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Sh. Suresh Kumar Sharma r/o New Sharma Furniture House, Pratap Bazzar, Chhehartta, District Amritsar

....Appellant

Vs

Sh. Jatinder Singh,
Public Information Officer
o/o Amritsar Improvement Trust,
District Amritsar.

First Appellate Authority o/o Amritsar Improvement Trust, District Amritsar.

....Respondents

Appeal Case No. 5686 of 2021 (Video Conference Proceedings)

Present:- Sh. Suresh Kumar Sharma, appellant.

None on behalf of the respondents.

ORDER

The RTI application is dated 15.6.2021 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 16.7.2021 and second appeal was filed in the Commission on 14.12.2021 under Section 19 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for 29.3.2022.

The appellant has sought the following information:-

ਸ੍ਰੀਮਾਨ ਜੀ,
ਬੇਨਤੀ ਹੈ ਕਿ ਪ੍ਰਾਰਥਕ ਵੱਲੋਂ ਮਿਤੀ 27-01-2021 ਨੂੰ ਡਾਇਰੀ ਨੰ:
5139 ਰਾਹੀਂ ਨਗਰ ਸੁਧਾਰ ਟਰੱਸਟ ਦੀ ਸਕੀਮ 97 ਏਕੜ ਐਸ.ਸੀ.ਉ. ਨੰ:44 ਵਿਚ
ਨਿਯਮਾਂ ਦੀ ਉਲਘੰਣਾ ਕਰਕੇ ਬਿਲਡਿੰਗ ਦੀ ਉਸਾਰੀ ਕੀਤੀ ਗਈ ਹੈ, ਜਿਸ ਦੀ ਮੇਰੇ
ਵੱਲੋਂ ਸ਼ਿਕਾਇਤ ਕੀਤੀ ਗਈ ਹੈ, ਉਸ ਦੀ ਹੇਠ ਲਿਖੀ ਤਸਦੀਕਸੁਦਾ ਜਾਣਕਾਰੀ
ਦਿੱਤੀ ਜਾਵੇ।
1. ਮੇਰੇ ਵੱਲੋਂ ਕੀਤੀ ਸ਼ਿਕਾਇਤ ਦੀ ਤਸਦੀਕਸੁਦਾ ਕਾਪੀ ਦਿੱਤੀ ਜਾਵੇ।
2. ਇਸ ਦਰਖ਼ਾਸਤ ਤੇ ਜੇ.ਈ. ਐਸ.ਡੀ.ਉ. ਅਤੇ ਐਕਸੀਅਨ ਵੱਲੋਂ ਟਿੱਪਣੀਆਂ ਤੇ
ਕਾਰਵਾਈ ਦੀ ਤਸਦੀਕਸੁਦਾ ਜਾਣਕਾਰੀ ਦਿੱਤੀ ਜਾਵੇ।
3. ਇਸ ਬਿਲਡਿੰਗ ਨੂੰ ਕੰਪਲੀਸ਼ਨ ਸਰਟੀਫਿਕੇਟ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਉਸ ਦੀ
ਤਸਦੀਕਸੁਦਾ ਜਾਣਕਾਰੀ ਦਿੱਤੀ ਜਾਵੇ।

3. The appellant has sought the similar information from the same respondent authority in Appeal Case No. 5685 of 2021. Accordingly, the Commission observes that no further action is required to be taken in this case. Hence, the case is disposed of and closed.

sd

(Suresh Arora)

Chief Information Commissioner, Punjab.

Dated: 29.3.2022

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PSIC Voissille Mormation

Sh. Tarlochan Singh Bhatti # 119, Impact Gardens, GT Road, By Pass Vallah, District Amritsar 9876502607

..Complainant

Vs

Public Information Officer o/o Secretary, Department of Parliamentary Affairs, Govt. of Punjab, Pb.Civil SEctt-1 Chandigarh.

....Respondents

Complaint Case No. 66 of 2022

Present:- Sh. Tarlochan Singh Bhatti, complainant.

Sh. Ashish Kumar, Superintendent _____ on behalf of the

respondents.

ORDER

This RTI application is dated 3.4.2017 vide which the complainant has sought information as enumerated therein. A complaint under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act) was filed in the Commission on 3.2.2022. Notice of hearing was issued to the parties for today i.e. 29.3.2022.

- 2. The appellant has sought information regarding action taken on his letter given bearing No. suggestion/2016/2017/1 dated 3.3.2017. The said letter was written to the respondent authority suggesting monthly reporting by the Department of Parliamentary Affairs, Govt. of Punjab to high light the activities and achievements of Hon'ble MLAs of each and every constituency.
- 3. The appellant has sent the written submissions in this case, which are taken on record. Also the appellant reiterated the same during the hearing which is reproduced below:-

Non-Compliance of the Section 4 of the RTI Act 2005 by the Secretary, Punjab Legislative Assembly and Principal Secretary, Department of Parliamentary Affairs, Govt. of Punjab by not making suo motu public disclosure in a farmet, the entire information available regarding the attendance of members of Punjab legislative assembly, questions raised by the respective members in the assembly. their participation in the debate, the private bills presented by them, their visits in the constituency, participation in the meetings held by the district administration of their respective constituencies, details of salary, pension, other claims drawn from the Govt. Treasury by the Member of Legislative Assembly and Similar Matters.

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-2-

cc 66/2022



Sir,

In continuation with copies of documents enclosed with my complaints No. 66 & 67 of 2022 (including order of Hon'ble Punjab and Haryana High Court dated 23-12-2021 and legal notice dated 01-08-2021 taking as complaint) and my pleading dated 24-02-2022 before the State Information Commission bench of Sh. Suresh Arora, Hon'ble CIC, humbly submitted that:-

- (1) On 01-08-2021, my Counsel Sh. Harinder Pal Singh Ishar, Advocate has given a legal notice to Secretary, Punjab Legislative Assembly with a copy to Principal Secretary, Deptt. of Parliamentary Affairs, Punjab & others. Neither Secretary, Punjab Legislative assembly nor Principal Secretary, Deppt. of Parliamentary Affairs, Punjab, responded.
- (2) Taking this legal notice as a complaint, I have made a complaint to the State Information Commission, Punjab on 20-09-2021 through my consel Sh. Harinder Pal Singh Ishar, Advocate but the State Information Commission, neither registered my complaint nor heared.
- (3) I was compelled to approach the Hon'ble Punjab & Haryana High Court through my consel Sh. Harinder Pal Singh Ishar, Advocate. My Writ Petition No. 24142 of 2021 and copies of documents submitted with this petition (including the copy of legal notice given to the secretary Punjab Legislative Assembly and this legal notice as a complaint before the State Information Commission as Annexure P-2). Hon'ble Punjab & Haryana high Court after considering my Petition and copies of documents submitted with it, vide its verdict dated 23-12-2021 directed the State Information Commission to list this complaint filed by the Petitioner and disposed of it in accordance with law within stipulated period provided under the RTI act.

u n

- (4) As already pleased before the Hon'ble High Court vide my Writ Pettition No. 24142 of 2021, my pleading before the Hon'ble CIC is to direct Secretary Punjab Legislative Assembly & Principal Secretary Deptt. of Parliamentary Affairs, Punjab being the head of the Public Authority to ensure the compliance of section 4 of the RTI act in the format annexured with the complaint no. 66 & 67 of 2022.
- (5) As submitted in my pleading dated 24-02-2022, Secretary Punjab Legislative Assembly and Principal Secretary Deptt. of Parliamentary Affairs Punjab may kindly be directed to give an undertaking before the State Information Commission bench of Sh. Suresh Arora, Hon'ble CIC to suo moto disclosure of each and every member of Punjab Legislative Assembly in a given farmat every month uploading on their official websites starting from May 1st, 2022 Positively.

" "

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-3.

cc 66/2022

The suo moto disclosure in the farmat given will help the people of Punjab to know the performance of their representatives in the Punjab Legislative Assembly without approaching any PIO and without wasting their time and money. All members of Legislative Assembly will feel honoured by displaying honestly to suo moto disclose their performance ensuring their accountability to the voters of their constituencies. Hence, the Authority concerned are required to fulfill their legal obligations under the RTI act, 2005 So that people of Punjab have minimum resort to the use of this Act to obtain information.

- 4. Also the respondent-Public Information Officer filed the reply vide No. 56 dated 2.3.2022, the relevant portion of which is reproduced below:-
 - 2. ਵਿਸ਼ਾ ਅੰਕਿਤ ਮਾਮਲੇ ਸਬੰਧੀ ਆਪ ਵਲੋਂ ਪ੍ਰਾਪਤ ਪੱਤਰ ਦੇ ਸਬੰਧ ਵਿੱਚ ਦੱਸਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਸ਼੍ਰੀ ਤ੍ਰਿਲੋਚਨ ਸਿੰਘ ਭੱਟੀ ਵੱਲੋਂ ਪ੍ਰਾਪਤ ਪੱਤਰ ਨੰ.Suggestion/2016/2017/1 ਮਿਤੀ 03.03.2017 ਇਸ ਵਿਭਾਗ ਵੱਲੋਂ ਦਾਖਲ ਦਫਤਰ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ ਅਤੇ ਪ੍ਰਾਰਥੀ ਨੂੰ ਮੀਮੋ ਨੰ. 9/77/2016-2ਪੀਏ/5250 ਮਿਤੀ 20.04.2017 (ਕਾਪੀ ਨੱਥੀ) ਰਾਹੀਂ ਸੂਚਿਤ ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਪ੍ਰਾਰਥੀ ਵੱਲੋਂ ਇਸ ਪੱਤਰ ਬਾਰੇ ਆਰ.ਟੀ.ਆਈ, ਐਕਟ, 2005 ਅਧੀਨ ਪੱਤਰ ਨੰ. Suggestion/2016/2017/1/1 ਮਿਤੀ 03.04.2017 ਰਾਹੀਂ ਸੂਚਨਾ ਮੰਗੀ ਗਈ ਸੀ ਅਤੇ ਇਸ ਬਾਰੇ ਮੀਮੋ ਨੰ. 9/77/2016-2ਪੀਏ/5581 ਮਿਤੀ 24.04.2017 (ਕਾਪੀ ਨੱਥੀ) ਰਾਹੀਂ ਪ੍ਰਾਰਥੀ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾ ਚੁੱਕਾ ਹੈ।
 - 3. ਆਪ ਜੀ ਵੱਲੋਂ ਸੁਣਵਾਈ ਦੀ ਮਿਤੀ 29.03.2022 ਨੂੰ ਦੁਪਹਿਰ 12.30 ਵਜੇ ਨਿਸਚਿਤ ਕੀਤੀ ਗਈ ਹੈ ਪਰੰਤੂ ਮਾਰਚ ਮਹੀਨੇ ਵਿੱਚ ਨਵੀਂ ਸਰਕਾਰ ਬਣਨ ਉਪਰੰਤ ਪੰਜਾਬ ਵਿਧਾਨ ਸਭਾ ਸੈਸਨ ਲੱਗਣ ਦੀ ਪੂਰੀ ਸੰਭਾਵਨਾ ਹੈ, ਸੈਸਨ ਦੌਰਾਨ ਸੰਸਦੀ ਕਾਜ ਵਿਭਾਗ ਵਿੱਚ ਕੰਮ ਦੀ ਬਹੁਤਾਤ ਹੋਣ ਕਾਰਨ ਆਪ ਜੀ ਨੂੰ ਸੁਣਵਾਈ ਦੀ ਮਿਤੀ ਅੱਗੇ ਪਾਉਣ ਲਈ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ।
- 5. It is also appropriate to mention that the "Information" as per the provisions of the 'RTI Act, 2005' means any material in any form, including records, documents, memos, emails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.
- 6. Furthermore, it is relevant to mention Section 2 (*j*) of the RTI Act, 2005 which is as follows:-

"right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

(i) inspection of work, documents, records;

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- (ii) taking notes, extracts or certified copies of documents or records;
- (iii) taking certified samples of material;
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.
- 7. The appellant filed the RTI application on 3.4.2017 and the respondent Public Information Officer sent the reply to the appellant vide Memo No. 9/77/2016-2PA/5250 dated 20.4.2017.
- 8. Keeping in view the provisions of the RTI Act, 2005 and after going through the submissions made by the complainant, no further directions can be given to the respondent authority in regard to the present complaint case.
- 9. However, to examine and consider the suggestions given by the appellant, a copy of his RTI application is being sent to the Principal Secretary, Parliamentary Affairs along with this order, in public interest.
- 10. The case is disposed of and closed, accordingly.

sd

Dated: 29.3.2022

(Suresh Arora)
Chief Information Commissioner,
Punjab

CC

Principal Secretary to Govt. of Punjab, Department of Parliamentary Affairs, Punjab Civil Sectt.-1, Chandigarh.

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PSIC Voissille Information College

Sh. Tarlochan Singh Bhatti # 119, Impact Gardens, GT Road, By Pass Vallah, District Amritsar 9876502607

..Complainant

Vs

Public Information Officer o/o Secretary,
Punjab Vidhan Sabha,
Chandigarh.

....Respondents

Complaint Case No. 67 of 2022

Present:- Sh. Tarlochan Singh Bhatti, complainant.

Sh. Chottu Sharma, Supdt. on behalf of the respondents.

ORDER

This RTI application is dated 19.8.2016 vide which the complainant has sought information as enumerated therein. A complaint under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act) was filed in the Commission on 3.2.2022. Notice of hearing was issued to the parties for today i.e. 29.3.2022.

- 2. The appellant has sought information regarding action taken on his letter given bearing No. PVS/1 dated 26.7.2016. The said letter was written to the respondent authority suggesting monthly reporting by the Department of Parliamentary Affairs, Govt. of Punjab to high light the activities and achievements of Hon'ble MLAs of each and every constituency.
- 3. The appellant has sent the written submissions in this case, which are taken on record. Also the appellant reiterated the same during the hearing which is reproduced below:-

Non-Compliance of the Section 4 of the RTI Act 2005 by the Secretary, Punjab Legislative Assembly and Principal Secretary, Department of Parliamentary Affairs, Govt. of Punjab by not making suo motu public disclosure in a farmet, the entire information available regarding the attendance of members of Punjab legislative assembly, questions raised by the respective members in the assembly. their participation in the debate, the private bills presented by them, their visits in the constituency, participation in the meetings held by the district administration of their respective constituencies, details of salary, pension, other claims drawn from the Govt. Treasury by the Member of Legislative Assembly and Similar Matters.

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-2-

Complaint Case No. 67 of 2022

Sir,

In continuation with copies of documents enclosed with my complaints No. 66 & 67 of 2022 (including order of Hon'ble Punjab and Haryana High Court dated 23-12-2021 and legal notice dated 01-08-2021 taking as complaint) and my pleading dated 24-02-2022 before the State Information Commission bench of Sh. Suresh Arora, Hon'ble CIC, humbly submitted that:-

- (1) On 01-08-2021, my Counsel Sh. Harinder Pal Singh Ishar, Advocate has given a legal notice to Secretary, Punjab Legislative Assembly with a copy to Principal Secretary, Deptt. of Parliamentary Affairs, Punjab & others. Neither Secretary, Punjab Legislative assembly nor Principal Secretary, Deppt. of Parliamentary Affairs, Punjab, responded.
- (2) Taking this legal notice as a complaint, I have made a complaint to the State Information Commission, Punjab on 20-09-2021 through my consel Sh. Harinder Pal Singh Ishar, Advocate but the State Information Commission, neither registered my complaint nor heared.
- (3) I was compelled to approach the Hon'ble Punjab & Haryana High Court through my consel Sh. Harinder Pal Singh Ishar, Advocate. My Writ Petition No. 24142 of 2021 and copies of documents submitted with this petition (including the copy of legal notice given to the secretary Punjab Legislative Assembly and this legal notice as a complaint before the State Information Commission as Annexure P-2). Hon'ble Punjab & Haryana high Court after considering my Petition and copies of documents submitted with it, vide its verdict dated 23-12-2021 directed the State Information Commission to list this complaint filed by the Petitioner and disposed of it in accordance with law within stipulated period provided under the RTI act.

""

- (4) As already pleased before the Hon'ble High Court vide my Writ Pettition No. 24142 of 2021, my pleading before the Hon'ble CIC is to direct Secretary Punjab Legislative Assembly & Principal Secretary Deptt. of Parliamentary Affairs, Punjab being the head of the Public Authority to ensure the compliance of section 4 of the RTI act in the format annexured with the complaint no. 66 & 67 of 2022.
- (5) As submitted in my pleading dated 24-02-2022, Secretary Punjab Legislative Assembly and Principal Secretary Deptt. of Parliamentary Affairs Punjab may kindly be directed to give an undertaking before the State Information Commission bench of Sh. Suresh Arora, Hon'ble CIC to suo moto disclosure of each and every member of Punjab Legislative Assembly in a given farmat every month uploading on their official websites starting from May 1st, 2022 Positively.

"....."

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-3- Complaint Case No. 67 of 2022

The suo moto disclosure in the farmat given will help the people of Punjab to know the performance of their representatives in the Punjab Legislative Assembly without approaching any PIO and without wasting their time and money. All members of Legislative Assembly will feel honoured by displaying honestly to suo moto disclose their performance ensuring their accountability to the voters of their constituencies. Hence, the Authority concerned are required to fulfill their legal obligations under the RTI act, 2005 So that people of Punjab have minimum resort to the use of this Act to obtain information.

4. Also the respondent-Public Information Officer filed the reply vide No. 2801 dated 11.3.2022, the relevant portion of which is reproduced below:-

With reference to your notice of appeal bearing No.PSIC //Legal/ 2022/6076 dated 15.02.2022 received on 21.02.2022 on the subject cited above, I am to state that the appellant sought information vide letter dated 19.8.2016 (Annexure, A-1)) with regard to action taken on his application dated 26.7.2016 on (Annexure A-2) 16 points, out of which information of Point No.2 to 6 was related to this office only and rest of the information was concerned with various other public authorities.

In this respect it is submitted that the appellant was informed to deposit an additional fee of Rs.600/- for the estimated information of about 300 pages vide letter No.42(2)/PIO/2016/16138 dated 30th august 2016 (Annexure, A-3)) but he did not send additional fee.

It is also pertinent to mention here that the appellant did not avail the opportunity of first appeal.

Moreover, now the most of the information of Point No. 2 to 6 is available in our official website www.punjabassembly.nic.in, and the appellant can access information from website and for the information which is not available on website he may ask from PIO.

5. It is also appropriate to mention that the "Information" as per the provisions of the 'RTI Act, 2005' means any material in any form, including records, documents, memos, emails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models data material held in any electronic form and information relating

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-4-

Complaint Case No. 67 of 2022

to any private body which can be accessed by a public authority under any other law for the time being in force.

6. Furthermore, it is relevant to mention Section 2 (*j*) of the RTI Act, 2005 which is as follows:-

"right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

- (ii) inspection of work, documents, records;
- (ii) taking notes, extracts or certified copies of documents or records;
- (iii) taking certified samples of material;
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.
- 7. The appellant filed the RTI application on 19.8.2016 and the respondent Public Information Officer sent the reply to the appellant vide memo dated 30.8.2016. The representative of the respondents also submits that the appellant has not deposited the document fee amounting to Rs.600/- so the information pertaining to Point No. 2 to 6 of the RTI application has not been supplied to him due to non deposit of requisite fee. The relevant portion of the submissions made by the respondent in this regard is reproduced below:-

With reference to your notice of appeal bearing No.PSIC /Legal/ 2022/6076 dated 15.02.2022 received on 21.02.2022 on the subject cited above, I am to state that the appellant sought information vide letter dated 19.8.2016 (Annexure, A-1)) with regard to action taken on his application dated 26.7.2016 on (Annexure, A-2) 16 points, out of which information of Point No.2 to 6 was related to this office only and rest of the information was concerned with various other public authorities.

In this respect it is submitted that the appellant was informed to deposit an additional fee of Rs.600/- for the estimated information of about 300 pages vide letter No.42(2)/PIO/2016/16138 dated 30th august 2016 (Annexure, A-3)) but he did not send additional fee.

It is also pertinent to mention here that the appellant did not avail the opportunity of first appeal.

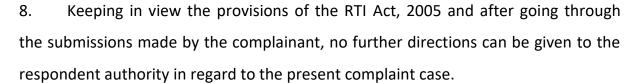
Moreover, now the most of the information of Point No. 2 to 6 is available in our official website www.punjabassembly.nic.in, and the appellant can access information from website and for the information which is not available on website he may ask from PIO.

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Complaint Case No. 67 of 2022



- 9. However, to examine and consider the suggestions given by the appellant, a copy of his RTI application is being sent to the Secretary, Punjab Vidhan Sabha, Chandigarh along with this order, in public interest.
- The case is disposed of and closed, accordingly. 10.

sd

Dated: 29.3.2022

(Suresh Arora) Chief Information Commissioner, Punjab

CC Secretary, (By name) Punjab Vidhan Sabha, Chandigarh.