**STATE INFORMATION COMMISSION, PUNJAB**

**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

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Sh. Manu,

S/o Sh. Vijay Bhargav,

Village Peer Jain, Sirhind Highway,

Fatehgarh Sahib.

 Appellant

Versus

Public Information Officer,

O/o Senior Supdt. of Police,(Vigilance),

Jalandhar

First Appellate Authority

O/o Senior Supdt. of Police,(Vigilance),

Jalandhar Respondents

 **APPEAL CASE NO.2097/2017**

Date of RTI application : 22.05.2017

Date of First Appeal : 27.06.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 24.07.2017

**Present:** Sh. Manu, Appellant in person.

 Insp. Kuldip Singh, Punjab Vigilance Bureau, Hoshiarpur – for Respondents.

.

**ORDER**

 The following was observed by the Commission on 03.10.2017:

 *“The appellant is absent. He has requested for adjournment due to his indisposition. Simultaneously he has denied having received the information commensurate with his application.*

 *The respondents represented by Sh. Karanbir Singh, DSP, submit that it is a case of marital dispute. The appellant intends to settle a personal score with his father-in-law who is a Principal in the Government School. They say that numerous complaints have been made by the appellant against him which were enquired into and filed. The respondents have also submitted a written reply in the shape of an affidavit wherein they have taken a plea of an exception under Section 8(1) (g) of the RTI Act. Before a final decision on his submission thus made is taken the appellant is desired to respond to the submissions made by the respondents before the next date of hearing.”*

The case has been taken up today. It transpires that the appellant had sought a copy of the statements recorded by the respondents in the conduct of an enquiry into a complaint made by him. As already observed the respondents are seeking exemption under Section 8(1) (g) of the RTI

 Contd…page…2

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**APPEAL CASE NO.2097/2017**

Act. It shall be prudent to reproduce the provisions of Section 8 (1) (g):

 “**Exemption from disclosure of information ---**

*(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;”*

It is obvious that nothing can be deemed to have been passed on to the appellant which could jeopardize the security or safety of anybody. The dispute is between the two parties and they are entitled to know what has been stated on record so that they can defend their position. The contention of respondents in withholding the information under Section 8(1) (g) as such does not hold good. They are advised to give him a copy of the statements recorded while clinching the enquiry, the report of which has already stated to have been provided to the appellant.

 To come up on **30.11.2017 at 11.30 AM.**

  **Sd/-**

**02.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Nirmal Singh, Naib Tehsildar (Retd),

House No.1100, Sector-69,

S.A.S. Nagar

 Appellant

Versus

Public Information Officer,

O/o Tehsildar,

Dera Bassi, Distt. S.A.S. Nagar.

First Appellate Authority

O/o Sub Divisional Magistrate,

Dera Bassi Distt.S.A.S.Nagar Respondents

 **APPEAL CASE NOs.2139, 2140 and 2141 of 2017**

Date of RTI application : 10.05.2017

Date of First Appeal : 27.06.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :03.08.2017

**Present:** Sh. Nirmal Singh, Appellant in person.

 Sh. Karamjit Singh, Naib Tehsildar, Dera Bassi – for Respondents.

.

**ORDER**

 Since the nature of information sought in the connecting appeals, the appellant and the respondents are the same, the single order shall dispose of the above appeals.

 The appellant had sought a certified copy of the Stay Register relating to the year 2006 and 2007 wherein the entries of the stays issued by any competent Court are recorded. He has made specific reference of order passed in COCP 1762 of 2006 by the Honble Punjab & Haryana High Court, Chandigarh.

 Sh. Karamjit Singh, Naib Tehsildar is present. He says that the relevant information has been given to the appellant. The appellant denies its receipt. He further submits that the copy of the Register commencing from 2011 only has been provided whereas he has sought the information concerning 2006 and 2007.

 Contd…page…2

 -2-

**APPEAL CASE NOs.2139, 2140 and 2141 of 2017**

 The Commission takes serious exception to the conduct of the respondents and takes it as a case of willful denial of information. A final opportunity is afforded to Sh. Parveen Kumar, PIO – cum – Tehsildar, Dera Bassi to provide the sought for information along with his explanation for having failed to give the information in stipulated period.

 Be it noted that the neglect or indifference shown to the this order shall invite serious consequences.

 To come up on **30.11.2017 at 11.30 AM.**

 **Sd/-**

**02.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Karnail Singh,

65, Gulmohar Complex,

Extension No. 1, Near Desu Majra,

Sector 125, Greater Mohali 0 140301. Appellant.

Versus

Public Information Officer,

O/o Executive Officer,

Municipal Council, Kharar, Distt. SAS Nagar.

First Appellate Authority

O/o Regional Deputy Director,

Local Bodies, Punjab, Admn. Block – C,

Mini Sectt., Patiala. Respondents

 **APPEAL CASE NO.2098/2017**

Date of RTI application : 06.03.2017

Date of First Appeal : 06.05.2017

Date of Order of FAA : Nil.

Date of 2nd Appeal/complaint :26.07.2017

**Present:** Sh. Karnail Singh, Appellant in person.

 Sh. Sandeep Tiwari, PIO – cum – EO, MC., Kharar – for Respondents.

**ORDER**

 The following order was observed on 03.10.2017:

 *“A simple information concerning the terms of a license and allied information issued to one M/s Star Colonizers Builders Pvt. Ltd., Kharar has been sought.*

 *The respondents represented by Sh. Jaswinder Singh, Draftsman have submitted before the Commission a copy of a memo purported to have been issued to the appellant. They have not been able to testify its dispatch. The information thus provided states that the record is available with the office of the Deputy Director, Urban Local Bodies, Patiala and they have suggested the appellant to approach it only.*

 *Strangely the Deputy Director has advised respondents No. 1 to handle it. It is evident that the matter has been taken very negligently and lackadaisically by the respondents to the detriment of the applicant. The information virtually has been denied by the respondents in violation Contd..page…2*

 *-2-*

***APPEAL CASE NO.2098/2017***

*of the provisions of the Act.*

 *Sh. Sandeep Tiwari, PIO – cum – Executive Officer is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

 *In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”*

The case has come up today. Sh. Sandeep Tiwari, PIO – cum – EO, MC, Kharar is present. He testifies having provided the information to the information seeker. He also regrets the delay and assures the Commission to respond to the RTI applications timely in future. Accepting his submission the show cause notice issued to him is filed. The appeal is **disposed** with the caution to him to be watchful in future.

  **Sd/-**

**02.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: Sh. Sanjeev Tiwari, PIO – cum – Executive Officer, Municipal Council,**

 **Kharar, Distt. SAS Nagar for information and n/a.**

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Sh. Jasbir Singh

Village Bholapur Jhabewal,

P.O: Ramgarh, Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Ludhiana -141001

First Appellate Authority,

O/o Commissioner,

Municipal Corporation,

Ludhiana -141001 Respondents

**APPEAL CASE NO.820/2017**

 **Date of RTI Application : 31.12.2016** **Date of First Appeal : 31.01.2017**

 **Date of Order of FAA : Nil**

 **Date of Complaint : 14.03.2017**

**Present:** None on behalf of the Appellant.

 1. Sh. Sanjeev Devgan, ATP – cum – PIO, Zone ‘C’,

 2. Sh. Arshdeep Singh, SDO, Zone ‘C’, M.C. Office, Ludhiana – for Respondents.

**ORDER**

 The following order was made by this forum on 04.10.2017:

 *“The Commission had observed on 23.08.2017:*

 *“The Commission had made the following observations on 13.07.2017 :-*

 *“Vide a communication dated 07.06.2017 the appellant has denied the receipt of information.*

 *Sh. Randip Singh, JE appearing on behalf of the Respondents states that details about the service stations operating in Zone ‘C’ as asked for by the appellant have since been provided to him. He has also shown us a copy of the same which seems in order. A copy of it has been taken on record.*

 *A part of the information sought concerns the dimensions of the buildings as available Contd…page…2*

 *-2-*

**APPEAL CASE NO.820/2017**

*with the respondent which remains to be furnished. Sh. Randip Singh, JE says that the aforesaid information concerns the building branch of the Corporation. Sh. Vijay Kumar, PIO, Building Branch of the Corporation is directed to provide him the rest of the information under intimation to the Commission before the next date of hearing.”*

 *“Despite the clear and express order nothing seems to have been done. The PIO looking after the work of the building branch of Zone ‘C’ of Municipal Corporation is hereby directed to provide him the rest of the information as per above order and file a reply as to why penal action should not be initiated against him.”*

 *“Despite a couple of directions to the PIO of Zone ‘C’ as mentioned above nothing reportedly has been done. It smacks of a defiance on the part of the PIO. The original application was filed on 31.12.2016, a period beyond one hundred days has elapsed. The PIO as such has violated the provisions of Section 7(1) of the Act and has rendered himself liable for penalty as enshrined under Section 20(1) and disciplinary action under Section 20(2) of the Act.*

*Sh. Sanjeev Devgan, PIO – cum – Assistant Town Planner, Zone ‘C’, Municipal Corporation, Ludhiana is, thus, issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

 *In addition to the written reply, the PIO is also given an opportunity under Section Contd…page…3*

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***APPEAL CASE NO.820/2017***

*20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”*

The case has been taken up today. Sh. Sanjeev Devgan, PIO – cum – ATP is present. He has submitted an affidavit that the appellant has been suitably informed. The appellant has also acknowledged the receipt to his satisfaction. No more action is called for.

 The appeal is **closed.**

 **Sd/-**

**02.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Opneet Singh,

322, Lal Bagh, Freozepur Road,

Ludhiana Complainant

Versus

Public Information Officer,

O/o Addl. Director (Finance & Accounts), Pb.

Plot No. 2 B, Sector 33 – A, Vit & Yojna Bhawan, Chandigarh.

Chandigarh Respondent

 **COMPLAINT CASE NO.398/2017**

 **Date of RTI Application : 01.09.2016**

 **Date of First Appeal : Nil**

 **Date of Order of FAA : Nil**

 **Date of Second Appeal : 20.03.2017**

**Present:** Sh. Opneet Singh, Complainant in person.

 1. Sh. Madan Lal Sharma, PIO – cum – Additional Director, Treasury & Accounts Deptt., Pb., and

 2. Smt. Meena Bector, Superintendent, O/o Director, Treasury & Accounts, Punjab, Chandigarh – for Respondent.

**ORDER**

The following order was made by the Commission on 19.09.2017:

 “The Commission passed the following order on 13.06.2017:

 *“The complainant had sought to know the outcome of an enquiry which the respondent was directed to conduct vide an order of the Commission dated 24.07.2015. After hearing the parties it transpires that a malfeasance was detected in the office of the Sub Treasury, Jagraon, District Ludhiana. The Complainant had sought to procure copies of documents on the basis of which he was charge-sheeted. The documents reportedly are missing.*

 *The Commission suspects it to be a foul play. It takes a strong exception to the fact that an express order of the Commission has been ignored. The respondent is hereby directed to clinch the enquiry about the missing of the record at the earliest under intimation to the Commission else it shall be taken as a defiance of an order duly passed under law and the necessary consequences shall follow.”*

 *“The case has come up for consideration today. The respondents’ response Contd…page…2*

 *-2-*

***COMPLAINT CASE NO.398/2017***

*continues to be the same. They ascribe the delay in inquiry due to shifting of their office. The plea of the respondents is not convincing. It is strange that an official has been charge-sheeted on the basis of documents which they are supporting along to prove the allegations against the delinquent official. However, they have been able to supply it despite a lapse of four years. The fate of the official is hanging in balance ever since.*

 *The Commission is constrained to believe that a deliberate obstruction is being made to cause the free flow of the information for the successful clinching of the inquiry. Taking cognizance under Section 7 (2) and 20(1)(2) of the Act a show cause notice is issued to Sh. M.L.Sharma, PIO – cum – Additional Director, Treasury & Accounts Department to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

 *In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”*

The case has come up today. Sh. Madan Lal Sharma, PIO – cum – Additional Director, Treasury & Accounts is present. He says that the issue was already considered by the then State Information Commissioner Sh. Parveen Kumar wherein the Public Authority was directed to look into the reasons of the loss of the documents by holding an enquiry. He says that the enquiry as was directed by the then State Information Commissioner, has been completed. They have reservations about its divulgence to the complainant on account of its relation with the third party. The Commission overrules this intent as the issue accrues from the alleged dereliction of duty of the appellant and consequent penal action against him. The appellant thus is entitled to the documents *Contd…page…3*

 *-3-*

***COMPLAINT CASE NO.398/2017***

concerning the issue. The respondents are in hold of the enquiry report along with the decisions taken on the same, a copy of which has been handed over to the complainant on spot. No malafide is attributable to the respondents for the delay due to the aforesaid stand.

 The Commission does not find further requirement of intervention. The complaint is **disposed** accordingly.

 **Sd/-**

**02.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Director,**

 **Treasury & Accounts, Plot No. 2 B, Sector 33 – A, Vit & Yojna Bhawan, Chandigarh.**

**CC: Sh. M.L.Sharma,**

 **PIO – cum - Additional Director, Treasury & Accounts Department,**

 **Plot No. 2 B, Sector 33 – A, Vit & Yojna Bhawan, Chandigarh.**

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Sh. Shankar Dass alias Ravi Shankar,

531/9, Kishan Chand Colony, Narwana,

Distt. Jind (Haryana) Complainant

Versus

Public Information Officer,

O/o Naib Tehsildar,

Khanauri, Distt. Sangrur Respondent

**COMPLAINT CASE NO.294/2017**

 **Date of RTI Application : 21.10.2016** **Date of First Appeal : Nil**

 **Date of order of FAA : Nil**

 **Date of Second Appeal : Complaint: 15.03.2017**

**Present:** Sh. Shankar Dass alias Ravi Shankar, Complainant in person.

 Sh. Balkar Singh, Patwari, O/o Naib Tehsildar, Khinauri – for Respondent.

**ORDER**

 The following orders were made by this forum on 12.07.2017 and 19.09.2017:-

 **Order dated 12.07.2017**

 ***“****The respondent is absent on consecutive hearings despite issue of notice. It takes a strong exception towards the indifference shown by the respondent and issues a show cause notice to the PIO to explain in a self-attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

 *In addition to the written reply, the PIO is also given an opportunity under Section*

*20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say Contd…page…2*

 *-2-*

***COMPLAINT CASE NO.294/2017***

 *and the Commission shall proceed to take further proceedings against him ex parte.”*

**Order dated 19.09.2017**

 *“The respondent was issued a show cause notice on the last date of hearing on 12.07.2017,*

 *The respondent is again absent. The complainant has informed in writing that he is yet to receive the information. It is strange that despite issue of a final show cause notice for imposition of penalty besides earlier communications the respondent is doggedly defying the Commission. Another opportunity is afforded to him to furnish complete information to the complainant under intimation to the Commission before the next date of hearing.*

 *The Deputy Commissioner, Sangrur is desired to look into it and arrange to send a proper response to the Commission before the next date of hearing positively.*

 *Be it noted that no further opportunity shall be afforded and his presence in the Commission shall be enforced by exercising its authority.”*

Despite a candid advice to him on a couple of occasions to provide the information and explain his conduct Naib Tehsildar - cum - PIO has deputed Sh. Balkar Singh, Patwari to represent him in the proceedings. It also transpires that the sought for information has also not been given. Seemingly, he does not have any respect for the statutory institution. The Commission cannot take it lying down. The matter has to be taken to a logical end. While exercising its authority under Section 18 (3) (a) of the RTI Act, a bailable warrant for a sum of Rs.20,000/- is issued against
Sh. Harinder Kumar, PIO – cum – Naib Tehsildar, Khinauri, District Sangrur with the direction to the Senior Superintendent of Police, Sangrur to serve it on him to appear along with entire relevant record *Contd…page…3*

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***COMPLAINT CASE NO.294/2017***

before the Commission on 2811.2017 at 11.30 AM so that the requisite information can be arranged to be furnished to the information seeker and appropriate action is taken on the show cause notice issued to him.

 To come up on **28.11.2017 at 11.30 AM.**

 **Sd/-**

**02.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Deputy Commissioner, Sangrur, for information and n/a.**

**CC: Sh. Harinder Kumar, PIO – cum – Naib Tehsildar, Khinauri, Distt. Sangrur for immediate action.**

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Sh. H.S.Hundal,

Chamber No.82, District Courts,

Sector-76, S.A.S.Nagar Appellant

Versus

Public Information Officer,

O/o Punjab Right to Service Commission,

MGSIPA Complex, Sector-26,

Chandigarh

First Appellate Authority

O/o Punjab Right to Service Commission,

MGSIPA Complex, Sector-26,

Chandigarh Respondents

 **APPEAL CASE NO.1424/2017**

Date of RTI application : 22.12.2016

Date of First Appeal : 12.01.2017

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint : 22.05.2017

**Present:** None on behalf of the Appellant.

 1. Sh. Bharat Bhushan Sehgal, PIO – cum – Under Secretary, RTS, Pb. and

 2. Sh. Om Parkash, Clerk, O/o RTS, Pb., Chandigarh – for Respondents.

**ORDER**

 The case has come up today. The appellant is absent. He is seemingly not inclined to attend this Court. Accordingly, the matter is decided on merit on the basis of the record on file.

 The respondents have submitted a written reply, a copy of which has also been forwarded to the appellant. The respondents have reiterated the plea made before the First Appellate Authority. Their contention is that the appellant was asked to deposit the mandatory fee in the manner as prescribed under rules either by way of a crossed cheque/draft/IPO or deposit it in cash with the Drawing and Disbursing Officer from where the information is to be obtained. They reiterate that there is no provision whereby the PIO can accept the requisite fee in cash. Similar instructions were issued with reference to the inspection of the record. The First Appellate Authority has held that the appellant did not deposit the fee as per rules. The Drawing & Disbursing Officer and Public Contd..page…2

 -2-

**APPEAL CASE NO. 1424 of 2017**

 Information Officer are two different entities. The PIO, accordingly, is well within his right to deny the information for want of compliance of rules by the applicant. The information according to the respondents as such was not denied rather he was only asked to deposit the fee as per the rules only.

 In his plea the appellant says that the rules clearly mention that the application fee can be submitted in cash. He also invokes office order dated 24.08.2012 of Chief Information Commissioner, Punjab, Chandigarh. He further says that in another case the PIO of the Commission had allowed the inspection to him. In case the cash has been accepted in one case it cannot be denied in another.

 It shall be relevant to reproduce the relevant Rule 4 of Punjab Right to Information Rules 2007 here which says:

 ***“ 4. Fee***

*(1) The fee may be paid in the following modes, namely:---*

 *(a) by Crossed Bank Draft/Banker’s Cheque/IPO in favour of concerned Drawing and Disbursing Officer from where the information is to be obtained; or*

 *(b) in cash with the concerned Drawing and Disbursing Officer; or*

 *(c) through Treasury Challan in the following Heads of Account :--*

 *Major Head .. 0070-Other Administrative Services.*

 *Sub-Major Head .. 60-Other Services.*

 *Contd…page…3*

 *-3-*

**APPEAL CASE NO.1424 of 2017**

 *Minor-Head .. 86-Fee under the Right to Information Act, 2005.*

 *Detailed Head .. 0070-Other Administrative Services*

 *60-Other Services-800-Other Receipts-86-Fees under the Right to Information Act, 2005.*

 *(2) The amount of fee shall be credited to the account as referred to in clause (c) of sub- rule (1).*

 *Xx xx xx xx xx xX*

It has been clearly mentioned in Rule 4(1) (b) as was relevant on the day that the fee can be deposited in cash with the concerned Drawing & Disbursing Officer besides the other modes as mentioned above.

 The plea as such of the appellant is not valid. The appellant is obliged to follow the statutory provisions for the entitlement to an information under the provisions of the RTI Act. Having defaulted on the same no right accrues to him to lay a claim. The order passed by the First Appellate Authority is upheld and the second appeal is **dismissed.**

  **Sd/-**

**02.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Raman Gupta

S/o Late Sh. Madan Lal Gupta,

R/o Syndicate House, Ist Floor,

Lahori Gate, Patiala Complainant

Versus

Public Information Officer,

O/o Patiala Improvement Trust,

Patiala. Respondent

 **COMPLAINT CASE NO.502/2017**

Date of RTI application : 22.02.2017

Date of First Appeal : Nil

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint :25.05.2017

**Present:** Adv. Ravinder Singh, Counsel for the Complainant.

 None on behalf of the Respondent.

**ORDER**

 This be read in continuation of Commission’s order dated 19.09.2017.

 Sh. Raj Kumar Kapoor, the then PIO is neither present nor any explanation has been received from him.

 Adv. Ravinder Singh, Counsel for the complainant is present. He pleads to take immediate action on the show cause notice issued for the dereliction of duty by the PIO. Last opportunity is afforded to the then PIO Sh. Raj Kumar Kapoor presently working as E.O., Improvement Trust, Rajpura to explain his conduct failing which the matter shall be decided on the basis of the record on file.

 To come up on **30.11.2017 at 11.30 AM.**

 **Sd/-**

**02.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: Sh. Raj Kumar Kapoor,**

 **Executive Officer, Improvement Trust, Rajpura.**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Jasbir Singh,

Village Bholapur Jhabewal, P.O. Ramgarh,

Distt. Ludhiana -123455 Complainant

Versus

Public Information Officer,

O/o State Transport Commissioner,

SCO No.177-178, Sector-17-C,

Chandigarh Respondent

 **COMPLAINT CASE NO.2175 /2015**

 **Date of RTI Application : 07.08.2015 Date of First Appeal : Nil**

 **Date of Order of FAA : Nil**

 **Date of Second Appeal : 14.09.2015**

**Present:** None on behalf of the Complainant.

 Sh. Gurpal Singh, APIO – cum –Superintendent, STC Office – for Respondents.

**ORDER**

 This is a long standing case. The complainant is absent. He, in fact, has sought a copy of the comments sent by the District Transport Officer, Faridkot to headquarter with reference to a letter issued to him following an accident in which more than ten school boys were casualties.

 The respondent says that the complainant has been informed of the reply sent by the District Transport Officer, Faridkot. He has also been supplied with the information being held by him on the subject in question, copies of which have been shown to the Commission as well.

 The Commission finds that the complainant has been suitably informed of the information available with the respondent. No useful purpose shall be served by keeping the matter pending. The complaint is **disposed.**

 **Sd/-**

**02.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Manjeet Singh,

Distt. President, Anti Corruption Association of India

388/3 Baherha Road, Patiala Appellant

Versus

Public Information Officer,

O/o Deputy Commissioner,

Patiala.

First Appellate Authority

O/o Deputy Commissioner,

Patiala. Respondents

**APPEAL CASE NO.1533 /2017**

 **Date of RTI Application : 20.06.2016**  **Date of First Appeal : 27.08.2016**

 **Date of order of FAA : Nil.**

 **Date of Second Appeal : 05.06.2017**

**Present:** None on behalf of the Appellant.

 1. Sh. Harsharanjit Singh, PIO – cum – DRO,

 2. Sh. Harjit Singh, District Nazar, and

 3. Sh. Robin Toor, Clerk, O/o D.C., Patiala – for Respondents.

**ORDER**

 The following orders was made on 26.09.2017 by the Commission:-

 *“The following order was made by this forum on 20.07.2017:*

 *“The case is hanging fire since 20.06.2016. Very simple information has been asked by the appellant as to how many offices are located in the various blocks in the complex of D.C. office, Patiala and the number of ACs installed therein. He had also asked for details of the electricity bills having been paid by the office.*

 *We understand that this information should be made available in the D. C. office. To take a blanket plea that it is a questionnaire which they are not liable to reply does not steer them clear of the liability. Section 7(9) of the RTI Act reads as under :-*

 *Contd..page…2*

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***APPEAL CASE NO.1533 /2017***

 *“An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question.”*

 *The information asked for is concise and is not likely to divert disproportionately the resources of Public Authority.*

 *In view of the above the respondents are directed to inform the appellant under intimation to the Commission failing which the penal action shall ensue.”*

 *“Sh. Robin Toor, Clerk appearing on behalf of the respondents says that they have provided him the information, a copy of which has also been endorsed to the Commission. The appellant has pointed out certain deficiencies which are significant one. Moreover the information provided is without certification. The information is returned back to the respondent to provide him the complete information in certified form. The respondents have taken the issue lightly. The original application has been filed by the information seeker on 20.06.2016. It has already taken more than one year to pass on the information and that too inadequate, insufficient in a slip shod manner. The respondents as such are guilty of offence under Section 7(2) of the Act.*

 *Sh. Harsharanjit Singh, PIO – cum – D.R.O. is, thus, issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him. Contd..page…3*

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***APPEAL CASE NO.1533 /2017***

 *In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of*

*hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”*

Sh. Harsharanjit Singh, PIO – cum – DRO has filed a reply in the shape of an affidavit wherein he submits that complying with the directions of the Commission the appellant has been suitably informed. The appellant has also acknowledged the receipt in writing and expressed his satisfaction over the same.

 The Commission feels that no malafide in withholding the information is attributable to the PIO. The show cause notice issued to him is filed and the appeal is **disposed** accordingly.

  **Sd/-**

**02.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: Sh. Harsharanjit Singh,**

 **PIO – cum – District Revenue Officer, Patiala.**

**CC: Deputy Commissioner, Patiala.**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Lov Kumar Dua

S/o Late Sh. Megh Raj Dua,

R/o H.No.125, Model Town, Samrala Road,

Khanna -141401 Distt.Ludhiana Appellant

Versus

Public Information Officer,

O/o Executive Officer, Municipal Council,

Khanna Distt. Ludhiana

First Appellate Authority

O/o Regional Deputy Director,

Local Bodies, Punjab, Ludhiana Respondents

 **APPEAL CASE NO.2129/2017**

Date of RTI application : 08.06.2017

Date of First Appeal : 19.06.2017

Date of Order of FAA : Reply 04.07.2017

Date of 2nd Appeal/complaint : 25.07.2017

**Present:** Sh. Lov Kumar Dua, Appellant in person.

 None on behalf of the Respondents.

**ORDER**

 The appellant is present.

 None is present on behalf of the respondents despite a couple of directions to them. The Commission takes it as a violation of Section 7(2) of the Act in denying the information.

 Sh. Ravneet Singh, PIO – cum – Executive Officer, Municipal Council, Khanna is, thus, issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on himfor causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

 In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of Contd…page…2

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**APPEAL CASE NO.2129/2017**

hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.

 To come up on **30.11.2017 at 11.30 AM.**

 **Sd/-**

**02.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

 **STATE INFORMATION COMMISSION, PUNJAB**

 **RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH**

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Sh. Gulshan Kumar

167-B, Miller Ganj, Industrial Estate,

Ludhiana Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Mata Rani Chowk,

Ludhiana

First Appellate Authority,

O/o Commissioner,

Municipal Corporation,

Mata Rani Chowk,

Ludhiana Respondents

 **APPEAL CASE NO.196 of 2017**

 **Date of RTI Application : 12.07.2016** **Date of First Appeal : 06.09.2016**

 **Date of Order of FAA : Nil**

 **Date of Second Appeal : Diary date — 09.01.2017**

**Present:** None on behalf of the Appellant.

 Dr. Vipal Malhotra, Vet. Doctor, Zone ‘D’, MC Office, Ludhiana – for Respondents.

**ORDER**

 The following interim order was passed by this forum on 20.09.2017 which is reproduced hereunder for the sake of deciding the issue in perspective”

 *“This be read in continuation of Commission’s order dated 09.08.2017 which are reproduced hereunder:*

 *“The respondents are consecutively absent despite issue of notices and express orders of the Commission. The Commission has taken a strong exception to it and issues the PIO a recorded warning that such liberty shall entail serious consequences.*

 *What emerges from the perusal of the application as well as hearing the appellant is that he is concerned about the menace of the stray dogs in the town. Sh. Vipul Malhotra, Medical Officer (Health), Zone ‘D’ of the Corporation who is reportedly the PIO is directed to intimate him the measures taken by them to address the nuisance of stray dogs in the town under intimation to the Commission.”*

 *Contd… Page…2*

 *-2-*

***APPEAL CASE NO.196 of 2017***

 *“Sh. Vipul Malhotra, PIO – cum - Medical Officer (Health), Zone ‘D’, of the Municipal Corporation was directed to intimate to the appellant the measures having been taken by them to address the nuisance of stray dogs in the town.*

 *The case has been taken up today. Sh. Vipul Malhotra is absent. Nothing has been heard from him in writing also. The Commission takes a strong exception to the indifference shown by him. The information has been delayed beyond one hundred days. He is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

 *In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte. He is also directed to appear in person before the Commission at Chandigarh on the next date of hearing.”*

The case has been taken up today. Dr. Vipal Malhotra, PIO is present. He explains that the Health Department of the Municipal Corporation has taken adequate measures to sterilize the dogs. The entire record pertaining to the same has been shown to the appellant. The appellant has also acknowledged having satisfactorily been informed of the same. However, he has also sought for adjournment vide e.mail. The Commission finds that no useful purpose shall be served to adjourn the case. The Commission is convinced that he has been suitably informed. No further action is called for.

 The appeal is **closed.**

 **Sd/-**

**02.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: Sh. Vipul Malhotra, PIO – cum – Medical Officer (Health), Zone ‘D’, Municipal Corporation, Mata Rani Chowk, Ludhiana.**

**CC: The Commissioner, Municipal Corporation, Mata Rani Chowk, Ludhiana.**

 **STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Gulshan Kumar

167-B, Miller Ganj, Industrial Estate,

Ludhiana Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Mata Rani Chowk,

Ludhiana

First Appellate Authority,

O/o Commissioner,

Municipal Corporation,

Mata Rani Chowk,

Ludhiana Respondents

 **APPEAL CASE NO.193 of 2017**

 **Date of RTI Application : 30.08.2016** **Date of First Appeal : 04.10.2016**

 **Date of Order of FAA : Nil**

 **Date of Second Appeal : Received on 07.04.2017**

**Present:** None on behalf of the Appellant.

 1. Sh. Sanjeev Devgan, ATP – cum – PIO, Zone ‘C’, MC Office, Ludhiana, and

 2. Sh. Raj Kumar, Head Draftsman, Zone ‘C’, MC Office, Ludhiana – for Respondents.

**ORDER**

 The following order was passed by this forum on 20.09.2017:

 *“Sh. Dalip Soni, Jr. Draftsman is present on behalf of the respondents. He is totally unaware of the issue in hand. The order passed by the Commission on 09.08.2017 as such has not been complied with. The Commission takes it as an offence of willful denial of information as envisaged under Section 7(2) of the Act. The Commission is convinced that the respondents have rendered themselves liable for penal consequences.*

 *Sh. Sanjeev Devgun, PIO – cum – Assistant Town Planner, Zone ‘C’, M.C.., Ludhiana issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the Contd… Page…2*

 *-2-*

***APPEAL CASE NO.193 of 2017***

*information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him. In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte. He is also directed to appear in person before the Commission at Chandigarh on the next date of hearing.”*

The case has come up today. Sh. Sanjeev Devgan, PIO – cum – ATP is present. He has submitted in an affidavit that he has recently joined. He contends that the appellant was duly informed vide their letter dated 08.08.2017, a copy of which has also been shown to the Commission.

 The Commission finds that the appellant has been elaborately informed of the status of the information sought for by him. The Commission has already observed in its interim order of 09.08.2017 that the appellant is asking for a sweeping information the provision of which significantly erodes the resources of the Public Authority. Without adverting on the same the appellant had simply sought an adjournment for no convincing reason. The Commission finds that sufficient information has been provided to him in this case. No further intervention of the Commission shall serve any public purpose. The appeal is **disposed.**

 To come up on **02.11.2017 at 11.30 AM.**

 **Sd/-**

**02.11.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: Sh. Sanjeev Devgun, PIO – cum – Assistant Town Planner, Zone ‘C’, Municipal Corporation, Mata Rani Chowk, Ludhiana.**