

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

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

Sh. Baldev Singh s/o Sh. Swaran Singh

H.No. 933/7 A, Street No. 5,

New Deep Nagar,

Civil lines, District Ludhiana 141001 9814715043



....Appellant

Vs

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

First Appellate Authority
o/o Deputy Commissioner,
District Ludhiana

Appeal Case No. 1971 of 2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Sh. Baldev Singh, appellant through cisco webex.
Sh. Prabjot Singh, HRC Branch on behalf of the respondents.

ORDER

The RTI application is dated 4.1.2021 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 4.2.2021 and second appeal was filed in the Commission on 23.4.2021 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 appellant states that no information has been provided by the respondents so far. The representative of the respondents states that a letter has already been written to the appellant to get the necessary documents from the Sewa Kendra after deposit of the requisite fee.

3. After hearing both the parties, 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 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

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Appeal Case No. 1971 of 2021

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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. 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."

5. Keeping in view the judicial pronouncements mentioned herein, the respondent-Public Information Officer has to supply the information under the RTI Act, 2005 after charging of fees as per the provisions of the RTI Act, 2005. But, it is also a fact that in case the complainant is seeking the information under the provisions of the RTI Act, 2005 then the other provisions of the Act have to be followed. In case, the appellant is seeking the 3rd party information, then, the respondent-Public Information Officer is directed to adopt the procedure laid down under Section 11 of the RTI Act, 2005. After adoption of the procedure, the appropriate decision be taken and the same be sent to the Commission for consideration before the next date of hearing else supply the information.

6. To come up on 20.8.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana.

sd

Dated: 20.7.2021

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Sh. Harbhagat Singh Grewal,
s/o Sh. Jasbir Singh Grewal,
r/o H.No. 151, Block J,
Sarabha Nagar, District Ludhiana 141001
8954000001, 9160600002

....Appellant

Vs

Public Information Officer
o/o Deputy Commissioner
District Ludhiana

First Appellate Authority
o/o Addl. Deputy Commissioner (Gen.)
District Ludhiana

....Respondents

Appeal Case No. 2053 of 2021
(Video Conference Proceedings)

Present:- None on behalf of the parties.

ORDER

The RTI application is dated 21.1.2021 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 2.3.2021 and second appeal was filed in the Commission on 27.4.2021 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 and the appellant has been informed not to appear in this case.

3. A copy of the letter bearing No. 4280-82 dated 7.7.2021 has been received from the Deputy Commissioner, District Ludhiana vide which the Sub Divisional Magistrate (West) and District Education Officer(S), District Ludhiana was directed to supply the information in this case. Accordingly Public Information Officer o/o Sub Divisional Magistrate (West) and Public Information Officer o/o District Education Officer(S), District Ludhiana are impleaded as necessary party in this case. The reply has already been received from the District Education Officer (S), District Ludhiana which is being **sent** to the appellant along with this order to file the rejoinder, if any.

4. None is present on behalf of the Public Information Officer o/o Sub Divisional Magistrate (West), District Ludhiana due to strike by the officials, therefore, the case is adjourned with the directions to file the reply/supply the information before the next date of hearing to the appellant under intimation to the Commission.

5. To come up on 19.8.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana.

sd

Dated: 20.7.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Amarjit Singh Dhamotia,
Distt. President Ludhiana NCAG,
H.No. 60-35, P 376 -1 Street No. 8 Maha Singh Nagar,
PO Dhandari Kalan District Ludhiana 141014
9888490031

....Appellant

Vs

Public Information Officer
o/o Deputy Commissioner
District Ludhiana

First Appellate Authority
o/o Deputy Commissioner
District Ludhiana

....Respondents

Appeal Case No. 2066 of 2021
(Video Conference Proceedings)

Present:- None on behalf of the parties.

ORDER

The RTI application is dated 5.2.2021 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 6.3.2021 and second appeal was filed in the Commission on 28.4.2021 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 18.8.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana.

Sd/

Dated: 20.7.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Dilbagh Chand s/o Sh. Ramji Dass,
Village Hiyatpur, PO Habowal,
Tehsil Samrala,
District Ludhiana
9463267669

....Appellant

Vs

Public Information Officer
o/o Revenue Minister, Punjab
Punjab Civil Secretariat-1, Chandigarh.

First Appellate Authority
o/o Revenue Minister, Punjab
Punjab Civil Secretariat-1, Chandigarh.

....Respondents

Appeal Case No. 2100 of 2021
(Video Conference Proceedings)

Present:- None on behalf of the parties.

ORDER

The RTI application is dated 19.2.2021 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 24.3.2021 and second appeal was filed in the Commission on 30.4.2021 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. According to the request of the appellant received through email, which is taken on record, the case is adjourned and the respondent party has been informed not to appear in this case.

3. To come up on 26.7.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana

sd

Dated: 20.7.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.

PUNJAB STATE INFORMATION COMMISSION

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Sector 16, Chandigarh.

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Sh. Baljeet Singh 7696500015
64 H , BRS Nagar,
District Ludhiana

....Appellant

Vs

Public Information Officer (By name) **Registered**
o/o Deputy Commissioner,
District Ludhiana

First Appellate Authority
o/o Deputy Commissioner,
District Ludhiana

Public Information Officer (By name)
o/o the Civil Surgeon,
Ludhiana

....Respondents

Appeal Case No. 2917 of 2020
(Video Conference/Telephone Proceedings)

Present:- Sh. Baljeet Singh, appellant, on telephone.
None on behalf of the respondents. 7009314442

ORDER

This order may be read with reference to the previous order dated 23.6.2021.

2. Due to strike by the officials of the respondent authority, the case is again adjourned with the directions to the parties concerned to remain present along with the original record/information supplied to take the matter to its logical end.

3. To come up on 4.8.2021 at 12.30 PM at Chandigarh.

Dated: 20.7.2021

sd
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Jagshir Singh S/o Sh. Ajaib Singh,
R/o Village Jamalgarh,
PO - Chak Mahanta Wala, Tehsil - Jalalabad,
Distt Fazilka. M : 8872112243; 9530820359

..Appellant

Vs

Sh. Sarabjeet Singh Brar 7009019161 **Registered**
Public Information Officer,
O/o Block Development and Panchayat Officer,
Guruharshai, Distt Ferozepur.

First Appellate Authority
cum District Development and Panchayat Officer,
Ferozepur.

....Respondents

Appeal Case No. 1990/2020
(Video Conference Proceedings)

Present:- Sh. Jagshir Singh, appellant.
Sh. Kawaldeep VDO on behalf of the respondents. 9877060634, 9872700135.

ORDER

This order may be read with reference to the previous order dated 23.6.2021.

2. The appellant states that the respondent-Public Information Officer has not supplied the legible copy of the bank statement and also the information supplied, is incomplete. However, the representative of the respondents states that the copies of the bank statement will be supplied to the appellant before the next date of hearing. He also states that the complete information has already been supplied to the appellant and also point wise reply with regard to deficiencies being pointed out by the appellant has been sent to the Commission, which is taken on record.

3. Accordingly, the respondent-Public Information Officer is directed to supply the bank statement before the next date of hearing to the appellant. Also a copy of the written submission received from the respondent-Public Information Officer is being **sent** to the appellant along with this order. Also the last opportunity is granted to the appellant to inspect the record concerning the RTI application before the next date of hearing and the respondent-Public Information Officer is directed to make available the record for the inspection of the appellant in case he is approached and a compliance report be sent to the

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Appeal Case No. 1990/2020

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Commission. He is also directed to supply the certified copies of documents if so identified by the appellant.

4. To come up on 19.8.2021 at 3.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Fazilka/cisco webex.

Dated: 20.7.2021

sd
(Suresh Arora)
Chief Information Commissioner,
Punjab.