

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100,

Email: - pcic20@punjabmail.gov.in



Shri Gurbax Singh
s/o Shri Bakhat Singh,
H.No.16-C, Dr. Kitchlu Nagar,
Rajpura Road, Civil Lines,
Ludhiana-141001.

-----Appellant

Vs

Public Information Officer,
o/o Director Bureau of Investigation, Punjab,
Chandigarh.

First Appellate Authority
o/o Director Bureau of Investigation, Punjab,
Chandigarh.

Public Information Officer
o/o Commissioner of Police, Ludhiana.

-----Respondents

Appeal Case No. 2339 of 2018

Present:- None for the appellant.

Shri Pawandev Singh, S.I., on behalf of the respondents.

ORDER

In this case, during hearing on 22.11.2018, it came to the notice of the Commission that after the receipt of the queries from the o/o Bureau of Investigation, Punjab, Chandigarh, no reply from the Commissioner of Police, Ludhiana office had been received till date. Hence, the Commissioner of Police, Ludhiana was impleaded as a necessary party in this case and he was directed to send reply to the Bureau of Investigation, Punjab, Chandigarh as early as possible so that a final view could be taken in the matter for supplying the information to the appellant before the next date of hearing. The case was adjourned to 26.12.2018, which was further postponed to 30.01.2019 due to certain administrative reasons.

2. On 30.01.2019, the appellant expressed dis-satisfaction with the provided information. He stated that he wanted Action Taken Report against the guilty officials/officers

Contd.....p/2



informed that the respondents have issued a CD to the appellant with only one conversation for submitting fraudulent Police Verification Report. Consequently, after hearing both the parties and discussing the matter at length, respondents were directed to submit a detailed reply spelling out clearly the factual position of the case vis-à-vis Action Taken Report against the concerned officials/officers, before the next date of hearing. The case was adjourned for today.

3. Today, the appellant is not present. However, a letter dated 11.03.2019 has been received from him through e-mail informing that he is unable to attend hearing due to ill health. He has further informed that Action Taken Report against the guilty officials/officers for submitting fraudulent Police Verification Report has been provided to him.

4. The representative of the office of Commissioner of Police, Ludhiana submits a copy of letter No. 210-211/P.C., dated 29.01.2019 from Commissioner of Police Ludhiana vide which reply has been sent to Director, Bureau of Investigation, Punjab, Chandigarh. Accordingly, the PIO of the office of Director Bureau of Investigation, Punjab, Chandigarh is directed to take necessary action on the reply received from the Commissioner of Police, Ludhiana and submit Action Taken Report on the next date of hearing.

5. To come up on **16.04.2019 at 11.30 A.M. for further proceedings.**

Dated : 12.03.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Madhya Marg, Sector 16, Chandigarh.

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Shri Rakesh Kumar Gupta, Advocate,
Chamber No.362, 3rd Floor, New Judicial Court Complex,
Ludhiana.

-----Appellant

Vs

Public Information Officer,
o/o Deputy Commissioner, Ludhiana.

First Appellate Authority
o/o Deputy Commissioner, Ludhiana.

-----Respondents

Appeal Case No. 2757 of 2018

Present:- Shri Jagshir Singh, on behalf of the appellant.
None on behalf of the respondents.

ORDER

The case was last heard on 30.01.2019, when none was present on behalf of the appellant as well as the respondents. However, a letter dated 30.01.2019 was received from the appellant through e-mail informing that he was unable to attend hearing due to Bhog of a close relative. He requested to grant one opportunity to him for submitting rebuttal to the reply of the respondent. Accordingly, one final opportunity was afforded to him to do so and the respondents were directed to ensure that complete information was furnished to the appellant, before the next date of hearing. The case was adjourned for today.

2. A letter No. 1477/P.B. dated 11.03.2018 has been received from Deputy Commissioner, Ludhiana through le-mail vide which he has sent a letter from the appellant vide which the appellant has informed that he is satisfied with the provided information and does not want to proceed the appeal and appeal may be dismissed as withdrawn.

3. Accordingly, the case is **disposed of and closed**.

Dated : 12.03.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Shri Rakesh Kumar Gupta,
8./237, Jagraon Road, Mandi Mullanpur,
District: Ludhiana – 141101.

-----Appellant

Versus

Public Information Officer
O/o Senior Superintendent of Police,
Ludhiana(Rural) at JAGRAON.

First Appellate Authority,
O/o Inspector General of Police,
Zonal-II, Ladhawali Road, Jalandhar.

-----Respondents

Appeal Case No. 2833 of 2017

Present: None for the appellant.

Shri Harprit Singh, ASI, office of SSP, Ludhiana(Rural), on behalf of the respondents.

ORDER

The case was last heard on 30.01.2019, when the appellant was not present. The representative of the respondents submitted a letter No. 42-43/RTI, dated 28.01.2019 from SSP, Ludhiana(Rural) vide which point-wise reply had been sent to the appellant by registered post. Accordingly, the appellant was directed to send his observations, if any, on the reply sent by SSP, Ludhiana(Rural) to the PIO with a copy to the Commission. The case was adjourned for today.

2. Today again, the appellant is not present. However, a letter dated 12.03.2019 has been received from him through e-mail informing that he is unable to attend the hearing due to an urgent hearing in Ludhiana Courts where his physical presence is must. He has further informed that he has not received point-wise reply sent by SSP, Ludhiana(Rural) vide letter No. 42-43/RTI, dated 28.01.2019. Accordingly, a copy of this letter, submitted to the Commission by the representative of the respondents, is sent to the appellant along with this order. I am satisfied with the reply of SSP, Ludhiana(Rural).

3. Accordingly, the case is **disposed of and closed**.

Dates: 12-03-2019

**Sd/-
(S. S. Channy)
Chief Information Commissioner
Punjab**

Encl. A copy of letter No. 42-43/RTI,
dated 28.01.2019

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Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100,

Email: - pcic20@punjabmail.gov.in



Shri Rakesh Kumar Gupta,
8/237, Jagraon Road, Mandi Mullanpur,
District Ludhiana-141101.

-----Appellant

Vs.

Public Information Officer
O/o Assistant Inspector General of Police
(Community Policing Wing),
Punjab Police Complex, Mohali.

First Appellate Authority,
O/o Director General of Police, Punjab,
(Police Headquarters), Sector:9, Chandigarh.

Public Information Officer,
O/o Senior Superintendent of Police,
Ludhiana(Rural), Jagraon.

-----Respondents

Appeal Case No. 3377 of 2017

Present:- None for the appellant.

Shri Harprit Singh, ASI, office of SSP, Ludhiana(Rural), on behalf of the respondents.

ORDER

The case was last heard on 30.01.2019, when the appellant was not present.

The representative of the respondents submitted a letter No. 44-45/RTI, dated 28.01.2019 from SSP, Ludhiana(Rural) vide which requisite information had been sent to the appellant by registered post. Accordingly, the appellant was directed to send his observations, if any, on the provided information to the PIO, with a copy to the Commission. The case was adjourned for today.

2. Today again, the appellant is not present. However, a letter dated 12.03.2019 has been received from him through e-mail informing that he is unable to attend the hearing due to an urgent hearing in Ludhiana Courts where his physical presence is must. He has further

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informed that the respondents have issued a CD to the appellant with only one conversation i.e. the complaint of Prem Lata Gupta(the wife of appellant) with 181 police helpline. He has further informed that the file is not properly readable and cannot be copied as the media is damaged. He has requested to instruct the PIO to supply soft copy to him through e-mail at rakeshmlp@gmail.com. Accordingly, the PIO is directed to supply a soft copy of the file to the appellant at his e-mail address and on receipt of the same, the appellant is directed to furnish his observations, if any, to the PIO, with a copy to the Commission.

3. To come up on **16.04.2019 at 11.30 A.M. for further proceedings.**

Dates: 12-03-2019

**Sd/-
(S. S. Channy)
Chief Information Commissioner
Punjab**

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Shri Gurinder Singh
s/o Shri Jatinder Singh,
St.No.1, Gurpreet Nagar, Ludhiana.

-----Appellant

Vs.

Public Information Officer
O/o Director General of Police, Punjab,
Sector 9, Chandigarh.

First Appellate Authority,
O/o Director General of Police, Punjab,
Sector 9, Chandigarh.

Public Information Officer,
O/o Commissioner of Police, Ludhiana.

Public Information Officer-cum-
Station House Officer,
Police Station Kotwali,
Nabha, District: Patiala.

-----Respondents

Appeal Case No. 3391 of 2017

Present:- Shri Ujjagar Singh, on behalf of the appellant.
Shri Pawandev Singh, S.I.; Shri Tarsem Singh, ASI, Shri Kulvir Singh, H.C.,
Police Station Kotwali Nabha, on behalf of the respondents.

ORDER

In this case, Shri Gurinder Singh, Appellant, vide an RTI application dated 28.08.2017, addressed to PIO, sought Action Taken Report on complaint No. RP 651722556, dated 24.07.2017 alongwith copies of statements of Shri Jagdeep Singh.

2. The case was last heard on 30.01.2019, when the representatives of the respondents had brought requisite information for handing over to the appellant. Since the appellant was not present, they were directed to send this information to the appellant by registered post and the appellant was directed to send his observations, if any, on the provided information, to the PIO, with a copy to the Commission. The case was adjourned for today.

Contd.....p/2



3. Today, the representative of the appellant states that the appellant wants Action Taken Report on his application dated 24.07.2017. Shri Kulvir Singh, Head Constable, Police Station, Nabha has brought the original file. He informs that action on the application dated 24.07.2017 submitted by the appellant has been taken. Accordingly, he is directed to hand over a copy of the Inquiry Report to the representative of the appellant.

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

Dated : 12.03.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Shri Rupinder Singh
s/o Shri Baldev Singh,
r/o H.No.14, Street No.4-1/12,
Indra Colony, Rahon Road, Ludhiana.

-----Appellant

Vs

Public Information Officer
o/o Deputy Commissioner of Police, Ludhiana.

First Appellate Authority
o/o Commissioner of Police, Ludhiana.

-----Respondents

Appeal Case No. 3479 of 2018

Present:- Shri Rupinder Singh, appellant, in person.
Shri Pawandev Singh, S.I. and Shri Radhe Sham, Head Constable, P.S. Basti Jodhewal, Ludhiana, on behalf of the respondents.

ORDER

The case was last heard on 30.01.2019, when the appellant informed that inspection of Rojnamcha had not been allowed nor any information had been supplied to him as yet. None was present on behalf of the respondents without any intimation. Viewing the callous and lackadaisical approach of the PIO seriously, a Show-Cause Notice was issued to Shri Ashwani Kapoor, Deputy Commissioner of Police, Ludhiana for imposition of penalty. An opportunity of personal hearing was also afforded to him on the next date of hearing before imposition of penalty in the interest of natural justice. Besides, in exercise of the powers conferred by Section 19(8)(b) of the RTI Act, 2005, a compensation of Rs. 5000/- (Rupees five thousand only) was awarded to Shri Rupinder Singh, Appellant, for the loss and detriment suffered by him, to be paid to him through a Bank Draft, by the Public Authority, before the next date of hearing. The case was adjourned for today.

2. Today, the representatives of the respondents submit an affidavit from Shri Ashwani Kapoor, PIO-cum-DCP, Ludhiana vide which he has submitted reply to the Show-

Contd.....p/2



Cause Notice issued to him explaining the factual position of the case vis-à-vis action taken to comply with the orders of the Commission from time to time. He has requested that the order of awarding compensation to the appellant may please be withdrawn.

3. A perusal of the affidavit submitted by Shri Ashwani Kapoor, Deputy Commissioner of Police, Ludhiana reveals that there is no laxity on the part of the PIO in delaying the information, rather the appellant has not cooperated with the respondent PIO and delayed the matter. Therefore, while accepting the pleas put forth by the PIO, the Show-Cause Notice issued to the him is hereby dropped and the order of awarding compensation to the appellant is withdrawn.

4. However, a copy of the affidavit is handed over to the appellant while retaining a copy of the same in the Commission file. Besides, one last opportunity is afforded to the appellant to inspect the file to identify the specific documents required by him and the respondents are directed to supply the copies of admissible documents, identified by the appellant during inspection, pertaining only to the appellant.

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

Dated : 12.03.2019

**Sd/-
(S. S. Channy)
Chief Information Commissioner
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Shri Rupinder Singh
s/o Shri Baldev Singh,
r/o H.No.14, Street No.4-1/12,
Indra Colony, Rahon Road, Ludhiana.

-----Appellant

Vs

Public Information Officer
o/o Deputy Commissioner of Police, Ludhiana.

First Appellate Authority
o/o Commissioner of Police, Ludhiana.

-----Respondents

Appeal Case No. 3480 of 2018

Present:- Shri Rupinder Singh, appellant, in person.
Shri Pawandev Singh, S.I. and Shri Radhe Sham, Head Constable, P.S. Basti Jodhewal, Ludhiana, on behalf of the respondents.

ORDER

The case was last heard on 30.01.2019, when the appellant informed that inspection of Rojnamcha had not been allowed nor any information had been supplied to him as yet. None was present on behalf of the respondents without any intimation. Viewing the callous and lackadaisical approach of the PIO seriously, a Show-Cause Notice was issued to Shri Ashwani Kapoor, Deputy Commissioner of Police, Ludhiana for imposition of penalty. An opportunity of personal hearing was also afforded to him on the next date of hearing before imposition of penalty in the interest of natural justice. Besides, in exercise of the powers conferred by Section 19(8)(b) of the RTI Act, 2005, a compensation of Rs. 5000/- (Rupees five thousand only) was awarded to Shri Rupinder Singh, Appellant, for the loss and detriment suffered by him, to be paid to him through a Bank Draft, by the Public Authority, before the next date of hearing. The case was adjourned for today.

2. Today, the representatives of the respondents submit an affidavit from Shri Ashwani Kapoor, PIO-cum-DCP, Ludhiana vide which he has submitted reply to the Show-

Contd.....p/2



Cause Notice issued to him explaining the factual position of the case vis-à-vis action taken to comply with the orders of the Commission from time to time. He has requested that the order of awarding compensation to the appellant may please be withdrawn.

3. A perusal of the affidavit submitted by Shri Ashwani Kapoor, Deputy Commissioner of Police, Ludhiana reveals that there is no laxity on the part of the PIO in delaying the information, rather the appellant has not cooperated with the respondent PIO and delayed the matter. Therefore, while accepting the pleas put forth by the PIO, the Show-Cause Notice issued to the him is hereby dropped and the order of awarding compensation to the appellant is withdrawn.

4. However, a copy of the affidavit is handed over to the appellant while retaining a copy of the same in the Commission file. Besides, one last opportunity is afforded to the appellant to inspect the file to identify the specific documents required by him and the respondents are directed to supply the copies of admissible documents, identified by the appellant during inspection, pertaining only to the appellant.

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

Dated : 12.03.2019

**Sd/-
(S. S. Channy)
Chief Information Commissioner
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Shri Jagmohan Singh Makkar,
#334, G.T. Road, Salem Tabri,
Ludhiana.

-----Appellant

Vs

Public Information Officer
o/o Sub Registrar (East),
Transport Nagar, Ludhiana.

First Appellate Authority
o/o Sub Divisional Magistrate(East),
Mini Secretariat, Ferozpur Road,
Ludhiana.

-----Respondents

Appeal Case No. 3845 of 2018

(Through Video Conference)

Present: Shri Jagmohan Singh Makkar, Appellant, in person at Ludhiana.

None on behalf of the respondents.

ORDER

The case was last heard on 29.01.2019, when the Appellant was not present. However, he informed vide letter dated 29.01.2019 that he was unable to attend hearing due to ill health. He requested to fix the hearing of this case through Video Conference. None was present on behalf of the respondents without any intimation. However, Hearing Notice sent to the PIO was received back in the Commission undelivered. Therefore, Hearing Notice was again sent to the PIO along with the order with the directions that requisite information be provided to the appellant before the next date of hearing. On the request of the appellant, the case was adjourned for today to be heard through Video Conference Facility available in the office of Deputy Commissioner, Ludhiana.

2. Today, Video Conference Facility is not functioning due to a technical snag. However, the appellant is present at Ludhiana. He informs on telephone that no information has been supplied to him till date by the respondent PIO. None is present on behalf of the

Contd.....p/2



respondents without any intimation. Accordingly, one last opportunity is afforded to the respondent PIO to supply the requisite information to the appellant before the next date of hearing failing which punitive action under the provisions of RTI Act, 2005 will be initiated against him.

3. To come up on **16.04.2019 at 11.30 A.M.** for further proceedings to be held through **Video Conference Facility** available in the office of Deputy Commissioner, Ludhiana, before the Bench of Hon'ble C.I.C.

Dates: 12.03.2019

**Sd/-
(S. S. Channy)
Chief Information Commissioner
Punjab**

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Shri Varinder Mahajan,
198, Professor Colony,
Tilak Nagar, Amritsar.

-----Appellant

Versus

Public Information Officer
O/o Additional Deputy Commissioner(G),
Amritsar.

First Appellate Authority,
O/o Deputy Commissioner, Amritsar.

-----Respondents

Appeal Case No. 2817 of 2017

Present:- None on behalf of appellant as well as the respondents.

ORDER

The case was last heard on 04.02.2019, when the appellant was not present. None was present on behalf of the respondents. However, a letter No. Reader/A.D.C./75, dated 01.02.2019 was received from Deputy Commissioner, Amritsar vide which a copy of Inquiry Report had been furnished. Accordingly, a copy of this letter along with a copy of Inquiry Report was sent to the appellant along with this order for submitting his observations, if any, on the next date of hearing. The case was adjourned for today.

2. Today again, none is present on behalf of the appellant as well as the respondents. However, a letter dated 11.03.2019 has been received from the appellant informing that he is unable to attend hearing due to a family function. He has further informed that he has not received copy of Inquiry Report as yet. Accordingly, one more copy of letter No. Reader/A.D.C./75, dated 01.02.2019 received from Deputy Commissioner, Amritsar along with a copy of Inquiry Report is sent to the appellant and he is directed to send his observations, if any, to the PIO, with a copy to the Commission.

3. To come up on **16.04.2019 at 11.30 A.M. for further proceedings.**

Dated : 12.03.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

Encl. A copy of letter dated 01.02.2019
along with a copy of Inquiry Report

PUNJAB STATE INFORMATION COMMISSION

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Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100,

Email: - pcic20@punjabmail.gov.in



Er. Arun Garg s/o Shri Sham Lal,
H.No.40-41, Central Town,
Village Dad, P.O. Lalton Kalan,
District : Ludhiana.

-----Appellant

Vs

Public Information Officer
o/o Deputy Commissioner of Police,
Ludhiana.

First Appellate Authority
o/o Commissioner of Police,
Ludhiana.

-----Respondents

Appeal Case No. 374 of 2019

Present:- None on behalf of the appellant.
Shri Pawandev Singh, S.I., on behalf of the respondents.

ORDER

In this case, Shri Arun Garg, Appellant, vide his RTI application dated 31.07.2018, addressed to the PIO, sought Action Taken Report on a complaint against PSPCL official sent through e-mail to the Commissioner of Police, Ludhiana on 18.05.2018. On receiving no information, he filed first appeal with the First Appellate Authority vide application dated 18.09.2018 and subsequently approached the Commission in Second Appeal vide application dated 25.12.2018, which was received in the Commission on 15.01.2019. Accordingly, a Notice of Hearing was sent to the concerned parties for today.

2. Today, the appellant is not present. However, a letter dated 09.03.2019 has been received from him through e-mail informing that he is unable to attend hearing as he is a cardiac patient and has been advised to avoid exertion by PGI, Chandigarh. He has further informed that no response has been received till date from the respondents. He has requested to fix hearing through Video Conference.

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3. The representative of the respondents informs that the inquiry in the matter has been completed. He submits a letter No. AC-374/RTI, dated 11.03.2019 from PIO-cum-DCP, Commissionerate, Ludhiana vide which a copy of information has been furnished, which is taken on record. Accordingly, the respondent is directed to send a copy of the information to the appellant by registered post.

4. Accordingly, the case is **disposed of and closed.**

Dated : 12.03.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

PUNJAB STATE INFORMATION COMMISSION

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Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100,

Email: - pcic20@punjabmail.gov.in



Er. Arun Garg s/o Shri Sham Lal,
H.No.40-41, Central Town,
Village Dad, P.O. Lalton Kalan,
District: Ludhiana.

-----Appellant

Vs

Public Information Officer
o/o Sub Divisional Magistrate,
Ludhiana (West).

First Appellate Authority
o/o Sub Divisional Magistrate,
Ludhiana (West).

-----Respondents

Appeal Case No. 373 of 2019

Present:- None on behalf of the appellant as well as the respondents.

ORDER

In this case, Shri Arun Garg, Appellant, vide his RTI application dated 21.08.2018, addressed to the PIO, sought indexed list of all provided documents showing serial number and total number of pages regarding whereabouts and status of Complaint u/s 7 of Noise Pollution (Regulation & Control) Rules, 2000 titled 'Arun Garg Vs. Abhishek Aggarwal & Others. On receiving no information, he filed first appeal with the First Appellate Authority vide application dated 02.10.2018 and subsequently approached the Commission in Second Appeal vide application dated 25.12.2018, which was received in the Commission on 15.01.2019. Accordingly, a Notice of Hearing was sent to the concerned parties for today.

2. Today, the appellant is not present. However, a letter dated 09.03.2019 has been received from him through e-mail informing that he is unable to attend hearing as he is a cardiac patient and has been advised to avoid exertion by PGI, Chandigarh. He has further informed that no response has been received till date from the respondents. He has requested to fix hearing through Video Conference.

Contd.....p/2



3. None is present on behalf of the respondents without any intimation nor any reply has been filed by the PIO. Viewing the absence of the respondents seriously, the PIO is directed to supply the requisite information to the appellant before the next date of hearing, failing which punitive action under the provisions of RTI Act, 2005 will be initiated against him.

4. On the request of the appellant, the case is adjourned to **16.04.2019 at 11.30 A.M. to be heard through Video Conference Facility available in the office of Deputy Commissioner, Ludhiana, for further proceedings.**

Dated : 12.03.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

PUNJAB STATE INFORMATION COMMISSION

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Madhya Marg, Sector 16, Chandigarh.

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Shri Tarlochan Singh
#4587-A, Sector 70,
Mohali.

-----Appellant

Vs

Public Information Officer
o/o Deputy Commissioner of Police,
Amritsar (City)

First Appellate Authority
o/o Commissioner of Police,
Amritsar City.

-----Respondents

Appeal Case No. 352 of 2019

Present:- Shri Tarlochan Singh, appellant, in person.
Shri Hira Singh, ASI, on behalf of the respondents.

ORDER

In this case, Shri Tarlochan Singh, Appellant, vide his RTI application dated 21.09.2018, addressed to the PIO, sought certain information regarding Complaint No. 208-PCW, dated 09.03.2018 along with copy of office noting and copy of Special Power of Attorney received from Australia. On receiving no information, he filed first appeal with the First Appellate Authority vide application dated 18.10.2018 and subsequently approached the Commission in Second Appeal vide application dated 15.01.2019, which was received in the Commission on 15.01.2019. Accordingly, a Notice of Hearing was sent to the concerned parties for today.

2. Today, the appellant informs that information regarding 2 points has been provided but copy of Power of Attorney has not been supplied. The representative of the respondent informs that Power of Attorney is not available in the file. Consequently, after hearing both the parties and discussing the matter, the respondents are directed to check the record about the availability of the Power of Attorney and submit status report on the next date of hearing.

3. To come up on **16.04.2019 at 11.30 A.M. for further proceedings.**

Dated : 12.03.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Shri Vikram Singh
s/o Shri Jang Singh,
#983-E, Benipal Colony,
Machhiwara, Distt. Ludhiana.

-----Appellant

Vs

Public Information Officer
o/o Tehsildar, Samrala.
District: Ludhiana.

First Appellate Authority
o/o Sub Divisional Magistrate,
Samrala, Distt. Ludhiana.

-----Respondents

Appeal Case No. 360 of 2019

Present:- Shri Vikram Singh, appellant, in person.
Shri Kuldip Singh, Reader, on behalf of the respondents.

ORDER

In this case, Shri Vikram Singh, Appellant, vide his RTI application dated 19.09.2018, addressed to the PIO, sought certain information regarding the land registered in favour of Sri Karam Singh, Village: Milkwal, Tehsil Samrala, District: Ludhiana. On receiving no information, he filed first appeal with the First Appellate Authority vide application dated 23.10.2018 and subsequently approached the Commission in Second Appeal vide application dated 11.12.2018, which was received in the Commission on 15.01.2019. Accordingly, a Notice of Hearing was sent to the concerned parties for today.

2. Today, the appellant submits that he has received the requisite information and the case may be closed.

3. Accordingly, the case is **disposed of and closed**.

Dated : 12.03.2019

Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab

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Madhya Marg, Sector 16, Chandigarh.

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Shri Gurjit Singh
s/o Shri Yadwinder Singh
r/o Bahimal Kalan,
Tehsil Jaito, Distt. Faridkot.

-----Appellant

Vs

Public Information Officer
o/o Land and Revenue Department,
Jaito, District: Faridkot.

First Appellate Authority
o/o District Development and Panchayats Officer,
Faridkot.

-----Respondents

Appeal Case No. 361 of 2019

Present:- Shri Gurjit Singh, appellant, in person.
Shri Kaju Ram, Junior Assistant, on behalf of the respondents.

ORDER

In this case, Shri Gurjit Singh, Appellant, vide his RTI application dated 14.07.2018, addressed to the PIO, sought a copy of Plan of Passage No. 929 in Village: Behbal Kalan along with the name of its owner. On receiving no information, he filed first appeal with the First Appellate Authority vide application dated 17.08.2018 and subsequently approached the Commission in Second Appeal vide application dated 09.01.2019, which was received in the Commission on 15.01.2019. Accordingly, a Notice of Hearing was sent to the concerned parties for today.

2. Today, the representative of the respondents informs that the appellant has sought a copy of Plan, which has been provided to him. The appellant confirms it.

3. Accordingly, the case is **disposed of and closed**.

Dated : 12.03.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100,

Email: - pcic20@punjabmail.gov.in



Shri Ajit Singh s/o Shri Piara Singh
Village Talwandi Raja,
Dena Nath, PO Bhikhariwal (Mohal)
Tehsil and Distt. Gurdaspur

-----Appellant

Vs

Public Information Officer
o/o Director General of Police, Punjab,
Sector:9, Chandigarh.

First Appellate Authority-cum-
Deputy Inspector General of Police (Admn)
o/o Director General of Police, Punjab,
Sector:9, Chandigarh.

Public Information Officer
o/o Inspector General of Police, Punjab,
P.A.P., Jalandhar.

-----Respondents

Appeal Case No. 367 of 2019

Present:- Shri Ajit Singh, appellant, in person.

Shri Parshotam Kumar, Head Constable, on behalf of the respondents.

ORDER

In this case, Shri Ajit Singh, Appellant, vide his RTI application dated 10.05.2018, addressed to the PIO, sought a list of B-1 selected officials of armed forces who passed the test held in the year 1993 along with total number of vacancies and also batch-wise detail of officials who passed the Lower School Courses. On receiving no information, he filed first appeal with the First Appellate Authority vide application dated 19.09.2018 and subsequently approached the Commission in Second Appeal vide application dated 21.11.2018, which was received in the Commission on 15.01.2019. Accordingly, a Notice of Hearing was sent to the concerned parties for today.

2. A Memo. No. 673/RTI-1, dated 08.03.2019 has been received from AIGP/Pers-1, Punjab, Chandigarh-cum-PIO(Admn. Wing) vide which it has informed that the information

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available in their office has been sent to the appellant vide letter No. 2226/RTI-1, dated 04.06.20-18 and letter No. 4378/RTI-1, dated 26.11.2018 and he has been informed that the remaining information is available in the office of Inspector General of Police, P.A.P., Jalandhar

3. The representative of the respondents reiterates that the information is available in the office of P.A.P. Jalandhar. Accordingly, the PIO of the office of Inspector General of Police, Jalandhar is impleaded as a necessary party in this case and he is directed to supply the requisite information to the appellant before the next date of hearing.

4. To come up on **16.04.2019 at 11.30 A.M. for further proceedings.**

Dated : 12.03.2019

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864100,

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Shri Anil Kumar,
S/o Shri Sohan Lal,
Resident of Village: Saifabad,
Tehsil, Phillaur, District: Jalandhar.

.....Appellant

Versus

Public Information Officer
O/o Secretary, Chamber of Industrial
And Commercial Undertaking,
Gill Road, Ludhiana.

....Respondent

Complaint Case No. 51 of 2018

Present: Shri Anil Kumar, Complainant, in person.
None on behalf of the respondent.

ORDER

This case was earlier heard by Shri A. S. Chanduraian, Ld. S.I.C. on 27.02.2018, 19.03.2018, 09.04.2018 and 08.05.2018. During hearing on 08.05.2018 he recommended for constitution of a Larger Bench and consequently, a Larger Bench comprising of Dr. S.S.Channy, Ld. CIC and Shri A. S. Chanduraian, Ld. SIC was constituted and the case was fixed for hearing on 20.06.2018, which was further postponed to 05.09.2018, due to certain administrative reasons.

2. On 05.09.2018, the Ld. Counsel for the respondent stated that the respondent Organization was not covered under the provisions of RTI Act, 2005 and thus was under no obligation to supply the requisite information to the Complainant. The complainant made a written submission vide letter dated 05.09.2018, a copy of which was handed over to the Counsel for the respondent and he was directed to send a reply to the complainant, with a copy to the Commission. The case was adjourned to 03.10.2018.

3. On 03.10.2018, the complainant made a fresh submission dated 03.10.2018, which was taken on record. As the complainant is employee of the respondent Organisation,

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he made inter-alia special pleadings as under:-

“ The Act gives the right to information only to the citizens of India. It does not make provision for giving information to Corporations, Associations, Companies etc. which are legal entities/persons, but not citizens. However, if an application is made by an employee or office-bearer of any Corporation, Association, Company, NGO etc. indicating his name and such employee/office bearer is a citizen of India, information may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the Corporation etc. “

Accordingly, a copy of the written submission of complainant was handed over to Shri Vivek Chauhan, Counsel for the respondent, who appeared before the Commission, after the hearing was over, for sending their reply, if any, to the complainant, with a copy to the Commission. It is also directed that the above noted special pleadings made by the complainant be also appropriately considered and replied to. The case was adjourned to 14.11.2018.

4. On 14.11.2018, none was present on behalf of the respondent without any intimation nor any reply had been received from them. Accordingly, the PIO was again directed to send their reply to the complainant, with a copy to the Commission, before the next date of hearing. Besides, the complainant was also directed to submit any other document, if he so desires, to prove that the respondent is a public authority under the RTI Act, 2005. The case was adjourned to 09.01.2019.

5. On 09.01.2019, none was present on behalf of the respondents. The complainant stated that he had already made detailed written submission to prove that respondent Undertaking is a Public Authority under the RTI Act. He requested that the requisite

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information might be provided to him.

6. After the hearing was over and complainant had left, Shri Vivek Chauhan, Advocate, appeared before the Commission on behalf of the respondent. Accordingly, he was directed to submit reply within 10 days to the written submission made by the complainant. Consequently, the order was **reserved**.

7. Reply dated 11.01.2019 to the written submission made by the complainant has been received from Shri Vivek Chauhan, Counsel for the respondent Undertaking, which has been taken on record.

8. In his written submission, the complainant has equated Secretary, Chamber of Industrial and Commercial Undertaking, Gill Road, Ludhiana with the Management of the Federation of Indian Chamber of Commerce and has quoted the judgement of Hon'ble Supreme Court of India in Civil Appeal No. 244 of 1967 - Management of the Federation of Indian Chamber of Commerce Vs. R.K. Mittal, the relevant extract is as under:-

“ The Federation is always nominated by the Government as a member in An Advisory Committee on various national and International Committees which make economic policies. It organizes exhibitions with the active financial support and co-operation of the Government. In order to promote Indian business, it undertakes publications and arbitration which are ancillary to its main activities namely the promotion of business for the community as a whole which is an object of general public utility. “

The complainant has further stated that Chamber of Industrial and Commercial Undertaking functions on the lines of the said Federation and is affiliated to it.

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9. The reply submitted by the Counsel for the respondent is as under:

- (1) *That during the course of proceedings on 03.10.2018, the complainant has made fresh submission before the Hon'ble court that the Act gives the right to information only to the citizens of India and if an application is made by an employee or office bearers of any Corporation, Association, Company, NGO etc. indicating his name and such employees/officer is a citizen of India, information may be supplied to him/her. The Hon'ble court, after recording the pleadings directed the respondents to reply to the special pleadings made by the complainant.*
- (2) *That it is submitted that the pleadings made by the complainant have been made/taken purely out of context. It has not been stated by the complainant as to the exact judgment/order/article or any other source of the said pleadings made by him. As such, the same cannot be taken to be binding upon the respondent and the same deserves to be discarded by this Hon'ble court. It is further submitted that in the pleadings relied upon by the complainant, the word “**may**” has been used while stating regarding information to be supplied to him/her. It is evident that the ‘extract’ relied upon by the complainant cannot be said to be binding upon the respondent is the connotation of the word “may” itself makes it apparent that the same is not binding upon the Corporation, Association, Company, NGO etc. which have been referred to in the ‘extract’ relied upon by the complainant.*
- (3) *That it is further submitted that the ‘extract’ relied upon by the*

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complainant in his special pleadings does not clarify as to in which manner or context the words “Corporation, Association, Company, NGO etc.” have been used therein. The complainant be put to strict proof thereof as the words “Corporation, Association, Company, NGO etc.” are in normal parlance used for both public authorities as well as private entities also. Thus, the special pleadings made by the complainant as well as the complaint deserve to be summarily dismissed, in the interest of justice.

- (4) *That it may not be out of place to mention herein that the very object of enacting The Right to Information Act, 2005 is **“to provide for setting out 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 very object of the Act, 2005 stipulates securing information from the control of ‘public authorities’. The complainant has not been able to prove that the respondent is a ‘public authority’ as defined by Section 2 of the Right to Information Act, 2005. Thus, it is further clear that the use of the words “Corporation, Association, Company, NGO etc.” in the special pleadings of the complainant would in any case refer to the “public authorities” as defined; in the Act, 2005 and not to the respondent-Association.*
- (5) *That the only averment/argument by the complainant through his submissions, written as well as oral, is that the respondent-Association*



can be said to be governed by the provisions of Industrial Disputes Act, 1947. However, the complainant has not proved any document/orders/judgment on record which would make the respondent amenable to the Right to Information Act, 2005. Simply on the basis of assertions that any other Act is applicable to the respondent-Association would not make it covered by the said Act, 2005.

It is, therefore, most respectfully prayed that in view of the submissions made here-in-above, the present complaint may kindly be dismissed in the interests of justice.”

10. After going through the written submissions made by both the parties vis-à-vis the judgment of Hon'ble Supreme Court of India quoted by the complainant, the Commission observes that the complainant, though an employee of Chamber of Industrial & Commercial Undertaking, is a citizen of India and has every right to seek information from the Public Authority. At the same time we arrive at a conclusion that the complainant has failed to brought on record the documentary evidence as per the yard stick laid down in the judgement of Hon'ble Supreme Court of India in Thalappalam Ser. Coop. Bank Ltd. and others Vs. State of Kerala and others in Civil Appeal No. 9017 of 2013 decided on 07.10.2013, to prove that the said Undertaking is a public authority under the RTI Act. Hence it is held that the Secretary, Chamber of Industrial and Commercial Undertaking, Gill Road, Ludhiana is not a public authority under RTI Act, 2005 and it is under no obligation to provide the requisite information to the complainant.

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11. Accordingly, the case is **disposed of and closed.** .

Sd/-
(A. S. Chanduraian)
S. I. C.

Sd/-
(S.S. Channy)
C.I.C.

Dated: 12.03.2019

CC: PS/SIC(A) for the kind information of Hon'ble SIC(A)

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Madhya Marg, Sector 16, Chandigarh.

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Smt. Harpreet Kaur,
Principal, Guru Gobind Singh Khalsa
Senior Secondary School,
Sarhali Kalan, District: Tarn-Taran.

-----Appellant

Vs

Shri Gurmahabir Singh,
S/o Shri Paramdeep Singh,
R/o Village: Sarhali Kalan,
Tehsil and District: Taran-Taran.

First Appellate Authority
o/o Deputy Commissioner, Taran-Taran.

-----Respondents

Appeal Case No. 911 of 2018

Present:- Shri Raman Kumar Mehra, Advocate, on behalf of Appellant, Smt. Harpreet Kaur, Principal, Guru Gobind Singh Khalsa Senior Secondary School, Sarhali Kalan, District: Tarn-Taran and Shri Sukhjinder Singh, Director of the management of the school.

Shri Harpreet Singh on behalf Shri Gurmahabir Singh, respondent.

ORDER

The facts of this case, in brief, are that Shri Gurmahabir Singh sought certain information from Smt. Harpreet Kaur, Principal, Guru Gobind Singh Khalsa Senior Secondary School, Sarhali Kalan, District: Tarn-Taran, who denied the information on the ground that the school is a private institution being run by its management and this institution is not substantially financed directly or indirectly by the funds of the appropriate State or Central Government and thus is not covered under the RTI Act. The First Appellate Authority-cum-Deputy Commissioner, Tarn-Taran vide its order dated 18.01.2018 has held that Guru Gobind Singh Khalsa Senior Secondary School, Sarhali Kalan, District: Tarn-Taran, is a Public Authority under the RTI Act as it is on the Grant-in-Aid list of the State Government. The Principal of the School has challenged the order of the Deputy Commission Tarn-Taran in the Commission.

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2. This case was last heard on 19.07.2018 by Smt. Preety Chawla, SIC., when she recommended for the constitution of a Larger Bench for deciding this case as a very complicated issue is involved in this case. Consequently, a Larger Bench consisting of Dr. S.S.Channy, Ld. Chief Information Commissioner; Dr. Pawan Kumar Singla, Ld. State Information Commissioner and Smt. Preety Chawla, Ld. State Information Commissioner was constituted and a Notice of Hearing was issued for 10.10.2018, which was further postponed to 14.11.2018 due to certain administrative reasons.

3. On 14.11.2018, Shri Raman Kumar, Advocate, appearing on behalf of the Principal of the School stated that it is a private school being run by its management and thus it is not covered under the RTI Act. He further stated that 26 teachers are being paid by the Management of the School and 4 teachers are being paid with the grant. Consequently, after hearing the Ld. Counsel for the School and discussing the matter, he was directed to make a detailed written submission on the next date of hearing on the following points:-

- (1) The source of land on which school is set up i.e. whether donated by some one or acquired by the management and who paid for that.
- (2) Details of 95% grant being received from the Government for the last 10 years with a copy of annual grant. The purpose be also pointed out.
- (3) The number of posts being funded by the Government for the last 10 years

The case was adjourned to 09.01.2019.

4. On 09.01.2019, Shri Raman Kumar Mehra, Advocate and Shri Sukhjinder Singh, Director of the Management of the school submitted a written submission vide letter dated 09.01.2019 from Smt. Harpreet Kaur, Principal, Guru Gobind Singh Khalsa Senior Secondary School, Sarhali Kalan, District: Tarn-Taran vide which point-wise detailed reply on

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the above noted three points, along with relevant documents, were furnished. Consequently, after hearing both the parties, the order was **reserved**.

5. Vide the written submission dated 09.01.2019, Smt. Harpreet Kaur, Principal, Guru Gobind Singh Khalsa Senior Secondary School, Sarhali Kalan, District: Tarn-Taran has submitted reply on all the above noted three points, which reads as under:-

“(1) *That as far as Point No. 1 is concerned, the Management Committee has been running the school for the last more than 125 years. It is submitted that school management is the owner of the land as per the Jamabandi which the appellant has brought. The said Jamabandi is for the year 2012-13 with respect to their land situated in Tehsil Chohla Sahib, Village Sarhali Kalan, District Tarn Taran. In order to further prove the factum of ownership Fard Haqueet for the year 2012-2013 is also filed which shows that Shri Guru Gobind Singh Sahib Ji Khalsa High School is being managed by the Managing Committee. It is submitted that in order to prove the existence of school for the last more than 125 years the appellant has got ample proof as the Managing Committee was registered in the year 1939. The registration number is 57 of 1938-39. The copy of the certificate of registration under the Society Registration Act has already been filed before the Hon'ble Commission. Since the land is the ownership of the Managing Committee of the School, therefore, apparently they must have paid the price of the land but the record regarding the same which is about 125 years back is not traceable. Thus the detailed submission regarding Point – I is submitted to your goodself.*

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- (2) *That as far as point No. 2 is concerned, the details of 95% grant for the last ten years is filed before the Hon'ble Commission along with 5% of the amount being contributed by the Management. It is submitted that the appellant has given complete details with letter numbers , dates, months and years issued by the Office Directorate Education Department(Senior Secondary), Punjab, Chandigarh Grant-II Branch. Accordingly to the document produced before the Hon'ble Commission in the year 2008-2009, the appellant had received the grant of eight(8) teachers whereas the total numbers of the teachers employed in that year was thirty (30). Complete chart showing the teaching staff and non-teaching staff alongwith amount of 95% grant received from the Government and 5% paid by the Management has been clearly mentioned and it has been shows as Flag-A in the remarks column. In the subsequent years commencing from 2009-2010 to 2017-2018 complete details in the same way has been given regarding the 95% grant received from the government and 5% paid by the management. It is submitted that since the year 2016-2017 there are only four teachers whose grant to the tune of 95% is being received by the Managing Committee whereas the number of teachers being covered under the grant i.e. 4 in the year 2017-18 clearly shows that the School is not receiving the substantial grant and the School is thus not covered under the definition of Section 2(h).*
- (3) *That as far as the point No. 3 is concerned, the query stands replied from the summary of last ten years, the details of which have also been given*



in the reply of point No. 2. The posts which are funded by the Government are only for four teachers in the year 2016-17 and 2017-2018.

Thus all the queries demanded by the Hon'ble Commission are being duly replied alongwith authentic proofs. It is, therefore, submitted that the said reply given by the appellant be considered by the Hon'ble Commission keeping in view the proofs alongwith the reply. “

6. After going through the written submission made by Smt. Harpreet Kaur, Principal, Guru Gobind Singh Khalsa Senior Secondary School, Sarhali Kalan, District: Tarn-Taran and the proofs submitted by her vis-à-vis after hearing both the parties, the Commission is of the considered opinion that the grant being received by the School from the Government as of now is not substantial enough to run the institute independently as per the yard stick laid down in the judgement of Hon'ble Supreme Court of India in Thalappalam Ser. Coop. Bank Ltd. and others Vs. State of Kerala and others in Civil Appeal No. 9017 of 2013 decided on 07.10.2013. The Commission further observes that the quantum of grant is not “substantial” financial assistance within the meaning of Section 2(h)(d)(ii) as the Hon'ble Supreme Court in the said judgement has observed at Para 38 of the judgement that merely providing of exemption or privileges etc. cannot be said to be providing funding to a substantial extent, unless the record shows that funding was so substantial to the body, which practically runs by such funding and but for such funding will struggle to exist. No evidence has been brought on record to substantiate that the grant to the said School is so substantial in quantum that its



saving enables the respondent institute to run on the saved income. Hence it is held that the respondent-School is not a public authority under RTI Act, 2005 and it is under no obligation to provide the requisite information to the information seeker.

7. Accordingly, the case is **disposed of and closed**.

Sd/-
(Smt. Preety Chawla)
S. I. C.

Sd/-
(Pawan Kumar Singla)
S.I.C.

Sd/-
(S.S. Channy)
C.I.C.

Dated: 12.03.2019

CC: PS/SIC(PKS) for the kind information of Hon'ble SIC(PKS)
PS/SIC(PC) for the kind information of Hon'ble SIC(PC)