**STATE INFORMATION COMMISSION, PUNJAB**

**Punjab Red Cross Building (Next to Rose Garden)**

**Sector:16/B, Madhya Marg, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**(**[**www.infocommpunjab.com**](http://www.infocommpunjab.com/) **and Email.ID** **scic@punjabmail.com**

Sh. Karamjeet Singh,

S/o Sh. Tejinder Singh,

VPO: Kapial, Via Bhawanigarh,

Distt: Sangrur.

Appellant

Versus

**Public Information Officer**,

O/o BPEO,

Bhawanigarh, Distt: Sangrur.

**First Appellate Authority**

o/o BPEO,

Bhawanigarh, Distt: Sangrur.

**Public Information Officer**,

O/o DEO (EE),

Sangrur.

**Public Information Officer**,

O/o SDM,

Bhawanigarh, Distt: Sangrur.

Respondent

**Appeal CASE NO. 280 OF 2017**

**PRESENT:** (i) Sh. Karamjeet Singh, the appellant.

 (ii) Sh. None is present on behalf of the respondent.

**ORDER:**

This order may be read with reference to the previous order dated 11.07.2017.

2. The appellant states that till today, complete information has not been provided to him by the respondent.

3. Neither the PIO is present for today’s hearing nor has filed any affidavit inspite of the directions of the Commission.

4. During the hearing dated 08.05.2017, PIO o/o DEO(E), Sangrur and PIO o/o SDM, Sangrur was impleaded as necessary party but till today no one has appeared from these departments which shows that they have no regard to the orders of the Commission.

5. In view of the above, **respondent-*PIO o/o DEO(EE), Sangrur and PIO o/o SDM, Bhawanigarh, Distt: Sangrur are directed*** to show cause in writing or through affidavit under Section 20(1) of the RTI Act, as to why penalty be not imposed upon them for willful delay/ denial of the information to the RTI applicant.

Contd….p-2

 **Appeal CASE NO. 280 OF 2017**

In addition to his submission, both the PIOs are also hereby 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. They may note that in case they do not file their submission and do not avail themselves of the opportunity of personal hearing on the next date fixed, it will be presumed that they have nothing to say and the Commission shall proceed to take further proceedings against them ex-parte.

6. Last opportunity is given to the PIO o/o BPEO, Bhawanigarh, Distt: Sangrur to file an affidavit on the next date of hearing, as directed by the Commission during the last hearing, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

7. The matter to come up for further hearing now on **17.10.2017 at 11.30 AM.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**04.09.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

**Punjab Red Cross Building (Next to Rose Garden)**

**Sector:16/B, Madhya Marg, Chandigarh**

**Contact No.0172-2864116, Fax No.0712-2864125**

**(**[**www.infocommpunjab.com**](http://www.infocommpunjab.com/) **and Email.ID scic@punjabmail.com**

Sh. Sukhdyal,

S/o SH. Hari Chand,

R/o Wasan Mohan Ke (Gol Ke Mod),

Tehsil: Gurharshai, Distt: Ferozepur.

Complainant

Versus

**Public Information Officer**,

O/o SSP,

Ferozepur.

**Public Information Officer**,

o/o SSP,

Fazilka.

Respondent

**Complaint CASE NO. 632 OF 2016**

**PRESENT:** None is present on behalf of the complainant.

Sh. Swaran Singh, ASI o/o SSP, Fazilka on behalf of the respondent.

**ORDER:**

 The RTI application is dated 17.03.2017 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 20.06.2017 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 04.09.2017 in the Commission.

3. The complainant is absent for today’s hearing without any intimation to the Commission.

4. Sh. Swaran Singh, ASI is appearing on behalf of the o/o SSP, Fazilka states that this information is to be provided by the SSP, Ferozepur and they have already transferred the same under Section 6(3) to the PIO o/o SSP, Ferozepur vide letter dated 23.03.2017.

5. A letter has been received from the PIO O/o SSP, Ferozepur in the Commission vide diary no. 20019 dated 01.09.2017 that the information which has been sought by the complainant is a third party information and third party has denied to provide the same to the complainant.

6. The respondent o/o SSP, Ferozepur is directed to personally appear on the next date of hearing alongwith the information, which has been sought by the complainant for the perusal of the Commission.

Contd…p-2

**Complaint CASE NO. 632 OF 2016**

7. Last opportunity is given to the complainant to appear before the Commission to follow up his case in the Commission, failing which decision shall be taken on merits. He is also advised to justify what public interest is involved in the information asked for on the next date of hearing.

8. The PIO o/o SSP, Fazilka is exempted from further appearances in the Commission as this information does not relate to their department.

9. The matter to come up for further hearing now on **01.11.2017 at 11.30AM**. Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**04.09.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

**Punjab Red Cross Building (Next to Rose Garden)**

**Sector:16/B, Madhya Marg, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**(**[**www.infocommpunjab.com**](http://www.infocommpunjab.com/) **and Email.ID** **scic@punjabmail.com**

Sh. Gurcharan Singh,

S/o Sh. Surjeet Singh,

Village: Gaushala, P.O: Sehomajra,

Tehsil and Distt: Ropar. …Complainant

Versus

**Public Information Officer**,

O/o Dulchi Majra Multipurpose

Co-operative Agri Society Ltd.,

P.O: Burmajra, Tehsil and Distt: Ropar.

 ...Respondent

**Complaint Case No. 633 of 2017**

**PRESENT:** (i) Sh. Gurcharan Singh, the complainant.

(ii)Sh. Nirmal Singh, Pardhan, on behalf of the respondent.

**ORDER**

 The RTI application is dated 15.04.2017 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 22.06.2017 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 04.09.2017 in the Commission.

3. The complainant states that complete information has been provided to him by the respondent till date.

4. The respondent files reply to the Notice of the Commission today in the Commission with a copy to the complainant.

5. The attention of the complainant is drawn to the decision of the Hon'ble Supreme Court of India dated 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 titled Chief Information Commissioner and Another Vs. State of Manipur and Another (arising out of SLP © No.32768-32769/2010) wherein it has been held that *while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information. As per the above decision of the Hon'ble Supreme Court of India, the Information Commission has a power to receive and enquire into the complaint of any person who has been refused access to any information requested under this Act (section 18 (1)(b)} or has been given incomplete,*

*Contd…p-2*

**Complaint Case No. 633 of 2017**

*misleading or false information under the Act (Section 18(1)(e) or has not been given a response to a request for information or access to information within time limits specified under the Act (Section 18(1)(c))*.

6. In the complaint cases, it is to be seen whether the intention of the respondent-PIO is clear or not. In this case, the complainant has filed RTI on 15.04.2017 and respondent has given first reply on 29.04.2017 within the time limit, which shows that he has dealt with the RTI application in time.

7. The complainant may file appeal against the order of the PIO with the First Appellate Authority to seek the information under Section 19 (1) of the RTI Act, if he is dissatisfied and if he so desires. In view of aforementioned, the Complaint Case is **closed and disposed of.**

 Sd

**Chandigarh (Prof. Viney Kapoor Mehra)**

**04.09.2017 State Information Commissioner**

 **STATE INFORMATION COMMISSION, PUNJAB**

**Punjab Red Cross Building (Next to Rose Garden)**

**Sector:16/B, Madhya Marg, Chandigarh**

**Contact No.0172-2864116, Fax No.0712-2864125**

**(**[**www.infocommpunjab.com**](http://www.infocommpunjab.com/) **and Email.ID** **scic@punjabmail.com**

Sh. Gurcharan Singh,

S/o Sh. Surjeet Singh,

Village: Gaushala, P.O: Sehomajra,

Tehsil and Distt: Ropar. …Complainant

Versus

**Public Information Officer**,

O/o Assistant Registrar,

Cooperative Societies,

Roopnagar.

 ...Respondent

**Complaint Case No. 634 of 2017**

**PRESENT:** (i) Sh. Gurcharan Singh, the complainant.

(ii)Sh. Nirmal Singh, Pardhan, on behalf of the respondent.

**ORDER**

 The RTI application is dated 15.04.2017 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 22.06.2017 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

2. Notice was issued to the parties for hearing for 04.09.2017 in the Commission.

3. The complainant states that no information has been provided to him by the respondent till date.

4. Neither the PIO nor his representative is present for today’s hearing, which shows that he has no regard to the Notice of the Commission.

5. Last opportunity is given to the respondent-PIO to appear personally on the next date of hearing alongwith the information, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

6. The matter to come up for further hearing now on **01.11.2017 at 11.30AM.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**04.09.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

**Punjab Red Cross Building (Next to Rose Garden)**

**Sector:16/B, Madhya Marg, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**(**[**www.infocommpunjab.com**](http://www.infocommpunjab.com/)) **and Email.ID** **scic@punjabmail.com**

Sh. Tarsem Singh,

S/o SH. Sawarn Singh,

R/o Shambu Kalan,

Distt: Patiala.

Complainant

Versus

**Public Information Officer**,

O/o Punjab Backward Classes

Land Development and Financial

Corporation, SCO: 60-61, Sector:17/A,

Chandigarh.

Respondent

**Complaint CASE NO. 643 OF 2017**

**PRESENT:** (i) Sh. Tarsem Singh, the complainant.

 (ii) Sh. Sukhwinder Singh, ALR on behalf of the respondent.

**ORDER:**

 The RTI application is dated 08.05.2017 whereby the information-seeker has sought information as mentioned in his RTI application. He filed complaint in the Commission on 29.06.2017 under Section 18 of the Right to Information Act, 2005 (hereinafter RTI Act).

 2. Notice was issued to the parties for hearing for 04.09.2017 in the Commission.

 3. At today’s hearing, the complainant states that a reply has been received from the respondent vide letter dated 19.06.2017 that the information cannot be provided being a third party information and third party has denied to provide the same to anybody else.

4. The respondent states that the RTI application dated 08.05.2017 of the complainant was received without any identity proof and they have written vide letter dated 23.05.2017 to the complainant to send the same. After receiving the same, the reply has been sent to the complainant vide letter dated 19.06.2017 stating they have written to the third party under Section 11 of the RTI Act and as per Section 11, the third party have refused to provide the information to the complainant. Therefore, the information as sought by the complainant cannot be provided being third party information which is exempted under Section 8(1) (d) & (1) (j) of the RTI Act, 2005.

Contd…p-2

**Complaint CASE NO. 643 OF 2017**

5. The attention of the complainant is drawn to the decision of the Hon'ble Supreme Court of India dated 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 titled Chief Information Commissioner and Another Vs. State of Manipur and Another (arising out of SLP © No.32768-32769/2010) wherein it has been held that *while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information. As per the above decision of the Hon'ble Supreme Court of India, the Information Commission has a power to receive and enquire into the complaint of any person who has been refused access to any information requested under this Act (section 18 (1)(b)} or has been given incomplete, misleading or false information under the Act (Section 18(1)(e) or has not been given a response to a request for information or access to information within time limits specified under the Act (Section 18(1)(c))*.

6. In the complaint cases, it is to be seen whether the intention of the respondent-PIO is clear or not. In this case, the complainant has filed RTI on 08.05.2017 and respondent has given first reply on 23.05.2017 and second no 19.06.2017 within the time limit, which shows that he has dealt with the RTI application in time.

7. The complainant may file appeal against the order of the PIO with the First Appellate Authority to seek the information under Section 19 (1) of the RTI Act, if he is dissatisfied and if he so desires. In view of aforementioned, the Complaint Case is **closed and disposed of.**

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**04.09.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

**Punjab Red Cross Building (Next to Rose Garden)**

**Sector:16/B, Madhya Marg, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**(**[**www.infocommpunjab.com**](http://www.infocommpunjab.com/) **and Email.ID** **scic@punjabmail.com**

Sh. S.P.Goyal,

103-A, Krishan, Chamber:59,

New Marine Line, Mumbai.

Complainant

Versus

**Public Information Officer**,

O/o Chief Administrative Officer,

Distt and Session Judge,

Ludhiana.

Respondent

**Complaint CASE NO. 466 OF 2017**

**PRESENT:** (I) Sh. S.P.Goyal, the complainant.

(ii) Sh. Chaman Lal, Clerk and Sh. Ramanjeet, Assistant, Establishment Branch on behalf of the respondent.

**Heard through video conference at Ludhiana**

**ORDER:**

 This order may be read with reference to the previous order dated 12.07.2017.

2. At today’s hearing, the appellant states till today, complete information has not been provided to him by the respondent.

3. The respondent states that the information which was available in the official record has already been supplied to the complainant.

4. The respondent is directed to bring all the original record on the next date of hearing before the Commission and also bring the copy of the information which has been provided to the complainant, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

5. The matter to come up for further hearing now on **25.09.2017 at 01.30PM through video conference for the complainant but the respondent will appear before the Commission at Punjab Red Cross Bhawan, Sector:16, Chandigarh.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**04.09.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

**Punjab Red Cross Building (Next to Rose Garden)**

**Sector:16/B, Madhya Marg, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**(**[**www.infocommpunjab.com**](http://www.infocommpunjab.com/) **and Email.ID scic@punjabmail.com**

Sh. S.P.Goyal,

103-A, Krishan, Chamber:59,

New Marine Line, Mumbai.

Complainant

Versus

**Public Information Officer**,

O/o Chief Administrative Officer,

Distt and Session Judge,

Ludhiana.

Respondent

**Complaint CASE NO. 465 OF 2017**

**PRESENT:** (I) Sh. S.P.Goyal, the complainant.

(ii) Sh. Chaman Lal, Clerk and Sh. Ramanjeet, Assistant, Establishment Branch on behalf of the respondent.

**Heard through video conference at Ludhiana**

**ORDER:**

 This order may be read with reference to the previous order dated 12.07.2017.

2. At today’s hearing, the appellant states till today, complete information has not been provided to him by the respondent.

3. The respondent states that the information which was available in the official record has already been supplied to the complainant.

4. The respondent is directed to bring all the original record on the next date of hearing before the Commission and also bring the copy of the information which has been provided to the complainant, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

5. The matter to come up for further hearing now on **25.09.2017 at 01.30PM through video conference at Ludhiana for the complainant but the respondent will appear before the Commission at Punjab Red Cross Bhawan, Sector:16, Chandigarh.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**04.09.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

**Punjab Red Cross Building (Next to Rose Garden)**

**Sector:16/B, Madhya Marg, Chandigarh**

**Contact No.0172-2864116, Fax No.0712-2864125**

**(**[**www.infocommpunjab.com**](http://www.infocommpunjab.com/) **and Email.ID scic@punjabmail.com**

Sh. S.P.Goyal,

103-A, Krishan, Chamber:59,

New Marine Line, Mumbai.

Complainant

Versus

**Public Information Officer**,

O/o Chief Administrative Officer,

Distt and Session Judge,

Ludhiana.

Respondent

**Complaint CASE NO. 467 OF 2017**

**PRESENT:** (I) Sh. S.P.Goyal, the complainant.

(ii) Sh. Chaman Lal, Clerk and Sh. Ramanjeet, Assistant, Establishment Branch on behalf of the respondent.

**Heard through video conference at Ludhiana**

**ORDER:**

 This order may be read with reference to the previous order dated 12.07.2017.

2. At today’s hearing, the appellant states till today, complete information has not been provided to him by the respondent.

3. The respondent states that the information which was available in the official record has already been supplied to the complainant.

4. The respondent is directed to bring all the original record on the next date of hearing before the Commission and also bring the copy of the information which has been provided to the complainant, failing which action under Section 20(1) of the RTI Act, 2005 will be initiated.

5. The matter to come up for further hearing now on **25.09.2017 at 01.30PM through video conference at Ludhiana for the complainant but the respondent will appear before the Commission at Punjab Red Cross Bhawan, Sector:16, Chandigarh.** Copies of the order be sent to the parties.

 Sd/-

**Chandigarh (Prof. Viney Kapoor Mehra)**

**04.09.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

**Punjab Red Cross Building (Next to Rose Garden)**

**Sector:16/B, Madhya Marg, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**(**[**www.infocommpunjab.com**](http://www.infocommpunjab.com/) **and Email.ID** **scic@punjabmail.com**

Sh. Manjit Singh,

S/o Sh. Sohan Singh,

R/o H.NO.388/3, Bahera Road,

Patiala.

Appellant

Versus

**Public Information Officer**,

O/o Nagar Nigam,

Patiala.

**First Appellate authority**

o/o Nagar Nigam,

Patiala.

Respondent

**Appeal CASE NO. 2833 OF 2016**

**PRESENT:** (I) Sh. Manjit Singh, the appellant.

 (ii) Sh. Naresh Kumar, ATP on behalf of the respondent.

**ORDER:**

This order may be read with reference to the previous order dated 11.07.2017.

2. The appellant states that till today, complete information has still not been provided to him by the respondent.

3. The respondent states that he has brought the original copy of the map for the perusal of the Commission. He files a reply to the show cause notice which is taken on record.

4. During the hearing dated 15.03.2017, the appellant was advised to justify what public interest is involved in the information asked for but till today, no justification has been given by the appellant.

5. Last opportunity is given to the appellant to justify what public interest is involved asked for before the next date of hearing, failing which decision shall be taken on merits.

6. The matter to come up for further hearing now on **01.11.2017 at 11.30AM.** Copies of the order be sent to the parties.

 Sd/-

 **Chandigarh (Prof. Viney Kapoor Mehra)**

**04.09.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

**Punjab Red Cross Building (Next to Rose Garden)**

**Sector:16/B, Madhya Marg, Chandigarh**

**Contact No.0172-2864116, Fax No.0172-2864125**

**(**[**www.infocommpunjab.com**](http://www.infocommpunjab.com/) **and Email.ID scic@punjabmail.com**

Sh. Gurdeep Singh Dhingi,

S/o Sh. Harnam Singh,

R/o Block No.1, H.No.390,

Dharampura Mohalla, Dhuri,

Distt: Sangrur.

Appellant

Versus

**Public Information Officer**,

O/o Principal,

M.K. Arya Girls Sr. Sec. School,

Nabha, Distt: Patiala.

**First Appellate authority**

o/o DEO (SE),

Patiala.

Respondent

**Appeal CASE NO. 3758 OF 2016**

**PRESENT:** (I) None is present on behalf of the appellant.

 (ii) Sh. Parmod Kumar, Clerk on behalf of the respondent.

**ORDER:**

This order may be read with reference to the previous order dated 11.07.2017.

2. The appellant is absent for today’s hearing without any intimation to the Commission.

3. The respondent files an affidavit in response to the orders dated 11.07.2017. Copy of the affidavit is taken on record.

4. After perusal of the record as available in the file, it is ascertained that the available information has already been supplied to the appellant and respondent has filed an affidavit that the information which was available in the official record stands provided and nothing is left to be given to the appellant. The appellant is also absent. Copy of the affidavit be sent to appellant alongwith the orders.

5. Keeping in view the reply filed by the respondent is found satisfactory. No further cause of action is left in the instant Appeal Case, which is hereby, **disposed of and closed.** Copies of the order be sent to the parties.

 Sd/-

 **Chandigarh (Prof. Viney Kapoor Mehra)**

**04.09.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

**Punjab Red Cross Building (Next to Rose Garden)**

**Sector:16/B, Madhya Marg, Chandigarh**

**(**[**www.infocommpunjab.com**](http://www.infocommpunjab.com/) **and Email.ID scic@punjabmail.com**

Sh. N.K.Sayal,

Member RTI Activist,

Sayal Street, Sirhind.

Appellant

Versus

**Public Information Officer**,

O/o Principal Secretary,

Local Govt., Punjab,

Municipal Bhawan, Plot NO.3,

Sector:35/B, Chandigarh.

**First Appellate authority**

o/o Principal Secretary,

Local Govt., Punjab,

Municipal Bhawan, Plot NO.3,

Sector:35/B, Chandigarh.

Respondent

**Appeal CASE NO. 3804 OF 2016**

**PRESENT:** (I) Sh. N.K.Sayal, the appellant.

(ii) Sh. Sanjeev Kumar, Suptd., and Sh. Chetan, APIO on behalf of the respondent.

**ORDER:**

This order may be read with reference to the previous order dated 11.07.2017.

2. The appellant states that he has already pointed out deficiency but till today, complete information has not been provided to him by the respondent. He further states that the respondent should be penalized for the delay in providing the information.

3. The respondent states that as directed by the Commission during the last hearing, he has brought the original record for the perusal of the appellant today in the Commission.

4. The PIO has brought the original record for the inspection of the appellant but he has not inspected the same. The appellant is advised to visit the respondent on any working day and inspect the record. The respondent is also directed to facilitate the inspection of the record to the appellant and provide the information which will be pointed out by the appellant.

5. After hearing the parties and perusal of the case file reveals that the appellant filed RTI application dated 23.07.2016 to the PIO and PIO has still not been

Contd…p-2

**Appeal CASE NO. 3804 OF 2016**

provided the complete information after the delay of five months, which shows that the respondent has no regard for the RTI regime. Such kind of behavior of a Government servant needs to be condemned and such employees need to be taught a good lesson so that rest of the employees have a right kind of message to wake up and perform their duties under the RTI Act for ensuring complete transparency and due accountability in the governance affairs of the public authorities. The appellant also demands that he be compensated for the detriment suffered by him in getting the information.

6. The perusal of the record reveals that the appellant has suffered unnecessary detriments/harassment in getting the information at the hands of the PIO. I have also looked into all the facts and circumstances of the case. In my view this is a fit case, where award of compensation under Section 19 (8) (b) is also called for. I have no doubt in my mind that this state of affairs has also come about on account of the absence of adequate machinery for handling the RTI work in **Principal Secretary, Local Govt., Punjab** is thus, responsible for the inadequate handling of the RTI requests and in the instant case as well. **I, therefore, order that compensation of Rs. 5,000/- (Rs. Five thousand only)** be paid to the appellant for the detriments suffered by him. This amount shall be payable from the funds of the o/o **Principal Secretary, Local Govt., Punjab** by way of Demand Draft to the appellant within one month.

7. The matter to come up for confirmation of compliance on **02.11.2017 at 11.30AM.** Copies of the order be sent to the parties.

 Sd/-

 **Chandigarh (Prof. Viney Kapoor Mehra)**

**04.09.2017 State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

**Punjab Red Cross Building (Next to Rose Garden)**

**Sector:16/B, Madhya Marg, Chandigarh**

**(**[**www.infocommpunjab.com**](http://www.infocommpunjab.com/) **and Email.ID** **scic@punjabmail.com**

Sh. Satish Kumar,

S/o Sh. Balbir Singh,

R/o Village Pakki Pisol,

Gulah, Distt: Kaithal,

Haryana.

Complainant

Versus

**Public Information Officer**,

O/o Principal,

Shri Guru Teg Bahadur Sr. Sec. Public School,

Bahir Jaih, Patiala.

Respondent

**Complaint CASE NO.1489 OF 2016**

**PRESENT:** (i) Sh. Satish Kumar, the complainant.

 (ii) Sh. Inder Bir Singh, PIO the respondent.

**ORDER**

 This order may be read with reference to the previous order dated 18.07.2017.

2. At today’s hearing, the complainant states that complete information has been provided to him by the respondent till today.

3. The respondent states that he has brought the remaining information today in the Commission for the perusal of the complainant. Copy of the same is handed over to the complainant.

4. After going through the information, the complainant states that irrelevant information has been given by the respondent.

5. The respondent states that reply to the show cause notice has already been filed and has requested that some more time be given to him to provide the complete information to the complainant.

6. The attention of the complainant is drawn to the decision of the Hon'ble Supreme Court of India dated 12.12.2011 in Civil Appeal Nos.10787 – 10788 of 2011 titled Chief Information Commissioner and Another Vs. State of Manipur and Another (arising out of SLP © No.32768-32769/2010) wherein it has been held that *while entertaining a complaint under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information. As per the above decision of the Hon'ble Supreme Court of India, the*

*Contd….p-2*

**Complaint CASE NO.1489 OF 2016**

*Information Commission has a power to receive and enquire into the complaint of any person who has been refused access to any information requested under this Act (section 18 (1)(b)} or has been given incomplete, misleading or false information under the Act (Section 18(1)(e) or has not been given a response to a request for information or access to information within time limits specified under the Act (Section 18(1)(c))*.

6. In the complaint cases, it is to be seen whether the intention of the respondent-PIO is clear or not. In this case, the respondent has delayed the information. Therefore, he is warned to be careful in future while dealing with the RTI applications. Keeping in view all the facts mentioned in the reply is found satisfactory. The show cause notice is hereby, dropped.

7. On the assurance of the respondent, the case is, hereby, **disposed of and closed.** The complainant may file appeal against the order of the PIO with the First Appellate Authority to seek the information under Section 19 (1) of the RTI Act, if he is dissatisfied and if he so desires.

8. Announced in the Open Court. Copies of the order be sent to the parties.

 Sd/-

**CHANDIGARH (Prof. Viney Kapoor Mehra)**

**04.09.2017 State Information Commissioner**