

PUNJAB STATE INFORMATION COMMISSION

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SECTOR 16, CHANDIGARH.

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Sh. Ashwani Kumar
S/o Sh.Kapil Dev,
H.No.B-005/00490,
Dashmesh Nagar, Kharar,
District SAS Nagar (Mohali).

.....Appellant

Versus

Public Information Officer

O/o Director, Public Instruction(SE),
Punjab, Vidya Bhawan, Phase-VIII
SAS Nagar (Mohali).

First Appellate Authority,

O/o Director, Public Instruction(SE),
Punjab, Vidya Bhawan, Phase-VIII
SAS Nagar (Mohali).

...Respondents

AC No.4109/2019

Along with

AC No.4110/2019

Present:

- (i) Shri Ashwani Kumar, Appellant
- (ii) Shri Navpreet Singh, Sr. Asstt. O/o DPI (SE), Punjab, Mohali.
On behalf of PIO.

ORDER

1. This order may be read with reference to the order dated 22.01.2020 passed by this Bench on the last date of hearing.
2. The appellant comes present and states that he has not received the balance information from the PIO.
3. Sh.Navpreet Singh, Senior Assistant comes present on behalf of the PIO without any authority letter from the PIO. He states that the PIO has not come present as he is on leave from 26.02.2020 to 28.02.2020 and again will be on leave from 12.03.2020 to 27.03.2020. This has been conveyed by him to the Commission vide letter dated 11.02.2020.
4. After perusal of the case file, it emerges that the PIO Sh.Rajesh Sood, Registrar was asked to attend today's hearing in person but has chosen to absent himself by being on leave. During the previous two hearings also, the PIO had sent his representative and had not attended in person.

Cont..P 2



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AC No.4109/2019 AC No.4110/2019

5. The Bench, however, acceding to the request made by the PIO vide his letter dated 11.02.2020, adjourns the case. He is now directed to come in person on the next date of hearing along with the information to be provided to the appellant, failing which the penal proceedings will be initiated against him under Section 20(1) of the RTI Act, 2005

6. Now, the case will come up for hearing on **04.03.2020 at 11.30 AM**. Copies of the orders be sent to the parties.

**Chandigarh
26.02.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

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Smt. Daljit Kaur W/o Late Sh.Baldev Singh
Buttar –Dhulkot Road,
Darshan Nagar, Ahmedgarh,
District Sangrur.

.....Appellant

Versus

Public Information Officer
O/o Executive Officer,
Municipal Council, Ahmedgarh,
District SAS Nagar (Mohali)

First Appellate Authority,
O/o Deputy Director,
Local Bodies, Patiala.

...Respondents

AC No.4077/2019

Present: (i) Shri Sukhdeep Singh Butter, on behalf of the Appellant
(ii) Shri Lal Singh, Jr.Engr. O/o Municipal Council, Ahmedgarh,
District Sangrur, on behalf of PIO.

ORDER

1. This order may be read with reference to the order dated 28.01.2020 passed by this Bench on the last date of hearing.
2. Shri Sukhdeep Singh comes present on behalf of the appellant and states that the appellant has received the information from the PIO regarding point No.1 & 2 of the RTI application, but information regarding point No.3 has yet not been provided.
3. On the asking of the Bench, Shri Lal Singh, Junior Engineer who comes present on behalf of the PIO, states that this information is not available with their office and that they are making efforts to obtain and make available this information to the appellant.
4. From the perusal of case file, it is observed that RTI application is dated 01.07.2019 and first appeal is dated 18.08.2019. It is also reported by the representative of the appellant that the appellant has not been called by the First Appellate Authority even for a single hearing. The PIO on his part is still uncertain, after a lapse of eight months, about the

Cont... P-2



-2-

AC No.4077/2019

Department from which balance of the information sought by the appellant is to be obtained. On the previous date of hearing, show cause notice was issued to the PIO. He has neither bothered to provide the balance of information nor has filed reply to the show cause notice. He is now directed to provide the information to the appellant after obtaining from the concerned department before the next hearing.

5. The Bench observes that apart from the delay in supplying the information to the appellant, the appellant has been put to a lot of harassment by the PIO due to their casual and unresponsive approach. The Bench thus feels that it is a just case for the award of compensation and awards a compensation of Rs.5000/- (Rupees Five thousand only) to the appellant. The compensation amount must be paid by the respondent PIO concerned through cheque or demand draft in favour of Janak Raj from the account of the public authority and not from the individual's account. He is also directed to send a photocopy of the cheque or draft to the Commission.

6. The matter is adjourned. To come up for hearing on **23.03.2020 at 11.30 AM**. Copies of the order be sent to the parties.

**Chandigarh
26.02.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

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Smt. Daljit Kaur W/o Late Sh. Baldev Singh
Buttar – Dhulkot Road,
Darshan Nagar, Ahmedgarh,
District Sangrur.

.....Appellant

Versus

Public Information Officer

O/o Executive Officer,
Municipal Council, Ahmedgarh,
District SAS Nagar (Mohali)

First Appellate Authority,

O/o Deputy Director,
Local Bodies, Patiala.

...Respondents

AC No.4078/2019

Along with

AC No.4079/2019

Present:

- (i) Shri Sukhdeep Singh Butter, on behalf of the Appellant
(ii) Shri Lal Singh, Jr. Engr. O/o Municipal Council, Ahmedgarh,
District Sangrur, on behalf of PIO.

ORDER

1. This order may be read with reference to the order dated 28.01.2020 passed by this Bench on the last date of hearing.
2. Shri Sukhdeep Singh comes present on behalf of the appellant and states that the appellant has received the requisite information from the PIO to her satisfaction.
3. In view of the aforesaid statement made by the representative of the appellant, no further intervention of the Commission is called for. **The appeals are disposed off and closed.** Copies of the order be sent to the parties.

Chandigarh
26.02.2020

Sd/-
(Lt Gen Ajae Kumar Sharma, (Retd))
State Information Commissioner, Punjab

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Shri Pardeep Bhatia
406, Partap Gali,
Partap Bazar, Amritsar.

.....Appellant

Versus

Public Information Officer
O/o The Commissioner,
Municipal Corporation,
Amritsar.

First Appellate Authority,
O/o The Commissioner,
Municipal Corporation,
Amritsar.

...Respondents

AC No.4097/2019

Present: None.

ORDER

1. This order may be read with reference to the order dated 28.01.2020 passed by this Bench on the last date of hearing.
2. Neither the PIO nor his representative have come present. The appellant Shri Pardeep Bhatia is also absent. However, an e-mail has been received from the appellant vide which he has informed that the requisite information has been provided to him to his satisfaction. He has also requested for disposal of the case.
3. In view of the above, no cause of action is left in the matter. **The appeal is disposed off and closed.** Copies of the order be sent to the parties.

Chandigarh
26.02.2020

Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab

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Sh. Jaswant Sarpal
S/o Sh.Darbari Lal Sarpal
H.No.2220/2, Arian Street,
I/S Mahan Singh Gate,Amritsar.

.....Appellant

Versus

Public Information Officer
O/o The Commissioner,
Municipal Corporation, Amritsar.

First Appellate Authority,
O/o The Commissioner,
Municipal Corporation, Amritsar.

...Respondents

AC No.4194/2019

Present: (i) Sh.Jaswant Sarpal, Appellant.
(ii) None is present on behalf of the PIO.

ORDER

1. This order may be read with reference to the order dated 28.01.2020 passed by this Bench on the last date of hearing.
2. The Appellant Sh.Jaswant Sarpal comes present and states that no information has been provided to him yet.
3. PIO has not come present for the hearing nor has sent any authorized representative. The PIO is absent for the second consecutive hearing.
4. In view of the indifferent attitude of the PIO, the PIO, O/o Commissioner, Municipal Corporation, Amritsar is issued show cause notice to explain as to why action should not be taken against him for the delay in responding to the RTI application as also why penalty should not be imposed in the instant case. He is directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

Cont..P-2



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AC No.4194/2019

5. In addition to the written reply, PIO is hereby given an opportunity u/s 20(1) proviso thereto for a personal hearing before the imposition of such a penalty, on the next date of hearing. He may take note that in case he does not file the written reply and does not avail himself of the opportunity of personal hearing on the next date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceeding against him ex-parte.

6. The PIO is further directed to come in person on the next date of hearing along with the information to be provided to the appellant.

7. The matter is adjourned. To come up for hearing on **22.04.2020 at 11.30 AM.**
Copies of the order be sent to the parties.

**Chandigarh
26.02.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

Copy to: (By Regd. Post)

The Public Information Officer O/o Commissioner, Municipal Corporation, Amritsar.

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Sh. Chanchal Singh Bal
H.No.172, Sector-70,
S.A.S. Nagar (Mohali)

.....Appellant

Versus

Public Information Officer
O/o Punjab Subordinate Services
Selection Board, Van Bhawan,
Sector-68, SAS Nagar(Mohali)

First Appellate Authority-cum-
Punjab Subordinate Services
Selection Board, Van Bhawan,
Sector-68, SAS Nagar(Mohali)

...Respondents

AC No.357/2020

Present: (i) Sh.Chanchal Singh Bal, Appellant.
(ii) None is present on behalf of the PIO.

ORDER

1. The RTI application is dated 16.09.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 21.10.2019 and the second appeal was filed in the Commission on 17.01.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice of hearing was issued to the parties for 26.02.2020 by the Commission.

3. The appellant comes present and states that he has not received any information from the PIO so far.

4. PIO has not come present for the hearing today nor has sent any intimation to the Bench nor he has sent any authorized representative. He has also failed to provide information to the appellant and has sent a letter dated 17.02.2020 to the effect that the information relates to the year 1972, which being very old, cannot be provided. Perusal of the

Cont... P-2



-2-

AC No.357/2020

RTI application indicates that the contention of PIO is not correct. It implies that the RTI application has not been perused carefully and no sincere attention has been given for the supply of information. This type of indifferent and casual attitude of the PIO is viewed adversely.

5. In view of the indifferent attitude of the PIO, the PIO, O/o Punjab Subordinate Services Selection Board, Van Bhawan, Sector-68, Mohali is issued show cause notice to explain as to why action should not be taken against him for the delay in responding to the RTI application and also why penalty should not be imposed in the instant case. He is directed to file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

6. In addition to the written reply, PIO is hereby given an opportunity u/s 20(1) proviso thereto for a personal hearing before the imposition of such a penalty, on the next date of hearing. He may take note that in case he does not file the written reply and does not avail himself of the opportunity of personal hearing on the next date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceeding against him ex-parte.

7. The PIO is further directed to come in person on the next date of hearing along with the information to be provided to the appellant, failing which the penal consequences shall follow.

8. The matter is adjourned. To come up for hearing on **23.03.2020 at 11.30 AM.**
Copies of the order be sent to the parties.

**Chandigarh
26.02.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

Copy to: (By Regd. Post) -

The Public Information Officer, Punjab Subordinate Services Selection Board, Van Bhawan, Sector-68, S.A.S. Nagar (Mohali).

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Sh. S.K. Jindal, Tehsildar (Retd.)
R/o 199, GF, P-14, Sector-24,
ROHINI, NEW DELHI-110085

.....Appellant

Versus

Public Information Officer
O/o The Tehsildar, Budhlada,
District Mansa.

First Appellate Authority
O/o Deputy Commissioner,
Mansa.

...Respondents

AC No.372/2020

Present: (i) Sh.S.K. Jindal, Appellant.
(ii) None is present on behalf of the PIO.

ORDER

1. The RTI application is dated 01.08.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 27.09.2019 and the second appeal was filed in the Commission on 17.01.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 26.02.2020 by the Commission.
3. The appellant comes present and states that he has not received any information from the PIO so far.
4. PIO has not come present for the hearing today nor has sent any intimation to the Bench nor he has sent any authorized representative. He has also failed to provide information to the appellant.
5. From perusal of the file, the Bench observes that more than seven months have elapsed from the date of filing RTI application, even then no information has been provided to the appellant. The appellant is a senior citizen and is facing unnecessary

Cont...2



harassment in obtaining the information sought by him. This type of indifferent and casual attitude of the PIO is viewed adversely.

5. In view of the indifferent attitude of the PIO, the PIO, O/o The Tehsildar, Budhlada, District Mansa is issued show cause notice to explain as to why action should not be taken against him for the delay in responding to the RTI application as also why penalty should not be imposed in the instant case. He is directed to also file a written reply to the show cause notice as to why the appellant should not be compensated for the mental harassment suffered by him in getting the information.

6. In addition to the written reply, PIO is hereby given an opportunity u/s 20(1) proviso thereto for a personal hearing before the imposition of such a penalty, on the next date of hearing. He may take note that in case he does not file the written reply and does not avail himself of the opportunity of personal hearing on the next date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceeding against him ex-parte.

7. The PIO is further directed to come in person on the next date of hearing along with the information to be provided to the appellant, failing which the penal consequences shall follow.

8. The matter is adjourned. To come up for hearing on **23.03.2020 at 11.30 AM**.
Copies of the order be sent to the parties.

**Chandigarh
26.02.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

Copy to (By Regd. Post):

Public Information Officer O/o The Tehsildar, Budhlada, District Mansa.

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Lt Col Kuldeep Singh Gill
VrC (Retd.),
H.No.3352, Sector-32D,
Chandigarh.

.....Appellant

Versus

Public Information Officer

O/o Sr. Superintendent of Police,
Sangrur.

First Appellate Authority-cum-,

Inspector General of Police,
Patiala Range, Patiala.

...Respondents

AC No.388/2020

Present:

- (i) Lt. Col Kuldeep Singh Gill, Appellant
(ii) Sh.Ajaib Singh, Sub Inspector O/o SSP Sangrur on behalf of PIO.

ORDER

1. The RTI application is dated 29.04.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on 06.11.2019 and the second appeal was filed in the Commission on 20.01.2020 under Section 19 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 26.02.2020 by the Commission.
3. The appellant Lt Col Kuldeep Singh comes present and states that he has not been provided any information in response to his RTI application.
4. On behalf of the PIO, Shri Ajaib Singh, Sub Inspector is present. On the asking of the Bench regarding non supply of information to the appellant, he states that the appellant has already been intimated vide letter dated 20.12.2019 regarding rejection of his RTI application under Section 8(1)(j) of the RTI Act as the disclosure of information may be a threat to the security of the officers concerned.

Cont... P-2



-2-

AC No.388/2020

5. The Bench overrules the plea taken by the PIO for denial of information and directs that information sought by the appellant be supplied within a fortnight (two weeks).
6. The Bench admonishes the PIO on the way in which this RTI application has been handled. The Bench observed that the information asked for is of generic nature and is not connected to any security angle. In addition, the manner in which a decorated veteran of the Indian Army has been harassed is deplorable.
7. With the above directions, the **appeal is disposed off and closed**. Copies of the order be sent to the parties.

**Chandigarh
26.02.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

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Shri Raj Kumar
H.No.81, Golden Avenue,
Mugrala Road, Dinanagar,
District Gurdaspur..

.....Complainant

Versus

Public Information Officer
O/o Principal,
Shanti Devi Arya Mahila College,
Dinanagar, District Gurdaspur.

...Respondents

CC No.81/2020

Present: (i) Shri Raj Kumar, Appellant
(ii) None on behalf of PIO.

ORDER

1. The RTI application is dated 01.10.2019 vide which the appellant has sought information as enumerated in his RTI application and the appeal was filed in the Commission on 24.01.2020 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).
2. Notice of hearing was issued to the parties for 26.02.2020 by the Commission.
3. The Complainant, Shri Raj Kumar comes present and states that he has not been provided any information by the PIO.
4. The PIO has neither come present for the hearing nor has sent any authorized representative nor he has supplied any information to the appellant in spite of lapse of over five months. The casual attitude of the PIO is viewed adversely.
5. The matter was discussed with the complainant. The Bench then directed that the PIO will make available related records as sought by the complainant in his RTI application for his inspection and provide photocopies of documents identified by him. The Complainant is advised to visit the office of PIO on any working day with prior intimation to the PIO to inspect the related documents and obtain their photocopies. This must be done before the next hearing.

Cont... P-2



-2-

CC No.81/2020

6. The PIO is also directed to come in person before the Bench on the next date of hearing.

7. The matter is adjourned. To come up for hearing on **17.03.2020 at 11.30 AM**. Copies of the order be sent to the parties.

**Chandigarh
26.02.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

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Smt. Sunita Devi
W/o Sh.Hukam Chand
Regar Basti, Jaito
District Faridkot.

.....Appellant

Versus

Public Information Officer
O/o Executive Officer,
Municipal Council, Jaito,
District Faridkot.

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

...Respondents

AC No.3965/2019

Present: (i) Sh.Lajpat Rai, on behalf of the appellant
(ii) Sh.Gurdas Singh, Executive Officer, Municipal Council Jaito, PIO.

ORDER

1. This order may be read with reference to the order dated 17.02.2020 passed by the Bench on the last date of hearing.
2. Sh.Lajpat Rai comes present on behalf of the appellant and reiterates his earlier stand of having received only partial information. On the asking of the Bench as to whether he visited office of PIO to inspect the related records to obtain photocopies of documents identified by him, he remains adamant on his stand of not visiting the office of PIO as he has been manhandled there on earlier occasions.
3. The PIO comes present and states that the appellant/representative has not visited the office of PIO to peruse related documents and obtain balance of information in spite of directions of the Bench and assurance of safety and security given by the PIO during these visits. The PIO also hands over a copy of an affidavit filed in the instant appeal case which is taken on record. Original affidavit is made available to the representative and photocopy kept by the Commission in the case file. The PIO states that information as was available in official records has been supplied and no additional information is available.

Cont...P-2



4. The PIO observes that this is the fourth hearing in the instant appeal case, but the appellant Smt. Sunita Devi has never appeared in person for any hearing and has always been represented by Sh. Lajpat Rai. The PIO states that appellant's RTI applications are lengthy covering many unrelated issues, some against the officials of Municipal Council, Jaito itself which by and large, is third party information. RTI forum is being used as an instrument to harass the Public Authorities. The order of the Bench to visit the office of PIO in spite of assurance of safety and security during the visit has been disregarded. The time of Public Authority is being wasted.

5. The Hon'ble Supreme Court of India in matter of CBSE vs. Aditya Bandopahdyaya, (2011) 8 SCC 497, explained as under:

“Indiscriminate and impractical demands or directions under the RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counterproductive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of public authorities prioritizing “information furnishing”, at the cost of their normal and regular duties.

6. The Commission finds substance in the submissions made by the PIO. Seeking voluminous, unrelated, repetitive information in stereotyped applications certainly amounts to misuse, rather abuse of the RTI Act. The instant case squarely comes in the domain with regard to which the Hon'ble Supreme Court of India was constrained to make aforementioned observations.



-2-

AC No.3965/2019

7. In view of the above and with the filing of affidavit by the PIO in the instant appeal case, no cause of action is left in the matter. **Hence, this appeal is disposed off and closed.** Copies of the order be sent to concerned parties.

**Chandigarh
26.02.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

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Sh. Lajpat Rai S/o Sh.Harbans Lal
H.No.B-3/287, Romana Street,
Jaito, District Faridkot.

.....Appellant

Versus

Public Information Officer
O/o Executive Officer,
Municipal Council, Jaito,
District Faridkot.

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

...Respondents

AC No.3959/2019

Present: (i) **Sh. Lajpat Rai, Appellant**
(ii) **Sh.Gurdas Singh, Executive Officer, Municipal Corporation, Jaito/ PIO.**

ORDER

1. This order may be read with reference to the order dated 17.02.2020 passed by the Bench on the last date of hearing.

2. The Appellant Sh.Lajpat Rai comes presents and reiterates his earlier stand of having received only partial information. On the asking of the Bench as to whether he visited office of PIO to inspect the related records to obtain photocopies of documents identified by him, he remains adamant on his stand of not visiting the office of PIO as he has been manhandled there on earlier occasions.

3. The PIO comes present and states that the appellant has not visited the office of PIO to peruse related documents and obtain balance of information in spite of directions of the Bench and assurance of safety and security given by the PIO to him during these visits. The PIO also hands over a copy of an affidavit filed in the instant appeal case which is taken on record. Original affidavit is made available to the appellant and photocopy kept by the Commission in the case file. The PIO states that information as was available in official records has been supplied and no additional information is available.

Cont...P-2



-2-

AC No.3959/2019

4. The PIO observes that this is the fourth hearing in the instant appeal case. The PIO states that appellant's RTI applications are lengthy covering many unrelated issues, some against the officials of Municipal Council, Jaito itself which by and large, is third party information. He is using the RTI forum as an instrument to harass the Public Authorities. He has disregarded the order of the Bench to visit the office of PIO in spite of assurance of his safety and security during the visit. He is wasting the time of Public Authority.

5. The Hon'ble Supreme Court of India in matter of CBSE vs. Aditya Bandopahdyaya, (2011) 8 SCC 497, explained as under:

“Indiscriminate and impractical demands or directions under the RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counterproductive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of public authorities prioritizing “information furnishing”, at the cost of their normal and regular duties.

6. The Commission finds substance in the submissions made by the PIO. Seeking voluminous, unrelated, repetitive information in stereotyped applications certainly amounts to misuse, rather abuse of the RTI Act. The instant case squarely comes in the domain with regard to which the Hon'ble Supreme Court of India was constrained to make aforementioned observations.

...Cont. P3



-3-

AC No.3959/2019

7. In view of the above and with the filing of affidavit by the PIO in the instant appeal case, no cause of action is left in the matter. **Hence, this appeal case is disposed off and closed.** Copies of the orders be sent to the concerned parties.

**Chandigarh
26.02.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

PUNJAB STATE INFORMATION COMMISSION
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SECTOR 16, CHANDIGARH.
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Sh. Lajpat Rai S/o Sh.Harbans Lal
H.No.B-3/287, Romana Street,
Jaito, District Faridkot.

.....Appellant

Versus

Public Information Officer
O/o Executive Officer,
Municipal Council, Jaito,
District Faridkot.

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

...Respondents

AC No.3960/2019

Present: (i) Sh.Lajpat Rai, Appellant.
(ii) Sh.Gurdas Singh, Executive Officer, M.C. Jaito, PIO.

ORDER

1. This order may be read with reference to the order dated 17.02.2020 passed by the Bench on the last date of hearing.
2. The Appellant Sh.Lajpat Rai comes presents and reiterates his earlier stand of having received only partial information. On the asking of the Bench as to whether he visited office of PIO to inspect the related records to obtain photocopies of documents identified by him, he remains adamant on his stand of not visiting the office of PIO as he has been manhandled there on earlier occasions.
3. The PIO comes present and states that the appellant has not visited the office of PIO to peruse related documents and obtain balance of information in spite of directions of the Bench and assurance of safety and security given by the PIO to him during these visits. The PIO also hands over a copy of an affidavit filed in the instant appeal case which is taken on record. Original affidavit is made available to the appellant and photocopy kept by the Commission in the case file. The PIO states that information as was available in official records has been supplied and no additional information is available.

Cont...P-2



4. The PIO observes that this is the fourth hearing in the instant appeal case. The PIO states that appellant's RTI applications are lengthy covering many unrelated issues, some against the officials of Municipal Council, Jaito itself which by and large, is third party information. He is using the RTI forum as an instrument to harass the Public Authorities. He has disregarded the order of the Bench to visit the office of PIO in spite of assurance of his safety and security during the visit. He is wasting the time of Public Authority.

5. The Hon'ble Supreme Court of India in matter of CBSE vs. Aditya Bandopahdyaya, (2011) 8 SCC 497, explained as under:

“Indiscriminate and impractical demands or directions under the RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counterproductive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of public authorities prioritizing “information furnishing”, at the cost of their normal and regular duties.

6. The Commission finds substance in the submissions made by the PIO. Seeking voluminous, unrelated, repetitive information in stereotyped applications certainly amounts to misuse, rather abuse of the RTI Act. The instant case squarely comes in the domain with regard to which the Hon'ble Supreme Court of India was constrained to make aforementioned observations.



-3-

AC No.3960/2019

7. In view of the above and with the filing of affidavit by the PIO in the instant appeal case, no cause of action is left in the matter. Hence, this **appeal is disposed off and closed**. Copies of the order be sent to the concerned parties.

**Chandigarh
26.02.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

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Sh.Chander Shekhar
S/o Shri Nishu Ram
Balmiki Colony, Jaito
District Faridkot.

.....Appellant

Versus

Public Information Officer
O/o Executive Officer,
Municipal Council, Jaito,
District Faridkot.

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

...Respondents

AC No.3961/2019

Present: (i) Sh.Lajpat Rai, on behalf of Appellant.
(ii) Sh.Gurdas Singh, Executive Officer, M.C. Jaito, PIO.

ORDER

1. This order may be read with reference to the order dated 17.02.2020 passed by the Bench on the last date of hearing.
2. The appellant has not come present. He has sent a letter dated 25.02.2020 through Sh.Lajpat Rai making him his representative and expressing his inability to attend the hearing being unwell.
3. The PIO comes present and states that the appellant/representative has not visited the office of PIO to peruse related documents and obtain balance of information in spite of directions of the Bench and assurance of safety and security given by the PIO during these visits. The PIO also hands over a copy of an affidavit filed in the instant appeal case which is taken on record. Original affidavit is made available to the representative and photocopy kept by the Commission in the case file. The PIO states that information as was available in official records has been supplied and no additional information is available.

Cont...P-2



-2-

AC No.3961/2019

4. The PIO observes that this is the fourth hearing in the instant appeal case, but the appellant Sh.Chander Shekhar has appeared in person for only one hearing and has been represented by Shri Lajpat Rai for the balance three hearings. The PIO states that appellant's RTI applications are lengthy covering many unrelated issues, some against the officials of Municipal Council, Jaito itself which by and large, is third party information. RTI forum is being used as an instrument to harass the Public Authorities. The order of the Bench to visit the office of PIO in spite of assurance of safety and security during the visit has been disregarded. The time of Public Authority is being wasted.

5. The Hon'ble Supreme Court of India in matter of CBSE vs. Aditya Bandopahdyaya, (2011) 8 SCC 497, explained as under:

“Indiscriminate and impractical demands or directions under the RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counterproductive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of public authorities prioritizing “information furnishing”, at the cost of their normal and regular duties.

6. The Commission finds substance in the submissions made by the PIO. Seeking voluminous, unrelated, repetitive information in stereotyped applications certainly amounts to misuse, rather abuse of the RTI Act. The instant case squarely comes in the domain with regard to which the Hon'ble Supreme Court of India was constrained to make aforementioned observations.

...Cont. P3



-3-

AC No.3961/2019

7. In view of the above and with the filing of affidavit by the PIO in the instant appeal case, no cause of action is left in the matter. **Hence, this appeal is disposed off and closed.** Copies of the order be sent to concerned parties.

**Chandigarh
26.02.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

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Sh. Baljeet Singh, Civil Engineer
R/o 64-H, BRS Nagar,
Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Municipal Corporation,
Ludhiana.

First Appellate Authority-cum-,

Municipal Corporation,
Ludhiana

...Respondents

AC No.4198/2019

Present:

- (i) **Shri Baljit Singh, Appellant.**
- (ii) **Sh. Inderjit Singh, Head Draftsman/APIO, Municipal Corporation, Ludhiana on behalf of the PIO.**

ORDER

1. This order may be read with reference to the order dated 17.02.2020 passed by the Bench on the last date of hearing.
2. The appellant comes present. Sh. Inderjit Singh, Head Draftsman/APIO, comes present on behalf of the PIO and states that the requisite information has been provided to the appellant.
3. On the asking of the Bench, the appellant confirms the receipt of requisite information from the PIO to his satisfaction.
4. In view of the above, no further cause of action is left. **The appeal is disposed off and closed.** Copies of the order be sent to the parties.

Chandigarh
26.02.2020

Sd/-
(Lt Gen Ajae Kumar Sharma, (Retd))
State Information Commissioner, Punjab

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Sh. Baljeet Singh, Civil Engineer
R/o 64-H, BRS Nagar, Ludhiana.

.....Appellant

Versus

Public Information Officer

O/o Municipal Corporation,
Ludhiana.

First Appellate Authority-cum-

Municipal Corporation, Ludhiana

...Respondents

AC No.4199/2019

Present:

(i) Sh. Baljit Singh, Appellant.

(ii) Sh. Ajay Kumar, Building Inspector, Municipal Corporation,
Ludhiana on behalf of PIO.

ORDER

1. This order may be read with reference to the order dated 17.02.2020 passed by the Bench on the last date of hearing.

2. The appellant comes present and states that incomplete information has been supplied to him.

3. Sh. Ajay Kumar, Building Inspector/APIO comes present on behalf of the PIO and produces letter dated 25.02.2020 stating that the requisite information has been supplied to the appellant. Appellant states that it is only a summary of the information sought. Upon this, the APIO states that the information as asked for by the appellant is very voluminous and it is difficult to provide the same.

4. After discussions with the appellant as well as APIO Sh. Ajay Kumar, it is decided that the appellant will visit the office of PIO to inspect the related records. He will identify the documents as per his RTI application and the PIO will provide him the photocopies of the same. APIO Sh. Ajay Kumar will ensure that the appellant is permitted to inspect the records and the documents identified by him are provided to him.

5. With the above directions, the matter is adjourned. **To come up for hearing on 18.03.2020 at 11.30 AM through Video Conferencing in D.C. Office Ludhiana.** Copies of the orders be sent to the parties.

**Chandigarh
26.02.2020**

**Sd/-
(Lt Gen Ajay Kumar Sharma, (Retd))
State Information Commissioner, Punjab**

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Sh. Baljeet Singh, Civil Engineer
R/o 64-H, BRS Nagar,
Ludhiana.

.....Appellant

Versus

Public Information Officer
O/o Municipal Corporation,
Ludhiana.

First Appellate Authority-cum-
Municipal Corporation,
Ludhiana

...Respondents

AC No.4200/2019

Present: (i) Sh. Baljit Singh, Appellant.
(ii) Sh. Inderjit Singh, Head Draftsman/APIO, Municipal Corporation,
Ludhiana on behalf of PIO.

ORDER

1. This order may be read with reference to the order dated 17.02.2020 passed by the Bench on the last date of hearing.

2. The appellant comes present. Sh. Inderjit Singh, Head Draftsman/APIO, comes present on behalf of the PIO and states that the requisite information has been provided to the appellant.

3. On the asking of the Bench, the appellant confirms the receipt of requisite information from the PIO to his satisfaction.

4. In view of the above, no further cause of action is left. **The appeal is disposed off and closed.** Copies of the order be sent to the parties.

Chandigarh
26.02.2020

Sd/-
(Lt Gen Ajae Kumar Sharma, (Retd))
State Information Commissioner, Punjab

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Sh. Rajesh Gupta,
President, Social Reformers
District Court, Ludhiana.

.....Appellant

Versus

Public Information Officer
O/o Municipal Corporation,
Ludhiana.

First Appellate Authority,
O/o Municipal Corporation,
Ludhiana.

...Respondents

AC No.4156/2019

Present: (i) Sh.Rajesh Gupta, Appellant is present.
(ii) Sh.Inderjit Singh, Head Draftsman/APIO, Municipal Corporation,
Ludhiana on behalf of PIO.

ORDER

1. This order may be read with reference to the order dated 17.02.2020 passed by the Bench on the last date of hearing.
2. The appellant comes present and states that he has not received any additional information from the PIO.
3. On behalf of the PIO, Sh.Inderjit Singh, Head Draftsman/PIO comes present and hands over an affidavit to the appellant and also gives a copy of the affidavit to the Bench, which is taken on record.
4. The perusal of affidavit shows that the information as was available with the Drawing/Building Branch, has been supplied to the appellant. No other information relating to the RTI application is available in their records and nothing has been concealed therein. The appellant expresses satisfaction after perusal of the affidavit.
5. In view of the above, no further intervention of the Commission is called for.

The appeal is disposed off and closed. Copies of the order be sent to the parties.

Chandigarh
26.02.2020

(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab

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Sh. M.P. Bharara,
H.No.1169, Sector 21B,
Chandigarh.

...Appellant

Versus

Public Information Officer
O/o Director, Health and
Family Welfare Deptt., Punjab,
Sector-34, Chandigarh.

First Appellate Authority
O/o Addl. Chief Secretary to
Govt. of Punjab,
Deptt. Of Health & Famil Welfare,
Punjab Civil Secretairat-2
Sector-9, Chandigarh.

....Respondent

AC No.4070 of 2019

Present: (i) Mrs. Babita on behalf of the Appellant
(ii) Dr.Kuldeep Singh,Asstt. Civil Surgeon/ APIO
O/o Civil Surgeon, Mohali on behalf of PIO.

ORDER

1. This order may be read with reference to the order dated 18.02.2020 passed by the Bench on the last date of hearing.
2. The appellant has not come present. He has authorised his daughter Mrs. Babita to attend the hearing who produces the authority letter dated 26.02.2020. She states that complete information has not been supplied as yet.
3. Dr.Kuldeep Singh, Assistant Civil Surgeon, O/o Civil Surgeon, Mohali comes present and hands over a copy of letter dated 25.02.2020 to the representative of appellant with regard to the action taken on the complaint dated 26.02.2019 made by the appellant and also produces a copy before the Bench which is taken on record.
5. The matter was discussed at length with the representative of appellant as well as with the APIO Dr. Kuldeep Singh. Both the parties were heard in detail by the Bench. The Bench observed that it is convinced that information sought by the appellant and as available in official records has been provided. The Bench directed that the PIO now must file an affidavit

Cont.. P-2



-2-

AC No.4070/2019

duly attested by Notary Public within two weeks time to the effect that all available information in Appeal Case No.4070/2019 as available in official records has been shared and nothing has been concealed therein.

6. With the aforesaid directions, **the appeal is disposed off and closed.**

Copies of the order be sent to the parties.

**Chandigarh
26.02.2020**

**Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab**

PUNJAB STATE INFORMATION COMMISSION
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Smt.Navpreet Kaur,
W/o Sh.Harjinder Singh,
R/o #11, SG Garden, Majitha Road,
Naushehra, Amritsar..

...Appellant

Versus

Public Information Officer
O/o Dy.Chief Engineer,
Operational Sub Urban Division,
Amritsar.

First Appellate Authority
O/o Chief Engineer, Operational
Border Zone, Amritsar

....Respondent

AC No.4034 of 2019

Present: (i) None on behalf of the Appellant
(ii) Sh.Gurbax Singh, Sub Divisional Officer, O/o Dy. Chief Engineer,
Sub Urban Division, Amritsar, on behalf of PIO.

ORDER

1. This order may be read with reference to the order dated 17.02.2020 passed by the Bench on the last date of hearing.
2. The appellant has not come present. However, her son Shri Wanshjit Singh came on 25.02.2020 as he was to appear in the examination today. He stated that the information supplied to the appellant is incorrect and has not been supplied as demanded in the RTI application.
3. Sh.Gurbax Singh, Sub Divisional Officer /APIO comes present on behalf of PIO and produces authority letter to appear for the hearing. He also produces an affidavit of the PIO duly attested by the Notary Public which is taken on record.
4. With the filing of the affidavit in the present appeal case, no further intervention of the Commission is called for. **The appeal is disposed off and closed.** Copies of the order be sent to the parties.

Chandigarh
26.02.2020

Sd/-
(Lt Gen Ajae Kumar Sharma,(Retd))
State Information Commissioner, Punjab

