SOS CV has entered into fundraising agreement with along with a certified copy of the agreement with Give India, Syrex Info Pvt Ltd, Spiceflash, APPCO –a certified copy of entre banking/financial transactions, bank drafts, cheque financial receipts – detail of first appellate authority and other information as enumerated in the RTI application, concerning the office of Secretary-General, SOS Children's village National office New Delhi. The appellant was not satisfied with the reply of the PIO dated 12.10.2020 after which the appellant filed first appeal before the First Appellate Authority on 30.10.2020 which disposed of the appeal on 25.11.2020.

The case last came up for hearing on 13.05.2021 through video conferencing at DAC Patiala. The respondent was absent. The case was adjourned.

Hearing dated 17.08.2021:

The case has come up for hearing today through video conferencing at DAC Patiala. The commission has received a reply from the PIO on 29.06.2021 which has been taken on the file of the Commission. In the reply, the PIO has mentioned -

That the respondent is a non-government organization society registered under the Indian Societies Registration Act, 1860 at New Delhi on 12th March 1964. The organization consists of 32 Children's Villages, about 8 SOS – Hermann Gmeiner Schools SOS Children's Village situated at Rajpura Punjab is only one amongst these 32 villages. SOS CV Rajpura has been set up in a piece of land leased by the Government of Punjab vide lease deed of 1994.

Appeal Case No. 82 of 2021

That the application of the RTI Act and its provisions on society is not based on the State or Union Territory in which the Society is registered. The Respondent organization does not fall within the definition of a Non-Government Organization substantially financed by the government of Punjab.

That the SOS CVI does not come within the definition of Public Authority under section 2(h) of the RTI Act 2005.

The appellant has filed objections which were received in the Commission on 01.07.2021 and taken on the file of the Commission.

The appellant states that the respondent cannot deny the information since it has been granted PAN u/s 80(G) (iv) of IT Act 1961 by Director Income Tax Delhi on 11.07.2011 with some conditions. That it is a public authority as the SOS Children's village in Rajpura has been built on a land leased by the Government of Punjab.

After going through the submissions, written and oral of the respondent and the appellant respectively, the matter before the commission is in two parts-

- 1) Firstly, whether the Punjab State Information has jurisdiction to listen to this appeal or not. This matter has arisen on two grounds, a) the appellant had filed the RTI application to the office of the Secretary General , SOS Children's Villages of India located in New Delhi; b) The respondent has claimed that it is a non-government organization society registered under the Indian Societies Registration Act, 1860 at New Delhi on 12th March 1964. The organization consists of 32 Children's Villages, about 8 SOS – Hermann Gmeiner Schools and SOS Children's Village situated at Rajpura Punjab is only one amongst these 32 villages.
- 2) Secondly, that whether SOS Children's Villages of India is a public authority and falls under the preview of the RTI Act?

At this hearing I am inclined to deal with the first point. i.e. regarding the jurisdiction of the PSIC to listen to this case.

Given the above, I direct the Secretary General , SOS Children's Villages of India, New Delhi to file an affidavit stating the organizational charter of the organization, its history of inception and growth, as well as the station where it files its income tax returns.

The case is adjourned. To come up for hearing on **13.12.2021** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh
Dated 17.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh
Ph: 0172-2864114, Email: - psic30@punjabmail.gov.in
Visit us: - www.infocompunjab.com



Sh. Bittu S/o Sh Om Kumar,
Village Bholapur Jhabewal,
P.O Ramgarh, Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o District Controller,
Food Civil Supplies and Consumer Affairs,
Sarabha Nagar, Ludhiana.

First Appellate Authority,
O/o Director,
Food Civil Supplies and Consumer Affairs
Sector-17-E, Chandigarh.

...Respondent

Appeal Case No. 105 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 30.09.2020 has sought information regarding certified copies of documents submitted by Sh. Bholu Tati, Arjun Tati, Rukmani Devi, Angad Kumar, Raja Kumar, residents of Bholapur for getting smart cards/blue cards – verification report of verification officer – category relating to these cards - - rules for issue of smart cards and other information as enumerated in the RTI application concerning the office of District Controller, Food Civil Supply & Consumer Affairs, Pb Sarabha Nagar, Ludhiana. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 02.11.2020 which took no decision on the appeal.

The case last came up for hearing on 13.05.2021 through video conferencing at DAC, Ludhiana. Since the VC had been temporarily closed by the District Administration due to a large number of corona cases in Ludhiana, the hearing could not take place and the case was adjourned.

Hearing dated 17.08.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. Both the parties are absent.

Having gone through the record, the Commission observes that there has been an enormous delay of more than eleven months in attending to the RTI application. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on him under Section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time.** He/she should file an affidavit in this regard. If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission along with the written replies.

The PIO is again directed to provide information to the appellant within 10 days of the receipt of the order.

To come up for further hearing on **03.11.2021** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated 17.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Pankaj Kumar S/o Late Sh. Vijay Kumar Malhotra,
R/o B-34/6516, Sunil Nagar,
Near Peahalwan da Dera, Jassian Road,
Haibowal Kalan, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Punjab Health Systems Corporation,
PSEB Building, E-Block, 2nd Floor,
Phase-8, Mohali.

First Appellate Authority,
O/o Punjab Health Systems Corporation,
PSEB Building, E-Block, 2nd Floor,
Phase-8, Mohali.

... Respondent

Appeal Case No. 193 of 2021

PRESENT: Sh. Pankaj Kumar as the Appellant
Sh. Gurjaswinder Singh, Procurement officer for the Respondent

ORDER:

The appellant through RTI application dated 11.09.2020 has sought information regarding details of machinery purchased by the Health Department from 01.01.2015 till date along with bills of machinery and name of suppliers – details of medicines purchased along with bills and suppliers details and other information as enumerated in the RTI application concerning the office of Punjab Health System Corporation, Mohali. The appellant was not satisfied with the reply of the PIO dated 19.10.2020 after which the appellant filed the first appeal before the First Appellate Authority on 23.10.2020 which took no decision on the appeal.

The case last came up for hearing on 13.05.2021 through video conferencing at DAC, Ludhiana. Since the VC had been temporarily closed by District Administration due to a large number of corona cases in Ludhiana, the hearing could not take place. The case was adjourned.

Hearing dated 17.08.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana/Mohali. As per the appellant, the PIO has not supplied the information.

As per the respondent, the information sought is very voluminous and will divert the resources of the department since the appellant has asked for information from the year 01.01.2015 till date.

Having gone through the RTI application and hearing both the parties, I am in agreement with the PIO that sought information is very voluminous. Given this fact and after discussion with the appellant, PIO is directed to provide information to the appellant from 01.01.2017 till the date of filing of the RTI application, and send a compliance report to the commission.

To come up for further hearing on **03.11.2021** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear through VC at DAC Mohali.

Chandigarh
Dated 17.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden, Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh. Pankaj Kumar S/o Late Sh. Vijay Kumar Malhotra,
R/o B-34/6516, Sunil Nagar,
Near Peahalwan da Dera, Jassian Road,
Haibowal Kalan, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Punjab Health Systems Corporation,
PSEB Building, E-Block, 2nd Floor,
Phase-8, Mohali.

First Appellate Authority,
O/o Punjab Health Systems Corporation,
PSEB Building, E-Block, 2nd Floor,
Phase-8, Mohali.

...Respondent

Appeal Case No. 207 of 2021

PRESENT: Sh.Pankaj Kumar as the Appellant
Sh.Gurjaswinder Singh, Procurement officer for the Respondent

ORDER:

The appellant through an RTI application dated 11.09.2020 has sought information regarding details of medicines issued to Health department Ludhiana from 01.01.2017 till date along with details of consumption of medicines by Health department Ludhiana – funds consumed by Health department Ludhiana – balance sheet from 01.04.2017 to 31.03.2018, 01.04.2018 to 31.03.2019, 01.04.2019 to 31.03.2020 and other information as enumerated in the RTI application concerning the office of Punjab Health System Corporation, Mohali. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 23.10.2020 which took no decision on the appeal.

The case last came up for hearing on 13.05.2021 through video conferencing at DAC, Ludhiana. Since the VC had been temporarily closed by District Administration due to the large number of corona cases in Ludhiana, the hearing could not take place. The case was adjourned.

Hearing dated 17.08.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana/Mohali. As per the appellant, the PIO has not supplied the information.

The respondent present informed that since the information relates to the office of Civil Surgeon Ludhiana, the RTI application has been transferred to them on 28.05.2021.

The PIO-Civil Surgeon Ludhiana is impleaded in the case and directed to look at the RTI application transferred by the office of Punjab Health System Corporation, Pb Mohali on 28.05.2021 and provide the information to the appellant as per available record and send a compliance report to the commission.

The case is adjourned. To come up for further hearing on **03.11.2021** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Sd/-

Chandigarh
Dated 17.08.2021

(Khushwant Singh)
State Information Commissioner

CC to:PIO-Civil Surgeon,
Civil Hospital, Ludhiana



Sh.Kamaljit Singh,
Chamber No-5014, 5th Floor,
Lawyer Chamber Complex, Part-II,
Distt Courts, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Chief Medical officer,
Civil Lines, Ludhiana.

First Appellate Authority,
O/o Chief Medical Officer,
Civil Lines, Ludhiana.

...Respondent

Appeal Case No. 231 of 2021

PRESENT: Sh.Kamaljit Singh as the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 08.08.2020 has sought information regarding a copy of the complete audit report for the years 2015-16, 2016-17, 2017-18 & 2018-19 of the CMO office along with entire documents/annexures attached with the report and other information as enumerated in the RTI application concerning the office of Chief Medical Officer, Ludhiana. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 18.09.2020 which took no decision on the appeal.

The case last came up for hearing on 13.05.2021 through video conferencing at DAC, Ludhiana. Since the VC had been temporarily closed by District Administration due to the large number of corona cases in Ludhiana, the hearing could not take place. The case was adjourned.

Hearing dated 17.08.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The appellant claims that the PIO has not supplied the information.

The respondent is absent on 2nd consecutive hearing nor has supplied the information. The PIO is directed to provide the information to the appellant within 15 days of the receipt of the order, otherwise the commission will be constrained to proceed against the PIO as per the provisions of Section 20 of the RTI Act.

The case is adjourned. To come up for further hearing on **03.11.2021** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated 17.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Sh. Jasbir Singh, S/o Sh. Harbans Singh,
R/o Village Jalal Khera, P.O Sular,
Distt Patiala.

... Appellant

Versus

Public Information Officer,
O/o DFSO,
Ludhiana.

First Appellate Authority,
O/o DFSO,
Ludhiana.

...Respondent

Appeal Case No. 179 of 2021

PRESENT: Sh.Jasbir Singh for the Appellant
None for the Respondent

ORDER:

The appellant through an RTI application dated 30.09.2020 has sought information regarding depot holder block No.133 Ashok Nagar Ludhiana – details of wheat, pulses and other items received relating to BPL/APL/Blue cards – a copy of licenses of depot holders of Ashok Nagar copy of entry register of APL/BPL card holders – list of APL/BPL cardholders and other information as enumerated in the RTI application concerning the office of DFSO Ludhiana. The appellant was not provided with the information after which the appellant filed first appeal before the First Appellate Authority on 05.11.2020 which took no decision on the appeal.

The case last came up for hearing on 13.05.2021 through video conferencing at DAC, Ludhiana. Since the VC had been temporarily closed by District Administration due to the large number of corona cases in Ludhiana, the hearing could not take place. The case was adjourned.

Hearing dated 17.08.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana/Patiala. The appellant claims that the PIO has not supplied the information.

The respondent is absent on 2nd consecutive hearing nor has supplied the information. The PIO is directed to provide the information to the appellant within 15 days of the receipt of the order otherwise the commission will be constrained to proceed against the PIO as per the provisions of section 20 of the RTI Act.

The case is adjourned. To come up for further hearing on **09.11.2021** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana. The appellant is to appear through VC at DAC Patiala.

Chandigarh
Dated 17.08.2021

Sd/-
(Khushwant Singh)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
Visit us: - www.infocommpunjab.com



Ms Harwinder Kaur,
686, MIJ(I),
Phase-9, Mohali.

... Appellant

Versus

Public Information Officer,
O/o Director,
Food and Drugs Administration,
PB, Kharar.

First Appellate Authority,
O/o Director,
Food and Drugs Administration,
PB, Kharar.

...Respondent

Appeal Case No. 2605 of 2021

PRESENT: Ms.Harwinder Kaur as the Appellant
Sh.Chhinder Singh, Sr.Assistant for the Respondent

ORDER:

The appellant through an RTI application dated 10.05.2021 has sought information regarding the list of analysts recruited from 2009 onwards – seniority list of analysts – a copy of the order for promotion to Smt.Varinder Pal Kaur as SO – complete file and noting of SOs promoted from 2019 onwards – file and noting of promotion of Smt. Varinder Pal Kaur and other information as enumerated in the RTI application concerning the office of Director Food and Drug Administration, Kharar. The appellant was not provided with the information after which the appellant filed the first appeal before the First Appellate Authority on 27.05.2021 which took no decision on the appeal. The appellant had filed an appeal under Life and Liberty, however, the Chief Information Commissioner, Punjab ordered to consider the case under the General Category.

The case has come up for hearing today through video conferencing at DAC, Mohali. As per the respondent, the information has been provided to the appellant vide letter dated 07.07.2021.

As per the appellant, the information is incomplete.

Having gone through the RTI application and hearing both the parties, the following is concluded

- | | | | |
|-----------|----|---|---|
| - Point-1 | &2 | - | As per the respondent, the information stands provided. As per the appellant, the information is incomplete. The PIO is directed to sort out the discrepancies all further information. |
| - Point-3 | | - | Provided |
| - Point-4 | | - | PIO to procure the information from the concerned authority and provide it to the Appellant |
| - Point-5 | | - | Prima Facie this appears to personal information, to be decided at the next date of hearing. |

The case is adjourned. To come up for further hearing on **09.11.2021** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Mohali.

Sd/-

Chandigarh
Dated 17.08.2021

(Khushwant Singh)
State Information Commissioner