

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
Ph: 0172-2864115, Email: - psic25@punjabmail.gov.in
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Helpline No. 0172-2864100



Sh. Arjan Singh S/o Sh. Thakur Singh
VPO Rayya House No. 627, Shanti Nagar
Tehsil Baba Bakala, Distt. Amritsar (9872546224)

.....Appellant

Vs

Public Information Officer
o/o BDPO, Tarsika, Distt. Amritsar

First Appellate Authority
o/o DDPO. Amritsar

.....Respondent

Appeal Case No. 4011 of 2021

Present : (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Palwinder Singh, Suptd (9464332933) through webex

ORDER

1. The RTI application is dated 26.02.2021 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 03.09.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 12.01.2022 through Video-Conferencing in the O/o DC, Fazilka. However, on 12.01.2022 the abovementioned case could not be heard and hence, was postponed to be heard on 25.02.2022, i.e, today.
3. The appellant is absent today. He has sent a letter that he has received the information and is satisfied.
4. Since, the appellant has received the information and is satisfied, no further cause of action is left, hence the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated : 25.02.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Sukhchain Singh, S/o Sh. Baldev Singh
R/o Village Basti Hajara Singh Wali
PO Ahimad Dadi , Tehsil & Distt. Ferozepur (7696823106)

.....Complainant

..Vs

Public Information Officer,
O/o Panchayat Secretary , Gram Panchayat,
Basti Hajara Singh, Block Mamdot
Distt. Ferozepur

.....Respondent

CC No. 1111 of 2021

Present: None for the parties

ORDER

1. The RTI application is dated 15.06.2020 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 02.09.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 12.01.2022 through video conferencing in the o/o DC Ferozepur . However, on 12.01.2022 the abovementioned case could not be heard and hence, was postponed to be heard on 25.02.2022, i.e, today.
3. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereof, it has been held that while entertaining a complaint case under Section 18 of the RTI Act , 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:-

(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information).



CC No. 1111 of 2021

As such, since the complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

4. Since there is an alternative and efficacious remedy of first appeal available to the Complainant under Section 19(1) of the RTI Act, 2005, which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

5. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) as the first appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard. He is directed to give an early date to hear the complainant and decide the matter. In case the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

6. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

7. In view of the observations noted above, the instant case is **disposed of**. Copies of this decision be sent to the parties through registered post. **Sd/-**

Dated : 25.02.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

First Appellate Authority
o/o BDPO, Ferozepur

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Smt. Yashwinder Kaur, W/o Sh. Amandeep Verma

House No.E-1923, Street Kewal Kamra
Near Amar Hotel, Gandhi Nagar, Tehsil & Distt. Fazilka -152123
(9872907310)

.....Appellant

..Vs

Public Information Officer,
O/o PICTES Branch, Vidya Bhawan (Punjab School Education Board)
Block E, 5th Floor, Phase VIII, Ajitgarh (Mohali)
160062

First Appellate Authority
O/o DPI(SE) , Vidya Bhawan (Punjab School Education Board)
Block E, 5th Floor, Phase VIII, Ajitgarh (Mohali)
160062

.....Respondent

AC No.3944 of 2021

Present: (i) Smt Yashwinder Kaur, Appellant
(ii) For the respondent : Sh Sukhjinder Singh, Asstt. Manager (9888917455)

ORDER

1. The RTI application is dated 25.03.2021 which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 02.09.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 12.01.2022 through Video-Conferencing in the O/o DC, Fazilka. However, on 12.01.2022 the abovementioned case could not be heard and hence, was postponed to be heard on 25.02.2022, i.e, today.
3. The Appellant states that the information has not been provided to her till date.
4. The Respondent states that the information demanded by the Appellant cannot be provided to her as the same has to be created. Further, the information demanded is also personal information. Hence, the same cannot be provided.



AC No.3944 of 2021

5. After hearing both the parties and perusing the case file, it is ascertained that the Appellant has demanded information regarding point no.1 in a prescribed format. The Hon'ble Supreme Court of India has time and again said that the information envisaged under the RTI Act is that which is available in the records of a public authority. No public authority is supposed to create, collate or generate information under the RTI Act for the benefit of the information-seeker.

6. Further, regarding point no.2 and 3 the appellant has demanded personal information of third-party. The Hon'ble Supreme Court of India has vide its decision dated 13.11.2019 in Civil Appeal no. 10044 of 2010 held that

"Reading of the aforesaid judicial precedents, in our opinion , would indicate that personal records, including name, address , Physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification , performance , evaluation reports, ACRs, disciplinary proceedings, etc. Are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded. Including that of the family members, information, relating to assets, liabilities, Income tax returns, details of the investments, lending and borrowing etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive.

7. Hence, the same cannot be provided. I have also gone through the orders of the First Appellate Authority O/o Respondent dated 06.10.2022. The same is upheld. In view of the above, no further cause of action is left. Hence, the Appeal case filed by the Appellant is **disposed off and closed**. Copy of the orders be sent to the parties.

Sd/-

Dated : 25.02.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab



Sh. Ajaib Singh., S/o Late Sh. Narata Singh
Village Bakarpur, Tehsil and Distt. SAS Nagar

.....Appellant

..Vs

Public Information Officer,
O/o BDPO, Kharar, Distt. Mohali
First Appellate Authority
O/o DDPO, Mohali

.....Respondent

AC No. 3890 of 2021

Present: (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Harbinder Pal Singh, Panchayat Secretary
through CISO

ORDER

1. The RTI application is dated 07.02.2020 which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) and second appeal was filed in the Commission on 31.08.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 12.01.2022 through Video-Conferencing in the O/o DC, Mohali. However, on 12.01.2022 the abovementioned case could not be heard and hence, was postponed to be heard on 25.02.2022, i.e, today.
3. The appellant is absent today.
4. The Respondent states that the required information has already been given to the appellant and has sent the acknowledgment given by the appellant in token of having received the information.
5. In view of the foregoing no cause of action is left, hence the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated : 25.02.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Nand Kumar, Sh. Mewa Ram, Sh. Gopal Chand
R/o Anadana, Tehsil Munak
Distt. Sangrur (9316921366)

.....Complainant

..Vs

Public Information Officer,
O/o Director Rural Development and Panchayat
Sector 62, Mohali

.....Respondent

CC No. 1099 of 2021

Present: (i) Sh. Nand Kumar the complainant (through CISCO)
(ii) For the respondent : None is present on behalf of the respondent

ORDER

1. The RTI application is dated NIL whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 31.08.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 12.01.2022 through Video Conferencing in the office of DC, Sangrur . However, on 12.01.2022 the abovementioned case could not be heard and hence, was postponed to be heard on 25.02.2022, i.e, today.
3. After going through the file, it is observed that this is the complaint case. The attention of the Complainant is drawn to the decision of the judgment of the Hon'ble Supreme Court of India rendered on 12.12.2011 in Civil Appeal Nos. Nos.10787 – 10788 of 2011 (arising out of SLP © No.32768-32769/2010)- Chief Information Commissioner and another Vs. State of Manipur and another, in Para 31 whereof, it has been held that while entertaining a complaint case under Section 18 of the RTI Act , 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information which is as under:-

(31. We uphold the said contention and do not find any error in the impugned judgment of the High Court whereby it has been held that the Commissioner while entertaining a complaint under Section 18 of the said Act has no jurisdiction to pass an order providing for access to the information).



CC No. 1099 of 2021

As such, since the complainant has approached the Commission under the provision of Section 18 of the RTI Act, 2005, no directions for providing further information can be given by the Commission.

4. Since there is an alternative and efficacious remedy of first appeal available to the Complainant under Section 19(1) of the RTI Act, 2005, which has not been availed in the instant case and the First Appellate Authority has not had the occasion to review the decision of the PIO, as envisaged under the RTI Act by passing a detailed well reasoned speaking order.

5. The instant matter is now remanded back to the First Appellate Authority. The commission hereby directs the FAA to treat the copy of the complaint (copy enclosed) as the first appeal and decide the matter in accordance with the provisions of the RTI Act after giving all concerned parties an opportunity to be heard. He is directed to give an early date to hear the complainant and decide the matter. In case the complainant is not satisfied with the decision of the First Appellate Authority (FAA), he is at liberty to file second appeal with the Punjab State Information Commission in accordance with the provisions of the RTI Act 2005.

6. If, however, the complainant does not feel satisfied with the decision of the First Appellate Authority, he will be at liberty to file a Second Appeal before the Commission under Section 19(3) of the RTI Act, 2005.

7. In view of the observations noted above, the instant case is **disposed of**. Copies of this decision be sent to the parties through registered post. Sd/-

Dated : 25.02.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

First Appellate Authority

o/o Director Rural Development and Panchayat, Punjab
Sarovar Path, Phase 8, Sector 62, SAS Nagar (Mohali)