**PUNJAB STATE INFORMATION COMMISSION**

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

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Sh. Love Kumar Dua

S/o Late Sh. Megh Raj Dua

R/o House No.125, Model Town,

Samrala Road, Khanna Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Nagar Council, Khanna

First Appellate Authority

O/o Deputy Director, Local Bodies, Punjab,

Ludhiana. Respondents

 **APPEAL CASE NO.3425/2017**

Date of RTI application : 22.09.2017

Date of First Appeal : 26.10.2017

Date of Order of FAA : Reply 29.09.2017

Date of 2nd Appeal/complaint :24.11.2017

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

 **Sh. Tek Chand, Clerk, NC Office, Khanna – for Respondents.**

**ORDER**

 **The case has been heard through video conferencing.**

The following order was made on 04.07.2018

  *“The respondents say that the appellant has been duly informed in response to his application. The appellant is not satisfied. The respondents are directed to file a written reply with the Commission under endorsement to the appellant. The appellant may revert to the Commission about the infirmity, if any, in the information provided to him in writing.*

 *The matter shall be taken up again on 04.07.2018 at 11.30 AM through video conference at Ludhiana.”*

 *“The case has come up today. Sh. Amarpal Singh, Inspector appearing on behalf of the respondents says that the reply has been sent to the appellant on 16.02.2018. The appellant is not satisfied.*

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 *The Commission finds that the appellant in fact is aggrieved with the illegal operation of rehris and pharies in a market area. It is not within the domain of the Commission to take any action to correct the situation. The respondents say that the documents available with reference to the subject have been supplied to him. In case the appellant feels that they are deficient he should convey it in writing before the next date of hearing.”*

The case has again been taken up today. The Commission feels that the appellant is seeking explanation of the respondents for having allowed some persons to operate rehris and pharies in Guru Amardass Market, Khanna. The respondents – Nagar Council as well as the Improvement Trust, Khanna in their replies dated 09.10.2017 and 31.10.2017 respectively had admitted that they are operating without their permission and they have no explanation for the same. The Improvement Trust even provided him the list of the allottees and the unauthorized basements raised by them, the notices issued and the consequent action taken by them. It has further been stated that no record besides the one supplied is available with them. The Section 2(f) of the RTI Act defines the information as under:

 **Definition – Section 2(f)**

**“information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.**

The upshot is that a citizen can ask for record which is available with the respondents either in material or digital form. They are not obliged to create it by making surveys or other executive action.

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The Commission feels that the available information with them has been given. As far as his grouse against the illegality in the various establishments of rehris and pharies in the concerned market is concerned he should approach the supervisory authorities in the Government to direct the respondents to take appropriate action for the removal and take note of the delinquency on the part of officials. The Commission cannot adjudicate on the misconduct of the respondents. Hopefully, the Director, Local Government, Punjab, Chandigarh, shall look into it.

  **Disposed off accordingly.**

 **Sd/-**

**12.09.2018** **(Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Director, Local Government, Punjab, Sathanik Sarkar Bhawan, Plot No. 3,**

 **Sector 35 A, Chandigarh, for n/a.**