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REGISTERED

Rajinder Pal Gupta,

s/o Ramji Dass Gupta, # B-X-1049, Shivala Road, Ludhiana – 141007

Versus

Public Information Officer,

o/o Commissioner of Police, Mini Secretariat, Ferozepur Road, Ludhiana – 141002

Complaint Case No. 844 of 2019

PRESENT:

Davinder Pal Sood, Advocate (on behalf of Complainant) (Respondent) Absent

ORDER:

- 1. The complainant, **Rajinder Pal Gupta**, filed this RTI application dated **3.6.19** and sought information from the PIO o/o Commissioner of Police, Ludhiana. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **24.9.19**. Notice was issued to the parties for first hearing in the Commission on **29.11.19**.
- 2. The respondent PIO is absent. Sub Inspector Pawandev Singh, in-charge RTI Cell, office of Commissioner of Police, Ludhiana, informed the Commission that the concerned APIO who holds the information requested in this complaint case, has been held up because of a hearing in Punjab & Haryana High Court.
- 3. The appellant, represented by his lawyer, Davinder Pal Sood, is present via Video Conferencing in the NIC Center at the office of the Deputy Commissioner Ludhiana.
- 4. However, in the absence of the respondent, it is not feasible to take this hearing forward, so this complaint case is adjourned until the next hearing with a direction to the respondent to make himself available on the day at the NIC Centre at the DC's office in Ludhiana.
- 5. Next hearing on 13.12.19 at 1:30 pm via Video Conferencing.

Sd/(ASIT JOLLY)
State Information Commissioner

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REGISTERED

S.P., Goyal, 2-C, Sarabha Nagar, NavDurgaMandir, Gurudwara Road, Ludhiana-141001

Versus

Public Information Officer,

o/o Commissioner of Police, Mini Secretariat, Ferozepur Road, Ludhiana-141001

Complaint Case No. 857 of 2019

PRESENT:

Davinder Pal Sood(on behalf of Complainant) (Respondent) Absent

ORDER:

- 1. The complainant, **S.P. Goyal**, filed this RTI application dated **15.7.19** and sought information from the PIO o/o **Commissioner of Police**, **Ludhiana**. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **24.9.19**. Notice was issued to the parties for first hearing in the Commission on **29.11.19**.
- 2. The respondent PIO is absent. Sub Inspector Pawandev Singh, in-charge RTI Cell, office of Commissioner of Police, Ludhiana, informed the Commission that the concerned APIO who holds the information requested in this complaint case, has been held up because of a hearing in Punjab & Haryana High Court.
- 3. The appellant, represented by his lawyer, Davinder Pal Sood, is present via Video Conferencing in the NIC Center at the office of the Deputy Commissioner Ludhiana.
- 4. However, in the absence of the respondent, it is not feasible to take this hearing forward, so this complaint case is adjourned until the next hearing with a direction to the respondent to make himself available on the day at the NIC Centre at the DC's office in Ludhiana.
- 5. Next hearing on 13.12.19 at 1:30 pm via Video Conferencing.

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Sawan Singh,

s/oNiranjan Singh, # 388 A, Street No. 1, Near Doctor Chetan Clinic, New Azad Nagar, District Ferozepur.

Versus

Public Information Officer,

o/o Additional Director General of Police (Jails), Punjab, Chandigarh.

Complaint Case No. 847 of 2019

PRESENT:

Sawan Singh (Complainant) 95011-20183 Kanwar V.P. Singh, APIO-Cum-DSP (Respondent) 97074-00013

ORDER:

- 1. The complainant, Sawan Singh, filed this RTI application dated 24.6.19 and sought information by way of the report of an inquiry conducted on his complaint on 23.3.19 against one Deputy Superintendent Gurpreet Singh, then posted at the Sub Jail at Fazilka. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on 24.9.19. Notice was issued to the parties for first hearing in the Commission on 29.11.19.
- 2. Both parties are present. The respondent PIO, represented by Kanwar V.P. Singh, APIO-cum-DSP, has submitted that the inquiry report requested in this RTI application is complete and has been submitted for further action to the Principal Secretary (Jails). He contended that the aforesaid report is under the state government's consideration and so cannot be furnished to the complainant. The respondent also claimed exemption from disclosing the information (inquiry report) since it pertains to a third party i.e. Deputy (Jail) Superintendent Gurpreet Singh, who has refused to permit disclosure of the inquiry report to the complainant.
- 3. The complainant, Sawan Singh, however, pointed out that the inquiry was conducted on his complaint and therefore, he must have access the outcome of the aforesaid inquiry.
- 4. After perusing the facts of this complaint case, this Commission directs the complainant to submit in writing as to how disclosure of the information he seeks would serve public interest.
- 5. The Commission also grants Deputy Superintendent Gurpreet Singh an opportunity to be heard in person at the next hearing of this complaint case. The respondent PIO will be responsible for apprising the aforesaid officer of this Order.
- 6. Meanwhile, the respondent PIO is also directed to bring a certified copy of the aforesaid inquiry report to the next hearing as well as make a written submission explaining why this RTI application was not addressed within the 30-day period stipulated in the RTI Act.

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7. Next hearing on 31.1.20 at 11.00 am.

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REGISTERED

Ravinder Kataria.

64, New SantFateh Singh Nagar, Dugri Road, Ludhiana.

Versus

Public Information Officer,

o/o Secretary, Regional Transport Authority (RTA), Sangrur.

First Appellate Authority,

o/o State Transport Commissioner, Punjab, Chandigarh.

Appeal Case No. 2798 of 2019

PRESENT:

Ravinder Kataria(Appellant) 94631-33590 (Respondent) Absent

ORDER:

(To be read in continuity with earlier order on 3.10.19)

- 1. The RTI application is dated **6.5.19** vide which the appellant has sought <u>information</u> <u>pertaining to the issue and renewal of commercial driving licenses etc.</u>, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **11.6.19**, and second appeal was filed in the Commission on **1.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **3.10.19**.
- 2. The respondent PIO is absent and his office has intimated the Commission that he is on Ex-India leave until 15.12.19. The respondent PIO had, on 4.11.19, invited the appellant to inspect the record in his office on any working day. However, the appellant stated that he did not receive any letter informing him of such an invitation.
- 3. Following from the above, this Commission directs the respondent PIO to arrange an inspection of the record on any day before the next hearing.
- 4. Next hearing on 20.12.19 at 11.00 am.

Sd/-

(ASIT JOLLY)

State Information Commissioner

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REGISTERED

Ravinder Kataria,

64, New Sant Fateh Singh Nagar, DugriRoad,Ludhiana.

Versus

Public Information Officer,

o/o Secretary, Regional Transport Authority (RTA), Bathinda.

First Appellate Authority,

o/o State Transport Commissioner, Punjab, Chandigarh.

Appeal Case No. 2799 of 2019

PRESENT:

Ravinder Kataria (Appellant) 94631-33590 (Respondent) Absent

ORDER:

(To be read in continuity with earlier order on 3.10.19)

- 1. The RTI application is dated **6.5.19** vide which the appellant has sought <u>information</u> <u>pertaining to the passing of vehicles, registration certificates, fees, pollution</u> <u>certificates etc.</u>, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **11.6.19**, and second appeal was filed in the Commission on **1.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **3.10.19**.
- 2. The respondent PIO is absent without intimation for the second time in succession. There has been no communication from him either to this Commission or to the appellant. The Commission takes a very serious view of the manner in which the PIO has conducted himself with regard to this appeal case.
- 3. The respondent PIO is herewith ordered to SHOW CAUSE as to why a penalty should not be imposed upon him under Section 20(1) of RTI Act, 2005, for causing willful delay/denial of the information requested by the appellant as far back as on 6.5.19.

In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) provisio there to, 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 a 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*.

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4. Next hearing on 20.12.19 at 11.00 am.

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REGISTERED

Ravinder Kataria.

64, New SantFateh Singh Nagar, DugriRoad, Ludhiana.

Versus

Public Information Officer,

o/o Secretary, Regional Transport Authority (RTA), Patiala.

First Appellate Authority,

o/o State Transport Commissioner, Punjab, Chandigarh.

Appeal Case No. 2800 of 2019

PRESENT:

Ravinder Kataria(Appellant) 94631-33590 Sham Lal, PIO-Cum-ATO (Respondent) 99142-23294

ORDER:

(To be read in continuity with earlier order on 3.10.19)

- 1. The RTI application is dated **6.5.19** vide which the appellant has sought <u>information</u> <u>pertaining to the renewal of commercial licenses etc.</u>, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **11.6.19**, and second appeal was filed in the Commission on **1.8.19** under Section 19 of the Right to Information Act, 2005.The case was last heard on **3.10.19**.
- 2. Both parties are present. The respondent PIO-cum-ATO, Sham Lal, stated that the pending information has been requested from the Project Director NIC, and is to be received by him. He assured this Commission that the information will be handed over to the appellant as soon as it is received from the NIC.
- 3. Under the circumstances, the respondent PIO is granted one opportunity to furnish the requested information.
- 4. Next hearing on 20.12.19 at 11.00 am.

Sd/(ASIT JOLLY)

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REGISTERED

Ravinder Kataria.

64, New SantFateh Singh Nagar, DugriRoad, Ludhiana.

Versus

Public Information Officer.

o/o Secretary, Regional Transport Authority (RTA), Faridkot.

First Appellate Authority, o/o State Transport Commissioner, Punjab, Chandigarh.

Appeal Case No. 2801 of 2019

PRESENT:

Ravinder Kataria(Appellant) 94631-33590 (Respondent) Absent

ORDER:

(To be read in continuity with earlier order on 3.10.19)

- 1. The RTI application is dated **6.5.19** vide which the appellant has sought <u>information</u> regarding commercial licenses etc., as enumerated in h5r is RTI application. First appeal was filed with the First Appellate Authority (FAA) on **11.6.19**, and second appeal was filed in the Commission on **1.8.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **3.10.19**.
- 2. The respondent PIO is absent without intimation for the second time in succession. Despite this Commission's Order of 3.10.19, directing him to appear in person, he has not thought it prudent to comply or inform the Commission of any difficulties he faces in doing so.
- 3. The respondent PIO is herewith ordered to SHOW CAUSE as to why a penalty should not be imposed upon him under Section 20(1) of RTI Act, 2005, for causing willful delay/denial of the information requested by the appellant as far back as on 3.10.19.

In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) provisio there to, 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*.

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4. Next hearing on 20.12.19 at 11.00 am.

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Baldev Singh,

S/o Sh. Gurbakhsh Singh,

Vill: Gadhera,

P.O: Makrampur, Tehsil: Bassi Pathana, Distt: Fatehgarh Sahib.

Versus

Public Information Officer,

o/o Superintendent, Establishment Branch, O/o Deputy Commissioner, Fatehgarh Sahib

Complaint Case No. 850 of 2019

PRESENT:

Baldev Singh (Complainant) 98552-27740 Ashwani Kumar, Senior Assistant (for the Respondent) 97805-29797

ORDER:

- 1. The complainant, **Baldev Singh**, filed this RTI application dated **5.7.19** and sought **information regarding the action taken on application No. 41244/2019 to the Deputy Commissioner**. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **24.9.19**. Notice was issued to the parties for first hearing in the Commission on **29.11.19**.
- 2. Both parties are present. The respondent PIO represented by Ashwani Kumar, Senior Assistant, has brought a copy of the information (enquiry report). This has been handed over to the complainant who has expressed his satisfaction with it.
- 3. The respondent PIO in this complaint case, DRO, Amandeep Singh Thind is warned against similar delays in addressing requests for information under the RTI Act in future.
- 4. There is no further cause for action and this complaint case is herewith **CLOSED**.

Sd/-

(ASIT JOLLY)

State Information Commissioner

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Jatinder Singh, # 32 B.N. 90, Odeon Street No. 2, Majitha Road, Amritsar.

Versus

Public Information Officer, o/o Deputy Commissioner of Police, Amritsar.

Complaint Case No. 864 of 2019

PRESENT:

Jatinder Singh (Complainant) 88476-53832 Sukdial Singh, ASI, (for the Respondent) 79867-32504 Surinder Singh, Head Constable (for the Respondent) 97805-575800

ORDER:

- 1. The complainant, **Jatinder Singh**, filed this RTI application dated **2.6.19** and sought **information pertaining to his application dated 8.5.19 etc.**. When no information was received, the Complainant filed a complaint under Section 18 of the RTI Act, 2005 to the Commission on **27.9.19**. Notice was issued to the parties for first hearing in the Commission on **29.11.19**.
- 2. Both parties are present. The respondent PIO represented by Sukdial Singh, ASI and Surinder Singh, Head Constable, have submitted an attested copy of the information which was handed over to the complainant. On perusing the copy, the complainant pointed out a deficiency by way of MLR requested in his RTI application.
- 3. The respondent PIO is directed to search his record and supply an attested copy of the MLR if available. He is also directed to submit a written reply to this Commission's order before the next date of hearing.
- 4. Next hearing on 31.1.20 at 11.00 am.

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Baljinder Singh,

S/o Sh. Satnam Singh, # 10704, Street No.1, Karamsar Colony, Near New Subhash Nagar, Basti Jodhewal. Ludhiana – 141 007

Versus

Public Information Officer.

o/o Deputy Commissioner of Police, Ludhiana.

First Appellate Authority,

o/o Police Commissioner, Ludhiana.

Appeal Case No. 3553 of 2019

PRESENT:

(Appellant) Absent

Pawandev Singh, Sub Inspector (for the Respondent) 78887-41866

ORDER:

- 1. The RTI application is dated **26.7.19** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) and second appeal was filed in the Commission on **24.9.19** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **29.11.19**.
- 2. The appellant is absent but he has intimated the Commission of his inability to be present at this hearing. The respondent PIO, represented by Pawandev Singh, Sub Inspector, has submitted that the information requested pertains to a complaint which is still under investigation with the ACP (East) Ludhiana. In such case, he sought exemption under Section 8(1)(h) of the RTI Act, which reads as under:
- "Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen, -(h) information which would impede the process of investigation or apprehension or prosecution of offenders,"
- 3. This Commission concurs with the stand taken by the respondent PIO, while also advising him to share the requested information with the appellant as and when the aforesaid investigation is completed.
- 4. There is no further cause for action and this appeal case is herewith **CLOSED**.

Sd/-

(ASIT JOLLY)

State Information Commissioner

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Nitin Kumar Advocate, Chamber No. 312, District Court, Fatehgarh Sahib.

Versus

Public Information Officer.

o/o Additional Deputy Commissioner (Development), Fatehgarh Sahib.

First Appellate Authority,

o/o Deputy Director Rural Panchayats, o/o Director Rural Development and Panchayats, Mohali.

Appeal Case No. 3563 of 2019

PRESENT:

Nitin Kumar Advocate (Appellant)
Anmol Singh, TA, Block Basi Pathana (for the Respondent) 86400-00077
Balmeet Singh, TA, Block Sirhind (for the Respondent) 94633-28469
Gurpreet Singh, TA Coordinator, Block Khamano (for the Respondent) 88376-66479
Ravinder Kaur, Supdtt., Block Fatehgarh Sahib (for the Respondent) 96463-00942
Narjeet kaur, APO, Block Khera (for the Respondent) 98882-75220
Ritu, APO, Block Amloh (for the Respondent) 70098-18670

ORDER:

- 1. The RTI application is dated **26.7.19** vide which the appellant has sought <u>information</u> <u>pertaining to the receipt and disbursal of funds received under MNREGA etc.</u>, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **22.8.19** and second appeal was filed in the Commission on **24.9.19** under Section 19 of the Right to Information Act, 2005. Notice was issued to the parties for first hearing in the Commission on **29.11.19**.
- 2. Both parties are present. The respondent PIO, represented by Anmol Singh, TA (Block Bassi Pathana), Balmeet Singh, TA (Block Sirhind), Gurpreet Singh, TA Coordinator (Block Khamano), Ravinder Kaur, Superintendent (Block Fatehgarh Sahib), Narjeet kaur, APO (Block Khera) and Ritu, APO (Block Amloh), have brought written replies (block-wise) addressing the RTI application. They also commonly stated that all the information requested by the appellant, is publicly available on the MNREGA portal.
- 3. The appellant is advised to peruse the information and if required, point out any deficiency. It was also pointed out to the appellant that information publicly available on publicly accessible web portal, cannot qualify as "information" held by a public authority, in this instance, the Fatehgarh Sahib district administration.
- 4. The appellant, Nitin Kumar, requested an adjournment to give him time to examine the information furnished today, as well as explore the information stated to be available on the

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MNREGA portal. This Commission grants him one more hearing on 31.1.20, whereon the respondents are exempted from being present.

5. Next hearing on 31.1.20 at 11.00 am.

Sd/(ASIT JOLLY)
State Information Commissioner