

PUNJAB STATE INFORMATION COMMISSION

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

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Sh. Sukhwinder Singh,(9465650001)

President, Anti-Corruption Front(Regd.),
Machhiwara, Distt. Ludhiana 141115

Appellant

Vs

Public Information Officer

O/o BDPO, Machhiwara
District Ludhiana

First Appellate Authority

O/o DDPO, Ludhiana

Respondent

Appeal Case No.: 726 of 2021
Through CISCO WEBEX

Present:

- (i) Nobody on behalf of the appellant.
- (ii) For respondent: Sh. Ramakant (Superintendent) (9815196874).

ORDER

1. The RTI application is dated 19.10.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 04.12.2020 and second appeal was filed in the Commission on 29.01.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for hearing through CISCO WEBEX on 19.05.2021 i.e. today.
2. In today's hearing, respondent Sh. Ramakant states that appellant's RTI application was received in the office on 21.10.2020 and reply was sent to the appellant on 23.10.2020. He added that requisite information relates with 116 Gram Panchayats and under section 6(3) RTI application was transferred to the concerned 116 Gram Panchayat offices and there are Panchayat Secretaries are the PIOs. He also mentioned that 05 reminders were also sent to the appellant to contact the respondents to collect the information but till date no response from the appellant. An email dated 20.05.2021 is received from the respondent from email ID bdpomachiwara1234@gmail.com along with supporting documents, which is taken on record.

It is also observed that appellant filed RTI application on 19.10.2020 and respondent PIO sent a reply to the appellant on 23.10.2020 vide letter no. 7038.

3. Neither the appellant is present for today's hearing nor did he file reply in this regard.

Appeal Case No.: 726 of 2021
Through CISCO WEBEX

4. The demanded information relates with 116 public authorities of the department of BDPO, Machhiwara, District Ludhiana and these public authorities have independent PIOs and the appellant can seek information separately from the concerned public authorities.
5. The appellant cannot seek information on single RTI application from multiple public authorities. Full Bench of State Information Commission, Punjab has in Complaint Case no. 2903 of 2011 decided on 13.01.2012 as under:-

We hold that under Section 6(3) of the Act *ibid* the legal obligation of a PIO who receives a request for information under Section 6(1) of the Act is limited to transfer this request to only one public authority that holds the information. This obligation does not extend to transfer the request to **multiple public authorities**.

6. In wake of above this Appeal Case is hereby **disposed of and closed**.
7. Announced in the Court. Copy of the order be sent to the parties.

Dated: 19.05.2021

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Sh. Sukhwinder Singh,(9465650001)

Appellant

President, Anti-Corruption Front(Regd),
Machhiwara, Distt. Ludhiana 141115

Vs

Public Information Officer

O/o BDPO, Samrala,
District Ludhiana

First Appellate Authority

O/DDPO, Ludhiana

Respondent

Appeal Case No.: 732 of 2021
Through CISCO WEBEX

Present:

(i) Nobody on behalf of the appellant.

(ii) For the respondent: Sh. Rupinder Singh (PIO-cum-Deputy Director) (9872826538).

ORDER

1. The RTI application is dated 20.10.2020 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 04.12.2020 and second appeal was filed in the Commission on 29.01.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for hearing through CISCO WEBEX on 19.05.2021 i.e. today.

2. In today's hearing, respondent Sh. Rupinder Singh states that requisite information relates with 09 PIOs and RTI application is already been transferred to the concerned 09 PIOs under section 6(3). He also mentioned that reply was already been sent to the appellant.

A letter no. 234 dated 06.05.2021 in this regard is received in the Commission vide diary no. 10835 dated 19.05.2021 through which RTI application is transferred to 09 PIOs. This letter is taken on record.

3. Neither the appellant is present for today's hearing nor did he file reply in this regard.

4. The demanded information relates with 09 public authorities of the department of BDPO, Samrala, District Ludhiana and these public authorities have independent PIOs and the appellant can seek information separately from the concerned public authorities.

Appeal Case No.: 732 of 2021
Through CISCO WEBEX

5. The appellant cannot seek information on single RTI application from multiple public authorities. Full Bench of State Information Commission, Punjab has in Complaint Case no. 2903 of 2011 decided on 13.01.2012 as under:-

We hold that under Section 6(3) of the Act ibid the legal obligation of a PIO who receives a request for information under Section 6(1) of the Act is limited to transfer this request to only one public authority that holds the information. This obligation does not extend to transfer the request to **multiple public authorities.**

6. In wake of above this Appeal Case is hereby **disposed of and closed.**
7. Announced in the Court. Copy of the order be sent to the parties.

Dated: 19.05.2021

(Anumit Singh Sodhi)
State Information Commissioner
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Sh. Jaspal Singh, (Ex Patwari,)(9417803636)
s/o Sh. Gurbaksh Singh,
R/o Bandi, Tehsil & Distt. Bathinda

Appellant

Vs

Public Information Officer
O/o Tehsildar, Tanwandi Saboo

Respondent

Remanded back to

First Appellate Authority,
O/o DC, Bathinda

Encl. RTI application

Complaint Case No.: 139 of 2021

Through CISCO WEBEX

Present: (i) Nobody on behalf of the complainant
(ii) For the respondent: Sh. Iqbal Singh (Assistant Law Officer) (6239075010).

ORDER

1. The RTI application is dated 15.07.2020 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 25.01.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for 19.05.2021 through CISCO Webex application.
2. In today's hearing, respondent, Sh. Iqbal Singh states that requisite information is not available in the official record.
3. Neither the complainant is present for today's hearing nor did he file reply in this regard.
4. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereof, it has been held that while entertaining a complaint case under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:-

(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information).

5. As such, since the complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

Complaint Case No.: 139 of 2021
Through CISCO WEBEX

5. Since there is an alternative and efficacious remedy of first appeal available to the Complainant under Section 19(1) of the RTI Act, 2005, which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order. In case the complainant has any grouse, he is advised to challenge the response of the PIO before the designated First Appellate Authority, as envisaged under Section 19(1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a speaking order.
6. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.
7. In view of the observations noted above, the instant case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

Dated: 19.05.2021

(Anumit Singh Sodhi)
State Information Commissioner
Punjab

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Sh. Jaspal Singh, (Ex Patwari,)(9417803636)
s/o Sh. Gurbaksh Singh,
R/o Bandi, Tehsil & Distt. Bathinda

Appellant

Vs

Public Information Officer
O/o SDM, Tanwandi Saboo.

Respondent

Remanded back to

First Appellate Authority,
O/o DC, Bathinda

Encl. RTI application

Complaint Case No.: 140 of 2021 Through CISCO WEBEX

Present: (i) Nobody on behalf of the complainant.
(ii) For the respondent: Smt. Parkash Kaur (Superintendent) (8872353227).

ORDER

1. The RTI application is dated 22.07.2020 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 25.01.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for 19.05.2021 through CISCO Webex application.
2. In today's hearing, respondent, Smt. Parkash Kaur states that requisite information is already been given to the complainant. She added that appellant was called 6 to 7 times but no response.
3. Neither the complainant is present for today's hearing nor did he file reply in this regard
4. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereof, it has been held that while entertaining a complaint case under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:-

(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information).

5. As such, since the complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

Complaint Case No.: 140 of 2021
Through CISCO WEBEX

6. Since there is an alternative and efficacious remedy of first appeal available to the Complainant under Section 19(1) of the RTI Act, 2005, which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order. In case the complainant has any grouse, he is advised to challenge the response of the PIO before the designated First Appellate Authority, as envisaged under Section 19(1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a speaking order.
5. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.
6. In view of the observations noted above, the instant case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

Dated: 19.05.2021

(Anumit Singh Sodhi)
State Information Commissioner
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Sh. Davinder Singh, (9417252125)
Vill. Ralkhan, TeshilDasuya,
Distt.Hoshiarpur

Appellant

Vs

Public Information Officer
O/o Principal, Govt. Sr. Sec. School
Sagran, Distt. Hoshiarpur.

Respondent

Remanded back to

First Appellate Authority,
O/o Principal, Govt. Sr. Sec. School
Sagran, Distt. Hoshiarpur

Encl. RTI application

Complaint Case No.: 141 of 2021
Through CISCO WEBEX

Present: (i) Sh. Davinder Singh, the appellant in person.
(ii) For the respondent: Smt. Anita Rani (PIO) (9417756699)

ORDER

1. The RTI application is dated 26.11.2020 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 25.01.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act). Notice of hearing was issued to the parties for 19.05.2021 through CISCO Webex application.
2. Respondent, Smt. Anita Rani states that reply has already been supplied to the complainant.
3. Complainant, Sh. Davinder Singh is present for today's hearing.
4. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereof, it has been held that while entertaining a complaint case under Section 18 of the RTI Act , 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:-

(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information).

5. As such, since the complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

Complaint Case No.: 141 of 2021
Through CISCO WEBEX

6. Since there is an alternative and efficacious remedy of first appeal available to the Complainant under Section 19(1) of the RTI Act, 2005, which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order. In case the complainant has any grouse, he is advised to challenge the response of the PIO before the designated First Appellate Authority, as envisaged under Section 19(1) of the RTI Act, 2005, who will decide the matter in accordance with the provisions of the RTI Act within the prescribed time limit, after giving an opportunity of hearing to all concerned, by passing a speaking order.
7. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.
8. In view of the observations noted above, the instant case is **disposed of**. Copies of this decision be sent to the parties **through registered post**.

Dated: 19.05.2021

(Anumit Singh Sodhi)
State Information Commissioner
Punjab