

# PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,  
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100-101, Fax 0172 2864110

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Shri Iqbal Singh Rasulpur,  
Village Rasulpur, Tehsil Jagraon,  
District Ludhaina.

.....Appellant

**Vs**

Public Information Officer,  
o/o Chief Minister, Punjab,  
Chandigarh.

First Appellate Authority,  
o/o Chief Minister, Punjab,  
Chandigarh.

.....Respondents.

## **Appeal Case .No. 2547 of 2019**

Present:- Shri Ravi Singh on behalf of the appellant.

Shri Jarnail Singh, APIO alongwith Shri Gaurav, Clerk, on behalf of the respondents.

### **ORDER**

The RTI application is dated 19.02.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on **04.04.2019** and second appeal was filed in the Commission on 15.07.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The representative of the appellant states that till date no information has been provided to the appellant.

3. The representatives of the respondents state that the appellant has sought

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action taken on his application dated 8.1.2018 by the office of the Chief Minister, Punjab, Chandigarh for helping them in fixing meeting with Director General of Police, Punjab, Chandigarh regarding terrorist affected families. They further submit that the appellant was informed about the action taken on his application vide their letters dated 28.02.2019 by the PIO and on 26.04.2019 by the First Appellate Authority office of the Chief Minister, Punjab, Chandigarh and then they have sent detailed reply on 19.08.2019. A copy each of the above mentioned letters was again handed over to the representative of the appellant.

3. . After hearing both the parties and going through the record available on the case file, it is revealed that information regarding fixing of meeting with the Director General of Police, Punjab, Chandigarh with the terrorist affected parties has been supplied to the appellant. Nothing more can be done by the Commission. Hence, the present case is **disposed of** and **closed**. Copies of the order be sent to the parties.

Chandigarh.  
29.08.2019.

**(Suresh Arora),**  
Chief Information Commissioner,  
Punjab.

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Sh. Dilbagh Chand (Naib Tehsildar Retd.)  
s/o Shri Ramji Dass, Village Hayatpur,  
P.O. Mahbowal, Tehsil Samrala,  
District Ludhiana.

.....Appellant

**Vs**

Public Information Officer,  
o/o Punjab Public Service Commission,  
Patiala.

First Appellate Authority,  
o/o Punjab Public Service Commission,  
Patiala.

.....Respondents

## **Appeal Case .No. 2552 of 2019**

Present:- Shri Dilbagh Chand, appellant, in person.

Shri Harpreet Singh, Senior Assistant, on behalf of the respondents.

### ORDER

The RTI application is dated 13.03.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 29.04.2019 and second appeal was filed in the Commission on 17.07.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant states that till date no information has been provided to him by the respondents.

3. The representative of the respondents states that reply to application of the appellant was sent on 29.4.2019 and on 4.6.2019. They are placing on record of

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the case file self speaking reply to his RTI application dated 28.8.2019, the contents of which are as under:-

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਆਪ ਦੇ ਪੱਤਰ ਨੰ: ਪੀ.ਐਸ.ਆਈ.ਸੀ/ਲੀਗਲ/2019/13439 ਮਿਤੀ 14.08.2019 ਦੇ ਹਵਾਲੇ ਸੰਬੰਧੀ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਪ੍ਰਾਰਥੀ ਵਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਸੰਬੰਧੀ ਕਮਿਸ਼ਨ ਵਲੋਂ ਆਪਣੇ ਪੱਤਰ ਮਿਤੀ 29.04.2019 ਅਤੇ ਪੱਤਰ ਮਿਤੀ 04.06.2019 ਰਾਹੀਂ ਭੇਜਦੇ ਹੋਏ ਲਿਖਿਆ ਗਿਆ ਸੀ ਕਿ ਬੀ.ਡੀ.ਪੀ.ਓ. ਦੀ ਸਲੈਕਸ਼ਨ ਸੰਬੰਧੀ ਮੁਕੰਮਲ ਵੇਰਵਾ ਭੇਜਿਆ ਜਾਵੇ ਤਾਂ ਜੋ ਸੰਬੰਧਤ ਮਿਸਲ ਦੀ ਭਾਲ ਕਰਕੇ ਲੋੜੀਂਦੀ ਸੂਚਨਾ ਦੇਣ ਬਾਰੇ ਵਿਚਾਰ ਕੀਤਾ ਜਾ ਸਕੇ, ਇਕਲੇ ਨਾਮ ਨਾਲ ਕਿਸੇ ਉਮੀਦਵਾਰ ਸੰਬੰਧੀ ਸੂਚਨਾ ਦਿਤੀ ਜਾਣੀ ਸੰਭਵ ਨਹੀਂ ਹੈ। ਉੱਝ ਵੀ ਚੁਣੇ ਉਮੀਦਵਾਰ ਦੇ ਦਸਤਾਵੇਜ਼ ਸੰਬੰਧਤ ਵਿਭਾਗ ਨੂੰ ਭੇਜ ਦਿਤੇ ਜਾਂਦੇ ਹਨ। ਬਮਿਸ਼ਨ ਵਲੋਂ ਵੀ 5 ਸਾਲਾਂ ਤੋਂ ਬਾਅਦ ਭਰਤੀ ਨਾਲ ਸੰਬੰਧਤ ਰਿਕਾਰਡ ਨਸ਼ਟ ਕਰ ਦਿਤਾ ਜਾਂਦਾ ਹੈ। ਪ੍ਰਾਰਥੀ ਵਲੋਂ ਹੁਣ ਤਕ ਕਮਿਸ਼ਨ ਦੇ ਕਿਸੇ ਵੀ ਪੱਤਰ ਦਾ ਉਤਰ ਨਹੀਂ ਦਿਤਾ ਗਿਆ, ਜਿਸ ਕਾਰਨ ਪ੍ਰਾਰਥੀ ਨੂੰ ਕੋਈ ਸੂਚਨਾ ਮੁਹੱਈਆ ਨਹੀਂ ਕਰਵਾਈ ਜਾ ਸਕੀ ਹੈ।

4. After hearing both the parties and going through the record available on the case file, it is revealed that reply to appellant's application for information has been sent to him but the appellant has failed to respond to any of the respondent's letter. The Commission is satisfied with the reply sent by the respondents. Nothing can be done by the respondents as they do not keep record of any employee after its selection. The appellant is advised to get the requisite information from the concerned department after filing fresh application for information under the provisions of the RTI Act, 2005. With these observations, the present case is **disposed of** and **closed**. Copies of the order be sent to the parties.

Chandigarh.  
29.08.2019.

**(Suresh Arora),**  
Chief Information Commissioner,  
Punjab.

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Sh. Ranjit Singh,  
#63, Phase 3 B1,  
Mohali.

.....Appellant

**Vs**

Public Information Officer,  
o/o Block Development and Panchayat Officer,  
Nadala, District Kapurthala.

FAA-District Development and Panchayats Officer,  
Kapurthala.

.....Respondents

## **Appeal Case No. 2554 of 2019**

Present:- None on behalf of the appellant.

None on behalf of the respondent.

### ORDER

The RTI application is dated 19.04.2019 vide which the appellant has sought information as enumerated in his RTI application and First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 25.05.2019 and second appeal was filed in the Commission on 15.07.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant is absent without intimation.

3. None is present on behalf of the respondents-PIO without any intimation.

Viewing the absence of the respondent seriously, the PIO is directed to take an appropriate action with regard to information sought as required under the Right to

Contd.....p/2

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Information Act, 2005 before the next date of hearing, failing which punitive action under the provisions of RTI Act, 2005 will be initiated against him. Last opportunity is afforded to the appellant to appear on the next date of hearing and plead his case otherwise exparte decision will be taken.

4. To come up on **16.09.2019** at **11.00 A.M.** for further proceedings.

Chandigarh.  
29.08.2019.

**(Suresh Arora),**  
Chief Information Commissioner,  
Punjab.

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Sh. Ranjit Singh,  
#63, Phase 3 B1,  
Mohali.

.....Appellant

**Vs**

Public Information Officer,  
o/o Block Development and Panchayat Officer,  
Nadala, District Kapurthala.

FAA-District Development and Panchayats Officer,  
Kapurthala.

.....Respondents

## **Appeal Case No. 2555 of 2019**

Present:- None on behalf of the appellant.

None on behalf of the respondenst.

### **ORDER**

The RTI application is dated 18.04.2019 vide which the appellant has sought information as enumerated in his RTI application and First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 27.05.2019 and second appeal was filed in the Commission on 15.07.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant is absent without intimation.

3. None is present on behalf of the respondents-PIO without any intimation.

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-2-

Viewing the absence of the respondent seriously, the PIO is directed to take appropriate before the next date of hearing, failing which punitive action under the provisions of RTI Act, 2005 will be initiated against him. Last opportunity is afforded to the appellant to appear on the next date of hearing and plead his case otherwise exparte decision will be taken.

4. To come up on **16.09.2019** at **11.00 A.M.** for further proceedings.

Chandigarh.  
29.08.2019.

**(Suresh Arora),**  
Chief Information Commissioner,  
Punjab.



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Sh. Kewal Singh  
s/o Shri Gurcharan Singh,  
Village Kot Khurd, .  
PO Binaheri, Tehsil Nabha,  
District Patiala.

.....Appellant  
**Vs**

Public Information Officer,  
o/o Block Development and Panchayats Officer,  
Nabha.

FAA-District Development and Panchayats Officer,  
Patiala. ....Respondents

## Appeal Case No. 2628 of 2019

Present:- Shri Kewal Singh, appellant, in person.

None on behalf of the respondents.

### ORDER

The RTI application is dated 09.10.2018 vide which the appellant has sought information as enumerated in his RTI application and First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 11.12.2018 and second appeal was filed in the Commission on 22.07.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant states that no information has been provided to him till date.

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3. None is present on behalf of the respondents without any intimation. Viewing the absence of the respondent seriously, the PIO is directed to take appropriate action before the next date of hearing, failing which punitive action under the provisions of RTI Act, 2005 will be initiated against him.

4. To come up on 16.**09.2019** at **11.00 A.M.** for further proceedings.

Chandigarh.  
29.08.2019.

**(Suresh Arora),**  
Chief Information Commissioner,  
Punjab.

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Sh. Sukhpal Singh  
s/o Shri Gian Singh,  
r/o Village Maghar, P.O. Rasanheri,  
Tehsil Mohali.

.....Complainant.

**Vs**

Public Information Officer,  
o/o Block Development and Panchayats Officer,  
Kharar, District Mohali.

.....Respondents.

## **Complaint Case No. 639 of 2019**

Present:- Shri Vikram Singh Chahal, Advocate, alongwith Shri Sukhpal Singh,  
Complainant

Shri Rajinder Singh, Panchayat Secretary, on behalf of the respondents.

### ORDER

The RTI application is dated 23.01.2019 vide which the appellant has sought information as enumerated in his RTI application and complaint filed in the Commission on 22.07.2019 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The complainant states that till date no information has been provided to him.

3. The representative of the respondents submits letter dated 29.08.2019 alongwith enclosed letter dated 1.5.2019 sent to the complainant stating that the record sought by the complainant is old one. He further states that Sarpanch of the village

Contd.....p/2

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submitted record of Panchayat never before the election or after the election. Shri Nasib Singh, Ex-sarpanch and Shri Sukhwant Singh, Panchayat Secretary have passed away.

3. After hearing both the parties and going through the record available in the case file, the respondents are directed to make one more attempt to trace the said record pertaining to the years 1992-97 otherwise file an affidavit stating that the record is not traceable.

4. The case is adjourned to **16.9.2019** at **11.00 A.M.** for further proceedings.

Chandigarh.  
29.08.2019.

**(Suresh Arora),**  
Chief Information Commissioner,  
Punjab.

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Sh. Jagtar Singh

s/o Shri Sampooran Singh, Village Naraina,

P.O. Bahamana, Tehsil Bassi Pathana,

District Fatehgarh Sahib.

.....Appellant

**Vs**

Public Information Officer,

o/o Gram Panchayat, Naraina,

P.O. Bahmana, Tehsil Bassi Pathana,

District Fatehgarh Sahib.

First Appellate Authority,

o/o Block Development and Panchayat Officer,

Fatehgarh Sahib.

.....Respondent

## **Appeal Case .No. 2435 of 2019**

Present:- None on behalf of the appellant

Shri Akashdeep Singh, Panchayat Secretary, on behalf of the respondents.

### **ORDER**

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 called FAA) on 29.05.2019 and second appeal was filed in the Commission on 05.07.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for 23.08.2019 but was postponed for today due to administrative reasons.

2. Today, the appellant is not present without intimation.

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3. The representative of the respondents states that charge of the concerned circle has been given to him only two days ago. He requests that he has not got the application under consideration information and one copy of the same may be provided to him for taking necessary action. He assures that he will provide information within 7 days from today.

4. After hearing the representative of the respondent and going through the record available on the case file, it is revealed that no information has been provided to the appellant. A copy of the application for information has been given to him during the hearing with the direction to provide the requisite information to the appellant otherwise pass speaking order for not providing the information. Last opportunity is afforded to the appellant to appear on the next date of hearing otherwise exparte decision will be taken.

5. To come up on **16.09.2019** at **11.00 A.M.** for further proceedings.

Chandigarh.  
29.08.2019.

**(Suresh Arora),**  
Chief Information Commissioner,  
Punjab.

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Sh. Prem Kumar Rattan,  
H.No.78/8, Park Road,  
New Mandi, Dhuri District  
Sangrur.

.....Appellant

**Vs**

Public Information Officer  
o/o Financial Commissioner to the Govt. of Punjab,  
Department of Revenue, Chandigarh.

First Appellate Authority,  
o/o Financial Commissioner to Govt. of Punjab,  
Department of Revenue,  
Chandigarh.

.....Respondents

## **Appeal Case No. 2461 of 2019**

Present:- None on behalf of the appellant

Shri Amarjit Singh, Senior Assistant on behalf of the respondents.

### **ORDER**

The RTI application is dated 31.03.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 02.05.2019 and second appeal was filed in the Commission on 09.07.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for 23.08.2019 but could not be heard due to administrative reasons and adjourned to today.

Contd.....p/2

2. Today, the appellant is not present. However, a letter dated 20.08.2019 has been received from him through email stating that he has received complete information in this case and he has no objection, if the case is disposed of and closed.

3. The representative of the respondents states that complete information has been provided and the appellant has given in writing that he has received complete information and he has no objection if the case is closed and disposed of.

4. After hearing the representative of the respondents and going through the record available on the case file, it is revealed that appellant has received information complete in all respects and does not want to pursue the matter any further. Hence, the present case is **disposed of** and **closed**. Copies of the order be sent to the parties.

Chandigarh.  
29.08.2019.

**(Suresh Arora),**  
Chief Information Commissioner,  
Punjab.



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Sh. Rohit Sabharwal  
(President), Kundan Bhawan,  
126, Model Gram, Ludhiana.

.....Appellant  
**Vs**

Public Information Officer  
o/o Financial Commissioner to the Govt. of Punjab,  
Department of Rural Development and Panchayats  
Mohali.

First Appellate Authority,  
o/o Financial Commissioner to the Govt. of Punjab,  
Department of Rural Development and Panchayats,  
Mohali.

.....Respondents

## **Appeal Case .No. 2444 of 2019**

Present:- None on behalf of the appellant  
Ms. Kanta Devi, Senior Assistant, on behalf of the respondents.

### **ORDER**

The RTI application is dated 24.01.2019 vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter called FAA) on 07.03.2019 and second appeal was filed in the Commission on 08.07.2019 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today.

2. The appellant is absent but his representative has sent her observations to the information supplied to them.

3. The representative of the respondents submits that they have provided information to the appellant vide their letters dated 27.4.2019, 28.06.2019 and 5.8.2019. She states that they have given pointwise reply to the information-seeker

Contd.....p/2

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vide their letter dated 5.8.2019:-

- |       |                             |   |
|-------|-----------------------------|---|
| (i)   | Regarding point No.1        | There is no policy regarding this. They have Supplied a copy of letter No.7527 dated 27.4.2015 issued by their Department.                            |
| (ii)  | Regarding point at Sr. No.2 | This information relates to different PIOs and can be had from them directly..  |
| (iii) | Regarding point at Sr. No.3 | This information relates to different PIOs and can be had from them directly.   |
| (iv)  | Regarding point at Sr. No.4 | They have supplied a copy of an affidavit filed by Shri S.C. Aggarwal, Chief Secretary to Govt. of Punjab, Chandigarh filed in the Hon'ble Apex Court |

4. From the perusal of the record and hearing the representative of the respondents, it is revealed that the same matter However, the appellant has addressed the request for information to the Chief Secretary to Government of Punjab, Chandigarh and expects that Chief Secretary to Government of Punjab, as a public authority shall procure, collate and thereafter supply the information in respect of all field offices under his control. Obviously, the appellant has not appreciated the mechanism created by RTI Act for securing information by citizens. Section 2(j) of the Act confers right on citizens to access information 'held by or under the control of any public authority' and

Contd.....p/3

thereby casts a corresponding duty on the concerned public authority to furnish the information. The term 'public authority' has been defined in Section 2(h) of the RTI Act. For our

purposes, sub-clause (c) & (d) of this Section are relevant, which read as below:-

**Section 2(h) sub-clauses (C) and (d):-**

**“Public Authority means any authority or body or institution of self government established or constituted:-**

- (c) by any law made by State Legislature;**
- (d) by notification issued or order made by the appropriate Government, and includes any-**
  - (i) body owned, controlled or substantially financed;**
  - (ii) non-government organization substantially financed, directly or indirectly by funds provided by the appropriate government.”**

5. The office of Chief Secretary to Government of Punjab is an authority created by the law/notification of the State government and it is therefore a 'public authority'. Likewise the field offices are creation of law/notifications issued by government and therefore are 'public authorities' within the meaning of Section 2 of Act. The law provides for recognition of more than one public authority within a government department, so long they meet the criteria of Section 2. Each public authority within a department may be the custodian of an 'information' i.e. an information "is held by or under the control" of such a public authority. For the purpose of RTI Act each public authority is a self-contained unit and the fact that a public authority is on the administrative side subordinate to another superior office, which is also a public authority, makes no difference. An information seeker is required to access the information from the concerned public authority which holds or controls the information. If the information is held and controlled by a Head of State in capacity as 'public

authority' then the information seeker is required to approach him. If, however, the information is held and controlled by a public authority other than the Head of State, then the information seeker is required to approach that public authority. The fact that this public authority is subordinate to Head of State on the administrative side is immaterial because under the RTI Act, there is no hierarchy of 'public authorities'. No one public authority is subordinate to or superior than another public authority, for the purpose of RTI Act. Anybody or institution which satisfies the provisions of Section 2(h) is a public authority and there could be as many offices in a government department designated as 'Public Authority', as satisfy the Provisions of Section 2(h).

6. Section 6(1)(a) makes it further clear that a person who desires to obtain any information 'shall' make a request to the PIO "of the concerned public authority" and the concerned public authority would be the authority which 'holds' or 'controls' the information. The information must be held in capacity as 'Public Authority'. Even from a practical point of view, it is not possible for a Head of a State to collect, collate and supply information held by various offices who are public authorities spread all over the State, as they are under its control on the administrative side.

7. The obligation to supply information is discharged by each public authority by designating officers as 'Public Information Officers', who act as the nodal points for receiving the requests for information, procuring it from the concerned hands within the organization and thereafter supplying it to the information seeker. The PIO may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his/her duties. The assistance contemplated under Section 5 sub clause (4) and (5) must be construed as assistance of any officer within the public authority. This is obvious from the fact that under Sub-clause (5) of Section 5, the officer whose assistance has been sought shall be treated as a PIO. For seeking assistance of any officer under the control of another Public Authority, there is a separate provision in law.

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If the information sought is held by another public authority i.e. by an authority other than to which the PIO who has received the request belongs, the law creates an obligation on the part of such a PIO to, “transfer the application or such part of it as may be appropriate to that other public authority”. This obligation under Section 6 of the Act is to transfer the application to ‘that other public authority’ and not to public ‘authorities’. The expression used in Section 6 is ‘authority’ and not ‘authorities’. Simply put, the PIO is expected to transfer a request which does not relate to him but has nevertheless been received by him, one identifiable authority. He is not expected to transfer such a request if information is held by any or a number of authorities. The rational is that a PIO is not a post office or a coordinator for forwarding requests from information seekers to various departments. Legislature has merely facilitated the information seekers by empowering PIO who inadvertently receives request pertaining to another PIO to forward it to the concerned PIO. Law, however, does not require him to deal with a multitude of public authorities; if that were so, some PIOs may end up doing nothing else!

8. From the foregoing discussion, it must be held that the appellant erred in approaching the Chief Secretary to Government of Punjab, Chandigarh as Head of State, for seeking information from various public authorities spread all over the State on the pretext that these public authorities are subordinate. The appellant was required under law to approach the PIO of the concerned public authority which holds or controls the information, which in the present case would mean the PIOs of the Directorates, District Heads, Tehsil Heads etc. etc. Consequently, it must be held that the PIO of the office of Chief Secretary to Government of Punjab, Chandigarh is under no legal obligation to collect, collate and supply information to the appellant from other public authorities spread all over Punjab. The appellant has sought the information of

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subordinate offices of the Chief Secretary to Government of Punjab, Chandigarh. He may, however, approach the concerned PIO/PIOs for seeking information with fresh application/s, if he so desires. With these observations, the present case is **disposed of** and **closed**. Copies of the order be sent to the parties.

Chandigarh.  
29.08.2019.

**(Suresh Arora),**  
Chief Information Commissioner,  
Punjab.