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Sh. Krishan Kumar Singla,

House No.195/2, Sector-45-A,

Chandigarh Appellant

Versus

Public Information Officer,

O/o Senior Supdt. of Police

S.A.S.Nagar (Mohali)

.

First Appellate Authority

O/o Senior Supdt. of Police

S.A.S.Nagar (Mohali) Respondents

**APPEAL CASE NO.1547/2017**

Date of RTI application : 05.04.2017

Date of First Appeal : 08.05.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 05.06.2017

**Present:** Sh. Krishan Kumar Singla, Appellant in person.

ASI Ravinder Singh, RTI Cell In charge, O/o SSP, Mohali – for Respondents.

**ORDER**

The appellant had sought a copy of statement recorded under Section 161 in the investigation of a case registered under FIR No. 73 dated 29.05.2014 in the Police Station, Phase – 8, Mohali.

The respondent submits that as the investigation was made by S.P.(D), Patiala, the documents seemingly are not available with them. It transpires that the matter has already been committed to the Court. The documents in question should logically be available for prosecution with the Police Station only. They are desired to look for it and arrange to provide a copy of the same to the appellant under intimation to the Commission.

To come up on **05.09.2017 at 11.30 AM.**

**Sd/-**

**27.07.2017 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Ashok Raj Singh Pannu (98559-94009)

House No.830, Phase -1,

Urban Estate, Patiala Appellant

Versus

Public Information Officer,

O/o Senior Supdt. of Police,

Patiala.

First Appellate Authority

O/o Senior Supdt. of Police,

Patiala. Respondents

**APPEAL CASE NO.1590/2017**

Date of RTI application : not legible

Date of First Appeal : 11.03.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 06.06.2017

**Present:** None on behalf of the Appellant.

Constable Devinder Singh, RTI Br.,, SSP Office, Patiala – for Respondents.

**ORDER**

Vide their letter dated 17.07.2017 the respondents have intimated that they have forwarded the information (i.e. a copy of a complaint filed against the appellant along with the investigation report) to the appellant.

Constable Devinder Singh appearing on behalf of the respondents reiterates the same. Since the appellant is absent without any notice and communication we believe that he is in receipt of the information. No further action is called for.

**Disposed.**

**Sd/-**

**27.07.2017 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Mohmad Khalil

S/o Sh. Rusamdin

Village Dalelgarh, P.O. Himtana

Tehsil Malerkotla,Distt. Sangrur Appellant

Versus

Public Information Officer,

O/o Local Registrar (Births & Deaths),

Municipal Corporation, Patiala

First Appellate Authority

O/o Deputy Director, Local Bodies, Punjab,

Sathanic Sarkar Bhawan,

Plot No.3, Sector-35, Chandigarh. Respondents

**APPEAL CASE NO.1622/2017**

Date of RTI application : 14.05.2016

Date of First Appeal : 18.08.2016

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 05.06.2017

**Present:** Sh. Mohmad Khalil, Appellant in person.

None on behalf of the Appellant.

**ORDER**

The appellant is seeking the information about the status of his case concerning the correction of discrepancies having figured in the death certificate of his mother issued by the respondents. He says that despite numerous requests and visits the requisite information has not been provided to him.

The respondents are absent despite issue of notice and endorsement by the Director, Local Government, Punjab, nor any reply has been filed. The Commission takes a serious view of the same.

The Respondent No. 1 is directed to arrange to provide him the information forthwith and explain the reasons of inordinate delay having been taken to provide him information with a copy Contd…page…2

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**APPEAL CASE NO.1622/2017**

to the Commission.

Be it noted that penal consequences shall follow for further dereliction on the above score.

To come up on **05.09.2017 at 11.30 AM.**

**Sd/-**

**27.07.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. D.C.Gupta

House nO.778, Urban Estate,

Phase 1, Patiala -147002 Complainant

Versus

Public Information Officer/ Supdt.-I Branch

O/o Department of Governance Reforms, Punjab,

Punjab Civil Sectt.-2, Sector -9,

Chandigarh Respondent

**COMPLAINT CASE NO.583/2017**

Date of RTI application : 03.05.2017

Date of First Appeal :

Date of Order of FAA: Reply 09.05.2017

Date of 2nd Appeal/complaint : 09.05.2017

**Present:** Adv. Ravinder Singh, Counsel for the Complainant.

1. Sh. Yashpal Sapla, APIO – cum – Supdt., Deptt. of Governance Reforms, Punjab,

2. Sh. Kuldip Kumar, Sr. Assistant, Deptt. of Governance Reforms, Punjab – for Respondent.

**ORDER**

The appellant had sought a copy of the Guide published by the State Government in conformity with the provisions of Section 26 (2) (3) of the RTI Act along with its updated version. and a directory containing the postal addresses of State Public Information Officers of various Public Authorities.

The respondents submit that the Act and the Rules duly translated in Punjabi are available on the website of the State Information Commission, Punjab. The appellant contends that the State Government has not taken appropriate measures towards the implementation of the provision of aforementioned Act. It shall be worthwhile to reproduce here Section 26 of the RTI Act, 2005 :-

Contd…page…2

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**COMPLAINT CASE NO.583/2017**

*“****Appropriate Government to prepare programmes –***

*(1) The appropriate Government may, to the extent of availability of financial and other resources,---*

*(a) develop and organize educational programmes to advance the understanding of the public, in particular of disadvantaged communities as to how to exercise the rights contemplated under this Act;*

*(b) encourage public authorities to participate in the development and organization of programmes referred to in clause (a) and to undertake such programmes themselves;*

*(c) promote timely and effective dissemination of accurate information by public authorities about their activities; and*

*(d) train Central Public Information Officers or State Public Information Officers, as the case may be of public authorities and produce relevant training materials for use by the public authorities themselves.*

*(2) The appropriate Government shall, within eighteen months from the commencement of this Act, compile in its official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified in this Act.*

*(3) The appropriate Government shall, if necessary, update and publish the guidelines referred to in sub-section (2) at regular intervals which shall, in particular and without prejudice to the generality of sub-section (2), include ----*

*(a) the objects of this Act;*

*(b) the postal and street address, the phone and fax number and, if available, electronic mail address of the Central Public Information Officer or State Public Information Officer, as the case may be of every public authority appointed under sub-section (1) of Section 5;*

*(c) the manner and the form in which request for access to an information shall be made to Central Public Information Officer or State Public Information Officer, as the case may be;*

*(d) the assistance available from and the duties of the Central Public Information Officer or*

*Contd…page…3*

*-3-*

**COMPLAINT CASE NO.583/2017**

*State Public Information Officer, as the case may be of a public authority under this Act;*

*(e) the assistance available from the Central Information Commission or State Information Commission, as the case may be;*

*(f) all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act including the manner of filing an appeal to the Commission;*

*(g) the provisions providing for the voluntary disclosure of categories of records in accordance with section 4;*

*(h) the notices regarding fees to be paid in relation to requests for access to an information; and*

*(i) any additional regulations or circulars made or issued in relation to obtaining access to an information in accordance with this Act.*

*(4) The appropriate Government must, if necessary, update and publish the guidelines at regular intervals*.”

The above provisions in no uncertain terms direct the Government to compile a Guide in a comprehensible form within 18 months of the commencement of the Act. so as to help the citizens to exercise their right.

The respondents are confusing it with the publication of the Punjabi version of this Act and Rules on the website of the Commission. The Government must had taken measures to publish the material to assist the citizens in comprehension of the rights conferred on them under the Act. The respondents say that it is no more available with them. We understand that the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training have published a Contd…page…4

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**COMPLAINT CASE NO.583/2017**

Guide and Instructions from time to time to further the cause of the Act. The State Government in the Department of Governance Reforms, Punjab, may look into it and take appropriate measures in this regard.

With the above observations the complaint is **disposed.**

**Sd/-**

**27.07.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: The Additional Chief Secretary to Government, Punjab,**

**Department of Governance Reforms,**

**Room No. 327, Floor – 3, Punjab Civil Secretariat – 2,**

**Sector – 9, Chandigarh --- for information and n/a.**

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Sh. Navneet Mittal

S/o Sh. Ashok Kumar Mittal,

Shop No.61, Old Dana Mandi,

Moga. Appellant

Versus

Public Information Officer,

O/o Director, Land Records, Punjab,

Kapurthala Road, Jalandhar.

First Appellate Authority,

O/o Director, Land Records, Punjab,

Kapurthala Road, Jalandhar Respondents

**APPEAL CASE NOs.1193 and 1213 of 2017**

**Date of RTI Application : 30.12.2016**

**Date of First Appeal : 27.01.2017**

**Date of Order of FAA : NIL**

**Date of Second Appeal : 21.04.2017**

**Present:** Sh. Ravi Khanna on behalf of the Appellant.

. Sh. Gagandeep, Sr. Assistant, O/o Director, Land Records, Jalandhar – for Respondents.

**ORDER**

Since the appellant, the respondents are the same and the information asked for is identical, the single order shall dispose of the above appeals.

We had passed the following order on 21.06.2017 :-

*“The appellant had sought certified copies of the merit list of the candidates who were selected as Patwaris under the General, SC and Sports category. Besides, they have asked for the counseling information with reference to one candidate namely Shakti Thapa.*

*The respondent says that they have already provided him the information which is refuted by the appellant saying that incomplete and irrelevant information has been provided. They suspect and allege some irregularity in the appointments thus made.*

*The respondents have already provided a massive information to the appellant which is uncertified according to the appellant. The documents have been returned back to the respondent with the direction to return it to him after certification.*

*Contd…page….2*

*-2-*

***APPEAL CASE NOs.1193 and 1213 of 2017***

*The Commission observes that though some of the information may attract the exemption clause under Section 8(e) of the Act being the information provided to the Public Authority in the fiduciary relationship. In view of the fact that some serious apprehensions have been made the Commission directs the respondents to provide him the certified information asked for point-wise specifically concerning the merit list of the various categories as mentioned in the original application within fifteen days from today positively failing which the Commission shall be constrained to proceed for penal action.”*

The case has been taken up today. Vide this communication dated 14.07.2017 the PIO has intimated that the requisite information has been forwarded to the information seeker. The appellant submits that it still has been found wanting with reference to Point No. 3 and 4 wherein the documents in sports category (general) have not been provided. They have also sought a copy of the Roll Number issued to one Ms. Shakti Thapa. The respondents are directed to provide it under the intimation to the Commission within fifteen days.

To come up on **05.09.2017 at 1130 AM.**

**Sd/-**

**27.07.2017 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Dilbagh Chand

S/oSh Ram Ji Dass,

Village Hyatpur P.O. Haebowal,

Tehsil Samrala Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Director, Rural Development & Panchayat Deptt. Pb.

Vikas Bhawan, Sector-62, S.A.S. Nagar.

First Appellate Authority,

O/o Director, Rural Development & Panchayat Deptt. Pb.

Vikas Bhawan, Sector-62, S.A.S. Nagar Respondents

**APPEAL CASE NO.1217/2017**

**Date of RTI Application :27.02.2017**

**Date of First Appeal :30.03.2017**

**Date of Order of FAA :Nil**

**Date of Second Appeal :02.05.2017**

**Present:** Sh. Dilbagh Chand, Appellant in person.

None on behalf of the Respondents.

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**ORDER**

We had made the following observations on 21.06.2017:-

*“The appellant is seeking the outcome of his complaint made with the competent authority concerning alleged irregularities committed by the sarpanch of village Hiyatpur, Tehsil Samrala, District Ludhiana.*

*The Commission takes an exception to the indifference shown by the respondents in giving neither any reply nor attending the court proceedings.*

*The respondents are directed to take immediate necessary action towards the disposal of the application under intimation to the Commission and file a response to the notice issued by the Commission as well. Any laxity on this score shall call for the penal action.”*

Regretfully none is present from the respondent side. The Commission takes a strong exception to the indifference shown by the respondents.

Contd..page…2

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**APPEAL CASE NO.1217/2017**

In their endorsement filed to the Commission the respondents say that they had entrusted the complaint to the District Development and Panchayat Officer, Ludhiana to enquire into the allegations made by the appellant and apprise him of the outcome of the same. Seemingly, the matter is still under investigation.

The respondents are advised to intimate him of the status of his file under intimation to the Commission by the next date of hearing positively.

Be it noted that no further opportunity shall be afforded.

As the ongoing application has forwarded to the District Development and Panchayat Officer, Ludhiana, he is deemed as PIO in the case in terms of Section 5(4) and 5(5) of the Act. He is directed to come present on the next date of hearing in the video conference at Ludhiana.

To come up on **13.09.2017 at 11.30 AM through video conference at Ludhiana.**

**Sd/-**

**27.07.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: The District Development and Panchayat Officer,**

**Ludhiana for information and n/a.**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Ashok Kumar

S/o Sh. Ajmer Gir,

Village Chandpur P.O. Sialba,

Tehsil Kharar, Distt. S.A.S.Nagar. Appellant

Versus

Public Information Officer,

O/o Block Development & Panchayat Officer,

Block Majri P.O. Sialba , Tehsil Kharar,

Dist. S.A.S.Nagar

First Appellate Authority

O/o Block Development & Panchayat Officer,

Block Majri, P.O. Sialba , Tehsil Kharar,

Distt. S.A.S.Nagar Respondents

**APPEAL CASE NO.1225/2016**

**Date of RTI Application : 10.02.2017 Date of First Appeal : 10.03.2017**

**Date of Order of FAA : Nil**

**Date of Second Appeal : 04.05.2017**

**Present:** Sh. Ashok Kumar, Appellant in person.

None on behalf of the Respondents.

**ORDER**

We had observed on 22.06.2017 as under :-

*“The Commission takes a strong exception to the indifferent attitude of the respondents as neither they have filed a written reply on the notice issued by the Commission nor anyone is present.*

*Another opportunity is afforded to the respondents to provide the information to the appellant under intimation to the Commission.”*

Despite our express order the PIO is neither present nor he has filed reply to the notice issued by the Commission. Logical corollary is that they have refused the information in terms of Section 7(2) of the RTI Act and thus rendered themselves liable for penal action.

Contd…page…2

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**APPEAL CASE NO.1225/2016**

Smt. Dilawar Kaur, BDPO – cum – PIO, 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 her 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. She 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 she has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.

To come up on **05.09.2017 at 11.30 AM.**

**Sd/-**

**27.07.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Gurcharan Singh

S/o Sh. Gurjeet Singh, Village Goslan,

P.O. Seeho Majra, Tehsil & Distt. Ropar Appellant

Versus

Public Information Officer,

O/o Block Development & Panchayat Officer,

Ropar.

First Appellate Authority

O/o District Development & Panchayat Officer,

Ropar Respondents

**APPEAL CASE NO.1233/2016**

**Date of RTI Application : 09.01.2017**

**Date of First Appeal : Not available**

**Date of Order of FAA : Nil**

**Date of Second Appeal : 06.04.2017**

**Present:** Sh. Gurcharan Singh, Appellant in person.

Sh. Shiv Raj Singh, Panchayat Secretary, O/o BDPO, Ropar – for Respondents.

**ORDER**

Sh. Shiv Raj Singh, Panchayat Secretary has brought along the information which has been handed over on spot to the appellant. The documents have also been got certified on spot. The Commission feels that sufficient information has been given. No action is called for.

**Disposed.**

**Sd/-**

**27.07.2017 (Yashvir Mahajan)**

**State Information Commissioner**

**Cc: The Block Development and Panchayat Officer,**

**Ropar.**

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Sh. Jagjit Singh,

S/o Sh. Harbans Singh,

# B-32/E -13/216 A Gali No.3,

Backside Green Land School, Near Jalandhar Bye-pass

Ludhiana Appellant

Versus

Public Information Officer,

O/o Municipal Corporation,

Zone-A, Ludhiana

First Appellate Authority

O/o Municipal Corporation,

Zone-A, Ludhiana Respondents

**APPEAL CASE NO.1228/2016**

**Date of RTI Application : 10.01.2017**

**Date of First Appeal : 20.02.2017**

**Date of Order of FAA : Nil**

**Date of Second Appeal : 29.03.2017**

**Present:** None.

**ORDER**

None is present.

The case is adjourned to be heard on **07.09.2017 at 11.30 AM.**

**Sd/-**

**27.07.2017 (Yashvir Mahajan)**

**State Information Commissioner**