**PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

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**Email:psic22@punjabmail.gov.in**

Sh. Akhlak Ahmed,

S/o Sh. Tejammul Husain,

H.No.1431/10, Phase XI,

S.A.S. Nagar. Complainant

Versus

Public Information Officer,

O/o Senior Supdt. of Police,

District Administrative Complex, Sector-76,

S.A.S. Nagar. Respondent

**COMPLAINT CASE NOs.148 and 149 of 2018**

Date of RTI application : 14.09.2017/25.10.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 30.01.2018

**Present: None.**

**ORDER**

The complaint was desired to comment on the information already supplied to him. He has not turned up today nor any communication has been received from him. Apparently, he has nothing more to say on the matter. The Commission feels that sufficient information has been provided to him.

**Disposed.**

**Sd/-**

**19.06.2018** **(Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Jai Parkash Chhabra,

H.No.92, Street No.21, Tripuri,

Patiala Complainant

Versus

Public Information Officer,

O/o Sub Registrar-cum- Tehsildar,

Mini Sectt. Patiala Respondent

**COMPLAINT CASE NO.1008/2017**

**Date of RTI Application : 12.07.2017**  **Date of First Appeal : Nil**

**Date of letter of FAA : Nil**

**Date of Second Appeal : 18.09.2017**

**Present:** Sh. Jai Parkash Chhabra, Complainant in person.

None on behalf of the Respondent.

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**ORDER**

The Commission had made the following order on 15.02.2018:

*“Despite a couple of notices the Tehsildar Patiala is neither present nor any written reply has been submitted by him. The Commission has already expressed its strong exception on the indifferent attitude of the respondents.*

*The Commission takes it as a violation of Section 7(1) of the Act and issues a show cause notice to the PIO to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

*In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of Contd… page…2*

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***COMPLAINT CASE NO.1008/2017***

*hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say*

*and the Commission shall proceed to take further proceedings against him ex parte.”*

The respondents may refer to the order passed by the Commission on 15.02.2018 in Complaint Case No.1007 of 2017. The PIO, O/o Sub Registrar –cum- Tehsildar, Patiala is again directed to pass on the information to the complainant without further loss of time. No more opportunity shall be afforded.”

The case has come up today. A communication has been received from the appellant through e.mail acknowledging the receipt of copy of the General Power of Attorney No.1941 dated 14.10.2004 as was directed. Seemingly, he is satisfied. No further action seems called for. The appeal is **disposed.**

**Sd/-**

**19.06.2018** **(Yashvir Mahajan)**

**State Information Commissioner**

**CC: The Deputy Commissioner, Patiala.**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Sunil Mallan (Adv.),

Both No.14-B, Sector 47-C,

Chandigarh Appellant

Versus

Public Information Officers,

O/o Deputy Commissioners,

SAS Nagar (Mohali), Patiala and

Fatehgarh Sahib.

First Appellate Authority

O/o Deputy Commissioners,

SAS Nagar (Mohali), Patiala and

Fatehgarh Sahib. Respondents

**APPEAL CASE NOs.3633, 3632 and 3618 of 2017**

Date of RTI application : 16.06.2017

Date of First Appeal : 06.10.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :30.11.2017

**Present: None on behalf of the Appellant.**

1. **Sh. Pawan Kumar, Jr. Assistant, RTI Br., DC Office, Fatehgarh Sahib,**
2. **Sh. Ramsh Lal, Sr. Assistant, RTI Br., DC Office, Mohali – for Respondents.**

**ORDER**

The Commission has already passed a detailed order on 15.03.2018 which shall be relevant to reproduce hereunder:

As the nature of sought for information is identical in all the above cases, these shall be disposed by a single order.

The following observations were made in one of the cases on 06.02.2018:

*“The appellant is not present. From the perusal of his application it is made out that the information sought is quite exhaustive and relates to various Public Authorities. The respondents say that it is not humanly possible to collect and collate such a massive information, which if resorted to shall erode their resources at the cost of normal functioning of the office. The Commission agrees with the submissions thus made by the respondents. It shall be in the fitness of things if the appellant*

*makes an application to a particular Public Authority as has been advised by the respondents so that*

*his application can be suitably addressed to and appropriate action towards provision of information is taken.*

Contd…page…2

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**APPEAL CASE NOs.3633, 3632 and 3618 of 2017**

*The appellant may like to take a call on the above observations of the respondents and file a written reply in case he intends to.”*

*“The cases have come up today for hearing. The appellant has expressed his inability to attend the proceedings and sought an adjournment.*

*The appellant has not responded to the observations made earlier by it towards the enormity of information. He is again advised to be specific and prune down his information from couple of years only commencing from 2016 and convey it in writing to the respondents so that they can suitably address his concern before the next date of hearing.*

*The Commission further observes that as the information sought is being dealt with in different offices of the Public Authorities in Mohali, Patiala and Fatehgarh Sahib it shall not be in public interest to require their presence in the Commission.*

*Hereafter the offices to whom the applications have been forwarded under Section 6(3) of the Act may send their appropriate reply or information to the Nodal Officers in the office of the Deputy Commissioners who shall be responsible to provide it to the information seeker under intimation to the Commission.”*

The case has come up today. The appellant is absent on trot on all the hearings. No communication has also been received. The Commission had observed that the information sought by him was indiscriminately vast and was not humanly possible to be collated and collected. The respondents have provided him the available information with them. From his continued absence we presume that he is satisfied with the information provided to him. No further intervention of the Commission seems called for. The cases are **disposed.**

**Sd/-**

**19.06.2018** **(Yashvir Mahajan)**

**State Information Commissioner**

**CC: The Nodal Officers, O/o Deputy Commissioners, SAS Nagar (Mohali), Patiala and Fatehgarh Sahib.**

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Sh. Rakesh Kumar Gupta,

8/237, Jagraon Road, Mandi Mullanpur,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Director General of Police,Punjab,

Punjab Police Headquarters, Sector-9,

Chandigarh

First Appellate Authority

O/o Director General of Police, Punjab,

Punjab Police Headquarters, Sector-9,

Chandigarh Respondents

**APPEAL CASE NOs.144 and 145 of 2018**

Date of RTI application : 22.12.2017/23.12.2017

Date of First Appeal : 28.12.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 02.01.2018

**Present: Sh. Rakesh Kumar Gupta, Appellant in person.**

**None on behalf of the Respondents.**

**ORDER**

The respondents are absent. The Commission takes serious note of it. Nonetheless they have sent a memo dated 15.05.2018 to the Commission with its endorsement to the appellant. The appellant denies its receipt. A copy of it has been handed over on spot by the Commission to the appellant. He may like to comment on the same.

The matter shall be discussed on **08.08.2018 at 11.30 AM through video conference at Ludhiana.**

**Sd/-**

**19.06.2018** **(Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Gulshan Rai,

House No.C-202, Aastha Apartments,

Phase -2, Nabha-Pabhat Road,

Zirakpur -140603 Dist. S.A.S.Nagar. Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Municipal Council, Zirakpur,

Distt. S.A.S. Nagar.

.

First Appellate Authority

O/o Executive Officer,

Municipal Council, Zirakpur,

Distt. S.A.S. Nagar Respondents

**APPEAL CASE NO. 2868/2017**

Date of RTI application : 18.05.2017

Date of First Appeal : 29.06.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :16.10.2017

**Present: Sh. Gulshan Rai, Appellant in person.**

1. **Sh. Manvir Singh, PIO – cum - E.O., M.C., Zirakpur,**
2. **Sh. Victor Sandhu, JE, MC office, Zirakpur – for Respondents.**

**ORDER**

On the request of the Parties the matter is adjourned to **19.07.2018 at 11.30 AM.**

**Sd/-**

**19.06.2018** **(Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Sadhu Ram,

S/o Sh. Sant Ram,

R/o Village Mangpur Tehsil Rajpura,

Distt. Patiala. Complainant

Versus

Public Information Officer,

O/o Tehsildar,

Rajpura, Distt.Patiala. Respondent

**COMPLAINT CASE NO.189/2018**

Date of RTI application : 02.03.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 01.02.2018

**Present:** Sh. Sadhu Ram, Complainant in person.

1. Sh. Gurjant Singh, Reader to Tehsildar, Rajpura,
2. Sh. Vikas Singh, Patwari, Tehsil Office, Rajpura – for Respondent.

**ORDER**

The following order was made by this forum on 17.05.2018:

*“The appellant is aggrieved with the entries in the jamabandi for the year 2014-15. His ownership of land in 43/798 hissa figuring in the previous jamabandi does not figure in the new jamabandi.*

*Sh. Gurjant Singh appearing on behalf of the respondent says that he is a registry clerk and the record of jamabandi is not available with him. The Commission understands that the appellant is entitled to know the instrument vide which his ownership has been removed from the record of rights in the year 2014-15 in the Village Mangpur.*

*The Commission is not inclined to accept this version that the information is not covered under Section 2(f) of the Act. The Public Authority should provide him certified copies of the mutation on the basis of which new entry has been established. The Tehsildar is advised to give reply to the questions thus raised along with the information available with them.”*

*The case has come up today. Sh. Vikas Singh, Patwari is present on behalf of the Respondent. He has produced before the Commission a copy of the memo sent to the complainant on 11.05.2017. Essentially, it is a repetition of the plea which has already been rejected by the Commission.*

*Contd…page…2*

*-2-*

***COMPLAINT CASE NO.189/2018***

*His right of ownership has been extinguished in the jamabandi of the year 2014-15 on the strength of a sanad issued as a sequel to an order passed in partition proceedings. A grave injustice at its face has been done to him which is required to be corrected by the revenue authorities. The respondent PIO is hereby directed to give him a copy of the sanad free of cost within ten days from the receipt of this order positively failing which he should personally come present and explain the non-compliance of the order passed by this forum.”*

The respondents have brought along a ‘sanad’ of partition as was ordered which has been handed over on spot to the complainant. It further transpires that the complainant had since alienated his property which inadvertently continued to figure in the revenue record. On its detection the same was ignored to be mentioned in the ownership column of new jamabandi in the year   
2014-15. The grievance of the complainant as such is misplaced. The Commission understands that the available record has been furnished to him. No further intervention of the Commission is called for.

**Disposed.**

**Sd/-**

**19.06.2018** **(Yashvir Mahajan)**

**State Information Commissioner**

**CC: The Deputy Commissioner, Patiala.**

**cc: Sh. Harsimran Singh, PIO – cum - Tehsildar, Rajpura, Distt. Patiala (Punjab).**

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Sh. Rakesh Kumar Gupta,

8/237, Jagraon Road Mandi Mulllanpur

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Inspector General of Police (Intelligence Wing), Pb.

CID, Headquarters, Intelligence Building Sector -77, (Sohana)

S.A.S. Nagar, Punjab

First Appellate Authority

O/o Addl. Director General of Police, (Intelligence Wing),

CID, Headquarters, Intelligence Building Sector -77, (Sohana)

S.A.S. Nagar, Punjab Respondents

**APPEAL CASE NO.142/2018**

Date of RTI application :

Date of First Appeal :

Date of Order of FAA :

Date of 2nd Appeal/complaint :

**Present: Sh. Rakesh Kumar Gupta, Appellant in person.**

1. **Mrs. Sunita Singh, Deputy District Attorney, O/o DGP (Intelligence), Mohali,**
2. **Sh. Amandeep Singh, Jr. Assistant, O/o DGP (Intelligence), Mohali – for Respondents.**

**ORDER**

Heard.

The order is **reserved to be pronounced on 17.07.2018 at 11.30 AM.**

**Sd/-**

**19.06.2018** **(Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Manjit Singh,

S/o Sh. Sohan Singh,

House No.388/3, Dhandholian Street,

Patiala. Complainant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

Patiala. Respondent

**COMPLAINT CASE NO.200/2018**

Date of RTI application : 19.12.2017

Date of First Appeal : Nil

Date of Order of FAA :

Date of 2nd Appeal/complaint : 06.02.2018

**Present: Sh. Manjit Singh, Complainant in person.**

**ASI Ajeet, O/o SSP, Patiala – for Respondent.**

**ORDER**

The complainant had sought enquiry report with connecting information about the vehicles which is sent to the Transport Authorities at the time of transfer of the ownership. The respondents have denied the information while invoking Section 8(1) (d) and (g) of the RTI Act. It shall be relevant to reproduce the said Sections hereunder:

**Section 8(1) (d) and (g)**

(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;

(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.

As can be made out from the above, Section 8 (1) (d) concerns the commercial confidence, trade secrets or intellectual property of the organization whereas Section 8(1) (g) relates to the identity of the source of information or assistance given in confidence for law enforcement or security purposes Contd…page…2

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**COMPLAINT CASE NO.200/2018**

which can jeopardize the safety of an individual.

The Commission is at a loss to understand as to how the information dealing with the transfer of owner of vehicles can lead to breach the commercial confidence or trade secret etc. of an organization or can jeopardize the safety of an individual.

The defence is irrelevant and has been incorrectly invoked. The Commission would like to observe that as far as the credentials of the complainant is concerned it does not legally deprive of his right to seek the information which is admissible under the RTI Act. The Commission overrules their contention. The complainant is alleging irregularities and malpractices in issuing such reports. So much so, he is alleging the misappropriation of the fees thus collected. In the scenario, the Commission directs the respondent to provide the complete information under intimation to the Commission before the next date of hearing failing which it shall be presumed that they are willfully suppressing information as asked for in the original application.

To come up on **19.07.2018 at 11.30 AM.**

**Sd/-**

**19.06.2018** **(Yashvir Mahajan)**

**State Information Commissioner**