

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



Sh. Jasbir Singh (M: 9888296107).
Guru Nanak Nagar, Village Bolapur,
Jhabewal, Post Office Ramgarh,
Distt. Ludhiana-141123.

....Appellant

Vs

Public Information Officer,
O/o Deputy Commissioner,
Ludhiana.

First Appellate Authority
O/o Deputy Commissioner,
Ludhiana.

Public Information Officer,
O/o the Addl. Deputy Commissioner,
Khanna, Distt. Ludhiana.

....Respondents

Appeal Case No. 202 of 2022
(Video Conference Proceedings)

Present:- Sh. Jasbir Singh, appellant .
Sh. Prabjot Singh, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 22.03.2022.

2. The appellant has sought the following information:-

(1):- ਸ਼੍ਰੀ ਮਾਨ ਜੀ ਸਪੈਸ਼ਲ ਮੁੱਖ ਸਕੱਤਰ ਕਮ ਵਿੱਤੀ ਕਮਿਸ਼ਨਰ ਮਾਲ ਪੰਜਾਬ ਜੀ ਦ ਅਰਧ ਸਰਕਾਰੀ ਪੱਤਰ ਨੰਬਰ-18004-25 ਮਿਤੀ-9/12/2019 ਦੇ ਪੱਤਰ ਤੇ (ਆਪ ਜੀ ਵੱਲੋਂ) ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ, ਲੁਧਿਆਣਾ ਜੀ ਵੱਲੋਂ ਵੱਖ ਵੱਖ ਸਬ ਰਜਿਸਟਰਾਰ ਅਤੇ ਜੁਆਇੰਟ ਸਬ ਰਜਿਸਟਰਾਰ ਤੋਂ ਕਿੰਨੀ ਰਿਕਵਰੀ ਹੋਈ, ਇਹ ਰਿਕਵਰੀ ਕਿਸ ਕਿਸ ਵਸੀਕੇ ਜਾਂ ਰਜਿਸਟਰਡ ਡਾਕੂਮੈਂਟ ਦੀ ਕੀਤੀ ਗਈ ਅਤੇ ਕਿਸ ਕਿਸ ਅਧਿਕਾਰੀ ਜਾਂ ਰਜਿਸਟਰੀ ਕਲਰਕ ਦੇ ਵਿਰੁੱਧ ਬਣਦੀ ਕਾਨੂੰਨੀ ਕਾਰਵਾਈ ਅਮਲ ਵਿੱਚ ਲਿਆਂਦੀ ਗਈ। ਉਹਨਾਂ ਦੀ ਤਸਦੀਕਸ਼ੁਦਾ ਕਾਪੀ ਦਿੱਤੀਆ ਜਾਵੇ।

3. The appellant submits that he has received the complete information and requested that the respondent-Public Information Officer may be directed to supply the certified copy of the same. However, the representative of the respondents submits that a copy of the same has again been sent to the appellant duly certified through registered post. Also a copy of the information is available in **the case file which is being sent** to the appellant along with this order.

4. 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.

- sd/

Dated:17.5.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



Sh. Dharampal Singh,
S/o Sh. Dhannu Ram,
R/o Saloh, Tehsil Nawanshahr,
Distt. SBS Nagar-144514.
(M: 9814826492).

....Appellant

Vs

Public Information Officer
O/o Deputy Commissioner, Ludhiana.

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

....Respondents

Appeal Case No. 1243 of 2022
(Video Conference Proceedings)

Present:- Sh. Dharampal Singh, on telephone.
Shri Rama Kant Supdt. on behalf of the respondents.

ORDER

The RTI Application is dated 02.11.2021 vide which the appellant has sought information as enumerated in his RTI Application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 03.01.2022 and Second Appeal was filed in the Commission on 09.03.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 17.05.2022.

2. The appellant has sought the following information:-

ੲ) ਲੋੜੀਂਦੀ ਸੂਚਨਾ ਦਾ ਵੇਰਵਾ:-

1. ਕਾਰਵਾਈ ਰਜਿਸਟਰਾਂ ਦੀਆਂ ਤਸਦੀਕਸ਼ੁਦਾ ਕਾਪੀਆਂ ਦਿਓ ਜੀ।
2. ਆਮਦਨ ਅਤੇ ਖਰਚੇ ਦੇ ਰਜਿਸਟਰ ਦੀਆਂ ਤਸਦੀਕਸ਼ੁਦਾ ਕਾਪੀਆਂ ਦਿਓ ਜੀ।
3. ਸਾਰੀਆਂ ਖਰੀਦੀਆਂ ਹੋਈਆਂ ਫਸਲਾਂ, ਸੇਵਾਵਾਂ ਨਾਲ ਸਬੰਧਤ ਬਿੱਲਾਂ, ਰਸੀਦਾਂ ਅਤੇ ਕੁਟੌਸ਼ਨਾਂ ਦੀਆਂ ਤਸਦੀਕਸ਼ੁਦਾ ਕਾਪੀਆਂ ਦਿਓ ਜੀ।
4. ਬੈਂਕ ਅਕਾਊਂਟ ਦੀਆਂ ਸਟੇਟਮੈਂਟਾਂ ਦੀਆਂ ਤਸਦੀਕਸ਼ੁਦਾ ਕਾਪੀਆਂ ਦਿਓ ਜੀ।
5. ਲਗਾਏ ਗਏ ਐਸਟੀਮੇਟਾਂ ਦੀਆਂ ਤਸਦੀਕਸ਼ੁਦਾ ਕਾਪੀਆਂ
6. ਸਰਕਾਰੀ ਤੇ ਸਾਰੇ ਸਾਧਨਾਂ ਤੋਂ ਦਿੱਤੀਆਂ ਗਈਆਂ ਗਰਾਂਟਾਂ ਕਿਹੜੇ-ਕਿਹੜੇ ਕੰਮ ਵਾਸਤੇ ਆਈਆਂ, ਦੀਆਂ ਤਸਦੀਕਸ਼ੁਦਾ ਕਾਪੀਆਂ ਦਿਓ ਜੀ

3. The representative of the respondent submits that the complete information has already been supplied to the appellant except a copy of the bank statements which will be provided to the appellant within a week with which the appellant agreed to. Accordingly, the respondent Public Information Officer is directed to supply the same within a week to the appellant under intimation to the Commission.

4. Keeping in view the assurance given by the respondent to supply the remaining information within a week, 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. However, the liberty is granted to the appellant to approach the Commission within two weeks, if he does not receive the same.

sd

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Dated: 17.5.2022

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: psic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



Sh. Ram Krishan,
S/o Sh. Dass Mall,
R/o Majitha Road,
Murabian Wali Gali,
Tehsil and Distt. Amritsar.
(M: 9815092472).

....Appellant

Vs

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

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

....Respondents

Appeal Case No. 1246 of 2022
(Video Conference Proceedings)

Present:- Sh. Bhatti, Advocate on behalf of the appellant .
None on behalf of the respondents.

ORDER

The RTI Application is dated 09.12.2021 vide which the appellant has sought information as enumerated in his RTI Application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 25.01.2022 and Second Appeal was filed in the Commission on 09.03.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 17.05.2022.

2. The appellant has sought the following information:-

1. ਇਹ ਕਿ ਮੈਂ, ਰਾਜ ਰਾਹੀਂ ਵਿਧਵਾ ਦਾਸ ਮਾਂ ਵਾਸੀ ਮਜੀਠਾ, ਤਹਿਸੀਲ ਅਤੇ ਜਿਲ੍ਹਾ ਅੰਮ੍ਰਿਤਸਰ ਦੀ ਰਹਿਣ ਵਾਲੀ ਹਾਂ।
2. ਇਹ ਕਿ ਮੇਰੀ ਜਮੀਨ ਅਜਨਾਲਾ ਜ਼ਿਲ੍ਹੇ ਅੰਮ੍ਰਿਤਸਰ ਵਿੱਚ ਲੈਂਡ ਐਕੀਜ਼ੀਜ਼ਨ ਆਈਨ ਸਾਲ 2012 ਵਿੱਚ ਐਕਵਾਇਰ ਹੋਈ ਸੀ ਜਿਸ ਵਿੱਚ ਸਾਲ 2014-15 ਵਿੱਚ 1,52,563/- ਰੁਪਏ ਦਾ ਅਤੇ ਬਾਕੀ 2 ਹੋਰ ਵਿਅਕਤੀਆਂ ਦੀ ਰਕਮ ਜੋ ਕੁਲ ਰਕਮ 2,12,938/- ਰੁਪਏ ਬਣਦੀ ਹੈ ਜੋ ਕਿ ਇਹ ਰਕਮ ਹੁਣ ਤੱਕ ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਵਾਲੇ ਜਾਣ ਬੁੱਝ ਕੇ ਜਾਰੀ ਨਹੀਂ ਕਰਵਾਈ ਜਾ ਰਹੀ ਹੈ ਜਦ ਕਿ ਮੇਰੀ ਉਕਤ ਕੰਮਜ਼ੀ ਜਮੀਨ ਵੀ ਐਕਵਾਇਰ ਕਰ ਲਈ ਗਈ ਹੈ ਜੋ ਕਿ ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਵਾਲੇ ਸਾਡੀ ਕੰਮਜ਼ੀ ਜਮੀਨ ਦੀ ਬਣਦੀ ਰਕਮ ਵਿੱਚੋਂ ਟੀ.ਡੀ.ਐਸ. ਦੀ ਕਟੌਤੀ 2,12,938/- ਕਰ ਲਈ ਗਈ ਹੈ ਅਤੇ 6 ਸਾਲ ਬੀਤ ਜਾਣ ਤੇ ਵੀ ਇਹ ਟੀ.ਡੀ.ਐਸ. ਦੀ ਰਕਮ ਰਿਫੰਡ ਨਹੀਂ ਕੀਤੀ ਗਈ ਜਿਸ ਨਾਲ ਸਾਨੂੰ ਕਾਫੀ ਮਾਲੀ ਨੁਕਸਾਨ ਹੋ ਰਿਹਾ ਹੈ। ਇਸ ਦੇ ਸੰਬੰਧ ਵਿੱਚ ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਵਿੱਚ ਲਗਾਤਾਰ ਪਿਛਲੇ 6 ਸਾਲਾਂ ਤੋਂ ਚਾਕਰ ਕੱਟ ਰਹੇ ਹਾਂ ਅਤੇ ਪਿਆਨ ਚੰਦ ਕਲਰਕ ਵੀ ਜਾਣ ਬੁੱਝ ਕੇ ਟੀ.ਡੀ.ਐਸ. ਰਕਮ ਰਿਫੰਡ ਕਰਨ ਵਿੱਚ ਆਨਕਾਨੀ ਕਰ ਰਿਹਾ ਹੈ।
3. ਇਹ ਕਿ ਹੁਣ ਸਾਡੇ ਵਾਲੇ ਇੰਨਕਮ ਟੈਕਸ ਡਿਪਾਰਟਮੈਂਟ ਰਣਜੀਤ ਐਵੀਨਿਊ ਅੰਮ੍ਰਿਤਸਰ ਨਾਲ ਸੰਪਰਕ ਕਰਨ ਤੇ ਪਤਾ ਲੱਗਾ ਹੈ ਕਿ ਐਸ.ਡੀ.ਐਮ. ਦਫਤਰ ਅਜਨਾਲਾ ਵਾਲੇ ਬਣਦੀ ਕਾਗਜੀ ਕਾਰਵਾਈ ਪੂਰੀ ਨਹੀਂ ਕੀਤੀ ਗਈ ਜਿਸ ਕਰਕੇ ਇਹ ਰਕਮ ਰਿਫੰਡ ਨਹੀਂ ਹੋ ਰਹੀ।
ਮੋਹਰਬਾਨੀ ਕਰਕੇ ਉਪਰੋਕਤ ਸਾਰੇ ਤੱਥਾਂ ਨੂੰ ਪਿਆਨ ਵਿੱਚ ਰੱਖਦੇ ਹੋਏ ਉਕਤ ਟੀ.ਡੀ.ਐਸ. ਦੀ ਰਕਮ ਰਿਫੰਡ ਕੀਤੀ ਜਾਵੇ ਅਤੇ ਇਸ ਰਕਮ ਦੇ ਸੰਬੰਧ ਵਿੱਚ ਫਾਰਮ ਨੰਬਰ 16 ਜਾਰੀ ਕੀਤਾ ਜਾਵੇ ਜੀ।
ਕਿ੍ਪਾ ਕਰਕੇ ਦਰਖਾਸਤ ਮਿਤੀ 01-06-2021 ਦੇ ਸੰਬੰਧ ਵਿੱਚ ਅਤੇ ਉਪਰ ਦਿੱਤੇ ਗਏ ਵੇਰਵੇ ਤਹਿਤ ਤਸਦੀਕ ਸ਼ੁਦਾ ਸੂਚਨਾ ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਵਾਲੇ ਮੁਕੰਮਲ ਸੂਚਨਾ ਤਸਦੀਕ ਸ਼ੁਦਾ ਦਿੱਤੀ ਜਾਵੇ। ਆਪ ਜੀ ਦੀ ਬਹੁਤ ਮੋਹਰਬਾਨੀ ਹੋਵੇਗੀ।

3. Shri Bhatti Advocate on behalf of the appellant submits that he has received the complete information in this case and requested to close the case.

4. Keeping in view the submissions made by the counsel of the appellant, 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

sd

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Dated: 17.5.2022

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



Sh. Rohit Sabharwal,
#126, Model Gram,
Ludhiana-141002.

....Appellant

Vs

Public Information Officer
O/o Under-Secretary,
Department of Personnel (IAS Branch),
Punjab Civil Secretariat,
Sector-1, Chandigarh.

First Appellate Authority,
O/o Under-Secretary,
Department of Personnel (IAS Branch),
Punjab Civil Secretariat,
Sector-1, Chandigarh.

....Respondents

Appeal Case No. 1240 of 2022
(Video Conference Proceedings)

Present:- None on behalf of the appellant.
Sh. Kailash Gautam, on behalf of the respondents

ORDER

The RTI Application is dated 07.01.2022 vide which the appellant has sought information as enumerated in his RTI Application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 29.01.2022 and Second Appeal was filed in the Commission on 09.03.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 17.05.2022.

2. The appellant has sought the following information:-

Sir, in case the correspondence/information will be sent by any other mode except speed post & is not received by the undersigned then the entire responsibility will be yours. You are requested to provide the certified copies of the information.

It is further requested that while providing the aforesaid sought information, compliance with the format issued by the Department of Personnel & Training vide their DOPT No. 10/1/2013-IR dated 06.10.15 and as recommended by Department of Governance Reforms & Public Grievances, Governance Reforms Branch - 1, Government of Punjab, Chandigarh by their Office Letter No. 4/27/2015-4PrS1/639024/1 dated 03.12.2015 & Letter No. 10/22/2019-4Pr.S.1/1/4737/2020 dated 13.01.2020; and further approved by the Hon'ble Punjab State Information Commission, Punjab vide their Office Letter No. PSIC/Legal2020/94 dated 25.02.2020 be shown with.

1. Provide Certified Copy of Complete Information (falling within the meaning of Section- 2 (f) read with Section- 2 (j) of the RTI Act, 2005) generated in connection to the above said Letters while taking action over the matter and as available on the records of your Public Authority.

Contd..p/2

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-2-

Appeal Case No. 1240 of 2022

3. The representative of the respondents submits that the matter concerning the sought information has already been enquired and the competent authority is yet to take the final decision. He further submits that after the finality of the same, the information sought will be supplied to the appellant.

4. Keeping in view the submissions made by the respondent, the same are accepted with the directions to supply the information after the finality of the case. With these directions the case is disposed of and closed. Since, the appellant is absent, therefore, the liberty is granted to the appellant to approach the Commission within two weeks, if he has any submission to make in this case.

Dated: 17.5.2022

sd
(Suresh Arora)
Chief Information Commissioner,
Punjab.

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



Sh. Gh. Jeelani Raja,
S/o Sh. Farooq Ahmad Raja,
R/o Bhagat-i-Shoor, Lal Bazar,
Near Masjidi Habidullah, Srinagar,
J&K-190023.
(M: 9596011200)

....Appellant

Vs

Public Information Officer
O/o Guru Nanak Dev University,
Amritsar.

First Appellate Authority,
O/o Guru Nanak Dev University,
Amritsar.

....Respondents

Appeal Case No. 1216 of 2022
(Video Conference Proceedings)

Present:- Sh. GH Jeelani Raja, appellant on telephone.
Sh. KS Kahlon, on behalf of the respondents.

ORDER

The RTI Application is dated 01.11.2021 vide which the appellant has sought information as enumerated in his RTI Application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 21.12.2021 and Second Appeal was filed in the Commission on 08.03.2022 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 17.05.2022.

2. The appellant has sought the following information:-

Particulars of information solicited	Kindly provide me the following information under RTI act. Provide me the information by registered post only.
Subject-matter of information	1) List of students (only their names) who have applied for Ph.D. admissions (full-time/part-time) for the year 2020-2021 (Ph.D. January 2021) in the Department of Food Science and Technology GNDU campus as well as in regional campuses.
The period to which the information relates	2) Provide me the Certified copy of list of students (only their names) who have been called for counseling (on-line/off-line mode) in main campus or regional campuses about the above said Ph.D. programme
Specific details of information required	3) Provide me the Certified copy of list of students (only their names) who got admission in Ph.D. (Food science and technology Department) in main campus as well as in regional campuses, if any.
	4) List of students (only their names) who were placed in NET (national eligibility test) exempted category.
	5) Provide me the Certified copy of list of students (only their names) who got admission for Ph.D. (full-time/part-time) in GATE exempted category along with their GATE score results and GATE score validity in Department of Food Science and Technology GNDU campus as well as in regional campuses.
	6) Mandatory residency period required for part-time Ph.D. candidates in the parent department. (Please specify time in months/Years).

Contd..p/2

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-2- Appeal Case No. 1216 of 2022

3. The respondent-Public Information Officer submits that the information i.e. list of students as has been sought by the appellant will be supplied to him within a week and requested to close the case with which the appellant agreed to.

4. Accordingly, the respondent-Public Information Officer is directed to supply the same within one week as has been assured during the hearing. With these directions the case is disposed of and closed. However, the liberty is granted to the appellant to approach the Commission within three weeks, if he does not receive the list of students.

Dated:17.5.2022

sd
(Suresh Arora)
Chief Information Commissioner,
Punjab.

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: psic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



Shri Naresh Kumar Gupta,
Gole Market,
Jaitu, District - Faridkot.
M : 9872761372

Appellant

Vs

Public Information Officer
O/o Punjab State Information Commission,
Sector 16,
Chandigarh.

First Appellate Authority
O/o ACFA,
Punjab State Information Commission,
Sector 16,
Chandigarh

Respondents

Appeal Case No. 3935/2021

Present:- Shri Naresh Kumar Gupta, appellant.
Sh. Sudhir Kumar, SO, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 22.2.2022.

2. The appellant has sought the following information:-
 - "1. To provide the copies of dates and endorsement No's of your office on which all the applications/representations are received from Naresh Kumar Gupta's (appellant) up-till given information in Appeal case No. 213 of 2021.
 2. Provide any action taken report on law points submits in this appeal by the appellant for unnecessary & unreasonably delay & totally mis-lead to court.
 3. Provide the complete & correct time of delay in this matter for furnishing complete & correct information uptill 27.7.2021 i.e. the 2nd hearing of this matter because no information has been received so far.
 4. It is a Quasi judicial body so, provided the order in which the pleadings & case laws are mentioned as per mandatory rules for judicial matters.
 5. Provide me the copy of show cause notice issued to the respondents u/s 20(1) read with 19(8)b as well as 20(2) of RTI Act for not furnishing information within 30 days as required u/s 7(1) mandatory as per basic laws & S.C. & H.C. Catena of judgements already mentioned in my representation.
 6. Sir, provide the copy of action taken report in this matter uptill so far as:-
 - (a) That the Public Information Officer has without any reasonable cause has not furnished information within the time specified.
 - (b) malafidely denied the required for information or knowingly given only mere misleading to this Hon'ble court & appellant obviously after eight months.
 - (c) Obstructed in furnishing the information very well proved in this matter.
 7. Sir, provide complete information about penalty, compensation, cost, fine & disciplinary action as per mandatory basic rules as per RTI Act itself mention."

Contd..p/2

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: psic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-2-

3. The respondent-Public Information Officer supplied the information pertaining to Point No. 1 of the RTI application and regarding the remaining information, the appellant was informed that the case is under hearing.

4. Not satisfied with the response of the Public Information Officer, the appellant filed the first appeal before the First Appellate Authority and the relevant order passed by him is reproduced below:-

"The appellant filed first appeals diarized in Commission vide diary No. 16004 dated 20.7.2021, 16107, 16108, 16109 and 16110 dated 22.7.2021.

As the appellant and the respondent are the same, and the matter in contention is identical, all the appeals shall be decided by a single order.

As per RTI application, the appellant has asked information about the running cases in the Commission. He was informed about the same by the Public Information Officer. The matter was fixed for today i.e. 11.8.2021. The date was informed to the appellant vide email dated 10.8.2021. Moreover, several calls were made to the appellant to on 7.8.2021, 9.8.2021 and 10.8.2021 confirm the same.

*The matter has come up today. **The appellant was called up a number of times. Neither he has answered any call, nor has he called up back.** Sh. Sudhir Kumar, Public Information Officer, submits that the information was related to AC-212, 213, 214, 215 of 2021 and AC-3270 of 2020. All the appeal cases are pending for hearings and the same was informed to the appellant.*

The undersigned believes since the appellant has been informed his cases are yet to be decided, there is no point left to continue the matter. The appeal is disposed."

5. That feeling aggrieved, the appellant filed the 2nd appeal before the Commission and the case was fixed for hearing on 12.10.2021 and thereafter the case was postponed for one or the other reason and was fixed for hearing today i.e. 17.5.2022.

6. That during the hearing, the appellant submitted that the directions may be issued to the respondent-Public Information Officer to supply the complete information in the form in which the information was sought by him. However, the respondent-Public

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: psic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-3-

Information Officer submitted that he is having the original case file with him, regarding which the information had been sought by the appellant, and the appellant may inspect the relevant file and any document, if so identified by the appellant will be supplied to him duly certified. However, the appellant submitted that he did not want to inspect the record and reiterated that the respondent-Public Information Officer may be directed to supply the information in the form in which the information has been sought else the directions may be issued to the respondent-Public Information Officer to file an affidavit. The appellant further submitted that while sending the reply by the Public Information Officer, the name of the Public Information Officer/APIO/Reader was mentioned although it should have been mentioned as per the provisions of the RTI Act, 2005. In addition, he also submitted that the First Appellate Authority/Public Information Officer may also be penalized in this case.

Thereafter, the respondent-Public Information Officer further clarified that the information pertaining to Point No. 1 of the RTI application is available in the case file and submitted a copy of the same, which has been taken on record. Regarding the remaining information, the respondent-Public Information Officer submitted that the case bearing Appeal Case No. 213 of 2021 is under hearing and till date no information is available on record as has been sought by the appellant pertaining to Point No. 2 to 7 of the RTI application which could be supplied to the appellant. But the appellant contended that the directions may be issued to the respondent-Public Information Officer to file an affidavit as per the provisions of the RTI Act, 2005. A copy of the same so received from the respondent is also **being sent** to the appellant along with this order. With regard to the delay the Public Information Officer further submits that at the time the RTI application was filed by the appellant, the office worked with 50% staff in accordance with the instructions of the Government of Punjab dated 13.5.2021 due to Covid -19 preventive measures. In addition, he also submitted that the appellant had sought information related to the on-going cases for which the relevant information has to be collected from the concerned benches, to supply the same, as he is not a custodian of the record. It is also clarified by the respondent-Public Information Officer that nothing is available in the case file pertaining to Point No. 2

Contd..p/4

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: psic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-4-

to 7 of the RTI application. He further submitted that the Public Information Officer is not bound to give 'opinion' or 'advice' or to 'create' the information rather the information has to be supplied under Section 2(f) of the RTI Act, 2005.

7. It is also a fact that the appellant not only refused to inspect the record which has been brought by the respondent-Public Information Officer in original, but also insisted that the directions may be issued to the respondent-Public Information Officer to file an affidavit.

8. The RTI Act was enacted to provide transparency and accountability in the working of public authorities. Section 2(f) of the Right to Information Act, 2005 provides that which information can be provided to the public.

"Section 2(f) defines *"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;"*

"Section 2(i) defines *"record" includes—*

- (i) Any document, manuscript and file;*
- (ii) Any microfilm, microfiche and facsimile copy of a document;*
- (iii) Any reproduction of image or images embodied in such microfilm (whether enlarged or not); and*
- (iv) Any other material produced by a computer or any other device;"*

9. The definition shows that the public can get any information under Section 6 of the Right to Information Act, 2005 which is available and which can be accessed by the public from the public authority under the law.

10. That in the instant case, the Commission asked the appellant to inspect the concerned case file as per Section 2(j) of the RTI Act, 2005 which provides:-

" right to information means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

- (i) Inspection of work, documents, records;*
- (ii) Taking notes, extracts, or certified copies of documents or records;*
- (iii) Taking certified samples of material;*

(iv) Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;"

Contd..p/5

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-5-

From the above provisions of the RTI Act, 2005 i.e. Section 2(j)(i), it is evident that the right to information includes right to inspect also.

11. It is relevant to mention here the decision of Hon'ble High Court of Madras in the case of **The Public Information Officer And others v. The Central Information Commission** (W.P. No. 26781 of 2013 & M.P. No. 1 of 2013) in which "*right to information*" under Section 2(j) was defined as follows: "*right to information*" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-(i) inspection of work, documents, records; (ii) taking notes, extracts or certified copies of documents or records; (iii) taking certified samples of material; (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device". They have a right to have a copy of the records, opinions, advices and circulars etc which have been passed. Under the law the public can obtain that information which can be accessed by the public authority but he can't ask for the information that why such advices, opinions, orders etc. have been passed.

12. That, the Punjab RTI Rules, 2017 provides

11. Procedure for deciding appeals.- The Commission, while deciding an appeal may,-

- (i) receive oral or written evidence on oath or on an affidavit from concerned or interested person;
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through authorized officer further details or facts;
- (iv) hear State Public Information Officer, State Assistant Public Information Officer or the First Appellate Authority, or such person against whose action the appeal is preferred, as the case may be;
- (v) hear third party; and
- (vi) receive evidence on affidavits from the State Public Information Officer, State Assistant Public Information Officer, First Appellate Authority, such other person against whom the appeal lies or the third party, as the case may be.

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-6-

13. The word 'may' used in clause 11 of the Punjab RTI Rules, 2017 provides that in a situation where the Commission is not satisfied with the pleadings of the respondent authority, the Commission may receive oral or written evidence on oath or on an affidavit from the concerned Public Information Officer. But in this case not only the respondent-Public Information Officer has brought the original files pertaining to the sought information for inspection of the appellant but is also ready to supply the certified copies of the documents, if so identified by the appellant. The Commission also perused the information available in the concerned file and is of the view that while dealing with the RTI application, Public Information Officer has, at no stage, knowingly and intentionally refused to give the information as available on record. Since the appellant has refused to inspect the record concerning the sought information, the Commission is of the view that the request of the appellant to direct the respondent-Public Information Officer to file an affidavit in this case is not tenable.

14. As far as the submissions made by the appellant to mention the name of the Public Information Officer/APIO is concerned, the Commission agrees with the same and further directions are issued to the respondent-Public Information Officer to mention the same, in all the documents being supplied under the RTI Act, 2005 in future.

15. Regarding penalizing the First Appellate Authority as per the request of the appellant, no directions are being given to the First Appellate Authority as he has already passed the order mentioned herein. It is also pertinent to mention that as per the provisions of the RTI Act, 2005 there is no provision to penalize the First Appellate Authority. So far as the Public Information Officer is concerned, the appellant filed the RTI application received in the Commission on 10.6.2021 and the respondent-Public Information Officer sent the reply on 27.7.2021. The respondent-Public Information Officer has already made the submissions giving reasons for delay. The delay was due to Covid 19 pandemic and the subsequent Government instructions to work with 50% staff. He has also submitted that the information was not directly in his custody but was to be collected from other bench.

Contd..p/7

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-7-

However, the Public Information Officer is directed to ensure implementation of the provisions of the RTI Act, 2005 in letter and spirit, in future.

16. Keeping in view the judicial pronouncements, provisions of the RTI Act, 2005 viz a viz RTI application of the appellant referred to above, there does not seem any justification for the Commission to intervene in the matter any further in this case. However, the appellant is at liberty to inspect the file related to the sought information within one month and the respondent-Public Information Officer is bound to make available the entire record for the inspection of the appellant. The respondent-Public Information Officer is further directed to supply the documents, duly certified, if so identified by the appellant after the inspection of the record.

17. Accordingly, the case is disposed of and closed.

sd

Dated: 17.5.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: psic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



Shri Naresh Kumar Gupta,
Gole Market,
Jaitu, District - Faridkot.
M : 9872761372

Appellant

Vs

Public Information Officer
O/o Punjab State Information Commission,
Sector 16,
Chandigarh.

First Appellate Authority
O/o ACFA,
Punjab State Information Commission,
Sector 16,
Chandigarh

Respondents

Appeal Case No. 3936/2021

Present:- Shri Naresh Kumar Gupta, appellant.
Sh. Sudhir Kumar, SO, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 22.2.2022.

2. The appellant has sought the following information:-
 - "1. To provide the copies of dates and endorsement No's of your office on which all the applications/representations are received from Naresh Kumar Gupta's (appellant) up-till given information in Appeal case No. 3270 of 2020.
 2. Provide any action taken report on law points submits in this appeal by the appellant for unnecessary & unreasonably delay & totally mis-lead to court.
 3. Provide the complete & correct time of delay in this matter for furnishing complete & correct information uptill 16.6.2021 i.e. the 2nd hearing of this matter because no information has been received so far.
 4. It is a Quasi judicial body so, provided the order in which the pleadings & case laws are mentioned as per mandatory rules for judicial matters.
 5. Provide me the copy of show cause notice issued to the respondents u/s 20(1) read with 19(8)b as well as 20(2) of RTI Act for not furnishing information within 30 days as required u/s 7(1) mandatory as per basic laws & S.C. & H.C. Catena of judgements already mentioned in my representation.
 6. Sir, provide the copy of action taken report in this matter uptill so far as:-
 - (a) That the Public Information Officer has without any reasonable cause has not furnished information within the time specified.
 - (b) malafidely denied the required for information or knowingly given only mere misleading to this Hon'ble court & appellant obviously after eight months.
 - (c) Obstructed in furnishing the information very well proved in this matter.
 7. Sir, provide complete information about penalty, compensation, cost, fine & disciplinary action as per mandatory basic rules as per RTI Act itself mention."

Contd..p/2

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-2-

3. The respondent-Public Information Officer supplied the information pertaining to Point No. 1 of the RTI application and regarding the remaining information, the appellant was informed that the case is under hearing.

4. Not satisfied with the response of the Public Information Officer, the appellant filed the first appeal before the First Appellate Authority and the relevant order passed by him is reproduced below:-

"The appellant filed first appeals diarized in Commission vide diary No. 16004 dated 20.7.2021, 16107, 16108, 16109 and 16110 dated 22.7.2021.

As the appellant and the respondent are the same, and the matter in contention is identical, all the appeals shall be decided by a single order.

As per RTI application, the appellant has asked information about the running cases in the Commission. He was informed about the same by the Public Information Officer. The matter was fixed for today i.e. 11.8.2021. The date was informed to the appellant vide email dated 10.8.2021. Moreover, several calls were made to the appellant to on 7.8.2021, 9.8.2021 and 10.8.2021 confirm the same.

*The matter has come up today. **The appellant was called up a number of times. Neither he has answered any call, nor has he called up back.** Sh. Sudhir Kumar, Public Information Officer, submits that the information was related to AC-212, 213, 214, 215 of 2021 and AC-3270 of 2020. All the appeal cases are pending for hearings and the same was informed to the appellant.*

The undersigned believes since the appellant has been informed his cases are yet to be decided, there is no point left to continue the matter. The appeal is disposed."

5. That feeling aggrieved, the appellant filed the 2nd appeal before the Commission and the case was fixed for hearing on 12.10.2021 and thereafter the case was postponed for one or the other reason and was fixed for hearing today i.e. 17.5.2022.

6. That during the hearing, the appellant submitted that the directions may be issued to the respondent-Public Information Officer to supply the complete information in the form in which the information was sought by him. However, the respondent-Public

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: psic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-3-

Information Officer submitted that he is having the original case file with him, regarding which the information had been sought by the appellant, and the appellant may inspect the relevant file and any document, if so identified by the appellant will be supplied to him duly certified. However, the appellant submitted that he did not want to inspect the record and reiterated that the respondent-Public Information Officer may be directed to supply the information in the form in which the information has been sought else the directions may be issued to the respondent-Public Information Officer to file an affidavit. The appellant further submitted that while sending the reply by the Public Information Officer, the name of the Public Information Officer/APIO/Reader was mentioned although it should have been mentioned as per the provisions of the RTI Act, 2005. In addition, he also submitted that the First Appellate Authority/Public Information Officer may also be penalized in this case.

Thereafter, the respondent-Public Information Officer further clarified that the information pertaining to Point No. 1 of the RTI application is available in the case file and submitted a copy of the same, which has been taken on record. Regarding the remaining information, the respondent-Public Information Officer submitted that the case bearing Appeal Case No. 3270 of 2020 is under hearing and till date no information is available on record as has been sought by the appellant pertaining to Point No. 2 to 7 of the RTI application which could be supplied to the appellant. But the appellant contended that the directions may be issued to the respondent-Public Information Officer to file an affidavit as per the provisions of the RTI Act, 2005. A copy of the same so received from the respondent is also **being sent** to the appellant along with this order. With regard to the delay the Public Information Officer further submits that at the time the RTI application was filed by the appellant, the office worked with 50% staff in accordance with the instructions of the Government of Punjab dated 13.5.2021 due to Covid -19 preventive measures. In addition, he also submitted that the appellant had sought information related to the on-going cases for which the relevant information has to be collected from the concerned benches, to supply the same, as he is not a custodian of the record. It is also clarified by the respondent-Public Information Officer that nothing is available in the case file pertaining to Point No. 2

Contd..p/4

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: psic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-4-

to 7 of the RTI application. He further submitted that the Public Information Officer is not bound to give 'opinion' or 'advice' or to 'create' the information rather the information has to be supplied under Section 2(f) of the RTI Act, 2005.

7. It is also a fact that the appellant not only refused to inspect the record which has been brought by the respondent-Public Information Officer in original, but also insisted that the directions may be issued to the respondent-Public Information Officer to file an affidavit.

8. The RTI Act was enacted to provide transparency and accountability in the working of public authorities. Section 2(f) of the Right to Information Act, 2005 provides that which information can be provided to the public.

"Section 2(f) defines *"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;"*

"Section 2(i) defines *"record" includes—*

- (i) Any document, manuscript and file;*
- (ii) Any microfilm, microfiche and facsimile copy of a document;*
- (iii) Any reproduction of image or images embodied in such microfilm (whether enlarged or not); and*
- (iv) Any other material produced by a computer or any other device;"*

9. The definition shows that the public can get any information under Section 6 of the Right to Information Act, 2005 which is available and which can be accessed by the public from the public authority under the law.

10. That in the instant case, the Commission asked the appellant to inspect the concerned case file as per Section 2(j) of the RTI Act, 2005 which provides:-

" right to information means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

- (i) Inspection of work, documents, records;*
- (ii) Taking notes, extracts, or certified copies of documents or records;*
- (iii) Taking certified samples of material;*

(iv) Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;"

Contd..p/5

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-5-

From the above provisions of the RTI Act, 2005 i.e. Section 2(j)(i), it is evident that the right to information includes right to inspect also.

11. It is relevant to mention here the decision of Hon'ble High Court of Madras in the case of **The Public Information Officer And others v. The Central Information Commission** (W.P. No. 26781 of 2013 & M.P. No. 1 of 2013) in which "*right to information*" under Section 2(j) was defined as follows: "*right to information*" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-(i) inspection of work, documents, records; (ii) taking notes, extracts or certified copies of documents or records; (iii) taking certified samples of material; (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device". They have a right to have a copy of the records, opinions, advices and circulars etc which have been passed. Under the law the public can obtain that information which can be accessed by the public authority but he can't ask for the information that why such advices, opinions, orders etc. have been passed.

12. That, the Punjab RTI Rules, 2017 provides

11. Procedure for deciding appeals.- The Commission, while deciding an appeal may.-

- (i) receive oral or written evidence on oath or on an affidavit from concerned or interested person;
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through authorized officer further details or facts;
- (iv) hear State Public Information Officer, State Assistant Public Information Officer or the First Appellate Authority, or such person against whose action the appeal is preferred, as the case may be;
- (v) hear third party; and
- (vi) receive evidence on affidavits from the State Public Information Officer, State Assistant Public Information Officer, First Appellate Authority, such other person against whom the appeal lies or the third party, as the case may be.

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-6-

13. The word 'may' used in clause 11 of the Punjab RTI Rules, 2017 provides that in a situation where the Commission is not satisfied with the pleadings of the respondent authority, the Commission may receive oral or written evidence on oath or on an affidavit from the concerned Public Information Officer. But in this case not only the respondent-Public Information Officer has brought the original files pertaining to the sought information for inspection of the appellant but is also ready to supply the certified copies of the documents, if so identified by the appellant. The Commission also perused the information available in the concerned file and is of the view that while dealing with the RTI application, Public Information Officer has, at no stage, knowingly and intentionally refused to give the information as available on record. Since the appellant has refused to inspect the record concerning the sought information, the Commission is of the view that the request of the appellant to direct the respondent-Public Information Officer to file an affidavit in this case is not tenable.

14. As far as the submissions made by the appellant to mention the name of the Public Information Officer/APIO is concerned, the Commission agrees with the same and further directions are issued to the respondent-Public Information Officer to mention the same, in all the documents being supplied under the RTI Act, 2005 in future.

15. Regarding penalizing the First Appellate Authority as per the request of the appellant, no directions are being given to the First Appellate Authority as he has already passed the order mentioned herein. It is also pertinent to mention that as per the provisions of the RTI Act, 2005 there is no provision to penalize the First Appellate Authority. So far as the Public Information Officer is concerned, the appellant filed the RTI application received in the Commission on 10.6.2021 and the respondent-Public Information Officer sent the reply on 27.7.2021. The respondent-Public Information Officer has already made the submissions giving reasons for delay. The delay was due to Covid 19 pandemic and the subsequent Government instructions to work with 50% staff. He has also submitted that the information was not directly in his custody but was to be collected from other bench.

Contd..p/7

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-7-

However, the Public Information Officer is directed to ensure implementation of the provisions of the RTI Act, 2005 in letter and spirit, in future.

16. Keeping in view the judicial pronouncements, provisions of the RTI Act, 2005 viz a viz RTI application of the appellant referred to above, there does not seem any justification for the Commission to intervene in the matter any further in this case. However, the appellant is at liberty to inspect the file related to the sought information within one month and the respondent-Public Information Officer is bound to make available the entire record for the inspection of the appellant. The respondent-Public Information Officer is further directed to supply the documents, duly certified, if so identified by the appellant after the inspection of the record.

17. Accordingly, the case is disposed of and closed.

sd

Dated: 17.5.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



Sh. Naresh Kumar Gupta,
R/o Gole Market, Jaitu,
Distt. Faridkot.
(M: 9872761372).

....Appellant

Vs

Public Information Officer
O/o Punjab State Information Commission,
Sector-16, Chandigarh.

First Appellate Authority,
O/o ACFA, Punjab State Information Commission,
Sector-16, Chandigarh.

....Respondents

Appeal Case No. 3937 of 2021
(Video Conference Proceedings)

Present:- Shri Naresh Kumar Gupta, appellant.
Sh. Sudhir Kumar, SO, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 22.2.2022.

2. The appellant has sought the following information:-
 - "1. To provide the copies of dates and endorsement No's of your office on which all the applications/representations are received from Naresh Kumar Gupta's (appellant) up-till given information in Appeal case No. 214 of 2021.
 2. Provide any action taken report on law points submits in this appeal by the appellant for unnecessary & unreasonably delay & totally mis-lead to court.
 3. Provide the complete & correct time of delay in this matter for furnishing complete & correct information uptill 27.7.2021 i.e. the 2nd hearing of this matter because no information has been received so far.
 4. It is a Quasi judicial body so, provided the order in which the pleadings & case laws are mentioned as per mandatory rules for judicial matters.
 5. Provide me the copy of show cause notice issued to the respondents u/s 20(1) read with 19(8)b as well as 20(2) of RTI Act for not furnishing information within 30 days as required u/s 7(1) mandatory as per basic laws & S.C. & H.C. Catena of judgements already mentioned in my representation.
 6. Sir, provide the copy of action taken report in this matter uptill so far as:-
 - (a) That the Public Information Officer has without any reasonable cause has not furnished information within the time specified.
 - (b) malafidely denied the required for information or knowingly given only mere misleading to this Hon'ble court & appellant obviously after eight months.
 - (c) Obstructed in furnishing the information very well proved in this matter.
 7. Sir, provide complete information about penalty, compensation, cost, fine & disciplinary action as per mandatory basic rules as per RTI Act itself mention."

Contd..p/2

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-2-

3. The respondent-Public Information Officer supplied the information pertaining to Point No. 1 of the RTI application and regarding the remaining information, the appellant was informed that the case is under hearing.

4. Not satisfied with the response of the Public Information Officer, the appellant filed the first appeal before the First Appellate Authority and the relevant order passed by him is reproduced below:-

"The appellant filed first appeals diarized in Commission vide diary No. 16004 dated 20.7.2021, 16107, 16108, 16109 and 16110 dated 22.7.2021.

As the appellant and the respondent are the same, and the matter in contention is identical, all the appeals shall be decided by a single order.

As per RTI application, the appellant has asked information about the running cases in the Commission. He was informed about the same by the Public Information Officer. The matter was fixed for today i.e. 11.8.2021. The date was informed to the appellant vide email dated 10.8.2021. Moreover, several calls were made to the appellant to on 7.8.2021, 9.8.2021 and 10.8.2021 confirm the same.

*The matter has come up today. **The appellant was called up a number of times. Neither he has answered any call, nor has he called up back.** Sh. Sudhir Kumar, Public Information Officer, submits that the information was related to AC-212, 213, 214, 215 of 2021 and AC-3270 of 2020. All the appeal cases are pending for hearings and the same was informed to the appellant.*

The undersigned believes since the appellant has been informed his cases are yet to be decided, there is no point left to continue the matter. The appeal is disposed."

5. That feeling aggrieved, the appellant filed the 2nd appeal before the Commission and the case was fixed for hearing on 12.10.2021 and thereafter the case was postponed for one or the other reason and was fixed for hearing today i.e. 17.5.2022.

6. That during the hearing, the appellant submitted that the directions may be issued to the respondent-Public Information Officer to supply the complete information in the form in which the information was sought by him. However, the respondent-Public

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: psic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-3-

Information Officer submitted that he is having the original case file with him, regarding which the information had been sought by the appellant, and the appellant may inspect the relevant file and any document, if so identified by the appellant will be supplied to him duly certified. However, the appellant submitted that he did not want to inspect the record and reiterated that the respondent-Public Information Officer may be directed to supply the information in the form in which the information has been sought else the directions may be issued to the respondent-Public Information Officer to file an affidavit. The appellant further submitted that while sending the reply by the Public Information Officer, the name of the Public Information Officer/APIO/Reader was mentioned although it should have been mentioned as per the provisions of the RTI Act, 2005. In addition, he also submitted that the First Appellate Authority/Public Information Officer may also be penalized in this case.

Thereafter, the respondent-Public Information Officer further clarified that the information pertaining to Point No. 1 of the RTI application is available in the case file and submitted a copy of the same, which has been taken on record. Regarding the remaining information, the respondent-Public Information Officer submitted that the case bearing Appeal Case No. 214 of 2021 is under hearing and till date no information is available on record as has been sought by the appellant pertaining to Point No. 2 to 7 of the RTI application which could be supplied to the appellant. But the appellant contended that the directions may be issued to the respondent-Public Information Officer to file an affidavit as per the provisions of the RTI Act, 2005. A copy of the same so received from the respondent is also **being sent** to the appellant along with this order. With regard to the delay the Public Information Officer further submits that at the time the RTI application was filed by the appellant, the office worked with 50% staff in accordance with the instructions of the Government of Punjab dated 13.5.2021 due to Covid -19 preventive measures. In addition, he also submitted that the appellant had sought information related to the on-going cases for which the relevant information has to be collected from the concerned benches, to supply the same, as he is not a custodian of the record. It is also clarified by the respondent-Public Information Officer that nothing is available in the case file pertaining to Point No. 2

Contd..p/4

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-4-

to 7 of the RTI application. He further submitted that the Public Information Officer is not bound to give 'opinion' or 'advice' or to 'create' the information rather the information has to be supplied under Section 2(f) of the RTI Act, 2005.

7. It is also a fact that the appellant not only refused to inspect the record which has been brought by the respondent-Public Information Officer in original, but also insisted that the directions may be issued to the respondent-Public Information Officer to file an affidavit.

8. The RTI Act was enacted to provide transparency and accountability in the working of public authorities. Section 2(f) of the Right to Information Act, 2005 provides that which information can be provided to the public.

"Section 2(f) defines *"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;"*

"Section 2(i) defines *"record" includes—*

- (i) Any document, manuscript and file;*
- (ii) Any microfilm, microfiche and facsimile copy of a document;*
- (iii) Any reproduction of image or images embodied in such microfilm (whether enlarged or not); and*
- (iv) Any other material produced by a computer or any other device;"*

9. The definition shows that the public can get any information under Section 6 of the Right to Information Act, 2005 which is available and which can be accessed by the public from the public authority under the law.

10. That in the instant case, the Commission asked the appellant to inspect the concerned case file as per Section 2(j) of the RTI Act, 2005 which provides:-

" right to information means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

- (i) Inspection of work, documents, records;*
- (ii) Taking notes, extracts, or certified copies of documents or records;*
- (iii) Taking certified samples of material;*

(iv) Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;"

Contd..p/5

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-5-

From the above provisions of the RTI Act, 2005 i.e. Section 2(j)(i), it is evident that the right to information includes right to inspect also.

11. It is relevant to mention here the decision of Hon'ble High Court of Madras in the case of **The Public Information Officer And others v. The Central Information Commission** (W.P. No. 26781 of 2013 & M.P. No. 1 of 2013) in which "*right to information*" under Section 2(j) was defined as follows: "*right to information*" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-(i) inspection of work, documents, records; (ii) taking notes, extracts or certified copies of documents or records; (iii) taking certified samples of material; (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device". They have a right to have a copy of the records, opinions, advices and circulars etc which have been passed. Under the law the public can obtain that information which can be accessed by the public authority but he can't ask for the information that why such advices, opinions, orders etc. have been passed.

12. That, the Punjab RTI Rules, 2017 provides

11. Procedure for deciding appeals.- The Commission, while deciding an appeal may.-

- (i) receive oral or written evidence on oath or on an affidavit from concerned or interested person;
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through authorized officer further details or facts;
- (iv) hear State Public Information Officer, State Assistant Public Information Officer or the First Appellate Authority, or such person against whose action the appeal is preferred, as the case may be;
- (v) hear third party; and
- (vi) receive evidence on affidavits from the State Public Information Officer, State Assistant Public Information Officer, First Appellate Authority, such other person against whom the appeal lies or the third party, as the case may be.

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-6-

13. The word 'may' used in clause 11 of the Punjab RTI Rules, 2017 provides that in a situation where the Commission is not satisfied with the pleadings of the respondent authority, the Commission may receive oral or written evidence on oath or on an affidavit from the concerned Public Information Officer. But in this case not only the respondent-Public Information Officer has brought the original files pertaining to the sought information for inspection of the appellant but is also ready to supply the certified copies of the documents, if so identified by the appellant. The Commission also perused the information available in the concerned file and is of the view that while dealing with the RTI application, Public Information Officer has, at no stage, knowingly and intentionally refused to give the information as available on record. Since the appellant has refused to inspect the record concerning the sought information, the Commission is of the view that the request of the appellant to direct the respondent-Public Information Officer to file an affidavit in this case is not tenable.

14. As far as the submissions made by the appellant to mention the name of the Public Information Officer/APIO is concerned, the Commission agrees with the same and further directions are issued to the respondent-Public Information Officer to mention the same, in all the documents being supplied under the RTI Act, 2005 in future.

15. Regarding penalizing the First Appellate Authority as per the request of the appellant, no directions are being given to the First Appellate Authority as he has already passed the order mentioned herein. It is also pertinent to mention that as per the provisions of the RTI Act, 2005 there is no provision to penalize the First Appellate Authority. So far as the Public Information Officer is concerned, the appellant filed the RTI application received in the Commission on 10.6.2021 and the respondent-Public Information Officer sent the reply on 27.7.2021. The respondent-Public Information Officer has already made the submissions giving reasons for delay. The delay was due to Covid 19 pandemic and the subsequent Government instructions to work with 50% staff. He has also submitted that the information was not directly in his custody but was to be collected from other bench.

Contd..p/7

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100
Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com
Whatsapp No. 62848-20189



-7-

However, the Public Information Officer is directed to ensure implementation of the provisions of the RTI Act, 2005 in letter and spirit, in future.

16. Keeping in view the judicial pronouncements, provisions of the RTI Act, 2005 viz a viz RTI application of the appellant referred to above, there does not seem any justification for the Commission to intervene in the matter any further in this case. However, the appellant is at liberty to inspect the file related to the sought information within one month and the respondent-Public Information Officer is bound to make available the entire record for the inspection of the appellant. The respondent-Public Information Officer is further directed to supply the documents, duly certified, if so identified by the appellant after the inspection of the record.

17. Accordingly, the case is disposed of and closed. sd/

Dated: 17.5.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



Sh. Naresh Kumar Gupta,
R/o Gole Market, Jaitu,
Distt. Faridkot.
(M: 9872761372).

....Appellant

Vs

Public Information Officer
O/o Punjab State Information Commission,
Sector-16, Chandigarh.

First Appellate Authority,
O/o ACFA, Punjab State Information Commission,
Sector-16, Chandigarh.

....Respondents

Appeal Case No. 3938 of 2021
(Video Conference Proceedings)

Present:- Shri Naresh Kumar Gupta, appellant.
Sh. Sudhir Kumar, SO, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 22.2.2022.

2. The appellant has sought the following information:-
 - "1. To provide the copies of dates and endorsement No's of your office on which all the applications/representations are received from Naresh Kumar Gupta's (appellant) up-till given information in Appeal Case No. 215 of 2021.
 2. Provide any action taken report on law points submits in this appeal by the appellant for unnecessary & unreasonably delay & totally mis-lead to court.
 3. Provide the complete & correct time of delay in this matter for furnishing complete & correct information uptill 27.7.2021 i.e. the 2nd hearing of this matter because no information has been received so far.
 4. It is a Quasi judicial body so, provided the order in which the pleadings & case laws are mentioned as per mandatory rules for judicial matters.
 5. Provide me the copy of show cause notice issued to the respondents u/s 20(1) read with 19(8)b as well as 20(2) of RTI Act for not furnishing information within 30 days as required u/s 7(1) mandatory as per basic laws & S.C. & H.C. Catena of judgements already mentioned in my representation.
 6. Sir, provide the copy of action taken report in this matter uptill so far as:-
 - (a) That the Public Information Officer has without any reasonable cause has not furnished information within the time specified.
 - (b) malafidely denied the required for information or knowingly given only mere misleading to this Hon'ble court & appellant obviously after eight months.
 - (c) Obstructed in furnishing the information very well proved in this matter.
 7. Sir, provide complete information about penalty, compensation, cost, fine & disciplinary action as per mandatory basic rules as per RTI Act itself mention."

Contd..p/2

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-2-

3. The respondent-Public Information Officer supplied the information pertaining to Point No. 1 of the RTI application and regarding the remaining information, the appellant was informed that the case is under hearing.

4. Not satisfied with the response of the Public Information Officer, the appellant filed the first appeal before the First Appellate Authority and the relevant order passed by him is reproduced below:-

"The appellant filed first appeals diarized in Commission vide diary No. 16004 dated 20.7.2021, 16107, 16108, 16109 and 16110 dated 22.7.2021.

As the appellant and the respondent are the same, and the matter in contention is identical, all the appeals shall be decided by a single order.

As per RTI application, the appellant has asked information about the running cases in the Commission. He was informed about the same by the Public Information Officer. The matter was fixed for today i.e. 11.8.2021. The date was informed to the appellant vide email dated 10.8.2021. Moreover, several calls were made to the appellant to on 7.8.2021, 9.8.2021 and 10.8.2021 confirm the same.

*The matter has come up today. **The appellant was called up a number of times. Neither he has answered any call, nor has he called up back.** Sh. Sudhir Kumar, Public Information Officer, submits that the information was related to AC-212, 213, 214, 215 of 2021 and AC-3270 of 2020. All the appeal cases are pending for hearings and the same was informed to the appellant.*

The undersigned believes since the appellant has been informed his cases are yet to be decided, there is no point left to continue the matter. The appeal is disposed."

5. That feeling aggrieved, the appellant filed the 2nd appeal before the Commission and the case was fixed for hearing on 12.10.2021 and thereafter the case was postponed for one or the other reason and was fixed for hearing today i.e. 17.5.2022.

6. That during the hearing, the appellant submitted that the directions may be issued to the respondent-Public Information Officer to supply the complete information in the form in which the information was sought by him. However, the respondent-Public

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: psic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-3-

Information Officer submitted that he is having the original case file with him, regarding which the information had been sought by the appellant, and the appellant may inspect the relevant file and any document, if so identified by the appellant will be supplied to him duly certified. However, the appellant submitted that he did not want to inspect the record and reiterated that the respondent-Public Information Officer may be directed to supply the information in the form in which the information has been sought else the directions may be issued to the respondent-Public Information Officer to file an affidavit. The appellant further submitted that while sending the reply by the Public Information Officer, the name of the Public Information Officer/APIO/Reader was mentioned although it should have been mentioned as per the provisions of the RTI Act, 2005. In addition, he also submitted that the First Appellate Authority/Public Information Officer may also be penalized in this case.

Thereafter, the respondent-Public Information Officer further clarified that the information pertaining to Point No. 1 of the RTI application is available in the case file and submitted a copy of the same, which has been taken on record. Regarding the remaining information, the respondent-Public Information Officer submitted that the case bearing Appeal Case No. 215 of 2021 is under hearing and till date no information is available on record as has been sought by the appellant pertaining to Point No. 2 to 7 of the RTI application which could be supplied to the appellant. But the appellant contended that the directions may be issued to the respondent-Public Information Officer to file an affidavit as per the provisions of the RTI Act, 2005. A copy of the same so received from the respondent is also **being sent** to the appellant along with this order. With regard to the delay the Public Information Officer further submits that at the time the RTI application was filed by the appellant, the office worked with 50% staff in accordance with the instructions of the Government of Punjab dated 13.5.2021 due to Covid -19 preventive measures. In addition, he also submitted that the appellant had sought information related to the on-going cases for which the relevant information has to be collected from the concerned benches, to supply the same, as he is not a custodian of the record. It is also clarified by the respondent-Public Information Officer that nothing is available in the case file pertaining to Point No. 2

Contd..p/4

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: psic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-4-

to 7 of the RTI application. He further submitted that the Public Information Officer is not bound to give 'opinion' or 'advice' or to 'create' the information rather the information has to be supplied under Section 2(f) of the RTI Act, 2005.

7. It is also a fact that the appellant not only refused to inspect the record which has been brought by the respondent-Public Information Officer in original, but also insisted that the directions may be issued to the respondent-Public Information Officer to file an affidavit.

8. The RTI Act was enacted to provide transparency and accountability in the working of public authorities. Section 2(f) of the Right to Information Act, 2005 provides that which information can be provided to the public.

"Section 2(f) defines *"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;"*

"Section 2(i) defines *"record" includes—*

- (i) Any document, manuscript and file;*
- (ii) Any microfilm, microfiche and facsimile copy of a document;*
- (iii) Any reproduction of image or images embodied in such microfilm (whether enlarged or not); and*
- (iv) Any other material produced by a computer or any other device;"*

9. The definition shows that the public can get any information under Section 6 of the Right to Information Act, 2005 which is available and which can be accessed by the public from the public authority under the law.

10. That in the instant case, the Commission asked the appellant to inspect the concerned case file as per Section 2(j) of the RTI Act, 2005 which provides:-

"right to information means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

- (i) Inspection of work, documents, records;*
- (ii) Taking notes, extracts, or certified copies of documents or records;*
- (iii) Taking certified samples of material;*

(iv) Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;"

Contd..p/5

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-5-

From the above provisions of the RTI Act, 2005 i.e. Section 2(j)(i), it is evident that the right to information includes right to inspect also.

11. It is relevant to mention here the decision of Hon'ble High Court of Madras in the case of **The Public Information Officer And others v. The Central Information Commission** (W.P. No. 26781 of 2013 & M.P. No. 1 of 2013) in which "*right to information*" under Section 2(j) was defined as follows: "*right to information*" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-(i) inspection of work, documents, records; (ii) taking notes, extracts or certified copies of documents or records; (iii) taking certified samples of material; (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device". They have a right to have a copy of the records, opinions, advices and circulars etc which have been passed. Under the law the public can obtain that information which can be accessed by the public authority but he can't ask for the information that why such advices, opinions, orders etc. have been passed.

12. That, the Punjab RTI Rules, 2017 provides

11. Procedure for deciding appeals.- The Commission, while deciding an appeal may.-

- (i) receive oral or written evidence on oath or on an affidavit from concerned or interested person;
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through authorized officer further details or facts;
- (iv) hear State Public Information Officer, State Assistant Public Information Officer or the First Appellate Authority, or such person against whose action the appeal is preferred, as the case may be;
- (v) hear third party; and
- (vi) receive evidence on affidavits from the State Public Information Officer, State Assistant Public Information Officer, First Appellate Authority, such other person against whom the appeal lies or the third party, as the case may be.

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-6-

13. The word 'may' used in clause 11 of the Punjab RTI Rules, 2017 provides that in a situation where the Commission is not satisfied with the pleadings of the respondent authority, the Commission may receive oral or written evidence on oath or on an affidavit from the concerned Public Information Officer. But in this case not only the respondent-Public Information Officer has brought the original files pertaining to the sought information for inspection of the appellant but is also ready to supply the certified copies of the documents, if so identified by the appellant. The Commission also perused the information available in the concerned file and is of the view that while dealing with the RTI application, Public Information Officer has, at no stage, knowingly and intentionally refused to give the information as available on record. Since the appellant has refused to inspect the record concerning the sought information, the Commission is of the view that the request of the appellant to direct the respondent-Public Information Officer to file an affidavit in this case is not tenable.

14. As far as the submissions made by the appellant to mention the name of the Public Information Officer/APIO is concerned, the Commission agrees with the same and further directions are issued to the respondent-Public Information Officer to mention the same, in all the documents being supplied under the RTI Act, 2005 in future.

15. Regarding penalizing the First Appellate Authority as per the request of the appellant, no directions are being given to the First Appellate Authority as he has already passed the order mentioned herein. It is also pertinent to mention that as per the provisions of the RTI Act, 2005 there is no provision to penalize the First Appellate Authority. So far as the Public Information Officer is concerned, the appellant filed the RTI application received in the Commission on 10.6.2021 and the respondent-Public Information Officer sent the reply on 27.7.2021. The respondent-Public Information Officer has already made the submissions giving reasons for delay. The delay was due to Covid 19 pandemic and the subsequent Government instructions to work with 50% staff. He has also submitted that the information was not directly in his custody but was to be collected from other bench.

Contd..p/7

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100
Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com
Whatsapp No. 62848-20189



-7-

However, the Public Information Officer is directed to ensure implementation of the provisions of the RTI Act, 2005 in letter and spirit, in future.

16. Keeping in view the judicial pronouncements, provisions of the RTI Act, 2005 viz a viz RTI application of the appellant referred to above, there does not seem any justification for the Commission to intervene in the matter any further in this case. However, the appellant is at liberty to inspect the file related to the sought information within one month and the respondent-Public Information Officer is bound to make available the entire record for the inspection of the appellant. The respondent-Public Information Officer is further directed to supply the documents, duly certified, if so identified by the appellant after the inspection of the record.

17. Accordingly, the case is disposed of and closed. sd/

Dated: 17.5.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



Shri Naresh Kumar Gupta,
Gole Market,
Jaitu, District - Faridkot.
M : 9872761372

Appellant

Vs

Public Information Officer
O/o Punjab State Information Commission,
Sector 16,
Chandigarh.

First Appellate Authority
O/o ACFA,
Punjab State Information Commission,
Sector 16,
Chandigarh

Respondents

Appeal Case No. 3934/2021

Present:- Shri Naresh Kumar Gupta, appellant.
Sh. Sudhir Kumar, SO, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 22.2.2022.

2. The appellant has sought the following information:-
 - “1. To provide the copies of dates and endorsement No's of your office on which all the applications/representations are received from Naresh Kumar Gupta's (appellant) up-till given information in Appeal case No. 212 of 2021.
 2. Provide any action taken report on law points submits in this appeal by the appellant for unnecessary & unreasonably delay & totally mis-lead to court.
 3. Provide the complete & correct time of delay in this matter for furnishing complete & correct information uptill 20.7.2021 i.e. the 2nd hearing of this matter because no information has been received so far.
 4. It is a Quasi judicial body so, provided the order in which the pleadings & case laws are mentioned as per mandatory rules for judicial matters.
 5. Provide me the copy of show cause notice issued to the respondents u/s 20(1) read with 19(8)b as well as 20(2) of RTI Act for not furnishing information within 30 days as required u/s 7(1) mandatory as per basic laws & S.C. & H.C. Catena of judgements already mentioned in my representation.
 6. Sir, provide the copy of action taken report in this matter uptill so far as:-
 - (a) That the Public Information Officer has without any reasonable cause has not furnished information within the time specified.
 - (b) malafidely denied the required for information or knowingly given only mere misleading to this Hon'ble court & appellant obviously after eight months.
 - (c) Obstructed in furnishing the information very well proved in this matter.
 7. Sir, provide complete information about penalty, compensation, cost, fine & disciplinary action as per mandatory basic rules as per RTI Act itself mention.”

Contd..p/2

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: psic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-2-

3. The respondent-Public Information Officer supplied the information pertaining to Point No. 1 of the RTI application i.e. 9 pages.

4. Not satisfied with the response of the Public Information Officer, the appellant filed the first appeal before the First Appellate Authority and the relevant order passed by him is reproduced below:-

"The appellant filed first appeal diarized in Commission vide diary No. 16004 dated 20.7.2021, 16107, 16108, 16109 and 16110 dated 22.7.2021.

As the appellant and the respondent are the same, and the matter in contention is identical, all the appeals shall be decided by a single order.

As per RTI application, the appellant has asked information about the running cases in the Commission. He was informed about the same by the Public Information Officer. The matter was fixed for today i.e. 11.8.2021. The date was informed to the appellant vide email dated 10.8.2021. Moreover, several calls were made to the appellant to on 7.8.2021, 9.8.2021 and 10.8.2021 confirm the same.

*The matter has come up today. **The appellant was called up a number of times. Neither he has answered any call, nor has he called up back.** Sh. Sudhir Kumar, Public Information Officer, submits that the information was related to AC-212, 213, 214, 215 of 2021 and AC-3270 of 2020. All the appeal cases are pending for hearings and the same was informed to the appellant.*

The undersigned believes since the appellant has been informed his cases are yet to be decided, there is no point left to continue the matter. The appeal is disposed."

5. That feeling aggrieved, the appellant filed the 2nd appeal before the Commission and the case was fixed for hearing on 12.10.2021 and thereafter the case was postponed for one or the other reason and was fixed for hearing today i.e. 17.5.2022.

6. That during the hearing, the appellant submitted that the directions may be issued to the respondent-Public Information Officer to supply the complete information in the form in which the information was sought by him. However, the respondent-Public

Contd..p/3

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: psic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



Information Officer submitted that he is having the original case file with him, regarding which the information had been sought by the appellant, and the appellant may inspect the relevant file and any document, if so identified by the appellant will be supplied to him duly certified. However, the appellant submitted that he did not want to inspect the record and reiterated that the respondent-Public Information Officer may be directed to supply the information in the form in which the information has been sought else the directions may be issued to the respondent-Public Information Officer to file an affidavit. The appellant further submitted that while sending the reply by the Public Information Officer, the name of the Public Information Officer/APIO/Reader was mentioned although it should have been mentioned as per the provisions of the RTI Act, 2005. In addition, he also submitted that the First Appellate Authority/Public Information Officer may also be penalized in this case.

Thereafter, the respondent-Public Information Officer further clarified that the information pertaining to Point No. 1 of the RTI application is available in the case file and submitted a copy of the same, which has been taken on record. Regarding the remaining information, the respondent-Public Information Officer submitted that the case bearing Appeal Case No. 212 of 2020 is under hearing and till date no information is available on record as has been sought by the appellant pertaining to Point No. 2 to 7 of the RTI application which could be supplied to the appellant. But the appellant contended that the directions may be issued to the respondent-Public Information Officer to file an affidavit as per the provisions of the RTI Act, 2005. A copy of the same so received from the respondent is also **being sent** to the appellant along with this order. With regard to the delay the Public Information Officer further submits that at the time the RTI application was filed by the appellant, the office worked with 50% staff in accordance with the instructions of the Government of Punjab dated 13.5.2021 due to Covid -19 preventive measures. In addition, he also submitted that the appellant had sought information related to the on-going cases for which the relevant information has to be collected from the concerned benches, to supply the same, as he is not a custodian of the record. It is also clarified by the respondent-Public Information Officer that nothing is available in the case file pertaining to Point No. 2

Contd..p/4

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-4-

to 7 of the RTI application. He further submitted that the Public Information Officer is not bound to give 'opinion' or 'advice' or to 'create' the information rather the information has to be supplied under Section 2(f) of the RTI Act, 2005.

7. It is also a fact that the appellant not only refused to inspect the record which has been brought by the respondent-Public Information Officer in original, but also insisted that the directions may be issued to the respondent-Public Information Officer to file an affidavit.

8. The RTI Act was enacted to provide transparency and accountability in the working of public authorities. Section 2(f) of the Right to Information Act, 2005 provides that which information can be provided to the public.

"Section 2(f) defines *"information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force;"*

"Section 2(i) defines *"record" includes—*

- (i) Any document, manuscript and file;*
- (ii) Any microfilm, microfiche and facsimile copy of a document;*
- (iii) Any reproduction of image or images embodied in such microfilm (whether enlarged or not); and*
- (iv) Any other material produced by a computer or any other device;"*

9. The definition shows that the public can get any information under Section 6 of the Right to Information Act, 2005 which is available and which can be accessed by the public from the public authority under the law.

10. That in the instant case, the Commission asked the appellant to inspect the concerned case file as per Section 2(j) of the RTI Act, 2005 which provides:-

" right to information means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

- (i) Inspection of work, documents, records;*
- (ii) Taking notes, extracts, or certified copies of documents or records;*
- (iii) Taking certified samples of material;*

(iv) Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;"

Contd..p/5

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-5-

From the above provisions of the RTI Act, 2005 i.e. Section 2(j)(i), it is evident that the right to information includes right to inspect also.

11. It is relevant to mention here the decision of Hon'ble High Court of Madras in the case of **The Public Information Officer And others v. The Central Information Commission** (W.P. No. 26781 of 2013 & M.P. No. 1 of 2013) in which "*right to information*" under Section 2(j) was defined as follows: "*right to information*" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to-(i) inspection of work, documents, records; (ii) taking notes, extracts or certified copies of documents or records; (iii) taking certified samples of material; (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device". They have a right to have a copy of the records, opinions, advices and circulars etc which have been passed. Under the law the public can obtain that information which can be accessed by the public authority but he can't ask for the information that why such advices, opinions, orders etc. have been passed.

12. That, the Punjab RTI Rules, 2017 provides

11. Procedure for deciding appeals.- The Commission, while deciding an appeal may,-

- (i) receive oral or written evidence on oath or on an affidavit from concerned or interested person;
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through authorized officer further details or facts;
- (iv) hear State Public Information Officer, State Assistant Public Information Officer or the First Appellate Authority, or such person against whose action the appeal is preferred, as the case may be;
- (v) hear third party; and
- (vi) receive evidence on affidavits from the State Public Information Officer, State Assistant Public Information Officer, First Appellate Authority, such other person against whom the appeal lies or the third party, as the case may be.

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: psic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-6-

13. The word 'may' used in clause 11 of the Punjab RTI Rules, 2017 provides that in a situation where the Commission is not satisfied with the pleadings of the respondent authority, the Commission may receive oral or written evidence on oath or on an affidavit from the concerned Public Information Officer. But in this case not only the respondent-Public Information Officer has brought the original files pertaining to the sought information for inspection of the appellant but is also ready to supply the certified copies of the documents, if so identified by the appellant. The Commission also perused the information available in the concerned file and is of the view that while dealing with the RTI application, Public Information Officer has, at no stage, knowingly and intentionally refused to give the information as available on record. Since the appellant has refused to inspect the record concerning the sought information, the Commission is of the view that the request of the appellant to direct the respondent-Public Information Officer to file an affidavit in this case is not tenable. It is also a fact on record that the RTI application was filed by the appellant to the respondent-Public Information Officer, but he has changed the subject matter of the sought information during the 2nd appeal filed by the appellant.

14. As far as the submissions made by the appellant to mention the name of the Public Information Officer/APIO is concerned, the Commission agrees with the same and further directions are issued to the respondent-Public Information Officer to mention the same, in all the documents being supplied under the RTI Act, 2005 in future.

15. Regarding penalizing the First Appellate Authority as per the request of the appellant, no directions are being given to the First Appellate Authority as he has already passed the order mentioned herein. It is also pertinent to mention that as per the provisions of the RTI Act, 2005 there is no provision to penalize the First Appellate Authority. So far as the Public Information Officer is concerned, the appellant filed the RTI application received in the Commission on 10.6.2021 and the respondent-Public Information Officer sent the

Contd..p/7

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 62848-20189



-7-

reply on 27.7.2021. The respondent-Public Information Officer has already made the submissions giving reasons for delay. The delay was due to Covid 19 pandemic and the subsequent Government instructions to work with 50% staff. He has also submitted that the information was not directly in his custody but was to be collected from other bench. However, the Public Information Officer is directed to ensure implementation of the provisions of the RTI Act, 2005 in letter and spirit, in future.

16. Keeping in view the judicial pronouncements, provisions of the RTI Act, 2005 viz a viz RTI application of the appellant referred to above, there does not seem any justification for the Commission to intervene in the matter any further in this case. However, the appellant is at liberty to inspect the file related to the sought information within one month and the respondent-Public Information Officer is bound to make available the entire record for the inspection of the appellant. The respondent-Public Information Officer is further directed to supply the documents, duly certified, if so identified by the appellant after the inspection of the record.

17. Accordingly, the case is disposed of and closed. sd/

Dated: 17.5.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab.