

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Tel.Fax 0172 2864110 Helpline 01722864100

Email: pcic20@punjabmail.gov.in Visit us: www.infocommpunjab.com

Whatsapp No. 6284820189



Smt. Jagdish Kaur 9855019296

H.No. 24, Street No. 3,

Avtar Nagar, Gram panchayat New Rajguru Nagar,

Kharika, District Ludhiana

....Appellant

Vs

Sh. Baldev Singh, Panchayat Secretary,

Public Information Officer

o/o Gram Panchayat,

New Rajguru Nagar,

c/o Block Development and Panchayats Officer,

Block Ludhiana -1,

District Ludhiana

First Appellate Authority

o/o District Development and Panchayats Officer,

District Ludhiana.

....Respondents

Appeal Case No. 2667 of 2020

(Video Conference/phone Proceedings)

Present:- Smt. Jagdish Kaur, appellant.

Sh. Sarabjit Singh, Supdt. 6239079871 and Sh. Baldev Singh, Panchayat Secretary on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 8.3.2021.

2. The appellant states that she is satisfied with the information so supplied by the respondents except the proceeding book and copies of bill, which has not been supplied by the respondents. However, the representative of the respondents states that the appellant may inspect the record related to the sought information and the information will be supplied to the appellant duly certified with which the appellant agreed to. With the mutual understanding the date of inspection has been fixed as 16.4.2021.

3. Accordingly, the respondent-Public Information Officer is directed to make available the record concerning the proceeding book and copies of bill as has been sought by the appellant for inspection of the appellant and supply the documents, if so identified by the appellant.

4. To come up 12.5.2021 at 12.30 PM on to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

Sd/

Dated:31.3.2021

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Sh. Jarnail Singh 8968038080

Village Latore,

Tehsil and district Fatehgarh Sahib.

....Appellant

Vs

Sh. Mohinderjit Singh, 9478101503

Public Information Officer **Registered**

o/o Block Development and Panchayats Officer,

Sarhind,

District Fatehgarh Sahib.

First Appellate Authority

o/o District Development and Panchayats Officer,

Fatehgarh Sahib.

....Respondents

Appeal Case No. 3025 of 2020

(Video Conference Proceedings)

Present:- Sh. Jarnail Singh, appellant along with Sh. Amrik Singh, in person.

Sh. Tarsem Singh, _____ on behalf of the respondents, in person.

ORDER

This order may be read with reference to the previous order dated 24.2.2021.

2. The representative of the respondents requested for the adjournment of the case and assured that the compensation amounting to Rs. 5000/- (Rupees Five thousand only) will be paid to the appellant from the State Exchequer before the next date of hearing.

3. Since, the complete information has already been supplied to the appellant, therefore, the case is adjourned with the directions to the respondent-Public Information Officer –cum-Block Development and Panchayats Officer, Sirhind to pay the compensation amount to the appellant from the State Exchequer before the next date of hearing as has been assured during the course of hearing.

4. To come up on 29.4.2021 at 12.30 pm to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Fatehgarh Sahib/Cisco Webex.

Sd/

Dated: 31.3.2021

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Sh. Gagan Deep Singh Threke M 9780471680
SCO 26, Shanti Park,
Main Sua Road, Threke,
District Ludhiana.

..Appellant

Public Information Officer,
o/o Panchayat Secretary,
Gram Panchayat Threke,
c/o Block Development and Panchayats Officer,
Block Ludhiana-1
Distt. Ludhiana.

First Appellate Authority,
c/o Block Development and Panchayats Officer,
Block Ludhiana-1
Distt. Ludhiana.

..Respondents

Appeal Case No. 1170 of 2020
(Cisco Webex Proceedings)

Present:- Sh. Gagandeep Singh Threke, appellant.
Sh. Sarabjit Singh, Supdt 9814518874 6239079871 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 22.1.2021 vide which the case was adjourned to 26.2.2021 but due to administrative reasons the case was further adjourned for today i.e. 31.3.2021.

2. The representative of the respondents states that the information has already been sent to the appellant. However, the appellant states that he has not received the remaining information concerning the proceeding book.

3. Also a reply has been received from the respondent-Public Information Officer Sh. Kiranpal Singh, Panchayat Secretary, which is taken on record and the decision on the same will be taken on the next date of hearing.

4. Since, the respondent-Public Information Officer has also sent the relevant pages of the proceeding book deficiency of which has been pointed out by the appellant, therefore, the copies of the same are being **sent** along with this order to the appellant to go through the same and point out deficiency, if any, before the next date of hearing with a copy to the Commission.

5. To come up on 23.4.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

Sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

Dated: 31.3.2021

Block Development and Panchayats Officer, (By name)
District Ludhiana-1,

Registered

To comply with
the orders.

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Sh. Suresh Kumar s/o Sh. Om Parkash
First and Second Floor,
W.No. 20, Piara Lal Thekedar Street,
Mansa 01652233614

..Complainant

Vs

Public Information Officer
o/o the Financial Commissioner Revenue,
Stamp and Registration Branch,
Punjab Civil Secretariat,
Chandigarh.

....Respondents

Complaint Case No. 846 of 2020
(Video Conference/Telephone Proceedings)

Present:- None on behalf of the appellant.

Ms Shalu Sharma on phone 9803122959 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 4.3.2021.

2. The representative of the respondents states that the information as available in the Stamp and Registration Branch has already been supplied. But due to the absence of the complainant, the office contacted the complainant on phone and he informed that he is unable to attend the hearing due to death in the family. With regard to the information the complainant states that nothing has been supplied by the office.

3. Accordingly, the respondent-Public Information Officer is directed to supply the copy of the information as has been mentioned in letter No. 1479 dated 8.2.2021 to the complainant through registered post with a copy to the Commission. It is pertinent to mention that no information has been attached by the respondent-APIO with letter No. 1479 dated 8.2.2021 copy of which has been sent to the Commission.

4. Also a reference has been received from the Public Information Officer-cum-Tehsildar Mansa being No. 27 dated 2.3.2021 vide which it has informed that the complainant may be directed to deposit the fee as per copy manual and get the copy of the sought information.

5. It is appropriate to mention the decision of the Hon'ble Supreme Court of India in Civil Appeal No. 5665/2014 – Institute of Companies Secretaries of India Vs Paras Jain, and the relevant portion of the same is reproduced below:-

“...Rule 4, The Right to Information (Regulation of Fees and Cost) Rules, 2005 which also entitles the candidates to seek inspection and certified copies of their answer scripts. In our opinion, the existence of these two avenues is not mutually exclusive and it is up to the candidate to choose either of the routes. Thus, if a candidate seeks information under the provisions of the Right to Information, then payment has to be sought under the Rules therein, however, if the information is sought under the Guidelines of the appellant, then the appellant is at liberty to charge the candidates as per its guidelines....”

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Complaint Case No. 846 of 2020

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6. It is also appropriate to mention the decision of the Hon'ble Punjab and Haryana High Court in Civil Writ Petition No. 12016 of 2016 in Shakti Singh Vs State Information Commission, Haryana and others, and the relevant portion of the same is reproduced below:-

"...12. The reply to this question is that there being no inconsistency under the RTI Act and the provisions of the other statute/law, the option and prerogative is with the citizen to select and choose to exercise his right under such Act/law or the RTI Act. In case the citizen prefers to move an application under the RTI Act, Public Information Officer, on receipt of such request, shall proceed to take a decision thereon and provide information as a norm and any denial of the same must be in accordance with Sections 8, 9 and 11 only. The right to information, thus, cannot be denied under the RTI Act merely because a statutory mechanism is evolved and prescribed under an Act, which is also applicable, obliging a public authority to share the same by following a prescribed procedure subject to fulfilment of prescribed conditions. If it is held otherwise, it would negate and lead to derecognising the fundamental right to information as granted under the RTI Act, which is unacceptable.

13. The answers to the two questions as posed in para 6 above are;

(i) In case of any inconsistency between the provisions of RTI Act and other Act/law, the RTI Act shall prevail.

(ii) In case of an application preferred under the RTI Act where alternative procedure and conditions are prescribed under any other statute/law, the said application cannot be rejected and/or information denied on this ground.

Such application shall be dealt with under the provisions of the RTI Act.

14. In the light of the above, the impugned order dated 04.04.2016 (Annexure P-6) passed by the State Information Commission, Haryana, cannot sustain as the Commission has rejected the claim of the petitioner under the RTI Act proceeding upon the wrong assumption that the 6 of 7 Registration of Births and Deaths Act, 1969, being a legislation and statutory in nature, is not overridden by the RTI Act. It may be added here that the information under the RTI Act can only be denied if the same is exempted from disclosure of information under the provisions of RTI Act itself such as Sections 8, 9 and 11 thereof."

Keeping in view the judicial pronouncements mentioned herein, the respondent-Public Information Officer-cum-Tehsildar has to supply the information under the RTI Act, 2005 after charging of fees as per the provisions of the RTI Act, 2005. But, it is also a fact that in case the complainant is seeking the information under the provisions of the RTI Act, 2005 then the other provisions have to be followed.

As the complainant is seeking the information related to the complaint filed by him to the Financial Commission, Revenue, therefore, the respondent-Public Information Officer-cum-Tehsildar is directed to file the reply/supply the information as has been sought

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Complaint Case No. 846 of 2020

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by the appellant before the next date of hearing. A copy of the RTI application is being **sent** along with this order.

4. To come up on 17.5.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Mansa/cisco webex.

Sd/

Dated: 31.3.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.

cc

Public Information Officer cum

Tehsildar Mansa