

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

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Whatsapp No. 62848-20189 Cisco Webex: 158 708 3455



Sh. Manjit Singh 7696282813

388/3, Behera Road, Patiala.

....Appellant

Vs

Public Information Officer

o/o Regional Transport Authority,

Patiala.

First Appellate Authority

o/o State Transport Commissioner, Punjab

Sector 17, Chandigarh.

....Respondents

Appeal Case No. 2572 of 2021

Present:- Sh. Manjit Singh, appellant.

Sh. Sham Lal(ATO), 9914223294 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 6.10.2021.

2. The appellant has sought the following information:-

“ 1. ਰਿਕਾਰਡ ਅਨੁਸਾਰ ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਵੱਲੋਂ ਚਲਾਨ ਬੁੱਕਾਂ ਜਿਨ੍ਹਾਂ ਦੇ ਨੰਬਰ 236201 ਤੋਂ 236300, 259601 ਤੋਂ 259700, 236801 ਤੋਂ 236900 ਦੀ ਚੈਕਿੰਗ ਦੌਰਾਨ ਵਰਤੋਂ ਕੀਤੀ ਗਈ, ਇੰਨ੍ਹਾਂ ਦੀਆਂ ਲੜੀਵਾਰ ਨੰਬਰ ਅਨੁਸਾਰ ਤਸਦੀਕ ਸੁਦਾ ਫੋਟੋ ਕਾਪੀਆਂ ਮੁਹਈਆ ਕਰਵਾਈਆਂ ਜਾਣ।

2. ਰਿਕਾਰਡ ਅਨੁਸਾਰ ਇਹ ਚਲਾਨ ਬੁੱਕਾਂ ਦੀ ਜਿਸ ਨਾਮ ਦੇ ਅਫਸਰਾਂ ਵੱਲੋਂ ਚੈਕਿੰਗ ਦੌਰਾਨ ਵਰਤੋਂ ਕੀਤੀ ਗਈ ਉਸ ਅਫਸਰਾਂ ਦੇ ਨਾਮ ਅਤੇ ਆਹੁਦਿਆਂ ਦੀ ਜਾਣਕਾਰੀ ਮੁਹਈਆ ਕਰਵਾਈ ਜਾਵੇ। ”

3. The respondent authority pleaded in this case that the information related to the 3rd party and cannot be supplied in accordance with the judgement passed by the Hon'ble Supreme Court of India in Civil Appeal No. 10044 of 2010 (Para 59). However, the appellant pleaded that the information pertaining to the challans of vehicles may be provided to him in the public interest. He has already sent the written submissions in this regard, which has already taken on record.

4. Keeping in view the directions were issued to the respondent to bring the challan book along on the next date of hearing to ascertain whether the information relates to 3rd party and is personal information as per the submissions made by the respondent viz a viz submissions made by the appellant.

5. The respondent showed the original challan book to the Bench and once again requested that the most of the information is personal as mentioned in the original challan book.

6. It is also appropriate to mention the decision of the Hon'ble Supreme Court of India in Civil Appeal No. 10044 of 2010 – Central Public Information Officer, Hon'ble Supreme Court of India Vs Subhash Chandra Agarwal in which the issue regarding the exemptions

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under Section 8, procedure under Section 11 to be adopted by the Central Public Information Officer/State Public Information Officer has been elaborated in detail which are in line with the cases in question. The relevant portion of the judgement is reproduced below:-

"The definition of a "third party" includes a public authority. 'Third party information' is information which "relates to or has been supplied by any other person (including a public authority) other than the information applicant and has been treated as confidential by such third party. Where disclosure of 'third party information' is sought, and such information has been prima facie treated as confidential by the third party in question, the procedure under Section 11 of the RTI Act is mandatory. The Information Officer shall, within five days of receiving the request for 'third party information' notify the relevant third party to whom the information relates or which had supplied it. The notice shall invite the third party to submit reasons (in writing or orally) as to whether or not the information sought should be disclosed. Section 11(2) provides the third party with a right to make a representation against the proposed disclosure within ten days of receiving the notice. The provision expressly mandates the Information Officer to take into consideration the objections of the third party when making a decision with respect to disclosure or non-disclosure of the information. It encapsulates the fundamental idea that a party whose personal information is sought to be disclosed is afforded the opportunity to contest disclosure. The proviso to sub section (1) of Section 11 permits disclosure where the "public interest" in disclosure "outweighs" any possible harms in disclosure highlighted by the third party.

Sections 8 and 11 must be read together. Other than in a case where the information applicant seeks the disclosure of information which relates to the information applicant himself, information sought that falls under the category of "personal information" within the meaning of clause (j) of Section 8(1) is also "third party information" within the ambit of Section 11, Therefore, in every case Where the information requested is "personal information" within the operation of clause (j) of sub section 1 of Section 8, the procedure of notice and objections under Section 11 must be complied with. The two provisions create a substantive system of checks and balances which seek to balance the right of the information applicant to receive information with the right of the third party to prevent the disclosure of personal information by permitting the latter to contest the proposed disclosure."

Furthermore, the apex court has held that

"Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, are all treated as personal information. Similarly, professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings

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recorded, including that of the family members, information relating to assets liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied.”

7. **Section 10 of the RTI Act, 2005 provides that :-**

(1) Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.

(2) Where access is granted to a part of the record under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall give a notice to the applicant, informing—

- (a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;
- (b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;
- (c) the name and designation of the person giving the decision;
- (d) the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and
- (e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be, time limit, process and any other form of access. “

8. Keeping in view the above and the submissions made by both the parties, the respondent-Public Information Officer is directed to supply the information pertaining to Point No. 1 of the RTI application except the personal information as per Section 10 of the RTI Act, 2005 referred to above. Also the respondent-Public Information Officer is directed to supply the information pertaining to Point No.2 of the RTI application. Accordingly, the

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same be supplied to the appellant within two weeks from the issue of this order. However, the liberty is granted to the appellant to approach the Commission within four weeks in case he does not receive the same.

9. With these directions, the case is disposed of and closed.

Sd
(Khushwant Singh)
State Inf. Commissioner
Punjab

Dated 09.11.2021

PS/SIC (SG)

PS/SIC (KS)

sd
(Sanjeev Garg)
State Inf. Commissioner
Punjab

sd
(Suresh Arora)
Chief Information Commissioner
Punjab

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First Appellate Authority
o/o State Transport Commissioner, Punjab
Sector 17, Chandigarh.

....Respondents

Appeal Case No. 2569 of 2021

Present:- Sh. Manjit Singh, appellant.
Sh. Sham Lal(ATO), 9914223294 on behalf of the respondents.

ORDER

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SD

SD

SD

(Khushwant Singh)

(Sanjeev Garg)

(Suresh Arora)

State Inf. Commissioner State Inf. Commissioner Chief Information Commissioner

Punjab

Punjab

Punjab

Dated 09.11.2021

PS/SIC (SG)

PS/SIC (KS)