

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
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Sh. Sukhdev Singh
226, Street No. 3,
Guru Arjan Dev Nagar,
Tarn Taran Road, Amritsar.

Appellant

Versus

Public Information Officer,
O/o Chief Director, Vigilance Bureau, Punjab,
SCO No.60-61, Sector-17-D,
Chandigarh.

Sh. Harjit Singh,
PIO – cum – Superintendent,
Department of Local Govt., (LG – 1 Br.),
Municipal Bhawan, Plot No. 3 A,
Sector -35, Chandigarh.

First Appellate Authority
O/o Chief Director, Vigilance Bureau, Punjab,
SCO No.60-61, Sector-17-D,
Chandigarh.

Respondents

APPEAL CASE NO.3009/2017

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
24.05.2018	Nil	03.07.2017	Nil	26.10.2017

Present:

Appellant- Sh. Sukhdev Singh;

Respondents- Sh. Harjit Singh, Superintendent, Local Government.

ORDER

The case has been heard through video conference.

This should be read in continuation of the order passed on 25.09.2019.

The respondents represented by Sh. Harjit Singh, Superintendent, submit

that they have received the information in contention only on 15.11.2019 from the office of the Municipal Corporation, Amritsar. They further say that they have unfairly been penalized. This aspect need to be factored in. Meanwhile, they are directed to transmit it to the appellant immediately, who may react about its sufficiency to them under intimation to the Commission before next date of hearing, which shall be intimated in due course.

26.11.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



S. Charanjit Singh,
S/o S. Kartar Singh,
Dashmesh Nagar, Village Hambran,
Distt Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Ludhiana-I, Ludhiana.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Ludhiana.

Respondents

Appeal Case No.3637/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
10.07.2018	Nil	24.08.2018	Nil	25.10.2018

Present:

Appellant - None.

**Respondents- Sh. Sarabjit Singh, Superintendent, O/o BDPO;
Sh. Baldev Singh, Panchayat Secretary.**

ORDER

The case has been heard through video conferencing.

The following order was passed on 25.09.2019:

06.02.2019

"The appellant is present. Despite an endorsement from the office of the DDPO, Ludhiana to the respondents, none is present. No information has been provided nor any reply has been filed by the respondents.

The Commission directs the respondents to allow the inspection of the record to the appellant and provide him the certified copies of the documents to the extent of one hundred pages and inform the Commission in writing along with explanation in having failed to file a suitable reply to his original application.

17.07.2019

The case has come up today through video conference. Despite express directions, the respondents are neither present nor any reply to the Commission has been provided. A very simple information concerning the revenue having been accrued to Gram Panchayat of village Hambran and its utilization has been sought. The Commission feels that the respondents are willfully

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obstructing the flow of information.

The PIO is hereby issued a show cause notice to explain in a self-attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

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

The case has come up today. None is present on behalf of the respondents. Despite having been offered couple of opportunities, the PIO has failed to file any written explanation for violation of provisions of the Act. His culpability is established.

The Commission holds the PIO guilty under Section 7(1) of the RTI Act. Exercising its authority under section 20 (1) of the RTI Act, the Commission imposes a penalty of Rs10,000/- (Rupees Ten thousand only) in lump sum on BDPO, the delay being beyond 100 days ,which shall be recovered from his salary in two equal installments



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Appeal Case No.3637/2018

commencing from the month of January, 2019. His Drawing & Disbursing Officer shall ensure that the amount of penalty is deducted from his salary and deposited in the government treasury under the head given below:

- 0070-Other Administrative Services- 60

Other Services - 800 Other Receipts- 86 Fee under RTI Act, 2005

A copy of the challan shall be sent to the Commission for record immediately.

By the callous conduct of the PIO, the appellant has been put to a lot of harassment. A compensation to an extent of Rs. 3000/- (Rupees Three Thousand only) is awarded to the appellant for the detriment suffered by him in terms of Section 19(8) (b) of the Act. It shall be paid by the public authority from its account by way of demand draft in favor of the appellant within a month of the receipt of the order positively.”

The matter has again been taken up today. Sh. Sarabjit Singh, Superintendent, is present. He submits that the application was duly forwarded to Sh. Baldev Singh, Panchayat Secretary, under Section 6 (3) of the RTI Act to the Panchayat Secretary. The Commission should have considered him as a deemed PIO in terms of the Section 5(4) of the RTI Act. The Commission has reexamined the record and finds that a communication on 10.06.2019 has been sent to Sh. Baldev Singh, Panchayat Secretary, to provide the information. As such the penalty imposed on BDPO is desirable to be imposed on him.

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Appeal Case No.3637/2018

The Commission admits the oversight on its part. Meanwhile, Sh. Baldev Singh, Panchayat Secretary, is directed to show cause as to why the penalty already imposed on the BDPO should not be recovered from him.

The next date shall be intimated in due course.

26.11.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



Sh. Jagshir Singh,
S/o Sh. Gian Singh,
R/o H.No 9/20,
Back Side Pandori Nursing Home,
Mandi Mullanpur Dakha, Distt Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Block Gandiwind, District Tarn Taran.

First Appellate Authority,
O/o Distt. Development and Panchayat Officer,
Tarn Taran.

Respondents

Appeal Case No.3888/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
18.08.2018	Nil	25.09.2018	Nil	14.11.2018

Present: Appellant- Sh. Jagshir Singh;
Respondents- Sh. Balraj Singh Panchayat Secretary, O/o BDPO,
Gandiwind, District Tarn Taran – for Respondents.

ORDER

The following order was passed on 17.07.2019:

13.02.2019:

“The perusal of the application suggests that the information sought relates to the period of last sixteen years. It also widely covers all the activities of the panchayat. The Commission feels that the provision of such a massive record shall tantamount to putting an uncalled for burden on the Public Authority and disruption of its normal activities. The appellant is advised to inspect the record in the office of the respondents on a mutually agreed date and time. The respondents shall provide him certified copies of documents not beyond one hundred fifty pages free of cost.

17.07.2019

The case has come up today. It transpires that that the information pertaining to the period prior to 2015 by the then incumbent had not been sent and produced before the appellant. The

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APPEAL CASE NO.3888/2017

same, according to him, is not available with him. The Commission directs the BDPO to look into it and arrange inspection of the record as mentioned above on a pre fixed date and time and furnish him the copies as identified by him subject to the quantum fixed in the afore mentioned order. If the appellant still want to procure the copies beyond the number specified, he should provide valid explanation to the BDPO who would look into it positively and take suitable action."

The case has come up today. The Commission regrets to know that BDPO has not bothered to get its order complied. A final opportunity is afforded to him, failing which penal consequences shall have to be borne by him.

The next date shall be intimated in due course.

26.11.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



Sh. Jagshir Singh,
S/o Sh. Gian Singh,
R/o H.No 9/20,
Backside Pandori Nursing Home,
Mandi Mullanpur Dakha, Distt Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Ghal Khurd, Distt Ferozepur.

First Appellate Authority,
O/o Block Development and Panchayat Officer,
Ferozepur.

Respondents

Appeal Case No.3889/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
18.08.2018	Nil	25.09.2018	Nil	14.11.2018

Present: Appellant- Sh. Jagshir Singh;
Respondents- None.

ORDER

The following order was passed on by the Commission on 17.07.2019:

“The respondents are absent. Nothing has been heard from them also. The Commission takes a serious note of the callous attitude and directs the Public Authority to look into his application and arrange to provide him the information as is admissible within the framework of Act and Rules under intimation to the Commission.

17.07.2019

The case has come up today. None is present on behalf of the respondents. A communication dated 16.07.2019 has been received from the appellant to the effect that he has still not received any information. The delay is beyond 100 days. PIO is hereby issued a show cause

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APPEAL CASE NO.3889/2018

notice to explain in a self-attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

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

The case has come up today. The Commission regrets to find that BDPO has not bothered to get its order complied. A final opportunity is afforded to him, failing which penal consequences shall have to be borne by him.

The next date shall be intimated in due course.

26.11.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Sh. Ramandeep Singh Ahluwalia,
Ward No.18, Street No.2,
Kartar Nagar, Amloh Road,
Khanna, Distt. Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Sr. Superintendent of Police,
Punjab Police, Khanna, Distt.Ludhiana

First Appellate Authority,
O/o Dy. Inspector General of Police,
Ludhiana Range, Ludhiana.

Respondents

Appeal Case No.3166/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
10.05.2019	Nil	29.05.2019	Nil	03.09.2019

Present: Appellant- Sh. Ramandeep Singh Ahluwalia;
Respondents- ASI Sh. Roor Singh.

ORDER

The case has been heard through video conference.

The appellant had sought the certified copies of the documents on file on which a complaint of one Sh. Manish Kapila on 08.04.2019 in the office of SSP, Khanna and DSP, Khanna, against the appellant has been dealt. The respondents represented by Sh. ASI Roor Singh submit that the information has been provided. However, the appellant says that part information with reference to the office of DSP only has been given, whereas the information pertaining to the office of SSP has still not been communicated. The respondents assure the Commission to do the needful quickly. The respondents are directed to provide the deficient information as per provisions of law before the next date of hearing, which shall be intimated in due course.

26.11.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

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Sh. Rakesh Kumar Gupta, Advocate
H.No.8/237, Jagraon Road,
Mandi Mullanpur, Distt. Ludhiana.

Appellant

Versus

Public Information Officer
O/o Dy. Inspector General of Police,
Ludhiana Range, Ludhiana,

First Appellate Authority
O/o Director General of Police,
Punjab Police HQs, Sector-9,
Chandigarh.

Respondents

Appeal Case No.3473/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
12.09.2019	Nil	19.09.2019	Nil	24.09.2019

Present:

Appellant- None.

**Respondents- SI Ramandeep Kaur, O/o SSP Rural, Jagraon
Sh. Rajiv Kumar, O/o DIG, Ludhiana.**

ORDER

The case has been heard through video conference.

The issue relates to the investigation having been made in an FIR No. 90/01.06.2019 lodged by the appellant at Police station Dakha under Section 307 and 120 of Indian Penal Code. The appellant had conveyed through email that he is living in hibernation in fear of being attacked again by the miscreants involved in the aforesaid FIR, and therefore he has requested to be excused from personal appearance. He further says that more than 70 days have passed, no information has been provided to him, whereas, he has sought for the information within 48 hours as there was an imminent threat to his life and liberty. The respondents represented by SI Ms. Ramandeep Kaur and Sh. Rajiv Kumar, reiterate that the matter is still under investigation and seeking exemption under Section 8 (1) (h) they are not inclined to reveal the information.

This bench understands that the appellant has filed umpteen applications

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Appeal Case No.3473/2019

on the subject, but the respondents have stonewalled it with the stock reply that the same is under investigation. The Commission in another appeal on the same subject has desired the respondents to assess the threat perception to him from the people inimically disposed towards him as alleged by him, but the same has meted out the same fate and nothing tangible has been done.

The Commission is inclined to believe that the respondents are willfully withholding the information and are maintaining a recalcitrant and indifference attitude not only on providing the information, but complying with the directions of the Commission as well. A complainant who is aggrieved cannot impede the investigation rather he is an important cog to expedite it.

A final opportunity is afforded to them to provide him the status of the investigation within 15 days from today positively, failing which penal consequences shall follow.

The next date of hearing shall be conveyed in due course.

26.11.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**



Sh. Gurmukh Singh,
S/o Sh. Jagat Ram,
Village- Maira, P.O-Kot Maira,
Tehsil-Garhshankar, Distt. Hoshiarpur.

Complainant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Garhshankar, Distt. Hoshiarpur.

Respondent

Complaint Case No.1258/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
16.04.2018	Nil	Nil	Nil	04.12.2018

Present: Complainant- Sh. Gurmukh Singh.
Respondents- None.

ORDER

The case has been heard through video conference.

The following order was passed by the Commission on 30.10.2019:

The respondents are absent despite issue of notice by the Commission. The original application was filed by the information seeker on 16.04.2018. The Commission has been made to understand that the respondents are willfully sitting over the information.

The PIO in office of the BDPO, Garhshankar, is hereby issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.

In addition to the written reply, the PIO is also given an opportunity under Section 20 (1) proviso thereto, for a personal hearing before the imposition of such penalty on



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Complaint Case No.1258/2018

the next date of hearing. He may take note that in case he does not file his written reply does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte."

The case has again come up today. No reply has been filed to the show cause notice by the BDPO. A final opportunity is afforded to the BDPO, Garhshankar, who is the PIO in the instant case, failing which the action towards imposition of the penalty shall be taken.

26.11.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**