

MINUTES OF THE 22nd MEETING OF THE FULL COMMISSION HELD ON 06.01.2014 UNDER THE CHAIRMANSHIP OF SH. R.I.SINGH,CHIEF INFORMATION COMMISSIONER,PUNJAB IN HIS OFFICE ROOM.

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PRESENT:

1. Sh.B.C.Thakur, State Information Commissioner;
2. Sh. Chander Parkash,State Information Commisssoner;
3. Sh.Harinder Pal Singh Mann, State Information Commissioner;
4. Sh.Surinder Awasthi, State Information Commissioner;
5. Sh.Narinderjit Singh,State Information Commissioner.
6. Sh. Parveen Kumar,State Information Commissioner;
7. Dr.Arinder Singh IAS, Secretary to the Commission.

In attendance:

1. Sh. K.R. Gupta, Deputy Registrar.

The agenda items were discussed and the following decisions were taken:-

Item No. 1

To review the position regarding the pendency and disposal of court work as on 31.12.2013.

The position regarding pendency and disposal of court work as on 31.12.2013 was reviewed:-

Year	Pending 01.01.2013	Cases Received during 2013	Total	Disposed Of	Balance as on 31.12.2013
2013	1543	7066	8609	7125	1484

Agenda Item No. 2

Destruction of Judicial Record.

As per Punjab State Information Commission (Destruction of Judicial Records) Office Order 2011 (amended from time to time) the files of disposed of Appeals and Complaints cases under Section 18 and 19 of RTI Act 2005 are to be destroyed after completion of 3 years as on January 2014. Record for the years 2008, 2009 and 2010 is due for destruction.

The files of disposed of Appeals/Complaints cases for the year 2008, 2009, and 2010 are to be scrutinized as per the 'Destruction of Judicial Record Order'. Lists of such files are to be prepared after examination of record. The present staff in the registry is not in a position to cope with the work.

On consideration of the matter, the Commission decided that two Data Entry Operators may be engaged on monthly basis on D.C. approved rates for a limited period of 2 months through the service provider.

Agenda Item. 3

Submission of I.D. Proof as per directions in CWP No.4787/2011.

The Hon'ble Punjab and Haryana High Court vide judgment dated, 02.11.2012 the CWP No. 4787/2011 title "Fruit and Merchant Union V/s Chief Information Commissioner and Others", has observed as under:-

“23. Further, in all complaints before the Public Information Officer, the appeal before the first appellate authority or any proceedings before the Commission, it should be ensured that the applicant files his proof of identity along with the application. It is for the reason that in some cases, it has come to the notice of this court that the applicants were not identifiable. It would ensure that only the genuine persons file applications.”

This was considered in the Full Commission Meeting held on 17.04.2013. It was decided that the Complainants/Appellants, as the case may be shall submit a self attested copy of identity proof.

Now some persons have sent e-mails with a copy of judgment dated, 20.11.2013 of Hon'ble Calcutta High Court in W.P. No.33290 (W) of 2013 titled 'Avishek Goenka' (copy enclosed). In this judgment Calcutta High Court has held :-

"We have considered the relevant provisions of the statute. Section 6(2) of the Right To Information Act, 2005 would clearly provide, applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

Looking to the said provision, we find logic in the submission of the petitioner. When the legislature thought it fit, the applicant need not disclose any personal detail, the authority should not insist upon his detailed whereabouts particularly when post box number is provided for that would establish contact with him and the authority.

In case, the authority would find any difficulty with the post box number, they may insist upon personal details. However, in such case, it would be the solemn duty of the authority to hide such information and particularly from their website so that people at large would not know of the details."

The judgment of Hon'ble High Court of Punjab and Haryana dated, 02.11.2012 in CWP No. 4787 of 2011 titled "Fruit and Merchant Union V/s CIC & Others." referred to above, is binding on the Commission.

On consideration of the matter the Commission decided that in view of Judgment dated 02.11.2012 of Hon'ble Punjab and Haryana High Court Chandigarh in CWP No.4787/2011 "Fruit and Merchant Union V/s Chief Information Commissioner and Others", the Commission cannot change the practice of demanding self-attested copy of I.D. proof from the Complainants/Appellants.

Agenda Item 4.

Covention of all State Information Commissioners at Amritsar.

The Commission decided that a National Level Conference/Seminar on RTI may be organized at Chandigarh or Amritsar, inviting Chief Information Commissioners/State Information Commissioners of the National and State Information Commissions. This will give an opportunity to brain-storm relevant and topical issues concerning implementation of the RTI Act, besides giving an opportunity to exchange ideas and notes on the practices and procedures followed by various Commissions in the country while dealing with appeal/complaint cases.

A committee consisting of Ld. State Information Commissioners Surinder Awasthi, Chander Parkash, Parveen Kumar and Narinder Singh with Secretary to the Commission as a member Secretary is constituted to work out details.

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