

## PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

Ph: 0172-2864110, Helpline 0172-2864100

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Whatsapp No. 62848-20189



ShriSurjit Singh,  
S/o Sh. Gokul Singh,  
V.P.O.Jarg, Tehsil Payal,  
Distt. Ludhiana – 141415 (Punjab)

Complainant

**V/s**

Public Information Officer,  
O/o District Education Officer(Elem.),  
Sri Fatehgarh Sahib (Punjab) Respondents

### **Complaint Case No. 1311 of 2021**

Present:- None on behalf of the parties.

#### **ORDER**

This order may be read with reference to the previous order dated 29.8.2022. The case was earlier heard by the bench of Sh. SanjivGarg, SIC but due to administrative reasons the case was reallocated to this bench and fixed for hearing today.

2. The complainant in this case has already requested that the directions may be issued to the respondent-Public Information Officer to provide the complete information.

3. It is appropriate to mention that Hon'ble Supreme Court of India in its order rendered on 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010) has held that while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information. Since the complainant has approached the Commission under the provisions of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

An alternative and efficacious remedy of first appeal is available to the complainant under Section 19(1) of the RTI Act, 2005 which has not been availed in the instant case. Since the complainant is interested in getting the information, without going into the merit of the case, the matter is remanded back to Sh. Baljinder Singh, First Appellate Authority-cum-D.E.O. (Elem), Sri Fatehgarh Sahib to take appropriate decision in accordance with the provisions of the RTI Act within the prescribed timeline, after giving opportunity of hearing to all concerned by passing a speaking order. A copy of this complaint filed by the complainant is also **being sent** to him along with this order with the directions that the same may be treated as first appeal.

4. With these directions the case is disposed of and closed. However, the liberty is granted to the complainant to file the 2<sup>nd</sup> appeal in this case, if he is not satisfied with the decision of the First Appellate Authority.

Dated:17.10.2022

(Suresh Arora)  
Chief Information Commissioner,  
Punjab.

Sh. Baljinder Singh,  
First Appellate Authority  
-cum-D.E.O. (Elem), Sri Fatehgarh Sahib.

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ShriAnkitSehgal

C/o Bombay Studio,

Near Post Office Chowk,

Pathankot (Punjab)

Appellant

V/s

Public Information Officer,

O/o Chairman, Improvement Trust,

Jalandhar(Punjab)

First Appellate Authority,

O/o Chairman, Improvement Trust,

Jalandhar(Punjab)

Respondents

## Appeal Case No. 5176 of 2021.

Present:- None on behalf of the parties.

### ORDER

This order may be read with reference to the previous order dated 29.8.2022. The case was earlier heard by the bench of Sh. SanjivGarg, SIC but due to administrative reasons the case was reallocated to this bench and fixed for hearing today.

2. The appellant has sought the following information as per his RTI application:-

Point no.1	Provide the attested copies of comparative statements approved by the competent authority for the works by E-Tendering undertaken/carried out between the period from 01-01-19- to 17-07-2021;
Point no.2	Detail of vehicle allotted to different officer with name and post and vehicle Registration number and make period .01-01-18 to 17-07-2021

3. After the perusal of the case file it has ascertained that the complete information has already been supplied by the respondent and an opportunity was granted to the appellant to point out the deficiencies, if any, in the information so supplied by the respondents.

4. Since, no deficiency has been received from the appellant, therefore, the Commission is of the view that no further action is required to be taken in this case. Hence, the case is disposed of and closed.

Dated:17.10.2022

(Suresh Arora)

Chief Information Commissioner,  
Punjab.

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**V/s**

Public Information Officer,  
O/o Director, Public Instructions (Elem.) Pb.,  
VidyaBhawan, P.S.E.B. Complex,  
Sector 62, S.A.S. Nagar (Mohali) (Punjab)

First Appellate Authority,  
O/o Secretary to Government of Punjab,  
Deptt. of Education, 5 th Floor,  
E- Block, Vidhya Bhawan,  
P.S.E.B. Complex, Phase 8,  
Sector 62, S.A.S. Nagar (Mohali) (Punjab)

## Respondents

**Appeal Case No. 5514 of 2021.**

Present:- None on behalf of the parties.  
ORDER

This order may be read with reference to the previous order dated 29.8.2022. The case was earlier heard by the bench of Sh. SanjivGarg, SIC but due to administrative reasons the case was reallocated to this bench and fixed for hearing today.

2. The appellant has sought the following information as per his RTI application:-

5. Particulars of the information solicited

a) Subject Matter of information requested

b) The period to which information relates (\*\*)

c) Specific Details of information required (\*\*\*)

1) ਇਹ ਕਿ ਕਿਸ ਆਦਤ (ਜਾਂ) ਕਿ ਕੌਣ ਗੁਪਤ ਮਾਨਵ ਦੇ ਪਤਨੀ  
ਮ-1 / 2019 / 2309-09 ਮਿਤੀ 17-09-2020 ਗੁਪਤ ਮਾਨਵ  
ਭਵਨ ਸਿੰਘ, ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ, ਦੁਆਬਾ ਜਿਲਾ, ਪੰਜਾਬ  
ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ

2) Whether information is required by ਪਾਸੀ ਮਾਨਵ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ  
as in person (the actual postal fees shall be ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ  
included in additional fees in providing the information)

3) In case of post (ordinary or special)

4) Is the information not unduly disclosed by ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ  
public authority can be required (the answer)

5) Do you agree to pay the required fee ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ

6) Have you deposited application fee ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ  
(if yes, detail of fee is deposited) ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ

7) Whether belongs to below poverty line category ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ  
(if yes, you furnish the proof of the same with ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ  
application, )

Place: ਮੰਤੋਂ

Date: 10-09-2021

Signature of Applicant: ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ

7. Particulars of the information solicited

a) Subject Matter of information requested

b) The period to which information relates (\*\*)

c) Specific Details of information required (\*\*\*)

1) ਇਹ ਕਿ ਕਿਸ ਆਦਤ (ਜਾਂ) ਕਿ ਕੌਣ ਗੁਪਤ ਮਾਨਵ ਦੇ ਪਤਨੀ  
ਮ-1 / 2019 / 2309-09 ਮਿਤੀ 17-09-2020 ਗੁਪਤ ਮਾਨਵ  
ਭਵਨ ਸਿੰਘ, ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ, ਦੁਆਬਾ ਜਿਲਾ, ਪੰਜਾਬ  
ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ

2) Whether information is required by ਪਾਸੀ ਮਾਨਵ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ  
as in person (the actual postal fees shall be ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ  
included in additional fees in providing the information)

3) In case of post (ordinary or special)

4) Is the information not unduly disclosed by ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ  
public authority can be required (the answer)

5) Do you agree to pay the required fee ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ

6) Have you deposited application fee ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ  
(if yes, detail of fee is deposited) ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ

7) Whether belongs to below poverty line category ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ  
(if yes, you furnish the proof of the same with ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ  
application, )

Place: ਮੰਤੋਂ

Date: 10-09-2021

Signature of Applicant: ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ ਮੰਤੋਂ

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**Appeal Case No. 5514 of 2021.**

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3. The RTI application of the appellant considered in terms of the orders issued by the Punjab State Information Commission in CC No. 2177 of 2010 (DOD 2.8.2010) in which it has been mentioned that the information to be collected, collated, tabulated and rearranged is not within the purview of the RTI Act. Subsequently, the office memorandum issued by the Department of Personnel and Training, Government of India vide no. 1/18/2011-IR dated 16.9.2011 in which it has been mentioned that:-

*“only such information can be supplied under the Act which already exists and is held by the public authority or held by the public authority or held under the control of the public authority. The Public Information Officer is not supposed to create information or to interpret information or to solve the problems raised by the applicant or to furnish the replies to hypothetical questions”.*

4. The RTI application of appellant was also considered in terms of office memorandum issued by the Department of Personnel & Training, Government of India vide No. 11/2/2008-IR dated 10.7.2008 in which it has been stated that the Public Information Officer has to supply the ‘material’ in the form as held by the public authority and it is not required to do research on behalf of the citizen to deduce anything from the material and then supply it to him.

5. It is also appropriate to mention the decision given by the Supreme Court of India in the matter of Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors (Civil Appeal No. 6454 of 2011) reported as 2011(3)RCT(Civil) and circulated by the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel and Training vide No. 1/18/2011-IR dated 16.9.2011 which is as follows:-

*“At this juncture, it is necessary to clear some misconceptions about the RTI Act. The RTI Act provides access to all information that is available and existing. This is clear from a combined reading of section 3 and the definitions of ‘information’ and ‘right to information’ under clauses (f) and (j) of section 2 of the Act. If a public authority has any information in the form of data or analysed data, or abstracts, or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the Act does not cast an obligation upon the public authority, to collect or collate such non available information and then furnish it to an applicant. A public authority is also not required to furnish*

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**Appeal Case No. 5514 of 2021.**

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*information which require drawing of inferences and/or making of assumptions. It is also not required to provide 'advice' or 'opinion' to an applicant, nor required to obtain and furnish any 'opinion' or 'advice' to an applicant. The reference to 'opinion' or 'advice' in the definition of 'information' in section 2(f) of the Act, only refers to such material available in the records of the public authority. Many public authorities have, as a public relation exercise, provide advice, guidance and opinion to the citizens. But that is purely voluntary and should not be confused with any obligation under the RTI Act."*

7. Keeping in view the above, the Commission is of the view that no further action is required to be taken in this case. Hence, the case is disposed of and closed.

Dated:17.10.2022

(Suresh Arora)  
Chief Information Commissioner,  
Punjab.