



Sh.Bharat Bhushan
H.No.153, Akash Nagar,
Near Green Land School Central
P.O.Ludhiana, Distt.Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Civil Surgeon,
Ludhiana.

First Appellate Authority,
O/o Director, Health and Family Welfare, Pb
Sector 34-A, Chandigarh.

...Respondent

Appeal Case No.3961 of 2021

PRESENT: Sh.Bharat Bhushan as the Appellant
Dr.Gurpreet Singh, DHO for the Respondent

ORDER:

The appellant through an RTI application dated 04.06.2021 has sought information on 05 points regarding a copy of the logbook of the official car used by DHO Ludhiana from 01.02.2020 to 04.06.2021 - attendance record of staff/duty register/movement register/order and other information as enumerated in the RTI application from the office of Civil Surgeon, Ludhiana. The appellant was not provided with the information, after which the appellant filed the first appeal before the First Appellate Authority on 12.07.2021, which took no decision of the appeal.

The case first came up for hearing on 28.02.2022 before Bench through video conferencing at Ludhiana. The appellant was absent and vide letter received in the Commission on 21.02.2022 informed that the PIO has not supplied the information.

The respondent present pleaded that since the information relates to DHO Ludhiana, the RTI application was forwarded to them.

The respondent from DHO Ludhiana was absent. The PIO-DHO Ludhiana was implicated in the case and directed to look at the RTI application and provide information to the appellant as per the RTI Act.

On the date of the hearing on **30.05.2022**, due to some other urgent VC relating to the CM office in DAC Ludhiana, the hearing could not take place. The case was adjourned.

On the date of the last hearing on **23.06.2020**th the parties were absent. The appellant vide email informed that the PIO has not supplied the complete information and the discrepancies have already been communicated to the PIO.

The DHO O/o Civil Surgeon, Ludhiana was absent for 2nd consecutive hearing. The DHO vide email sought adjournment on the plea that the FSO who is dealing with the case is on election duty.

Since the PIO-cum-DHO O/o Civil Surgeon Ludhiana was flouting the spirit of the RTI Act continuously as well as not appearing before the commission despite various orders of the Commission, to secure an erring PIO's presence before the commission, the PIO was issued a bailable Warrant under Section 18(3) of the RTI Act through Senior Superintendent of Police, Ludhiana for his presence before the Commission on **19.09.2022**. The PIO was directed to sort out the discrepancies as pointed out by the appellant and send a compliance report to the Commission.

Hearing dated 19.09.2022:

As per the respondent, the information has already been supplied to the appellant.

As per the appellant, the information is incomplete and unattested as well as the PIO has not supplied the information on point 2. The appellant further informed that the discrepancies have been pointed out to the PIO.

As per the respondent, the information regarding point 2 relates to the office of the Civil Surgeon, Ludhiana.

Having gone through the RTI application and hearing both the parties, the following is concluded:

- i) The Respondent-PIO to sort out the discrepancies as pointed out by the appellant
- ii) The respondent PIO to provide legible and attested copies of the information.
- iii) To provide an affidavit that the information that has been provided is true, and complete and no further information is available in the record relating to this RTI application.
- iv) The PIO-O/o Civil Surgeon, Ludhiana is impleaded in the case and directed to provide information on point-2.

To come up for further hearing on **26.12.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated: 19.09.2022

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to PIO-cum-DHO-
O/o Civil Surgeon, Ludhiana



Sh Sawinder Singh, s/o Sh Bal Singh,
VPO Shutrana, Tehsil Patran,
Distt Patiala.

... Appellant

Versus

Public Information Officer,
O/o Child Development Project Officer,
Patran, Distt Patiala.

First Appellate Authority,
O/o Distt Program Officer,
Social Security Women & Child Development,
Patiala.

...Respondent

Appeal Case No. 5263 of 2021

PRESENT: None for the Appellant
Smt.Sukhwinder Kaur, CDPO for the Respondent

ORDER:

The appellant, through an RTI application dated 06.08.2021 has sought information regarding the list of old age pensions of village Shutrana from 01.04.2018 – the names of beneficiaries with the date of submission of OAP application – date of sanction – age as per aadhar card and voter card and other information as enumerated in the RTI application concerning the office of Child Development Project Officer, Patran, Distt.Patiala. The appellant was not satisfied with the reply of the PIO dated 17.08.2021(denied being 3rd party information) after which the appellant filed a first appeal before the first appellate authority on 16.09.2021, which did not decide on the appeal.

The case last came up for hearing on 01.06.2022 through video conferencing at DAC Patiala. Due to some other VC relating to the DC office at DAC Patiala, the hearing could not occur. The appellant vide email also informed that the PIO has not supplied the information.

The Commission received a letter from the PIO dated 24.05.2022 stating that since the information is 3rd party and the 3rd parties have not given their consent to part with their information, it cannot be provided.

On the date of the hearing on **23.06.2022**, the appellant claimed that the PIO has not supplied the information.

The respondent reiterated his earlier plea of dated 24.05.2022 that since the information is 3rd party and the 3rd parties have not given their consent to part with their information, it cannot be provided.

Having gone through the RTI application and the reply of the PIO, the Commission observed the following:

“that the information that the appellant has sought does not pertain to 3rd party as stated in Section-11 of the RTI ACT. Section 11 of the RTI Act reads as follows 11. Third party information.—

“(1) Where a Central Public Information Officer or the 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.

(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.”

In this particular instance, the appellant has asked for a list of old aged pensioners of village Shutrana, information which the beneficiaries would have volunteered to share themselves with the public authority to get an available benefit, which clearly means that this information has not been given in any confidentiality. Moreover, even if the PIO, in his wisdom, used Section-11 to deny information, a strange methodology had been adopted by the PIO to get submissions for third parties to get their views on whether their information should be disclosed or not? There is prima facie evidence that the PIO, instead of inviting the many third parties (since the exemption was sought under section 11) through any written communication, organised a mass collection of all the beneficiaries and took their thumb impressions on excel sheets against their names.

In conclusion, where the thumb impressions end, there is a note saying that the appellant Sawinder Singh has sought information regarding your name, name of father/husband, Aadhar Card, voter card, records about your old age pension forms and documents regarding the sanction of the old age pension is recorded.

It may be noted that all the signatures have similar handwriting against the names, followed by thumb impressions of the pensioners and the word nahi (no) written against each name. This alludes to two things-a) that the petitioners cannot read and write and there is every possibility that the petitioners are not aware of the note that is given below their signatures and have been informed about this particular RTI application orally, b) that they have been ill-informed about the exact nature of the information that has been sought and coerced into saying no.

Appeal Case No. 5263 of 2021

The above facts allude to prima-facie evidence that the PIO has deliberately tried to conceal the information as well as influence the minds of the old age beneficiaries to respond in a particular way, which is not only against the spirit of the RTI Act but also against the provisions of the Act when using the exemption under section 11 of the RTI Act.”

Hence, the PIO was **show caused as to why penalty be not imposed on him under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time. He/she should file an affidavit in this regard.**

The PIO was again directed to provide information on all points by invoking section 10 by severing the undisclosed information/personal information and providing the list of beneficiaries with their names, ages, and parents' name.

Hearing dated 19.09.2022:

The case has come up for hearing today through video conferencing at DAC Patiala. As per the respondent, the information has been provided to the appellant, and the appellant has acknowledged having received the information. The respondent has also sent a copy of the acknowledgement of the appellant,, which has been taken on record.

At the last hearing, the following was observed “In this particular instance, the appellant has asked for a list of old aged pensioners of village Shutrana, information which the beneficiaries would have volunteered to share themselves with the public authority to get an available benefit, which clearly means that this information has not been given in any confidentiality. Moreover, even if the PIO, in his wisdom, used Section-11 to deny information, a strange methodology had been adopted by the PIO to get submissions for third parties to get their views on whether their information should be disclosed or not? There is prima facie evidence that the PIO, instead of inviting the many third parties (since the exemption was sought under section 11) through any written communication, organised a mass collection of all the beneficiaries and took their thumb impressions on excel sheets against their names.

In conclusion, where the thumb impressions end, there is a note saying that the appellant Sawinder Singh has sought information regarding your name, name of father/husband, Aadhar Card, voter card, records about your old age pension forms and documents regarding the sanction of the old age pension is recorded.

It may be noted that all the signatures have similar handwriting against the names, followed by thumb impressions of the pensioners and the word nahi (no) written against each name. This alludes to two things-a) that the petitioners cannot read and write, and there is every possibility that the petitioners are not aware of the note that is given below their signatures and have been informed about this particular RTI application orally, b) that they have been ill-informed about the exact nature of the information that has been sought and coerced into saying no.

The above facts allude to prima-facie evidence that the PIO has deliberately tried to conceal the information as well as influence the minds of the old age beneficiaries to respond in a particular way, which is not only against the spirit of the RTI Act but also against the provisions of the Act when using the exemption under section 11 of the RTI Act.”

Hence a show cause was issued to the PIO for not supplying the information within the statutorily prescribed period, incorrect application of section 11, and coercing the beneficiaries to say ‘no’ under the provisions of Section 11.

However, the PIO has not filed a reply to the show cause notice and not availed the opportunity provided to explain the reasons of the above observations. .

As per the respondent, Sh.Rahul Arora was the PIO when the RTI application was filed and at the time of issue of the show cause notice (who has been since transferred and posted at CDPO Doraha, Distt.Ludhiana, Sh.Rahul Arora-CDPO-Patran (since transferred and posted at CDPO Doraha, Distt. Ludhiana) is hereby held guilty of all the three accounts mentioned above, and a penalty of **Rs.15,000/-** is imposed on the Sh.Rahul Arora-CDPO (since transferred and posted at CDPO Doraha, Distt.Ludhiana), which will be deposited in the Govt. Treasury. The PIO is directed to duly inform the Commission about the compliance of the orders by producing a copy of the challan as evidence of depositing the penalty in the Govt Treasury.

The case is adjourned. To come up for further hearing on **07.12.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Patiala.

Chandigarh
Dated: 19.09.2022

Sd/-
(Khushwant Singh)
State Information Commission

CC to:Sh.Rahul Arora,
Child Development and Project Officer,
Doraha, Distt.Ludhiana.



Sh Rajinder Pal, S/o Sh Hem Raj Jindal,
H No-378, Ward NO-4(Old),
New H NO-129, Ward No-17, Backside Eicher Tractor Agency,
Patiala Road, Ajit Nagar, Sunam.

... Appellant

Versus

Public Information Officer,
O/o District Manager,
PUNSUP, Sangrur.

First Appellate Authority,
O/o District Manager,
PUNSUP, Sangrur.

...Respondent

Appeal Case No. 5096 of 2021

PRESENT: Sh.Rajinder Pal as the Appellant
Sh.Harjit Singh, Dy.District Manager for the Respondent

ORDER:

The appellant, through an RTI application dated 16.0..2021, has sought information on 15 points regarding payment of an amount of Rs.14,62,564/-due against Sh.Ashok Kumar Pro Mahadev Rice Mills, Sunam – nature of securities mortgaged – a copy of mortgage deed- a copy of the letter issued to Tehsildar for recording entry of mortgage – opinion of attorney obtained- the status of the case filed by PUNSUP against Ashok Kumar - -correspondence made with DC, Tehsildar, SDM and Patwar circle and other information as enumerated in the RTI application concerning the office of District Manager, PUNSUP Sangrur. The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority on 02.09.2021 which did not decide on the appeal. After filing the first appeal, the PIO sent a reply to the appellant vide letter dated 04.10.2021, to which the appellant was not satisfied and filed 2nd appeal in the Commission.

The case first came up for hearing on 01.06.2022 through video conferencing at DAC Sangrur. Due to some other VC relating to the DC office at DAC Sangrur, the hearing could not take place.

The Commission received a reply from the PIO dated 26.05.2022, which was taken on record.

The Commission also received a written reply through email from the appellant, which was taken on record.

On the date of last hearing on **23.06.2022**, the respondent was absent.

The appellant was directed to file a written submission as alluded during the hearing.

Hearing dated 19.09.2022:

The case has come up for hearing today through video conferencing at DAC Sangrur. The respondent present pleaded that they have already sent a reply to the Commission on 26.05.2022. As per the respondent, the case is subjudice before the Additional District Judge, Sangrur and the act of the miller in transferring the properties without clearing the dues of the Govt. Agency is not appreciable.

Appeal Case No. 5096 of 2021

The denial of information by the PIO on the ground that it is subjudice is incorrect since there is no order to stay the information. Hence the PIO is directed to provide the information to the appellant on all the points.

The case is adjourned. To come up for further hearing on **28.12.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Sangrur.

Chandigarh
Dated: 19.09.2022

Sd/-
(Khushwant Singh)
State Information Commission



Sh Brij Mohan, S/o Late Sh Sukhvair Kaur,
W/o Late sh Ashok Walia, H No-126,
Street No-5, North Estate, Bathinda.

... Appellant

Versus

Public Information Officer,
O/o DPI (Colleges), Punjab,
PSEB, Phase-8, Mohali.

First Appellate Authority,
O/o DPI (Colleges), Punjab,
PSEB, Phase-8, Mohali.

...Respondent

Appeal Case No. 4411 of 2019

PRESENT: Sh.Varun Bansal, advocate for the Complainant
Smt.Jaswinder Kaur, PIO and Ms.Pawanjit Kaur, Sr.Asstt. for the
Respondent

ORDER:

The appellant, through RTI application dated 25.07.2019, has sought information regarding a copy of acknowledgement/diary number of a letter dated 11.11.2004 as per DPI office record- a copy of reply sent to SSD Girls College Bathinda by DPI –a copy of action taken report – a copy of record vide which the said application was sent to other offices for required action – action recommended or ordered by any office to DPI colleges etc. as enumerated in the RTI application from the office of DPI (Colleges)Pb Mohali. The appellant was not provided with the information, after which the complainant filed a complaint in the Commission on 28.08.2019.

The case first came up for hearing before Sh.N.S.Brar, State Information Commissioner on 24.02.2020 where Ms.Paramjit Kaur, Sr.Assistant, appeared and informed that due to shifting of the office and the record being very old, the complete record couldn't be traced. However, the appellant may inspect the available record and get the relevant information per available record.

The case again came up for hearing before Ms.Preeti Chawla, State Information Commissioner on 02.09.2020, wherein the respondent was absent and, as per the appellant, the information was not provided. The case was adjourned.

The case was again heard on 14.01.2021 by the same bench. None was present on behalf of the respondent. The PIO was issued a show-cause notice under section 20 of the RTI Act and directed to file a reply.

On the date of hearing on 17.03.2021, Sh.Avtar Singh, Sr.Assistant, appeared and informed that the information had been supplied to the appellant. The respondent also submitted his reply, which was taken on record.

The appellant was not satisfied. The appellant was directed to inspect the record on 19.03.2021 and get the relevant record. The PIO was directed to allow inspection of the record and provided the relevant information to the appellant.

The reply of the PIO was not in order. The PIO was directed to file a fresh reply to the show-cause notice.

None was present on the next date of hearing on 18.05.2021, and the case was adjourned. On the date of hearing on 03.08.2021, the respondent filed a reply to the show-cause notice, and after having gone through the reply, the show cause notice was dropped. However, the PIO was directed to provide complete information to the appellant since the appellant was not satisfied with the provided information.

On the hearing date on 24.08.2021, the counsel for the appellant informed that the PIO had supplied misleading information. The respondent was absent. The case was adjourned.

On the date of **hearing before this bench on 13.04.2022 which was** held through video conferencing at DAC Bathinda, Sh.Varun Bansal, counsel for the appellant, appeared and informed that despite the order of the Commission, the PIO has not supplied the complete information.

The respondent was absent nor had complied with the order of the Commission to provide the complete information.

Since the PIO-DPI(Colleges), Pb Mohali was flouting the spirit of the RTI Act continuously and not appearing before the commission despite various orders of the Commission, to secure an erring PIO's presence before the commission, a bailable warrant of the PIO was issued Under Section 18(3) of the RTI Act. through Senior Superintendent of Police, SAS Nagar, Mohali for his presence before the Commission on **08.08.2022**.

On the date of last hearing on 08.08.2022, the appellant was absent.

The PIO-DPI(Colleges), Pb Mohali was again absent. As per information, Smt. Jaswinder Kaur, Dy. Director, is the PIO in this case. To secure the presence of the PIO, the Information Commission issued a bailable Warrant of Smt.Jaswinder Kaur, Dy.Director cum-PIO O/o DPI (Colleges), Pb, PSEB Complex, Phase-8, Mohali under section 18(3) of the RTI act through Senior Superintendent of Police, Mohali for his presence before the Commission on **19.09.2022**.

Hearing dated 19.09.2022:

As per the counsel of the appellant, the PIO has not supplied the complete information.

As per the respondent, the appellant has already inspected the record and the available information has been supplied to the appellant. The respondent further informed that some of the record being very old which was sent by the SSD Girls College in the year 2004, which has been misplaced during the shifting of the office and hence is not traceable. However, efforts can be made to reconstruct the record with the assistance of the college.

The PIO is directed the following:

1. To provide an affidavit that the record is missing
2. To write to the concerned college to reconstruct the record and to provide the information to the appellant.
3. To conduct an enquiry into the missing documents by constituting a committee, and submit a complete enquiry report which establishes that the record stands missing and the responsibility has been fixed for the person under whose custody the record went missing.

To come up for further hearing on **12.12.2022 at 11.00 AM at Chandigarh**. The appellant to appear through VC at DAC Bathinda.

Chandigarh
Dated: 19.09.2022

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Jasbir Singh,
Guru Nanak Nagar,
Village Bolapur Jhabewal,
P.O Ramgarh, Distt Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Food Safety Officer,
O/o Civil Surgeon, Patiala.

First Appellate Authority,
O/o Civil Surgeon,
Patiala.

...Respondent

Appeal Case No. 5661 of 2021

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant, through an RTI application dated 13.09.2021 has sought information regarding the account from which the payment was made to collect samples – funds received from the Govt for the past ten years – audit reports of the funds received from the Govt. and other information as enumerated in the RTI application concerning the office of Civil Surgeon Fazilka. The appellant was not provided with the information, after which the appellant filed a first appeal before the first appellate authority on 21.10.2021, which did not decide on the appeal.

The case last came up for hearing on 08.06.2022 through video conferencing at DAC Ludhiana/Patiala.

The appellant was absent, and vide letter received in the Commission on 04.03.2022 has informed that the PIO has not supplied the information.

The respondent vide email sought adjournment.

The case was adjourned. The PIO was directed to provide the sought information and appear at the next date of hearing.

Hearing dated 19.09.2022:

The case has come up for hearing today through video conferencing at DAC Ludhiana/Patiala. Both the parties are absent. The appellant vide email has informed that the PIO has not supplied the information but has informed vide letter dated 23.06.2022 that the information relates to Accounts Branch of Civil Surgeon, Patiala.

The respondent is absent on the 2nd consecutive hearing nor is represented as well as not supplied the information.

There has been an enormous delay of more than one year in providing the information. The Commission has taken a serious view of this and hereby directs the PIO to **show cause why penalty be not imposed on him under section 20 of the RTI Act 2005 for not supplying the information within the statutorily prescribed period of time. He/she should file an affidavit in this regard.** If there are other persons responsible for the delay in providing the information, the PIO is directed to inform such person(s) of the show cause and direct them to appear before the Commission along with the written replies.

To come up for further hearing on **07.12.2022 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear through VC at DAC Patiala.

Chandigarh
Dated: 19.09.2022

Sd/-
(Khushwant Singh)
State Information Commissioner