

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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Sh. Amarjit Singh Dhamotia,
Whistle Blower, NCAG Office,
Street No 5, # H No 60-35-P-330,
Street No 8, Maha Singh Nagar,
PO Dhandari Kalan,
Ludhiana-141003.
M : 9888710031

Appellant

Vs

Public Information Officer,
O/o Tehsildar, Central,
Ludhiana.

First Appellate Authority
O/o Tehsildar, Central,
Ludhiana.

Respondents

Appeal Case No. 4090/2021

(Video Conference/Telephone Proceedings)

Present:- Shri Amarjit Singh Dhamotia, appellant.

Smt. Harpreet Kaur, Reader 9877177747 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 2.11.2021.

2. The appellant has sought the following information:-

Information Sought Only In Pb. Interest

Sir-ਇਕ First Letter No-91-MTP/3/D. Dt. 17-5-2021 M/C Ldh. ਜੋ M/C Ldh. ਦੀ Building Br. ਦੇ MTP. ਵਲੋਂ Tehsildar Ldh. Central ਨੂੰ ਸ਼ਾਮਲਾਤ ਜਮੀਨ ਦੀ Report ਸੰਬੰਧੀ ਭੇਜੀ ਗਈ ਹੈ/ ਜਿਸਦੀ Copy ਨਾਲ ਨੱਥੀ ਹੈ/ ਇਸ ਸੰਬੰਧੀ ਹੇਠ ਲਿਖੀ ਸੂਚਨਾ ਦੇਣ ਦੀ ਕ੍ਰਿਪਾਲਤਾ ਕਰਨੀ/-

1. ਉਕਤ Letter Tehsildar Ldh. Central ਦਾ Received 1st Dairy Number Dasti By. Pvt. Person + ਉਕਤ M/C ਦੀ Letter Dasti ਜੋ ਵਿਆਕਤੀ ਨੇ ਕੇ ਆਇਆ ਉਸ ਦਾ Name + Address + Mobile Number + Tehsildar Ldh. Central ਦਾ Dairy Register ਦਾ Record ਦੇਣਾ/-
2. ਉਕਤ Letter Tehsildar Central Ldh. ਨੇ ਹਲਕਾ ਪਟਵਾਰੀ Daba ਨੂੰ Report ਲਈ D/Mark ਕੀਤੀ ਹੈ/ਉਹ D/M ਦੀ Report Tehsildar Office Central Ldh. ਵਲੋਂ ਪਟਵਾਰੀ Daba ਨੂੰ ਜਿਸ ਵਿਆਕਤੀ ਰਾਹੀਂ ਭੇਜੀ ਗਈ ਉਸ ਦਾ Name + Designation + Tehsildar Central ਵਿਚ ਕਿਸ ਅਹੁਦੇ ਤੇ ਤਾਇਨਾਤ ਹੈ/ਉਸ ਦਾ Record ਦੇਣਾ/-
3. ਅਗਰ ਉਕਤ ਵਿਆਕਤੀ Pvt. ਹੈ ਤਾਂ ਉਸ ਦਾ ਇਸ ਉਕਤ Property ਸ਼ਾਮਲਾਤ ਨਾਲ ਕੀ ਸੰਬੰਧ ਹੈ ਪੁਰਾਣਾ ਮਾਲਕ ਹੈ ਜਾਂ ਖੁਦਿਦਾਰ ਹੈ ਸਪਸ਼ਟ ਜਬਾਬ After ਜਾਂਚ + Documents ਦੇਣਾ/-
4. ਜੇ ਵਿਆਕਤੀ ਇਹ ਕਾਰਵਾਈ Tehsildar Central Ldh. to Patwari Daba ਦਸਤੀ Report ਦੀ ਕਰ ਰਿਹਾ ਹੈ ਉਸ ਸੰਬੰਧੀ ਉਸ ਦਾ ਉਕਤ Property ਸ਼ਾਮਲਾਤ ਸੰਬੰਧੀ ਕੋਈ Document Agreement ਬਗੈਰਾ ਤਹਿਸੀਲਦਾਰ Central Ldh. ਜਾਂ Patwar Daba ਨੇ ਲਿਆ/ਉਹ ਭੇਜੀ ਗਈ M/C. ਦੀ Report ਨਾਲ ਲਗਾ ਕੇ Provide ਕਰਾਇਆ ਜਾਵੇ / ਅਗਰ ਕੋਈ ਉਸ Pvt. ਵਿਆਕਤੀ ਦਾ ਉਕਤ Prop. ਸ਼ਾਮਲਾਤ ਸੰਬੰਧ ਨਹੀਂ ਹੈ ਤਾਂ Tehsildar Central ਅਤੇ Patwari ਨੇ ਸਰਕਾਰੀ ਕਾਗਜ਼ ਉਸ ਦੇ ਹਵਾਲੇ ਕਿਵੇਂ ਕਿਸ Act ਮੁਤਾਬਕ ਕੀਤੇ ਉਸ Act ਦੀ ਕਾਪੀ ਤੇ ਉਸ ਦਾ ਰੋਲ ਦੱਸਿਆ ਜਾਵੇ ਤੇ ਉਸ ਉਪਰ Tehsildar Central ਤੇ Patwari Daba ਨੇ ਕੋਈ FIR. ਜਾਂ ਹੋਰ ਕਾਨੂੰਨੀ ਕਾਰਵਾਈ ਕੀਤੀ ਉਸ ਦਾ Record ਦਿੱਤਾ ਜਾਵੇ/-

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Appeal Case No. 4090 of 2021

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3. The representative of the respondents states that the complete information has already been supplied to the appellant with which the appellant agreed to. The appellant further states that he has no objection if the present case is disposed of.

4. Keeping in view the submissions made by the appellant, the Commission observes that no further action is required to be taken in this case. Hence, the cases disposed of and closed.

sd

Dated: 22.11.2021

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Sh. Gurdeep Singh Kahlon s/o Sh. Boorh Singh,
c/o Kahlon Association Opp. Gurudwara Sh. Kutia Sahib,
Jamalpur, Chandigarh Road,
Ludhiana.

..complainant

Vs

Public Information Officer.
o/o Naib Tehsildar,
Sahnewal,
Ludhiana

....Respondents

Complaint Case No. 145 of 2021
(Video Conference Proceedings)

Present:- None on behalf of complainant.
None on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 25.10.2021.

2. The appellant has sought the following information:-

“ਇਹ ਕਿ ਸੰਤ ਬਲਵੰਤ ਸਿੰਘ ਇਨਕਲੇਵ ਲੁਧਿਆਣਾ ਚੰਡੀਗੜ੍ਹ ਰੋਡ, ਕੋਹਾੜਾ ਲੁਧਿ. ਦੀ ਇਸ ਤੋਂ ਪਹਿਲਾਂ ਕਿਸ ਦੀ ਮਾਲਕੀ ਸੀ ਹੁਣ ਮਾਲਕੀ ਕਿਸ ਦੇ ਨਾਮ ਪਰ ਹੈ। ਇਸ ਦੀਆਂ ਤਸਦੀਕ ਸੁਦਾ ਕਾਪੀਆਂ ਦਿੱਤੀਆਂ ਜਾਣ।”

3. During the last hearing dated 25.10.2021, the copy of the sought information was again sent to the complainant along with the order to file the rejoinder, if any, but no deficiency has been pointed out by the complainant. Also the show cause notice was issued to Sh. Palwinder Singh, Naib Tehsildar but he has sent the written submissions to withdraw the show cause notice issued to him and also tenders unconditional apology for the delay occurred in this case due to having dual charge. After consideration, the show cause notice issued to Sh. Palwinder Singh, Naib Tehsildar, District Ludhiana is hereby withdrawn.

4. Keeping in view the above, the Commission observes that no further action is required to be taken in this case. Hence, the case is disposed of and closed. However, the liberty is granted to the complainant to approach the Commission within two weeks in case of any submission for the consideration.

Dated: 22.11.2021

sd
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Adv. Harminder Singh,

H. No. 2877, Phase -7,

District - Mohali.

Mob. No. 9464439765

Appellant

Vs

Public Information Officer,

O/o Municipal Corporation,

Sector -68,

District - Mohali.

First Appellate Authority,

O/o Municipal Corporation,

Sector -68,

District - Mohali.

Respondents

Appeal Case No. 3225 of 2020

Present:- Adv. Harminder Singh appellant.

Sh. Amritpal Singh, SDE 9876798741 and Sh. Jaspreet Singh, SDO 9780085193
on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 19.10.2021.

2. The appellant has sought the following information:-

1. Please provide the copy of information with complete details the first information regarding the overflowing of the sewerage from main hall at the back side of SCF 12 & 13 Phase-7, Mohali, came into the knowledge of the department i.e. month, date, time, via media of information oral, written etc if any.
2. Please provide the copy of information day to day action taken on the first information received till date as per para No.1
- ✓ 3. Please provide the name designation contact details etc of the officers responsible for taking day to day action and has not taken action so far as per para No.1 if any.
4. Please provide the name designation contact details etc of the officers responsible for health safety and health hazard of public at large for not taking action on para No.1, if any.
- ✓ 5. Please provide the copy of information total No. of complaints received regarding overflowing of sewerage main hall oral/written from January

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Appeal Case No. 3225 OF 2020

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- 2012 till date and action taken report with complete details and documents on the same if any.
6. Please provide the name designation contact details etc of the officers responsible for taking day to day action and has not taken action so far as per para No.5 if any.
 7. Please provide the copy of information regarding discharge of sewerage into the rain water/ storm water drainage pipe line through septic tank or the mc sewerage repair tank vehicle i.e. rule, law, policy etc if any.
 8. Please provide the name designation contact details etc of the officer/officers supervising the discharging of sewerage into the rain water/ storm water drainage pipe line the vehicles used for the said purpose on 10-09-2020 vehicle PB-12F-9945 and on 19-09-2020 vehicle PB-65AU-9830, if any.
 9. Please provide the copy of information action taken report against the officer/officers as per para No.8 if any.
 10. Please provide the name designation contact details etc of the staff responsible for discharge of sewerage into the rain water/ storm water drainage pipe line on 10-09-2020 vehicle PB-12F-9945 and on 19-09-2020 vehicle PB-65AU-9830 without informing the officer or without supervisor officer, if any.
 11. Please provide the copy of information action taken report against the staff as per para No. 10 if any.
 12. Please provide the copy of information action taken report against the staff of vehicle PB-65AU-9830 for littering sewerage on the streets of Phase-7 by opening the valve of the moving septic tank.

3. The appellant states that he has received the complete information in this case but the respondent authority i.e. Municipal Corporation/Water Supply and Sanitation Department has to supply the information in the public interest within the prescribed period as per the provisions of the RTI Act, 2005. He further states that he has sought the information related to sewerage problem and the department concerned has to work proactively in such a situation.

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Appeal Case No. 3225 of 2020

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3. The appellant also states that due to health hazard to the individuals he has filed the RTI application under the 'Life and Liberty' clause of the RTI Act, 2005 but the respondent did not replied as per the provisions of the RTI Act, 2005.

4. It is pertinent to mention the decision dated 09.05.2012 of the Central information Commission, New Delhi in Appeal no. CIC/SG/A/2012/000814 in which it has held as under:-

"The life or liberty provision can be applied only in cases where there is an imminent danger to the life or liberty of a person and the non-supply of the information may either lead to death or grievous injury to the concerned person. Liberty of a person is threatened if she or he is going to be incarcerated or has already been incarcerated and the disclosure of the information may change that situation. If the disclosure of the information would obviate the danger then it may be considered under the proviso of Section 7(1). The imminent danger has to be demonstrably proven. The Commission is well aware of the fact that when a citizen exercises his or her fundamental right to information, the information disclosed may assist him or her to lead a better life. But in all such cases, the proviso of Section 7(1) cannot be invoked unless imminent danger to life or liberty can be proven."

5. Keeping in view the above, the 'Life and Liberty' clause of the RTI Act, 2005 cannot be invoked in all the cases rather it varies case to case basis. It is also pertinent to mention that the most of the work of the Municipal Corporation revolves around the health of the individuals and in case all the cases be treated under the 'Life and Liberty' clause then the work of the Municipal Corporation can be clogged. Therefore, no directions are being given to the public authority in this regard.

6. As far as the sought information is concerned no directions are being given to the public authorities in this case as the appellant is satisfied with the information provided by the public authority. However, the appellant has sought the information in the public interest pertaining to sewerage in his locality, therefore, the order of this case is being **sent** to the Director, Water Supply and Sanitation Department, Mohali as well as to the Commissioner, Municipal Corporation, Mohali as the matter relates to inter-departmental to look into the matter and take appropriate action.

7. With these directions, the case is disposed of and closed.

Dated: 22.11.2021

(Suresh Arora)
Chief Information Commissioner, Punjab.

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Director, (By name) **Registered**
Water Supply and Sanitation Deptt.,
Phase 2, Mohali

Commissioner (By name) **Registered**
Municipal Corporation,
Mohali