

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



Ms Shina Gujral
d/o Sh. Kasturi Lal Kundra
r/o Chandla Market,
Khanna, Ludhiana

....Appellant

Vs

Public Information Officer
o/o Town Improvement Trust,
Amritsar.

First Appellate Authority
o/o Town Improvement Trust,
Amritsar.

....Respondents

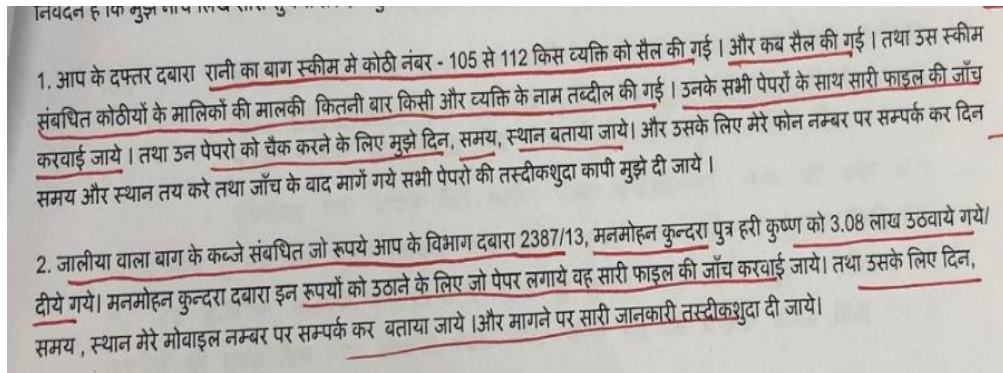
Appeal Case No. 1101 of 2021
(Video Conference Proceedings)

Present:- Sh. Vipin Kumar through cisco webex on behalf of the appellant.
Sh. Krishan Kumar, Sh. Gurdial Singh Patwari, Sh. Akshit s/o Sh. Rajinder
Kumar, Sh. Rajinder Kumar and Sh. Manmohan Kundra 9988503377
through video conference on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 7.2.2022.

2. The appellant has sought the following information:-



3. The respondent-Public Information Officer as well as the 3rd parties involved in this case submits that the sought information may not be supplied to the appellant.

4. After the hearing is over, an email has been received from Sh. Akshit Kundra to inform that Ms Shina Gujral is not the granddaughter of Sh. Manmohan Kundra s/o Sh. Hari Krishan Kundra, which is taken on record. Also the representative of the

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



Appeal Case No. 1101 of 2021

-2-

appellant submits that Ms Shina Gujral is a daughter of Sh. Kasturi Lal s/o Sh. Hari Kishan and requested that the directions may be issued to the respondent-Public Information Officer to supply the information.

5. That whether Ms Shina Gujral is the granddaughter of the 3rd party involved in this case or not is not relevant to this case. Since, it is not the subject matter of the sought information, therefore, no cognizance is being taken in this regard. As per the provisions of the RTI Act, 2005, any citizen of India can seek information being held by a public authority subject to certain exemptions enumerated in Section 8 of the RTI Act, 2005.

6. That Section 8 of the RTI Act, 2005 is as follows:-

“8. (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

(b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;

(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(f) information received in confidence from foreign Government;

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

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

Whatsapp No. 62848-20189



Appeal Case No. 1101 of 2021

-3-

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

Since the information being sought relates to third party and Section 11 of the RTI Act, deals with the same and is provided as follows:-

“(1) Where a Central Public Information Officer or a State Public Information Officer, as the case may be, intends to disclose any information or record, or part thereof on a request made under this Act, which relates to or has been supplied by a third party and has been treated as confidential by that third party, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within five days from the receipt of the request, give a written notice to such third party of the request and of the fact that the Central Public Information Officer or State Public Information Officer, as the case may be, intends to disclose the information or record, or part thereof, and invite the third party to make a submission in writing or orally, regarding whether the information should be disclosed, and such submission of the third party shall be kept in view while taking a decision about disclosure of information:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interests of such third party.

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



Appeal Case No. 1101 of 2021

-4-

(2) Where a notice is served by the Central Public Information Officer or State Public Information Officer, as the case may be, under sub-section (1) to a third party in respect of any information or record or part thereof, the third party shall, within ten days from the date of receipt of such notice, be given the opportunity to make representation against the proposed disclosure.

(3) Notwithstanding anything contained in section 7, the Central Public Information Officer or State Public Information Officer, as the case may be, shall, within forty days after receipt of the request under section 6, if the third party has been given an opportunity to make representation under sub-section (2), make a decision as to whether or not to disclose the information or record or part thereof and give in writing the notice of his decision to the third party.

(4) A notice given under sub-section (3) shall include a statement that the third party to whom the notice is given is entitled to prefer an appeal under section 19 against the decision. “

7. In accordance with the Punjab RTI Rules, 2017 and in the interest of natural justice, the 3rd parties involved in this case was impleaded as necessary party in this case. But, it is also appropriate to mention that Section 11 of the RTI Act, 2005 is a mandatory provision to deal with the information related to the 3rd party but it is not an exemption as the exemptions are covered under Section 8 of the RTI Act, 2005 as mentioned herein. The issue regarding exemptions under Section 8 and the procedure under Section 11 is also well elaborated in the decision rendered by the Hon'ble Supreme Court of India in Civil Appeal No. 10044 of 2010 – Central Public Information Commissioner, Supreme Court of India Vs Subhash Chandra Agarwal. It is also prescribed under the said Act that any citizen shall have the right to seek information if he/she so desires. The Act also provides for setting up the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability.

8. The claim of the petitioner is that the sought information does not fall under

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

Whatsapp No. 62848-20189



Appeal Case No. 1101 of 2021

-5-

the exemption category as the same relates to a public activity i.e. claim given by the State Government in lieu of land acquisition and falls under the category of Section 2(f).

Section 2(f) provides that

“(f) "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; “

8. It is also a fact on record that the appellant/her representative has already inspected the relevant file(s) pertaining to the sought information.

9. As per the provisions of the RTI Act, 2005 and after going through the submissions made by the parties, the objection made by the respondent parties is overruled in the larger public interest as the information sought is covered under Section 2(f) and relates to the compensation given for the acquisition of the private property by the State Government. Therefore, the respondent-Public Information Officer is directed to supply the complete information as has been identified by her or her representative within two weeks.

10. 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. However, the liberty is granted to the appellant to approach the Commission within four weeks in case she does not receive the same.

Dated: 18.4.2022

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



CC

1. Sh. Tarsem Kumar s/o
Sh. Hari Krishan Kundra,
resident of House No. 109,
Rani Ka Bagh, Amritsar

2. Sh. Rajinder Kumar
s/o Late Sh. Brij Mohan
s/o Shri Hari Krishan
resident of House No. 109,
Rani Ka Bagh, Amritsar

3. Sh. Manmohan Kundra
s/o Sh Hari Krishan
resident of House No. 109,
Rani Ka Bagh, Amritsar