

# PUNJAB STATE INFORMATION COMMISSION

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

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Whatsapp No. 62848-20189 Cisco Webex: 158 708 3455



Sh. Surinder Kumar

Ward No. 8 Fatehgarh Churian

Gurdaspur 9463165327

....Appellant

Vs

Public Information Officer

o/o Punjab Transparency and Accountability Commission,  
Sector 17-E, Chandigarh.

First Appellate Authority

o/o Punjab Transparency and Accountability Commission,  
Sector 17-E, Chandigarh.

....Respondents

Appeal Case No. 2244 of 2021  
(Video Conference Proceedings)

Present:- Sh. Surinder Kumar, appellant.

Ms Suman, Sr. Asstt \_\_\_\_\_ on behalf of the respondents.

## ORDER

The RTI application is dated 3.3.2021 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 16.3.2021 and second appeal was filed in the Commission on 11.5.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The representative of the respondents states that the Point No. 1 to 3 are in question form. She further states that as per the RTI Act, 2005 there is no provision to reply the questions. However, she states that Section 8,9 & 10 of the Punjab Transparency and accountability in Delivery of Public Service Act, 2018 are relevant in regard to Point No. 1 to 3 of the RTI Application of the appellant. The said Act is available on the website of the Punjab Government i.e. [www.punjab.gov.in](http://www.punjab.gov.in). Regarding Point No. 4 of the RTI application she states that the copy of the said Act is not available in Punjabi language. Therefore, nothing can be supplied to the appellant in this regard. She has also submitted a written reply in this regard, which is taken on record.

3. Accordingly, a copy of the submission made by the representative of the respondents is being **sent** along with this order to the appellant to file the rejoinder if any, before the next date of hearing to the respondent-Public Information Officer with a copy to the Commission.

4. To come up on 16.8.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Gurdaspur.

Dated: 2.8.2021

(Suresh Arora)

Chief Information Commissioner, Punjab.

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Sh. Tejinder Singh Advocate,  
Civil Court, Tehsil Complex,  
Backside Sanjh Kender,  
Phillaur-144410 M : 9041004313

..Appellant

Vs

Public Information Officer,  
O/o Sub Registrar,  
Mullanpur Dakha, Distt Ludhiana.

First Appellate Authority  
-cum-Sub Divisional Magistrate (West),  
Ludhiana.

Distt. Revenue Officer  
-cum-Public Information Officer **Registered**  
(Establishment Branch)  
o/o Deputy Commissioner,  
District Ludhiana

....Respondent(s)

Appeal Case No. 1115/2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- None on behalf of the appellant.  
None on behalf of the respondents. 9876402777

## ORDER

This order may be read with reference to the previous order dated 5.7.2021.

2. A request has been received from the appellant vide which he has showed his inability to attend the hearing. Regarding the information it has mentioned that Sh. Sukhpal Singh Pandher agreed to handover the information as the appellant has already inspected the record regarding the sought information.

3. Due to the strike by the officials of the respondent authority, none is present, therefore, the case is adjourned with the directions to the respondent-Public Information Officer to supply the information as has been identified by the appellant before the next date of hearing.

4. To come up on 7.9.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana /cisco webex.

SD

Dated: 2.8.2021

(Suresh Arora)  
Chief Information Commissioner,  
Punjab.

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Sh. Tejinder Singh 9041004313

Civil Court, Tehsil Complex, Backside Sanjh Kender,  
Phillaur, District Ludhiana

....Appellant

Vs

Public Information Officer  
o/o Minister Local Government, Punjab,  
Chandigarh.

First Appellate Authority  
o/o Minister Local Government, Punjab,  
Chandigarh.

Public Information Officer **Registered**  
o/o Chief Administrator,  
Greater Ludhiana Area Dev. Authority,  
District Ludhiana

....Respondents

Appeal Case No. 1692 of 2021  
(Video Conference Proceedings)

Present:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 22.6.2021.

2. A request has been received from the appellant vide which he has showed his inability to attend the hearing. He has also requested that no information has been supplied by the Public Information Officer o/o the Chief Administrator, GLADA. A copy of the complaint action taken of which has been sought by the appellant as has been sent by the appellant is taken on record.

3. Due to the strike by the officials of the respondent authority, none is present, therefore, the case is adjourned with the directions to the respondent-Public Information Officer o/o Chief Administrator, GLADA to file the reply/supply the information before the next date of hearing.

4. To come up on 7.9.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

SD

Dated: 2.8.2021

(Suresh Arora)  
Chief Information Commissioner, Punjab.

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Sh. Tejinder Singh 9041004313

Civil Court, Tehsil Complex,  
Backside Sanjh Kender, Phillaur

....Appellant

Vs

Public Information Officer  
o/o SDM-cum-Licencing and Registration Authority,  
Samrala, District Ludhiana

First Appellate Authority  
o/o SDM-cum-Licencing and Registration Authority,  
Samrala, District Ludhiana

....Respondents

Appeal Case No. 1451 of 2021

(Video Conference/Telephone Proceedings)

Present:- None on behalf of the appellant.

Ms Sarabjit Kaur, Supdt 8872384619 on behalf of the respondents.

## ORDER

This order may be read with reference to the previous order dated 5.7.2021.

2. A request has been received from the appellant vide which he has showed his inability to attend the hearing. He has also requested that no information has been supplied by the Public Information Officer.

3. However, due to the strike by the officials of the respondent authority, none is present but he has sent the list of vehicle dealers under the registering authority i.e. the remaining information in this case, which is taken on record. Also a copy of the same is being **sent** to the appellant along with this order to file the rejoinder, if any, before the next date of hearing.

4. To come up on 27.8.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

SD

Dated: 2.8.2021

(Suresh Arora)  
Chief Information Commissioner,  
Punjab.

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Sh. Daljit Singh s/o Sh. Gopal Singh  
r/o H.No. 477/4 A  
Street No. 00, Hargobind Nagar,  
Near Hargobind Sahib, Gurudwara Sahib  
District Ludhiana 9592313001

....Appellant

Vs

Public Information Officer  
o/o Circle Revenue Officer-cum-  
Tehsildar East,  
District Ludhiana

First Appellate Authority  
o/o S.D.M. (East)  
District Ludhiana

....Respondents

Appeal Case No. 2332 of 2021  
(Video Conference Proceedings)

Present:- None on behalf of the parties.

## ORDER

The RTI application is dated 28.11.2020 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 15.1.2021 and second appeal was filed in the Commission on 13.5.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. Due to strike by the officials of the respondent authority, the case is adjourned.
3. To come up on 7.9.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

SD

Dated: 2.8.2021

(Suresh Arora)  
Chief Information Commissioner,  
Punjab.

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Sh. Jagjit Singh (RTI Activist),  
R/o Aman Nagar, Street No 3,  
Backside Green Land School,  
Near Jalandhar, By pass,  
Ludhiana.M : 9914248131

..Appellant

Vs

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

First Appellate Authority  
O/o Deputy Commissioner,  
Ludhiana.

Public Information Officer  
o/o Addl. Deputy Commissioner (G)  
District Ludhiana

Public Information Officer, **Registered**  
Record Room  
o/o the Deputy Commissioner,  
District Ludhiana

....Respondent(s)

Appeal Case No. 1132/2021  
(Cisco Webex/Telephone Proceedings)

Present:- None on behalf of the parties. 9914945976.

ORDER

This order may be read with reference to the previous order dated 5.7.2021.

2. Due to strike by the officials of the respondent authority, the case is adjourned.
3. To come up on 7.9.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

SD

Dated: 2.8.2021

(Suresh Arora)  
Chief Information Commissioner,  
Punjab.

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Sh. Love Kumar Dua s/o Sh. Megh Raj Dua  
# 125, Model Town, Samrala Road,  
Khanna 9815255646

....Appellant

Vs

Public Information Officer  
o/o Sub Divisional Magistrate,  
Khanna, District Ludhiana

First Appellate Authority  
o/o Sub Divisional Magistrate,  
Khanna District Ludhiana

Public Information Officer  
o/o Executive Officer,  
Municipal Council, Khanna,  
District Ludhiana

...Respondents

Appeal Case No. 3158 of 2019  
(Video Conference Proceedings)

Present:- Sh. Love Kumar Dua, on telephone.  
None on behalf of the respondents.

ORDER

As per the request of the appellant sent to the Commission the date of hearing in this case was fixed for today i.e. 2.8.2021.

2. Due to strike by the officials of the respondent authority, the case is adjourned.
3. To come up on 7.9.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

SD

Dated: 2.8.2021

(Suresh Arora)  
Chief Information Commissioner,  
Punjab.

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Sh. Lalit Mohan Aggarwal,  
c/o Sh. Vishnu Shukla,  
Flat No. B5 Wing A, Park Infiniya Society,  
Chintamani Sankul, Fursungi, Pune  
Maharashtra 412308 8806777423

....Appellant

Vs

Public Information Officer  
o/o Department of Revenue & Rehabilitation,  
Tehsildar,  
Pathankot.

First Appellate Authority  
o/o Deputy Commissioner,  
Pathankot

....Respondents

Appeal Case No. 2397 of 2021  
(Video Conference Proceedings)

Present:- Sh. Lalit Mohan Aggarwal, appellant on telephone.  
Sh. Jaspal Singh o/o Kanugo on telephone on behalf of the respondents.  
9814517169.

## ORDER

The RTI application is dated 10.2.2021 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 27.3.2021 and second appeal was filed in the Commission on 19.5.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The representative of the respondents states that Jamabandi pertaining to the year 2019-20 is under preparation and regarding 2014-15 the appellant may file the request at the Fard Kendra and get a copy of the same after deposit of the requisite amount. However, the appellant contended that he has sought the latest copy of two Jamabandies as per his RTI application and requested to direct the respondent-Public Information Officer to supply the same free of cost.

3. It is appropriate to mention the decision of the Hon'ble Supreme Court of India in Civil Appeal No. 5665/2014 – Institute of Companies Secretaries of India Vs Paras Jain, and the relevant portion of the same is reproduced below:-

*"...Rule 4, The Right to Information (Regulation of Fees and Cost) Rules, 2005 which also entitles the candidates to seek inspection and certified copies of their answer*

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Appeal Case No. 2397 of 2021

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*scripts. In our opinion, the existence of these two avenues is not mutually exclusive and it is up to the candidate to choose either of the routes. Thus, if a candidate seeks information under the provisions of the Right to Information, then payment has to be sought under the Rules therein, however, if the information is sought under the Guidelines of the appellant, then the appellant is at liberty to charge the candidates as per its guidelines....“*

4. It is also appropriate to mention the decision of the Hon'ble Punjab and Haryana High Court in Civil Writ Petition No. 12016 of 2016 in Shakti Singh Vs State Information Commission, Haryana and others, and the relevant portion of the same is reproduced below:-

*“...12. The reply to this question is that there being no inconsistency under the RTI Act and the provisions of the other statute/law, the option and prerogative is with the citizen to select and choose to exercise his right under such Act/law or the RTI Act. In case the citizen prefers to move an application under the RTI Act, Public Information Officer, on receipt of such request, shall proceed to take a decision thereon and provide information as a norm and any denial of the same must be in accordance with Sections 8, 9 and 11 only. The right to information, thus, cannot be denied under the RTI Act merely because a statutory mechanism is evolved and prescribed under an Act, which is also applicable, obliging a public authority to share the same by following a prescribed procedure subject to fulfilment of prescribed conditions. If it is held otherwise, it would negate and lead to derecognising the fundamental right to information as granted under the RTI Act, which is unacceptable.*

*13. The answers to the two questions as posed in para 6 above are;*

*(i) In case of any inconsistency between the provisions of RTI Act and other Act/law, the RTI Act shall prevail.*

*(ii) In case of an application preferred under the RTI Act where alternative procedure and conditions are prescribed under any other statute/law, the said application cannot be rejected and/or information denied on this ground.*

Contd..p/3

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Appeal Case No. 2397 of 2021

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*Such application shall be dealt with under the provisions of the RTI Act.*

*14. In the light of the above, the impugned order dated 04.04.2016 (Annexure P-6) passed by the State Information Commission, Haryana, cannot sustain as the Commission has rejected the claim of the petitioner under the RTI Act proceeding upon the wrong assumption that the 6 of 7 Registration of Births and Deaths Act, 1969, being a legislation and statutory in nature, is not overridden by the RTI Act. It may be added here that the information under the RTI Act can only be denied if the same is exempted from disclosure of information under the provisions of RTI Act itself such as Sections 8, 9 and 11 thereof."*

Keeping in view the judicial pronouncements mentioned herein, the respondent-Public Information Officer-cum-Tehsildar has to supply the information under the RTI Act, 2005.

5. Accordingly, the respondent-Public Information Officer is directed to supply the copy of Jamabandi pertaining to the year 2014-15 as has been sought by the appellant before the next date of hearing under intimation to the Commission failing which the penalty provisions will be invoked.

6. To come up on 16.8.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/Cisco Webex.

Dated: 2.8.2021

SD  
(Suresh Arora)  
Chief Information Commissioner,  
Punjab.