

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

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Sh. Narinder Singh S/o S. Malkit Singh, (99155-61962)

R/o Village – ChottaBudhaTheh (Adarsh Nagar Beas),

Tehsil –Baba Bakala Sahib, District Amritsar.Appellant

Vs

Public Information Officer,

O/o Village Development Officer –cum-PIO,

Gram Panchayat, BudhaTheh,

District -Amritsar.

Public Information Officer,

O/o Block Development and Panchayat Officer,

Block- Raiya, District -Amritsar.

First Appellate Authority,

O/o District Development and Panchayat Officer,

Mini Secretariat, Amritsar. Respondents

Appeal Case No. 663 of 2020

(Video Conference Proceeding)

Present:- Sh. Niranjn Singh, appellant.

Sh. Chetan Sharma, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 18.3.2020 vide which the case was adjourned to 8.4.2020 but due to Covid 19 pandemic the case was further adjourned to 10.6.2020 and again adjourned due to administrative reasons for 9.7.2020.

2. The representative of the respondents states that he has brought the information comprising 36 pages and handed over the same to the appellant during the course of hearing. After going through the same the appellant states that the complete information has been provided by the respondents and he is satisfied except that the information related to the compensation given by the government as a loss to the former PATEDAR has not been supplied.

3. After hearing both the parties, the respondents are directed to supply the information related to the compensation given by the government as a loss to the former PATEDAR in case the same has been paid else give in writing that no compensation has been paid by the respondents during the last 5 years as per the RTI application to the appellant before the next date of hearing under intimation to the Commission.

4. To come up on 24.8.2020 at 11.30 AM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Amritsar.

Dated:7.8.2020

SD/

(Suresh Arora)

Chief Information Commissioner,

Punjab.

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Sh. Niranjn Singh
1681, Street Guruanwali,
Jandiala Guru,
District Amritsar

..Complainant

Vs

Public Information Officer
o/o Director,
Rural Development and PanchayatDeptt., Punjab
VikasBhawan, Sector 62,
Mohali.

..Respondent

Complaint Case No. 265 of 2020

(Video Conference/Cisco Webex Proceedings)

Present:- Sh. Niranjn Singh, complainant.

Sh. Rajwant Singh, Senior Assistant on behalf of the respondent through Webex

Order

This order may be read with reference of the previous order dated 22.6.2020 vide which the respondent was directed to supply the form 16 to the complainant before the next date of hearing and the case was adjourned to 9.7.2020 but could not be heard due to administrative reasons and further postponed to 7.8.2020.

2. The representative of the respondents states that he has sent the information vide letter dated 8.7.2020 as directed by the Commission during the previous date of hearing and intimation has been sent to the Commission by email dated 8.7.2020, which is taken on the record.

3. The complainant states that he has received the form 16 and he is satisfied with the information provided by the respondents.

4. As the sought information has been received by the complainant as per his RTI application, there is no further cause of action is required in this case, hence, this case is disposed of and closed.

Dated 7.8.2020

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

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Sh. Niranjn Singh
1681, Street Guruanwali,
Jandiala Guru,
District Amritsar

..Complainant

Vs

Public Information Officer
o/o Director,
Rural Development and Panchayat Deptt., Punjab
Vikas Bhawan, Sector 62,
Mohali.

..Respondent

Complaint Case No. 254 of 2020
(Video Conference/Cisco Webex Proceedings)

Present:- Sh. Niranjn Singh, complainant.
Sh. Kuldip Singh Sr. Assistant on the behalf of the respondents.

Order

This order may be read with reference of the previous order dated 22.6.2020 vide which the complainant was advised to go through the information supplied to him and point out the deficiency, if any, to the respondent before the next date of hearing and the case was adjourned to 9.7.2020 which could not be heard due to administrative reasons and the case was further postponed to 7.8.2020.

2. The representative of the respondent states that the information has been supplied to the complainant. Whereas, the complainant states that the information has been received through whatsapp but no physical copy of the same has been received although he is satisfied with the same.

3. As the copy of the same is available on the record of the Commission, hence, **the copy of the same is attached with the order.**

4. After deliberations and the satisfaction of the complainant there is no cause of action is left in this case. Accordingly, the case is disposed of and closed.

Dated 7.8.2020

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

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Sh. Niranjn Singh
1681, Street Guruanwali,
Jandiala Guru,
District Amritsar

..Complainant

Vs

Public Information Officer
o/o Director,
Rural Development and PanchayatDeptt., Punjab
VikasBhawan, Sector 62,
Mohali.

..Respondent

Complaint Case No. 252 of 2020
(Video Conference/Cisco Webex Proceedings)

Present:- Sh. Niranjn Singh, complainant.
Sh. Rajwant Singh, Sr. Assistant on the behalf of the respondent on Cisco Webex.

Order

This order may be read with reference to the previous order dated 22.6.2020 vide which the respondent was directed to provide the detail of Rs 535210/- deposited in the account of the complainant before the next date of hearing and the case was adjourned to 9.7.2020 but the case could not be heard due to administrative reasons and was further postponed to 7.8.2020.

2. The Complainant states that he has not received the hard copy of the information.
3. The representative of the respondent states that the information has already been supplied to the complainant. The Commission has also received the information vide letter No. 865 dated 23.6.2020, which is taken on record, i.e. detailed information regarding the deposit of Rs 535210/- in the account of the complainant. **A copy of the same is attached with the order.**
4. After hearing both the parties, the Commission is of the view that no cause of action is left in this case, hence, the case is disposed of and closed.

Dated: 7.8.2020

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

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Sh. Mahant Amardeep Singh S/o Sh. Chanan Singh,

R/o # 1529/12, (73071-65600)

Street Karam Singh,

Chowk Karori, Amritsar- I,

District Amritsar.

.....Complainant

Vs

Public Information Officer,

O/o Deputy Commissioner,

Administrative Complex, Amritsar.

.....Respondent

Complaint Case .No. 1011 of 2019

(Video Conference Proceeding)

Present: Sh. Mahant Amardeep Singh, appellant.

Sh. Mukesh Kumar, DRO (9646995595) on behalf of the respondent.

Order

This order may be read with reference to the previous order dated 16.3.2020 vide which the respondent was given the last opportunity to supply the sought information before the next date of hearing and the case was adjourned to 27.3.2020 but could not be heard due to Covid 19 and was postponed to 10.6.2020 and further adjourned to 9.7.2020 due to administrative reasons and fixed for hearing on 7.8.2020.

2. The complainant states that information has been received except the date of issuance of the arm license no. 478/PS/division/D.M./Amritsar and dates on which the licence has been renewed. The respondent-Public Information Officer requests for a short date and gave an assurance that the same will be provided before the next date of hearing, as the official staff is busy in the affairs of organizing the Independence Day.

4. After hearing both the parties, the date of issuance of the arm license no. 478/PS/division/D.M./Amritsar and dates on which the licence has been renewed may be provided to the complainant as per the assurance given by the respondent-Public Information Officer before the next date of hearing.

5. To come up on 28.8.2020 at 11.30A.M. to be heard through video conference facility available in the office of the Deputy Commissioner, Amritsar.

Dated 7.8.2020

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

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Sh. Vikram Vaid, RTI Activist and Whistle Blower,

R/o # 1527, Gali No. 2, (9855032897)

Bagh Ramanand,

Amritsar.

.....Appellant

Vs

Public Information Officer,

O/o Tehsildar,

Amritsar –II,

Amritsar.

First Appellate Authority,

O/o Deputy Commissioner,

Administrative Complex

Amritsar.

..... Respondents

Appeal Case No. 255 of 2020

(Video Conference Proceeding)

Present:- Shri Vikram Vaid, appellant

Sh. Arvinder Singh, Reader to Tehsildar on behalf of the respondents.

ORDER

The facts of the case are that the appellant has sought the following information by filing the RTI application on 5.8.2019:-

1. Affidavit is not duly stamped as per prescribed rules please intimate whether this is valid without stamp.
2. Please intimate the serial no. and detail of holder in kept in the register maintained for the purpose before issuance of an affidavit. Please provide attested photo copy of specified page.
3. Please intimate the detail of fee/cost if paid by Sh. Bhupinder Singh on whose name this affidavit is prepared and attested copy of fee/cost receipt (document) may please be provided.
4. The affidavit is stamped by Executive Magistrate Amritsar which is signed on dated 19.7.2019, please intimate this stamp is valid or not.
5. Name of the authority Executive Magistrate Amritsar who signed it may please be intimated as per your record.
6. Attested copy of identity card produced by Sh. Bhupinder Singh and available in your record may please be provided.
7. If any information/statement/document has been submitted by Sh. Bhupinder Singh on whose name affidavit is issued may please intimated in detail along with attested copies of these documents.
8. Please provide list of affidavit attested during period 18.9.2019 to 20.9.2019 along with serial no., fee deposited and name of attesting authority, copy of same please be provided.

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Appeal Case No. 255 of 2020

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9. Please provide attested list of Public Information Officer's and AA in RTI cell in o/o Deputy Commissioner, Amritsar.

Again on 8.8.2019 the appellant sent a corrigendum to the respondent-Public Information Officer that the date mentioned in para 8 of his RTI application dated 5.8.2019 as 18.9.2019 to 20.9.2019 may be read as 18.7.2019 to 20.7.2019.

3. The appellant filed the 1st appeal with the first appellate authority i.e. Deputy Commissioner, Amritsar on 22.9.2019 but no such record like postal receipt etc. has been provided to the Commission. As per the record available on the case file, it is also a fact that the Deputy Commissioner, Amritsar is not the 1st appellate authority in this case. This fact was brought to the notice of the appellant vide letter No. 839 dated 3.10.2019 and No. 564 dated 22.11.2019 by the office of the Deputy Commissioner, Amritsar. On the one hand the appellant has not filed the 1st appeal to the concerned first appellate authority and while filing the 2nd appeal in the Commission, it transpires that the appellant had knowingly hidden this fact and not attached the letters written by the Deputy Commissioner, Amritsar and later on while sending an email dated 8.7.2020, the said letters have been submitted by the appellant.

4. Aggrieved with the decision of the respondent-Public Information Officer, the appellant preferred the 2nd appeal in the State Information Commission on 8.1.2020 which has been diarized in the Commission vide No. 458 dated 8.1.2020 and the following relief has been sought from the Commission as per his 2nd appeal :-

"1 to 6

7. Detail of Information Sought:-

I wanted to know the detail of deponent in regard to authenticity in declaring statement contained in affidavit, recording of purchased of legal stamps in register maintained this purpose and signed by the deponent at the time of preparation. The only object was to find the correctness of affidavit.

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8. Brief facts of the case:-

The information relating to an affidavit provided by Public Information Officer/RTI DCP Amritsar in Appeal Case No. 1678 of 2018 as per ordered by Hon'ble State Information Commissioner, Sh. Avtar Singh Kaler. I found deficiencies in affidavit as per ruling prescribed in affidavit manual hence, I asked information from Public Information Officer/RTI Deputy Commissioner, Amritsar.

9 to 14.....”

5. A notice of hearing was issued to the respondent-Public Information Officer for 12.2.2020. Both the parties remained present in which the appellant submitted that no information has been provided and the representative of the respondents stated that no information is available in their record as sought by the appellant. After deliberations, it was revealed that information seeker was just seeking the information regarding the validity and authenticity of an affidavit and the respondent-Public Information Officer was directed to submit response in writing to the appellant with a copy to the Commission. On the next date of hearing i.e. 3.3.2020 none was present on behalf of the respondents and it was learnt that staff of all Deputy Commissioners are on mass leave and hence the last opportunity was granted to the respondents to supply the requisite information to the appellant and the next date of hearing was fixed as 18.3.2020.

6. During the hearing on 18.3.2020, the representative of the respondents Sh. Arvinder Singh, Reader to Tehsildar, Amritsar-1 assured that the information would be provided to the appellant within one hour and as per the assurance given by the representative of the respondents, the case was adjourned to the next day i.e. 19.3.2020.

7. On 19.3.2020, due to non supply of information and the absence of the respondents, a show cause notice was issued to the respondent-Public Information Officer Sh. Manjit Singh, Tehsildar, Amritsar-2 and Shri Arvinder Singh, Reader to Tehsildar, Amritsar-2 under Section 19(8)(b) of the Right to Information Act, 2005 for award of compensation in favour of the appellant and the case was fixed for hearing on 4.5.2020 but could not be heard due to Covid 19 pandemic and the case was adjourned to 10.6.2020 and 9.7.2020 and further adjourned to 7.8.2020.

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8. During the hearing today i.e. 7.8.2020, the appellant states that no information has been supplied by the respondents whereas the representative of the respondents states that the information has already been sent to the appellant with a copy to the Commission vide letter No. 16 dated 20.3.2020, which is taken on record. The reply submitted by the respondents is reproduced below:-

“ਹਵਾਲਾ ਅਧੀਨ ਖੱਤਰ ਦੇ ਸਬੰਧ ਵਿੱਚ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਆਪ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਗਿਆ ਸੀ ਕਿ ਨਾਲ ਨਥੀ ਹਲਫੀਆ ਬਿਆਨ ਸਰਕਾਰੀ ਅਧਿਕਾਰੀ ਵੱਲੋਂ ਪੇਸ਼ ਕੀਤਾ ਗਿਆ ਹੈ। ਸਰਕਾਰ ਦੀਆਂ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਸਰਕਾਰੀ ਅਧਿਕਾਰੀਆਂ ਵੱਲੋਂ ਵੱਖ ਵੱਖ ਅਦਾਲਤਾਂ ਅਤੇ ਕਮਿਸ਼ਨਾਂ ਵਿੱਚ ਦਿੱਤੇ ਜਾਣ ਵਾਲੇ ਜਵਾਬ ਹਲਫੀਆ ਬਿਆਨ ਦੇ ਰੂਪ ਵਿੱਚ ਦਿੱਤੇ ਜਾਂਦੇ ਹਨ, ਜਿਨ੍ਹਾਂ ਦੇ ਉਪਰ ਕਿਸੇ ਤਰ੍ਹਾਂ ਦੀ ਸਟੈਂਪ ਡਿਊਟੀ ਨਹੀਂ ਲਗਾਈ ਜਾਂਦੀ। ਇਸ ਲਈ ਇਹ ਹਲਫੀਆ ਬਿਆਨ ਦਰੁਸਤ ਹੈ ਅਤੇ ਇਸ ਵਿੱਚ ਕਿਸੇ ਤਰ੍ਹਾਂ ਦੀ ਕੋਈ ਕਮੀ ਪੇਸ਼ੀ ਨਹੀਂ ਹੈ।

ਆਪ ਵੱਲੋਂ ਅਗਲਾ ਸਵਾਲ ਪੁਛਿਆ ਗਿਆ ਸੀ ਕਿ ਸਰਕਾਰ ਦੇ ਕਿਸ ਨੋਟੀਫਿਕੇਸ਼ਨ ਜਾਂ ਨਿਯਮ ਅਧੀਨ ਇਸ ਤੇ ਸਟੈਂਪ ਡਿਊਟੀ ਨਹੀਂ ਲਗਾਈ ਜਾਂਦੀ ਜਿਸ ਬਾਬਤ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਇਸ ਦਫਤਰ ਵਿੱਚ ਅਜਿਹਾ ਕੋਈ ਨੋਟੀਫਿਕੇਸ਼ਨ ਮੌਜੂਦ ਨਹੀਂ ਹੈ ਕਿਉਂਕਿ ਇਹ ਹਲਫੀਆ ਬਿਆਨ ਮਾਨਯੋਗ ਸਿਵਲ ਅਦਾਲਤਾਂ ਦੀ ਰਿਪੋਰਟਿੰਗ ਬ੍ਰਾਂਚ ਵੱਲੋਂ ਪਾਸ ਕਰਕੇ ਕੇਸਾਂ ਨਾਲ ਸ਼ਾਮਲ ਕਰਵਾਏ ਜਾਂਦੇ ਹਨ। ਇਸ ਕਰਕੇ ਇਹ ਹਦਾਇਤਾਂ ਵੀ ਸਿਵਲ ਕੋਰਟ ਦੀ ਰਿਪੋਰਟਿੰਗ/ਫਾਇਲਿੰਗ ਸ਼ਾਖਾਵਾਂ ਪਾਸ ਹੋਣੀਆਂ ਬਣਦੀਆਂ ਹਨ। ਇਸ ਲਈ ਇਹ ਸੂਚਨਾਂ ਮਾਨਯੋਗ ਸਿਵਲ ਅਦਾਲਤ ਦੀ ਰਿਪੋਰਟਿੰਗ ਏਜੰਸੀ ਪਾਸੋਂ ਪ੍ਰਾਪਤ ਕਰਨ ਦੀ ਖੋਚਲ ਕੀਤੀ ਜਾਵੇ“

The representative of the respondents further states that the information, whatever on record has been supplied and nothing more is available in their office that can be supplied to the appellant. With regard to the show cause notice issued to the respondents, the representative of the respondents states that the RTI application of the appellant was transferred from the o/o Deputy Commissioner, Amritsar vide No. 476 dated 19.8.2019 and a reply was given within 30 days i.e. vide No. 62 dated 18.9.2019 to the appellant that the sought information is in question form, hence, the request of the appellant was not accepted. Furthermore, the representative of the respondents states that after deliberations the Commission opined that as per the request of the appellant, he wanted to know the validity and authenticity of the affidavit of Sh. Bhupinder Singh which has to be informed. In addition, the representative of the respondents states that on 18th March, 2020 after the hearing was over, the appellant said that he would collect the information by hand from him, which was ready and this fact was also brought to the notice of the Commission as well as to the appellant during the hearing, but the appellant has

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not come to the office to collect the same. The representative of the respondents further states that on 19th March, 2020 the government launched the special drive to identify the key areas to combat with the Covid 19 pandemic, hence, nobody appeared on behalf of the respondents, as the District Administration was busy in managing the affairs to overcome the Covid 19 pandemic. The representative of the respondents further states that the officer/officials are still assigned the special duties concerning the Covid 19 pandemic in addition to their own duties. Hence, he requests that due to the reason mentioned herein and in the public interest, it was not possible for the office to spare anybody to attend the hearings in this case and further requests to file the show cause notice issued to them, as per the submissions, already sent to the Commission in this regard, which is taken on record.

9. Whereas the appellant is adamant and states that he has just sought the information to verify the validity and authenticity of the affidavit filed by Sh. Bhupinder Singh in a separate appeal case no. 1678 of 2018. The appellant further states that he is not satisfied with the information so supplied by the respondents and the reply given by the respondent-Public Information Officer, is not acceptable to him. The appellant also pressed the Commission that this fact may be recorded, while passing the orders in the instant case.

However, the representative of the respondents further clarifies that the affidavit attested by the Tehsildar, Amritsar-2 of Sh. Bhupinder Singh is valid and genuine. The representative of the respondents further clarifies that the attestation of the Tehsildar does not mean that the contents of the affidavit are being verified but it means that the person who has given the affidavit is genuine. Furthermore the representative of the respondents states that the affidavit given by Sh. Bhupinder Singh is valid and authentic.

10. After hearing the submissions of the representative of the respondents regarding show cause notice issued to both Sh. Manjit Singh, Tehsildar and Sh. Arvinder Singh, Reader to Tehsildar, the Commission accepts the plea taken by the respondents on the grounds that 18th and 19th March, 2020 were the crucial days for the Administration to cope up with the Covid 19 pandemic and even the instructions dated 20.3.2020 were issued by the Government of Punjab to all the Heads of the Departments including the Deputy

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Commissioner to ensure 50 percent attendance of the staff in offices and 50% staff was instructed to work from home and also the advisory was issued by the Government of Punjab that there should not be a gathering of 50 persons or more in the office. Even, the Commission itself issued the office order on 19.3.2020 regarding pre-cautionary measures to be taken in the wake of the Pandemic of Corona Virus (Covid -19). It is also a fact that the Government of Punjab issued number of advisories to the District Administration during these days. Hence, the show cause notices issued to Sh. Manjit Singh, Tehsildar and Sh. Arvinder Singh, Reader to Tehsildar are hereby dropped.

11. It is also a matter of record that in the instant case, the Public Information Officer o/o the Deputy Commissioner, Amritsar returned the 1st appeal filed by the appellant twice vide No.839 dated 3.10.2019 and No.564 dated 22.11.2019 on the grounds that it relates to the Tehsildar, Amritsar-2 and the said office is having their own Public Information Officer and first appellate authority, without mentioning the appropriate name of the first appellate authority although the first appellate authority exists in the subordinate office of the Deputy Commissioner.

Whereas Section 7(8) of the RTI Act provides that where a request of the appellant/complainant has been rejected under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall communicate to the person making the request regarding the particulars of the appellate authority.

The action taken by the Public Information Officer o/o the Deputy Commissioner, Amritsar is not as per the law. Rather the request of the appellant should have been returned to the appellant by mentioning the correct name and address of the first appellate authority to enable the appellant to file the 1st appeal to the concerned appellate authority.

Accordingly, the Deputy Commissioner, Amritsar is directed to pass appropriate instructions to its subordinate offices as mentioned above to take care of the same while dealing with the RTI application(s).

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12. The RTI Act has been enacted for setting up the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. The other objective of the RTI Act is an informed citizenry and Transparency of information which are vital to its functioning and also to contain corruption and to hold governments and their instrumentalities accountable to the governed but revelation of information in actual practice is likely to conflict with other public interests including efficient operations of the Governments, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information.

13. It will also be appropriate to consider the office memorandum issued by the Department of Personnel & Training, Government of India vide No. 11/2/2008-IR dated 10.7.2008 in which it has been stated that the Public Information Officer has to supply the 'material' in the form as held by the public authority and it is not required to do research on behalf of the citizen to deduce anything from the material and then supply it to him, and the orders issued by the Punjab State Information Commission in CC No. 2177 of 2010 (DOD 2.8.2010) in which it has been mentioned that the information to be collected, collated, tabulated and rearranged is not within the purview of the RTI Act. Subsequently, the office memorandum issued by the Department of Personnel and Training, Government of India vide no. 1/18/2011-IR dated 16.9.2011 in which it has been mentioned that:-

"only such information can be supplied under the Act which already exists and is held by the public authority or held by the public authority or held under the control of the public authority. The Public Information Officer is not supposed to create information or to interpret information or to solve the problems raised by the applicant or to furnish the replies to hypothetical questions".

14. After considering the submissions of the appellant, information/suitable reply given by the respondents, especially concerning the validity and authenticity of the affidavit of Sh. Bhupinder Singh, as mentioned in para 8 **above (A copy of the letter bearing No. 16 dated**

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PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

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Appeal Case No. 255 of 2020

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20.3.2020 is attached with this order), the provisions of the RTI Act, 2005 and the instructions issued by the Ministry of Personnel & Training, Government of India, the Commission observes that no more action is required to be taken in the instant case, hence, the case is disposed of and closed.

15. The order of the case is also sent to the Registry Branch of the Commission to scrutinize cases thoroughly before accepting the 2nd appeals in the Commission.

SD/

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Dated:7.8.2020