

PUNJAB STATE INFORMATION COMMISSION
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Sh Rajinder Singh, S/o Sh Jaspal Singh,
VPO Amarpura, Tehsil Abohar,
Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Fazilka.

First Appellate Authority,
O/o IGP, Ferozepur Range,
Ferozepur

.....Respondent

Appeal Case No. 4208 of 2019

PRESENT: Sh.Rajinder Singh as the Appellant
Sh.Mohan Lal-APIO O/o SSP Patiala for the Respondent

ORDER:

The appellant through RTI application dated 29.07.2019 has sought information regarding backup of recording of CCTV cameras of police station Wahabwala Tehsil Abhoar of dated 22.07.2019 and other information concerning the office of SSP Fazilka. The appellant was denied the information by the PIO vide letter dated 12.08.2019 after which the appellant filed first appeal before the First Appellate Authority on 08.09.2019 which took no decision on the appeal.

The case was last heard on 26.02.2020. The respondent present pleaded that since the recording of the cameras in the police department is a secret document, the information cannot be provided and it is exempted under section 8(1)(G) of the RTI Act.

The appellant was absent. Having gone through the file, the Commission observed that there was nothing on record to establish that there is a larger public interest involved in disclosure of information. The appellant was directed to establish that there is sufficient public interest in disclosure of information since the PIO has denied the information under section 8(1)(G).

Hearing dated 22.09.2020:

The case has come up for hearing today through video conferencing at DAC Fazilka. The appellant claims that the PIO has not provided the information. The respondent stated that since the record is a secret document of the department, it cannot be provided.

Hearing out both the parties, the commission is of the view that footage the appellant is asking for is of the webcam placed at the entry of the police station. I find that sharing footage of a webcam which is to monitor entry and exit of people at the police station is not a secret and this can be shared. Moreover, webcam footage is defined as information in Section-2 (f) of the RTI Act. However, the commission also feels that there is not a point in providing the entire footage into the hands of an individual, and since the appellant is seeking a particular footage on a particular date and approximate time, I direct the PIO of the Police Station Wahabwala to allow inspection to the appellant for dated 22.07.2019 on 23.09.2020 at 12.00 Noon. The PIO is directed to provide only that particular footage, if it exists, that the appellant is seeking.

To come up for further hearing on **10.11.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Fazilka.

Chandigarh
Dated 22.09.2020

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Charan Dass, S/o Sh Phul Chand C/o Sh Roshan Lal,
Street NO-4-5, Satwa Chowk, New Suraj Nagri,
Abohar, Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o EO, NC,
Abohar, Distt Fazilka.

First Appellate Authority,
O/o Deputy Director,
Local Govt, Ferozpur

.....Respondent

Appeal Case No. 2944 of 2019

PRESENT: Sh.Charan Dass as the Appellant
Ms.Rita,Clerk and Sh.Rakesh Kumar Accountant O/o NC Abohar for the
Respondent

ORDER:

The case was first heard on 17.12.2019. The appellant claimed that the PIO has not provided the complete information. The respondent was absent. The PIO was directed to relook at the RTI application and send point-wise reply and provide all the information that has been sought.

The case was again heard on **25.02.2020**. The respondent present pleaded that the information has been provided to the appellant on 19.06.2019. The appellant stated that the information is incomplete since the PIO has not provided the copy of order for not considering the case of yearly increments regarding point-1, copy of high court decision regarding point-3 and order for not processing the pension case of the appellant.

Having gone through the RTI application, reply of the PIO and hearing both the parties, the PIO was directed to suitably reply all the points of the RTI application in an affidavit.

The case was last heard on **22.06.2020** through a video conferencing facility available in the office of **Deputy Commissioner, Fazilka**. The appellant claimed that the PIO has not provided the information. The PIO was absent. The respondent present was not able to reply suitably.

Having gone through the file, the Commission observed there has been an enormous delay of more than one year in providing the information. The PIO was issued a **show cause under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit**. The PIO was again directed to provide the information to the appellant within 10 days.

Hearing dated 22.09.2020:

The case has come up for hearing today through video conferencing at DAC Fazilka. As per respondent, the information has been provided. As per appellant, the information has not been provided. The appellant wants the copy of order vide which his yearly increments, 4-9-14 & 32 years increments were stopped/not provided. The respondent informed that since there was a court case pending, the case for yearly increments/4-9-14 increments was not processed.

Appeal Case No. 2944 of 2019

The PIO is absent nor has sent any reply to the show cause notice. The respondent informed that after upgrading the Municipal Council to Municipal Corporation, no regular PIO has been appointed.

The earlier order stands. The respondent is directed to give an appropriate reply to point-1 to the appellant. The respondent is also directed to inform;-

- Who was the PIO when the RTI application was filed;
- Who was the PIO when show cause notice was issued

The current PIO is directed to appear personally on the next date of hearing alongwith reply to the show cause notice.

A copy of the order is being sent to the Commissioner, Municipal Corporation, Abohar with the direction to ensure compliance of this order since the RTI application is being very poorly handled by the Corporation and there is an enormous delay in providing the information. The Commissioner, MC Abohar is also directed to look into the matter of PIOs showing utter disregard towards the RTI applications, as well as various orders of the Commission.

The case is adjourned. To come up for further hearing on **10.11.2020 at 11.00 AM** through video conference facility available in the office of **Deputy Commissioner, Fazilka**.

Chandigarh
Dated 22.09.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to The Commissioner,
Municipal Corporation, Abohar



Sh Charan Dass, S/o Sh Phul Chand C/o Sh Roshan Lal,
Street NO-4-5, Satwa Chowk, New Suraj Nagri,
Abohar, Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o EO, NC,
Abohar, Distt Fazilka.

First Appellate Authority,
O/o Deputy Director,
Local Govt, Ferozepur

..... Respondent

Appeal Case No. 2945 of 2019

PRESENT: Sh.Charan Dass as the Appellant
Ms.Rita,Clerk and Sh.Rakesh Kumar Accountant O/o NC Abohar for the
Respondent

ORDER:

This order should be read in continuation to the previous order.

The case was first heard on 17.12.2019. The appellant claimed that despite direction of the First Appellate Authority, the PIO has not provided the complete information. The respondent was absent.

There has been an enormous delay in providing the information, the PIO was issued a show cause notice under **section 20 of the RTI Act and directed to file a reply on an affidavit.** The PIO was again directed to provide the information to the appellant within 10 days.

On the next date of hearing on **25.02.2020, the PIO** was absent. Mrs.Rita Rani appeared on behalf of the PIO and informed that the information has been provided to the appellant on 19.06.2019. The appellant stated that he has received the information only on points 2 & 3.

Having gone through the RTI application, reply of the PIO and hearing both the parties, the PIO was directed to suitably reply all the points of the RTI application on an affidavit. The Commission further observed that the PIO had not sent reply to the show cause notice, the PIO was directed to appear personally on the next date of hearing and submit reply to the show cause notice on an affidavit.

The case was last heard on 22.06.2020 through video conferencing at DAC, **Fazilka.** The appellant claimed that despite order of the Commission, the PIO has not provided the complete information. The PIO was absent nor had filed reply to the show cause notice. The respondent present was not able to reply suitably.

Since the PIO-NC Abohar had failed to provide the information within the time prescribed under the RTI Act, and defying the orders of the Commission, a penalty of **Rs.10,000/-** was imposed upon the PIO- EO, NC Abohar which was to be deposited in the Govt. Treasury. The PIO-EO, NC Abohar was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

Appeal Case No. 2945 of 2019

Further, the Commission was of the view that since the appellant had to suffer undue inconvenience to get the information, the PIO- EO, NC Abohar was directed to pay an amount of **Rs.3000/-** via demand draft drawn through Govt. Treasury as compensation to the appellant and submit proof of having compensated the appellant. The PIO was again directed to provide the information within 10 days.

Hearing dated 22.09.2020:

The case has come up for hearing today through video conferencing at DAC Fazilka. As per respondent, the information has been provided. As per appellant, the information has not been provided on point-2 as well as not provided the compensation.

The respondent has also not submitted proof of having deposited the amount of penalty in the Govt Treasury as per last order of the Commission.

The PIO is absent. The Commission has received a reply from Jagsir Singh Shergill the former PIO-cum-EO, MC Abohar who is currently the Secretary, Municipal Corporation. The reply is dated 06.07.2020 which is taken on the file of the Commission.

In the reply , it has been pleaded that the information sought by the appellant pertained to very old record and related to different sections as well as the staff was busy in doing routine work, the information was delayed. After collecting the information from different sections, the information was provided to the appellant on 23.06.2020.

I do not find merit in the reply as it is clear that the delay happened when Jagsir Singh Dhaliwal was the PIO, and it was largely during his tenure that the RTI application and various notices of the Commission were not tended to appropriately. The Secretary, Municipal Corporation, Abohar (Earlier PIO-cum-EO, MC Abohar) is directed to comply with the earlier order of the Commission and deposit the penalty before the next date of hearing. The PIO is also directed to submit proof of having paid the compensation amount of Rs.3000/- to the appellant.

As for the information, the respondent informed that after upgrading the Municipal Council to Municipal Corporation, no regular PIO is posted.

The earlier order stands, i.e. the respondent is directed to give an appropriate reply to point-2 to the appellant.

A copy of the order is being sent to the Commissioner, Municipal Corporation, Abohar with the direction to ensure compliance of this order since the RTI application is being very poorly handled by the Corporation and there is an enormous delay in providing the information. The Commissioner, MC Abohar is also directed to look into the matter of PIOs showing utter disregard to the RTI applications as well as orders of the Commission.

The case is adjourned. To come up for further hearing on **10.11.2020 at 11.00 AM** through video conference facility available in the office of **Deputy Commissioner, Fazilka**.

Sd/-

Chandigarh
Dated 22.09.2020

(Khushwant Singh)
State Information Commissioner

CC to The Commissioner,
Municipal Corporation, Abohar



Sh.Subhash Chander,
Gali No-2 , New Luxmi Nagar,
Kapurthala.

... Appellant

Versus

Public Information Officer,
O/o XEN,
Punjab Water Supply and Sewerage,
Division No-2, Jalandhar.

First Appellate Authority,
O/o SE, Water Supply and Sewerage Board,
Model Town Road, Near Manbro Chowk,
Jalandhar

.....Respondent

Appeal Case No. 1427of 2020

**PRESENT: Sh.Subhash Chander and Sh.Pawan Kalia, advocate for the Appellant
None for the Respondent**

ORDER: The appellant through RTI application dated 31.12.2019 has sought information regarding permission letter obtained from forest department while laying sewerage line on the protected forest area to provide sewerage connections to AGI Flats or other building on 66 ft road near urban estate phase-ii and other information concerning the office of Suptd. Water Supply & Sewerage Board Jalandhar. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 04.03.2020 which took no decision on the appeal.

The case has come up for hearing today through video conferencing at DAC Jalandhar. The appellant informed that he has received a letter from the office of the PIO-SE-Punjab Water Supply and Sewerage Circle Jalandhar that the information does not relate to them. The Commission has also received a copy of said letter from the office of SE- Punjab Water Supply and Sewerage Circle Jalandhar on 11.09.2020 stating that the area for which the information has been sought by the appellant does not come under the purview of Punjab Water Supply & Sewerage Board and the reply has already been sent to the appellant by the Xen-Punjab Water Supply & Sewerage Division No.1 Jalandhar vide letter dated 09.07.2020.

The respondent is absent. Having gone through the RTI application, the Commission hereby impleads the PIO-Department of Forests, Punjab Circle Jalandhar and directs it to provide information, if any such permission has been granted for laying the mentioned sewerage line. A copy of the RTI application is being enclosed with the order for the PIO-Forest Department, Jalandhar.

A copy of the RTI is also being forwarded to the SE, Punjab Water Supply and Sewerage, Circle Jalandhar to look into the RTI and get it implemented in accordance with the provisions of the RTI Act. To send a compliance report to the commission.

To come up for further hearing on **04.11.2020 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Jalandhar.

Sd/-

Chandigarh
Dated 22.09.2020

(Khushwant Singh)
State Information Commissioner

CC to PIO-Department of Forests, Punjab
Maqsuda Chowk, G.T.Road,
Jalandhar.

PUNJAB STATE INFORMATION COMMISSION
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Sh Prem Singh, S /o Sh Jaspal Singh,
VPO Amar Pura, Tehsil Abohar,
Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o SDM-cum-RO,
Abohar, Distt Fazilka.

First Appellate Authority,
O/o SDM-cum-RO,
Abohar, Distt Fazilka

.....Respondent

Appeal Case No. 1641 of 2019

PRESENT: Sh.Prem Singh as the Appellant
Sh.J.S.Brar, Tehsildar Abohar and Ms.Shruti O/o State Election
Commission, for the Respondent

ORDER:

The case was last heard on 14.11.2019. The respondent present pleaded that since the information relates to returning officer of concerned block, the RTI application was transferred to Sh.Lal Chand, Manager Punjab Agro Abohar-cum-Returning Officer, village Amarpura. The concerned returning officer sent his reply vide letter dated 25.02.2019 stating that since the voters record being personal information of the voter, is kept secret, the information cannot be provided. The reply was sent to the appellant vide letter dated 26.02.2019 and again on 16.09.2019. The appellant was absent. The case was adjourned.

On the next date of hearing on **13.01.2020**, the respondent pleaded that the voter record being personal information of the voter, the information cannot be provided. The respondent further informed that the record can only be opened with the permission of the Court or State Election Commission, Punjab.

The appellant contended that he has not sought information of the voters list and ballot paper but merely asking the marked copy of the voters list and ballot papers which are no way infringements on the privacy of any individual. The PIO-State Election Commission, Punjab was impleaded in the case and directed to send a suitable reply on the matter.

On the last date of hearing on **10.06.2020**, the respondent present from the office of Election Commission pleaded that they have already sent a copy of rule 39(2) to the concerned DC-cum-District Election Officer and ADC vide letter dated 05.02.2020 with the direction to provide the information to the appellant as per rules. A copy of the same is submitted to the Commission.

Having gone through the file, the Commission observed that there is nothing on record which establishes that the disclosure of information has a larger public interest. The appellant was directed to establish that a larger public interest is involved in revelation of the information.

The PIO-Election Commission was also directed to submit appropriate reply to establish that the document asked for by the appellant in his RTI application is personal or confidential information.

Hearing dated 22.09.2020:

The case has come up for hearing today through video conferencing at DAC Fazilka. The appellant as per last order has filed reply which is taken on the file of the Commission.

Having gone through the reply, the Commission observes that since the appellant has only asked for a marked copy of the voter list to know whether Mrs.Poonam Rani had cast her vote in Panchayat Election 2018 in village Amarpura or not, I see no reasons why the information should be denied. It is a common practice amongst politicians, eminent people and many citizens to get themselves clicked after casting their vote and upload it on social media, which is a fair practice as long as where they have voted remains a secret. Dark blue ink is applied on every person's right index finger who has casted his or her vote, which is done with the idea to know who has voted. This exercise leaves no secret that who has voted, so denying the marked copy is clearly violative of the RTI Act.

With the above observations, I direct that the marked copy as sought in the RTI should be provided.

However, in this instance the respondent present has informed that after completion of Panchayat election process, the record is deposited with ADC(D) and the information presently is in the custody of ADC(D). The respondent present from the office of Election Commission informed that they have already submitted a copy of rule/procedure to be followed for supply of information.

The PIO-ADC(D),Fazilka is directed to provide the information to the appellant after following the due procedure. It be provided within fifteen days of the receipt of this order.

To come up for further hearing on **10.11.2020** at **11.00 AM** through video conference facility available in the office of Deputy Commissioner, **Fazilka**.

Chandigarh
Dated:22.09.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to : ADC(Development), Fazilka

PUNJAB STATE INFORMATION COMMISSION
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Ph: 0172-2864114, Email: - psicsic30@punjabmail.gov.in
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Sh Goldi Kumar, S/o Sh Jagdish Rai Grover,
R/o Street NO-10-11, Choti Pauri, Abohar,
Tehsil Fazilka.

... Appellant

Versus

Public Information Officer,
O/o EO, MC,
Abohar.

First Appellate Authority,
O/o Joint Deputy Director, Local Govt,
Ferozepur

.....Respondent

Appeal Case No. 1014 of 2019

PRESENT: None for the appellant
Sh.Chirag Bansal, JE O/o MC Abohar for the Respondent

ORDER: This order should be read in continuation to the earlier order.

On the date of hearing on **16.10.2019**, the PIO was again absent. The Commission received an email from the PIO whereby the PIO denied the information stating that the information sought is in question form.

On 10.12.2019, the appellant claimed that the PIO has not provided the information. The PIO was absent on 3rd consecutive hearing nor had complied with the order of the Commission. The PIO was issued a **show cause notice under section 20 of the RTI Act 2005 and directed to file a reply on an affidavit. The PIO was again directed to provide the information within 10 days.**

On the date of next hearing which was held on 24.02.2020, the PIO was again absent nor has sent any reply to the show cause notice.

To secure the erring PIO's presence before the commission, a bailable Warrant of the PIO-cum-Estate Officer, Municipal Council, Abohar was issued through Senior Superintendent of Police, Fazilka under section 18(3) of the RTI Act for his presence before the Commission on 25.03.2020. Due to lockdown in the state of Punjab, the case was postponed to 10.06.2020.

On 10.06.2020, the case came up for hearing through video conferencing at DAC Fazilka. Sh.Raj Kumar O/o MC Abohar appeared and informed that the information has been provided to the appellant. The PIO-cum-EO, MC Abohar was absent. The respondent present informed that Sh.Gurdas Singh was the EO-MC Abohar who has been transferred and now posted as EO-Budhlada, District Mansa.

To secure the erring PIO's presence before the commission, a bailable Warrant of the Sh.Gurdas Singh, EO-MC Budhlada, Distt.Mansa was issued through Senior Superintendent of Police, Mansa for his presence before the Commission on **29.07.2020**.

On 29.07.2020, Sh.Gurdas Singh, EO-MC Budhlada appeared and submitted his reply which was taken on the file of the Commission. Since VC was cancelled and other party could not be heard, the case was adjourned to 22.09.2020.

Appeal Case No. 1014 of 2019

Hearing dated 22.09.2020:

The case has come up for hearing today through video conferencing at DAC Fazilka. The PIO is absent nor has sent any reply to the show cause notice. The respondent present pleaded that after upgradation of the Municipal Council Abohar to Municipal Corporation no regular PIO is posted.

The respondent is directed to inform that who was the PIO on the following dates:

- 25.06.2019
- 16.10.2019
- 10.12.2010
- 24.02.2020
- 10.06.2020

The present PIO is directed to appear personally on the next date of hearing alongwith reply to the show cause notice as well as all information that has been asked by the commission.

A copy of the order is being sent to the Commissioner, Municipal Corporation, Abohar who is also the First Appellate Authority with the direction to ensure compliance of this order as well as to ensure that the concerned PIO appears before the Commission at the next date of hearing.

To come up for further hearing on **10.11.2020** at **11.00 AM through video** conference facility available in the office of Deputy Commissioner, Fazilka.

Chandigarh
Dated 22.09.2020

Sd/-
(Khushwant Singh)
State Information Commissioner

**CC to 1. The Commissioner, Municipal Corporation,
Abohar.**

**2. Secretary, Department of Local Bodies,Pb
Sector 35, Chandigarh.**