

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

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FINAL ORDER

Raj kumar Shivendra Pal,
100, Sector-23 A,
Chandigarh.

Versus

Public Information Officer,
o/o Judicial 1 Branch,
Department of Home Affairs and Justice,
Government of Punjab,
Punjab Civil Secretariat, Chandigarh.
Public Information Officer,
o/o Additional AG Punjab,
Advocate General, Government of Punjab,
Punjab and Haryana High Court, Chandigarh.
First Appellate Authority,
o/o Judicial 1 Branch,
Department of Home Affairs and Justice,
Government of Punjab,
Punjab Civil Secretariat, Chandigarh.

Appeal Case No. 3246 of 2019

ORDER:

(To be read in continuity with earlier orders on 30.9.2020 and 18.11.2020)

1. The RTI application is dated **9.5.2019** vide which the appellant has sought information regarding:

"1. Please provide me information supported by official record showing date of appointment of Mrs. Akansha Pal as Assistant Advocate General, Punjab by the Government of Punjab

2 Please provide me information in the form of anal statement supported by official record showing the remuneration paid by the Government of Punjab to Akansha Pal from the date of her appointment onwards till date.

3. Did appointment of Ms. Akansha Pal adhere to the requisite eligibility in accordance with Section 9 of the Punjab Law Officers Engagement Act, 2017.

4. Please provide me information supported by official record if Akansha Pal is:

a) Citizen of India registered with the Bar Council.

b) Advocate who has been practicing in any court of law within India.

c) An Advocate standing of 3 years of practice, and being an income tax payee.

d) An Advocate possessing minimum annual professional income of Rs.3,50,000/- per year during the last 3 years counted from the date of making application.

5. Please provide me information/documentation showing diligence, verification and scrutinization of claims made by the Government of Punjab to satisfy itself that the Akansha Pal actually satisfied the eligibility criteria set out in Section 9 of the Punjab Law Officers Engagement Act, 2017. If no such exercise of diligence, scrutiny, verification was carried out by the Government to ascertain the veracity of claims made by candidates' detailed reasons for not for not carrying out such diligence, scrutiny, verification may kindly be provided to the undersigned.

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Appeal Case No. 3246 of 2019

6. Please provide the registration certificate of Smt Akansha Pal with the Bar Council of India which was submitted by her in her application for appointment to the post of Assistant Advocate General, Punjab. Please supply any self certification given by Mrs Akansha Pal in support of her application that she has been practicing in any court of law in India.

7. Please supply copy of the Resume submitted by Mrs Akansha Pal. Please supply the copy of the application of Smt Akansha Pal to the post of Assistant Advocate General, Punjab with all documents enclosed therewith.

8. Please also supply information regarding what references have been given in support of the application for appointment as Assistant Advocate General, Punjab by Smt Akansha Pal.

9. Please also supply any document/report/verification conducted by the Office of the Advocate General, Punjab by which the office of Advocate General Punjab or the Government of Punjab satisfied itself that Mrs Akansha Pal had actually a standing of 3 years of practice as per the requirements of the Act.

10. Please supply the copy of the Income Tax Returns Certificate issued by Chartered Accountant showing income tax return greater than Rs.3,50,000/- in the last 3 years as minimum actual professional income of Mrs Akansha Pal.

11. Please also supply documents/report/verification conducted by the Office of the Advocate General Punjab or the Government of Punjab by which the office of Advocate General Punjab/Government of Punjab satisfied itself regarding the requirement of income tax return greater than Rs.3,50,000/- in the last 3 years as minimum annual actual professional income of Mrs Akansha Pal.

12. Please supply the information if Ms Akansha Pal has ever filed/conducted any case in the District Courts of Chandigarh.

13. Please supply information if Ms Akansha Pal has ever filed/conducted any case in any Court of India.

14. Please supply information whether Smt Akansha Pal has been enrolled with the Bar Association of Punjab and Haryana High Court when she got her enrolment. Copy of enrolment be also supplied.

15. Please supply information/notes of the Selection Committee including all and any file notings and individual notings of all individual members of the Selection Committee on the file which have led to the appointment of Smt. Akansha Pal.

16. Please supply the candidate wise merit list prepared as per the criteria of selection provided in the Act which shows the merit assigned to Smt. Akansha Pal with reference to the office of Assistant Advocate General Punjab.

17. Please specify how many cases Akansha Pal has appeared in the High Court of Punjab as an Advocate before the date of her appointment.

18. Please supply details if any special knowledge/ability which was found in the application of Smt. Akansha Pal as compared to the other Applicants to the post of Assistant Advocate General Punjab.

19. Please supply information when the contract of Akansha Pal is to expire?

20. Please supply information if the Home Department will be renewing the contract of Akansha Pal."

as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **26.6.2019**, and Second Appeal was filed in the Commission on **8.8.2019** under Section 19 of the Right to Information Act, 2005. The case was last heard on **18.11.2020**.

2. An Order in this Appeal Case was reserved on 18.11.2020. At the earlier Hearing on 30.9.2020,

3. The respondent PIO-cum-Superintendent, Home Department, responded to the RTI application vide Letter No. 1173 Dated 30.5.2019, wherein he / she contended as under:

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Appeal Case No. 3246 of 2019

"1. The engagement orders dated 30.06.2017 of Ms. Akanksha, Assistant Advocate General Punjab is annexed as Annexure-1.

2. This information relates with the office of Advocate General, Punjab and Hence, this point is being transferred under section 6(3) of the RTI act 2005 to the office of Advocate General, Punjab.

3. Answering of a question/query in the manner generally posed by you, being "whether", "why" or "how", does not constitute the seeking/disclosure in terms of Section 2(j) read with Section 6 of The Right to Information Act 2005 and hence, the information sought is regrettably, cannot be acceded to.

4. As per resume and application form of Ms. Akanksha, she is enrolled as advocate with the Bar Council of Punjab and Haryana since 2006. However, the disclosure of information relating to income of third party is exempted under the section 8(1)(j) of the RTI Act 2005.

5. Ministry of Personnel, Public Grievances & Pensions vide letter No.17/2009-IR dated 1st June, 2009 has clarified regarding the term 'information' as defined under the Right to Information Act, 2005 mentioning the decision dated 3.4.2008 of the High Court of Bombay at Goa in Writ Petition No. 419 of 2007 in the case of Dr. Celsa Pinto Vs. Goa State Information Commission judgment. The relevant part of the judgment is reproduced below:

"The definition of information cannot include within its fold answers to the question "why" which would be same thing as asking the reason for a justification for a particular thing. The public information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information."

6. Details/ documents submitted by applicants in order to meet with the eligibility criteria under Section 9 of The Punjab Law Officers (Engagement) Act 2017, include copies of income tax returns, resumes, bar council registration details and other documents/information of a personal nature and/or the disclosure of which would cause unwarranted invasion of the privacy of the individual, and which thus stands exempted from disclosure under Section 8(1)(j) of RTI act 2005. As far as, the consent/denial of Ms. Akanksha is concerned, under the section 11 of the RTI act, it is submitted that in another RTI application of similar nature, Ms. Akanksha has denied to share the personal information belonging to her.

7. Same as above.

8. In this regard, it is not clear about what type of information / references has been sought.

9. Same as at serial no. 5.

10. Same as at serial no. 6.

11. Same as at serial no. 5.

12. As per the resume of the applicant, she has started practice as advocate in the district courts at Bhiwani (Haryana) in 2006 and then shifted to Punjab and Haryana High Court at Chandigarh in 2010, where she is appearing and pleading in various types of court cases.

13. Same as above

14. As per documents received with the application form of Ms. Akanksha, she is enrolled as advocate with the Bar Council of Punjab and Haryana since 18.11.2006. The copy of Enrolment certificate is denied as it stands exempted from disclosure under Section 8(1)(j) of RTI act 2005.

15. Copy of the note page of this department is attached herewith as Annexure-2.

16. Same as above.

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Appeal Case No. 3246 of 2019

17. Answering of a question/query in the manner generally posed by you, being "whether", "why" or "how", does not constitute the seeking/disclosure in terms of Section 2(j) read with Section 6 of The Right to Information Act 2005.

18. Same as above.

19. As per the official record available with the office, the contractual: engagement of Ms. Akanksha is to expire on 31.03.2020.

20. In this regard, nothing can be said at this point of time."

4. Thereafter, the appellant filed a First Appeal against the PIO's afore-cited reply. The FAA upheld the PIO's decision vide her Order dated 9.10.2019, which is as under:

"... Finding that there is no illegality in the order dated 30.5.2019, passed by the Public Information Officer as regards the information which was supplied to you, the present appeal is dismissed, upholding the order dated 30.5.2019."

5. The respondent PIO-cum-Superintendent, Home Department, Ms. Kiran Bala, had made a written submission vide Letter No. 795 Dated 2.7.2020, wherein she contended as under:

"... It is respectfully submitted that the information sought by the appellant includes the reasons and the process of selection/assessment of the law officer who was engaged under the provisions of the Punjab Law Officer's Engagement Act, 2017. It is firstly stated that the said engagement does not constitute a Government appointment to a Government post and is hence not a public office in that sense. It is contractual employment of a professional and such professional not being a public servant or a Government employee would be entitled to claim privacy and protection of material which is individual/specific to her. In this regard it is submitted that the respondent has rightly invoked the provisions of Section 8. In fact, a perusal of Annexure R-2, makes it clear, that the information which was denied to the appellant, was personal in nature which would cause unwarranted invasion of privacy and is covered by the exemption contained in Section 8(1)(j) of the Act. Secondly, the appellant largely sought information regarding reasons and the process of selection/assessment of selected candidate, and the information sought would include within its fold answers to the question "why" which would be in the nature of a justification, and an answer to the above would not come within the definition of information as contemplated by the Act. In this regard, a communication of the Government of India dated 01.06.2009 is annexed herewith as Annexure R-6. The respondents crave leave to refer to and rely upon the position in law in this regard at the time of hearing.

8. It may further be submitted that as far as the process under Section 11 is concerned, it is submitted that the said process has already been conducted with regard to a similar application preferred by another party which had sought such information relating to the engagement of Law Officers. Further to the process under Section 11, vide notice/communication dated 27.09.2017 the Public Information Officer called upon the various Law Officers (including Assistant Advocate Generals, Punjab) to submit their response in terms of Section 11 of the Act. A true copy of the said notice dated 27.9.2017 is annexed herewith.

9. In response thereto the respondent received communication dated 15.11.2017 from the office of the Advocate General Punjab informing that a meeting of the Law officers engaged with the Advocate General Punjab at the Punjab & Haryana High Court as well as the Legal Cell, New Delhi was conducted where all the Law Officers unanimously decided and agreed to deny consent to give their personal information sought under the RTI Act 2005. The said communication dated 15.11.2017 also clarifies that such refusal would apply to any similar or subsequent application seeking such personal information of Law Officers. The communication further states that its law officer's right to privacy is a fundamental right now so held by the Constitution Bench of the Hon'ble Supreme Court vide judgement dated 24.08.2017. A copy of the letter dated 15.11.2017 is annexed as Annexure R-8

10. Apart from the above, law officers (including Ms. Akanksha Pal) have also sent communication placing on record their refusal to grant consent, copy of which is annexed herewith as Annexure R-9.

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Appeal Case No. 3246 of 2019

11. In view of the above it is humbly submitted that the provisions of Section 8(1)(j) would squarely apply to the present case, the appointment in question is not that of a public servant or a Government employee and the process under Section 11 has already been concluded and the respective law officers have registered their refusal to grant consent for disclosure of their personal information. Further, the appellant largely sought information regarding reasons and the process of selection/assessment of selected candidate, and the information sought would include within its fold answers to the question "why" which would be in the nature of a justification, and an answer to the above would not come within the definition of information as contemplated by the Act."

6. Ms. Divya Sodhi, Assistant Advocate General Punjab, Counsel for Respondent No.2., cited the following judgements / decisions in support of his received in the Commission vide Diary No. 16321 Dated 16.11.2020, which is as under:

1. Harkrishan Das Nijhawan Vs Department of Legal Affairs, GOI, by the Ld. Chief Information Commissioner.
2. Interim Order of the Hon'ble Delhi High Court in WP(C) No. 124 of 2017 titled, The CPIO Litigation (Delhi High Court) Section Vs Central Information Commissioner and Another.
3. Judgement passed by the Hon'ble Delhi High Court in LPA No. 168 of 2015 titled, Union of India Vs Subhash Chandra Aggarwal.

7. The respondent, PIO-cum-Superintendent, Judicial-1Branch, Department of Home Affairs and Justice, Ms. Kiran Bala, made a further submission vide Memo No. 1515 Dated 2.12.2020, wherein she contended as under:

"... 1. That law officers engaged by the State Government in the Office of Advocate General, Punjab are not regular public appointments. These Law Officers are not appointed but engaged on contractual basis as per the provisions of the Punjab Law Officers (Engagement) Act, 2017 and their term of engagement is also not fixed. The Law Officers so engaged cannot claim lien on such post in view of their engagement as Law officers on contract basis and they are also not eligible for regularization. Further, The pay, leave and other matters relating to the engagements of Law Officers are such, as may be provided by the Government from time to time (Copy of the Punjab Law Officers (Engagement) Act, 2017 is annexed as Annexure-A). They are not covered by the Punjab Civil Services Rules, and their appointments are not public appointments.

2. That the nature of duties of law officers are vastly different from other officers of the Government. There is a fiduciary relationship and is a matter of trust. It is not uncommon for Governments to engage private counsel who are engaged only on trust. Somebody may trust a person like Harish Salve and somebody may trust a person with let's say five years standing. Even there, their fee is paid out of the State exchequer.

3. That the appellants in the above appeals were not applicants for any post in the engagement process of Law Officers carried out by the State Government in year 2017. Most of the information sought by the appellants pertains to reasons/process of selection, which does not come under the definition of Information as per the office memorandum dated 01.06.2009 of Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Government of India (kindly see Annexure-5 of reply dated 27.06.2018 in appeal case no.938 of 2018).

3. That certain information sought by the appellants is private in nature and law officers had already declined the release of the said information. Hon'ble Supreme Court of India in case of SLP (C) No.27734 of 2012-Girish Ram Chandra Deshpande V/s Central Information Commissioner and Ors has also held that the details disclosed by a person in his income returns are "personal information" which stand exempted from disclosure under clause (j) of Section 8(1) of the RTI Act, unless it involves a larger public interest and the Central Public Information Officer or the State Public Information Officer or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information (Copy of judgement is annexed as Annexure-B). Further, Right to Privacy is a Fundamental Right in view of the judgement, dated 24 August 2017, issued by a Constitutional Bench of Hon'ble Apex Court in 2017 AIR (SC) 4161 (Copy of judgement is annexed as Annexure-C).

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Appeal Case No. 3246 of 2019

4. That the appellants in their applications to Public Information Officer has not given reasons for the information sought from third parties. In CWP No.3344 of 2017 titled as Satish Kumar Bhiri Vs. State of Punjab and ors., Hon'ble High Court of Punjab and Haryana has held vide its judgement dated 05.04.2017 (Copy of judgement is annexed as Annexure-D) as under:

"In the present case, the petitioner has neither disclosed the reason for information nor has been able to establish as to how the disclosure of the information has got relation to any public activity or public interest as such his application has been rightly closed."

Further, Hon'ble Delhi High Court in case of 2010 AIR (Delhi) 7 has given judgement about the degree of protection to private individuals under RTI act from disclosure of their personal information (Copy of judgement is annexed as Annexure-E). It is submitted that the law officers engaged by the State are private professionals engaged by the State on contract and are entitled to a higher degree of protection from disclosure of their personal information.

5. In view of the above, it is submitted that information sought by appellants was rightly rejected by the Public Information Officer being without any merit. It is, therefore, respectfully prayed that the appeals be dismissed in the interest of justice."

7. Having considered the facts and circumstances of this appeal case, the Commission is inclined to agree with the PIO's decision vide his / her pointwise reply of 30.5.2019. As noted above, the PIO's decision was appropriately upheld by the FAA vide her Order dated 9.10.2019. Accordingly, the PIO's decision to withhold the information sought as personal and third party information, is hereby upheld.

8. The Appeal is accordingly, **disposed of**.

Sd/-
(ASIT JOLLY)
State Information Commissioner
Chandigarh
12.6.2024

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FINAL ORDER

Sh. Vishal Singh Chauhan, Advocate,
#127, Sector 10-A,
Chandigarh.

Versus

Public Information Officer,
o/o Special Secretary to Govt. of Punjab,
Department of Home Affairs & Justice,
Punjab Civil Secretariat,
Sector-1, Chandigarh.

Public Information Officer,
o/o Judicial-1 Branch,
Department of Home Affairs & Justice,
Government of Punjab, Punjab Civil Secretariat,
Sector-1, Chandigarh.

Public Information Officer
o/o Advocate General Punjab,
Punjab & Haryana High Court Complex, Chandigarh.

First Appellate Authority,
o/o Secretary to Government of Punjab,
Department of Home Affairs & Justice,
Punjab Civil Secretariat, Sector-1, Chandigarh.

Appeal Case No. 938 of 2018

ORDER:

(To be read in continuity with earlier orders on 30.9.2020 and 18.11.2020)

1. The RTI application is dated **30.8.17** vide which the appellant has sought information regarding:

“1. Please provide me information supported by official record showing how many Law Officers have been engaged as Assistant Advocate General Punjab by the Government of Punjab.

2. Please provide me informations/documentations supported by official record which contains the assessment conducted by the public authority in accordance with Section 3 of the Punjab Law Officers Engagement Act, 2017 which assessment shows that there is a requirement of the aforesaid number law officers to be engaged to the post of Assistant Advocate General.

3. Did all candidates appointed to the posts of Assistant Advocate General Punjab by the Government of Punjab possess the requisite eligibility in accordance with Section 9 of the Punjab Law Officers Engagement Act, 2017. A candidate wise list under the following itemized heads be kindly provided to the undersigned which should reflect as to whether or not each and every candidate appointed as Assistant Advocate General was eligible to be appointed as such or not eligible in terms of Section 9 of the Punjab Law Officers Engagement Act, 2017. The said candidate wise list should show that each and every candidate appointed was:

a) Citizen of India registered with the Bar Council

b) Advocate who has been practicing in any court of law within India.

c) An Advocate standing of 3 years of practice, and being an income tax payee.

d) An Advocate possessing minimum annual professional income of Rs.3,50,000/- per year during the last 3 years counted from the date of making application.

Contd....2

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Appeal Case No. 938 of 2018

4. Please provide me information / documentation in terms of a candidate wise list showing diligence, verification and scrutinization of claims made by the Govt of Punjab to satisfy itself that the candidates being appointed by it as Assistant Advocate General actually satisfied the eligibility criteria set out in Section 9 of the Punjab Law Officers Engagement Act 2017. If no such exercise of diligence, scrutiny, verification was carried out by the Government to ascertain the veracity of claims made by candidates' detailed reasons for not carrying out such diligence, scrutiny, verification may kindly be provided to the undersigned.

5. Please supply information if any ineligible candidates have been appointed as Assistant Advocate General by either inadvertently or otherwise.

6. Please supply information if any of the candidates have made false claims or furnished false particulars regarding their eligibility while making application for appointment to the post of Assistant Advocate General Punjab. If so, what action has been taken against such appointees/candidates.

7. Please supply information if ineligible candidates were appointed, after discovering that ineligible candidates have been appointed if any action has been taken by the Home Department to remove ineligible candidates from the post of Assistant Advocate General Punjab."

as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **17.10.2017** and Second Appeal was filed in the Commission on **13.3.2018** under Section 19 of the Right to Information Act, 2005. The case was last heard on **18.11.2020**.

2. An Order in this Appeal Case was reserved on 18.11.2020.

3. At the Hearing on 30.9.2020, the respondent PIO-cum-Superintendent, Home Department, Ms. Kiran Bala, had submitted a copy of his / her reply to the RTI application, which was sent to the appellant vide Letter No. 1242 Dated 27.9.2017. The contents of the said reply are reproduced below:

"1. List of appointed Assistant Advocate General Punjab is placed at annexure 1.

2. The information sought cannot be disclosed under the section 8(1)(e) of the RTI Act of 2005.

3. Ministry of Personnel, Public Grievances & Pensions vide letter No.1/7/2009-IR dated 1st June, 2009 has clarified regarding information under the Right to Information Act, 2005 mentioning the decision dated 3.4.2008 of the High Court of Bombay at Goa in Writ Petition NoA19 of 2007 in the case of Dr. Celsa Pinto Vs. Goa State Information Commission judgement. The relevant part of the judgement is reproduced below:

"The definition of information cannot include within its fold answers to the question "why" which would be same thing as asking the reason for a justification for a particular thing. The public information authorities cannot expect to communicate to the citizen the reason why a certain thing was done or not done in the sense of a justification because the citizen makes a requisition about information. Justifications are matter within the domain of adjudicating authorities and cannot properly be classified as information."

4. Same as above

5. Nil.

6. Nil and Moreover, the answering of a question/query in the manner generally posed by you, being "whether", "why" or "how", does not constitute the seeking/disclosure in terms of Section 2(j) read with Section 6 of The Right to Information Act 2005 and hence, regrettably, cannot be acceded to.

7. Nil and Moreover, the answering of a question/query in the manner generally posed by you, being "whether", "why" or "how", does not constitute the seeking/disclosure in terms of Section 2(j) read with Section 6 of The Right to Information Act 2005 and hence, regrettably, cannot be acceded to."

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Appeal Case No. 938 of 2018

4. Thereafter, the appellant filed a First Appeal. The FAA upheld the PIO's decision vide her Order Dated 12.1.2018, which is as under:

"... 3. In fact, a perusal of the response dated 27.9.2017, makes it clear, that the information denied to the appellant was personal in nature which would cause unwarranted invasion of privacy and is covered by the exemption contained in section 8 (1) (e) and (j) of the Act. Moreover, the appointment in question is not that of a public servant or a government employee but of a professional who has entered into a contract with the State. The reasons supplied therein are correct and upheld.

4. Be that as it may, in an application preferred by another party (Sh. Harbinder Singh Baidwan) which had sought similar information relating to the appointment of Law Officers, the process under Section 11 was taken recourse too by which the Department had sought consent of the Law Officers to disclose information sought by the applicant. In response thereto communication from individual law officers denying their consent to share any information regarding their appointment was received. Further, communication dated 15.11.2017 was also received from the office of the Advocate General Punjab informing that a meeting of Law Officers engaged with the Office of the Advocate General Punjab at the Punjab and Haryana High Court as well as the Legal Cell New Delhi was conducted where all the Law Officers unanimously decided to deny their consent 100- to give their personal information sought under the RTI Act, 2005. The said communication dated 15.11.2017 also clarifies that such refusal would apply to any similar or subsequent application seeking personal information of the Law Officers.

5. In view of the above, the request for information including educational qualification, work experience, income tax records etc. relating to all Assistant Advocate General sought by the appellant, Sh. Vishal Singh Chauhan, vide his application dated 30.8.2017 and this appeal dated 27.10.2017 received in this office on 01.11.2017 is hereby rejected after hearing the appellant in person on 14.12.2017, and the order/response dated 27.9.2017 issued by the PIO is subsequently upheld."

5. The respondent PIO-cum-Superintendent, Judicial-1Branch, Department of Home Affairs and Justice, Ms. Kiran Bala, made a written submission vide letter Dated 17.6.2018, wherein she contended as under:

4. "... It is respectfully submitted that the information sought by the appellant includes the reasons and the process of selection/assessment of the law officers who were engaged under the provisions of the Punjab Law Officer's Engagement Act, 2017. It is firstly stated that the said engagement does not constitute a Government appointment to a Government post and is hence not a public office in that sense. It is contractual employment of a professional and such professional not being a public servant or a Government employee would be entitled to claim privacy and protection of material which is individual/specific to him/her. In this regard it is submitted that the respondent has rightly invoked the provisions of Section 8. In fact, a perusal of Annexure R-2, makes it clear, that the information which was denied to the appellant, was personal in nature which would cause unwarranted Invasion of privacy and is covered by the exemption contained in Section 8(1)(3) of the Act. Mere wrong mention of a provision of the statute will not render Annexure R-2 illegal, when from a reading of its contents, the intention is clear, Secondly, the appellant largely sought information regarding reasons and the process of selection/assessment of selected candidates, and the information sought would include within its fold answers to the question "why" which would be in the nature of a justification, and an answer to the above would not come within the definition of information as contemplated by the Act. In this regard, a communication of the Government of India dated 1.6.2009 is annexed herewith as Annexure R-5. The respondents crave leave to refer to and reply upon the position in law in this regard at the time of hearing.

7. It may further be submitted that as far as the process under Section 11 is concerned, it is submitted that the said process has already been conducted with regard to a similar application preferred by another party which had sought such information relating to the appointment of Law Officers. Further to the process under Section 11, vide notice/communication dated 27.09.2017 the Public Information Officer called upon the various Law Officers (including Assistant Advocate Generals, Punjab) to submit their response in terms of Section 11 of the Act. A true translated copy of the said notice dated 27.09.2017 is annexed herewith as Annexure R-6.

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8. In response thereto the respondent received communication dated 15.11.2017 from the office of the Advocate General Punjab informing that a meeting of the Law officers engaged with the Advocate General Punjab at the Punjab & Haryana High Court as well as the Legal Cell, New Delhi was conducted where all the Law Officers unanimously decided and agreed to deny consent to give their personal information sought under the RTI Act 2005. The said communication dated 15.11.2017 also clarifies that such refusal would apply to any similar or subsequent application seeking such personal information of Law Officers. The communication further states that its law officer's right to privacy is a fundamental right now so held by the Constitution Bench of the Hon'ble Supreme Court vide judgement dated 24.08.2017. A copy of the letter dated 15.11.2017 is annexed as Annexure R-7

9. Apart from the above, individual law officers (including Assistant Advocates General, Punjab) have also sent communications placing on record their refusal to grant consent, copies of which are annexed herewith as Annexure R-8 (Colly.).

10. In view of the above it is humbly submitted that the provisions of Section 8(1)(1) would squarely apply to the present case, the appointment in question is not that of a public servant or a Government employee and the process under Section 11 has already been concluded and the respective law officers have registered their refusal to grant consent for disclosure of their personal information. Further, the appellant largely sought information regarding reasons and the process of selection/assessment of selected candidates, and the information sought would include within its fold answers to the question "why" which would be in the nature of a justification, and an answer to the above would not come within the definition of information as contemplated by the Act.

11. It will further be seen that the present relief which would amount to disclosure of third party information cannot be sought by the appellant without making all the Assistant Advocates General, Punjab as parties to these proceedings as per mandate of Section 19(4) of the RTI Act 2005.

In view of the above it is respectfully prayed that the present appeal may kindly be dismissed as being without merit."

6. The appellant Sh. Vishal Singh Chauhan made the following written submission, vide letter Dated 27.11.2018:

"... That the cryptic order by the First Appellate Authority deserves to be set aside since the PIO was mandated by law and is under legal obligations to prove information / documents as per provisions of the RTI Act, 2005. That is further respectfully urges that the PIO be directed to provide the entire requisite information / document to the undersigned immediately and without any further delay."

7. The respondent PIO-cum-Superintendent, Judicial-1 Branch, Department of Home Affairs and Justice, Ms. Kiran Bala, made a further submission vide Letter No. 1515 Dated 2.12.2020, wherein she contended as under:

"1. That law officers engaged by the State Government in the Office of Advocate General, Punjab are not regular public appointments. These Law Officers are not appointed but engaged on contractual basis as per the provisions of the Punjab Law Officers (Engagement) Act, 2017 and their term of engagement is also not fixed. The Law Officers so engaged cannot claim lien on such post in view of their engagement as Law officers on contract basis and they are also not eligible for regularization. Further, The pay, leave and other matters relating to the engagements of Law Officers are such, as may be provided by the Government from time to time (Copy of the Punjab Law Officers (Engagement) Act, 2017 is annexed as Annexure-A) They are not covered by the Punjab Civil Services Rules, and their appointments are not public appointments.

2. That the nature of duties of law officers are vastly different from other officers of the Government. There is a fiduciary relationship and is a matter of trust. It is not uncommon for Governments to engage private counsel who are engaged only on trust. Somebody may trust a person like Harish Salve and somebody may trust a person with let's say five years standing. Even there, their fee is paid out of the State exchequer.

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Appeal Case No. 938 of 2018

3. That the appellants in the above appeals were not applicants for any post in the engagement process of Law Officers carried out by the State Government in year 2017. Most of the information sought by the appellants pertains to reasons/process of selection, which does not come under the definition of Information as per the office memorandum dated 01.06.2009 of Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Government of India (kindly see Annexure-5 of reply dated 27.06.2018 in appeal case no.938 of 2018).

3. That certain information sought by the appellants is private in nature and law officers had already declined the release of the said information. Hon'ble Supreme Court of India in case of SLP (C) No.27734 of 2012-Girish Ram Chandra Deshpande V/s Central Information Commissioner and Ors has also held that the details disclosed by a person in his income returns are "personal information" which stand exempted from disclosure under clause (1) of Section 8(1) of the RTI Act, unless it involves a larger public interest and the Central Public Information Officer or the State Public Information Officer or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information (Copy of judgement is annexed as Annexure-B). Further, Right to Privacy is a Fundamental Right in view of the judgement, dated 24 August 2017, issued by a Constitutional Bench of Hon'ble Apex Court in 2017 AIR (SC) 4161 (Copy of judgement is annexed as Annexure-C).

4 That the appellants in their applications to Public Information Officer has not given reasons for the information sought from third parties. In CWP No.3344 of 2017 titled as Satish Kumar Bhiri Vs. State of Punjab and ors, Hon'ble High Court of Punjab and Haryana has held vide its judgement dated 05.04.2017 (Copy of judgement is annexed as Annexure-D) as under:

"In the present case, the petitioner has neither disclosed the reason for information nor has been able to establish as to how the disclosure of the information has got relation to any public activity or public interest as such his application has been rightly closed."

Further, Hon'ble Delhi High Court in case of 2010 AIR (Delhi) 7 has given judgement about the degree of protection to private individuals under RTI act from disclosure of their personal information (Copy of judgement is annexed as Annexure-E). It is submitted that the law officers engaged by the State are private professionals engaged by the State on contract and are entitled to a higher degree of protection from disclosure of their personal information.

5 In view of the above, it is submitted that information sought by appellants was rightly rejected by the Public Information Officer being without any merit. It is, therefore, respectfully prayed that the appeals be dismissed in the interest of justice."

7. Considering the facts enumerated above, this Commission is of the considered view that the PIO acted legitimately on withholding the information sought by the appellant as personal and third party information after following the procedure stipulated in Section 11 of the RTI Act. The PIO's decision is hereby upheld.

8. The Appeal is accordingly, **disposed of**.

Sd/-
(ASIT JOLLY)
State Information Commissioner
Chandigarh
12.6.2024

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FINAL ORDER

Vishal Singh Chauhan, Advocate,
#127, Sector 10-A,
Chandigarh.

Versus

Public Information Officer,
o/o Special Secretary to Govt. of Punjab,
Department of Home Affairs & Justice,
Punjab Civil Secretariat,
Sector-1, Chandigarh.

Public Information Officer,
o/o Judicial-1 Branch,
Department of Home Affairs & Justice,
Government of Punjab,
Punjab Civil Secretariat, Sector-1, Chandigarh.

Public Information Officer,
o/o Advocate General Punjab,
Punjab & Haryana High Court Complex,
Chandigarh.

First Appellate Authority,
o/o Secretary to Government of Punjab,
Department of Home Affairs & Justice,
Punjab Civil Secretariat, Sector-1, Chandigarh.

Appeal Case No. 939 of 2018

ORDER:

(To be read in continuity with earlier orders on **30.9.2020 and 18.11.2020**)

1. The RTI application is dated **6.7.2017** vide which the appellant has sought information regarding:

"1. Please provide the registration certificate of Smt Akansha Pal with the Bar Council of India which was submitted by her in her application for appointment to the post of Assistant Advocate General Punjab. Please supply any self certification given by Mrs Akansha Pal in support of her application that she has been practicing in any court of law in India. Please supply copy of the Resume submitted by Mrs Akansha Pal. Please supply the copy of the application of Smt Akansha Pal to the post of Assistant Advocate General Punjab with all documents enclosed therewith. Please also supply information regarding what references have been given in support of the application for appointment as Assistant Advocate General Punjab by Smt Akansha Pal.

2. Please supply report/documentation/verification conducted by the Office of the Advocate General Punjab into the said Resume submitted by Mrs Akansha Pal which shows that she has standing of 3 years of practice.

3. Please also supply any document/report/verification conducted by the Office of the Advocate General Punjab by which the office of Advocate General Punjab or the Government of Punjab satisfied itself that Mrs Akansha Pal had actually a standing of 3 years of practice as per the requirements of the Act.

4. Please supply the copy of the Income Tax Returns Certificate issued by Chartered Accountant showing income tax return greater than Rs.3,50,000/- in the last 3 years as minimum actual professional income of Mrs Akansha Pal.

5. Please also supply documents/report/verification conducted by the office of Advocate General Punjab or the Government of Punjab by which the office of Advocate General Punjab/Government of Punjab satisfied itself regarding the veracity of said Income Tax Certificate from Chartered Accountant showing income tax return greater than Rs.3,50,000/- in the last 3 years as minimum annual actual professional income of Mrs Akansha Pal.

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Appeal Case No. 939 of 2018

6. Please supply the information if Ms Akansha Pal has ever filed/conducted any case in the District Courts of Chandigarh.
7. Please supply information if Ms Akansha Pal has ever filed/conducted any case in any Court of India.
8. Please inform the consideration which have led to the appointment of Ms Akansha Pal as Assistant Advocate General Punjab. Please also supply copy/notes of any due diligence conducted or satisfaction arrived at by the office of Advocate General Punjab/Government of Punjab to satisfy itself regarding the purported standing of 3 years at the Bar of Smt Akansha Pal before appointing her as Assistant Advocate General Punjab.
9. Please supply information whether Smt Akansha Pal has been enrolled with the Bar Association of Punjab and Haryana High Court when she got her enrolment. Copy of enrolment be also supplied.
10. Please supply information/notes of the Selection Committee including all and any file notings and individual notings of all individual members of the Selection Committee on the file which have led to the appointment of Smt Akansha Pal.
11. Please supply the candidate wise merit list prepared as per the criteria of selection provided in the Act which shows the merit assigned to Smt Akansha Pal with reference to the order of comparative merit with other applicants to the office of Assistant Advocate General Punjab.
12. Is it correct that Smt Akansha Pal has not even appeared once in the Punjab and Haryana High Court as Advocate till the date of her appointment. If she has been appearing then please specify how many cases she has appeared in the High court of Punjab and Advocate as Advocate before the date of her appointment.
13. Please supply details if any special knowledge / ability which was found in the application of Smt. Akansha Pal as compared to the other Applicants to the post of Assistant Advocate General Punjab.”

as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **31.8.2017** and second appeal was filed in the Commission on **13.3.2018** under Section 19 of the Right to Information Act, 2005. The case was last heard on **18.11.2020**.

2. An Order in this Appeal Case was reserved on 18.11.2020.

3. Earlier, at the earlier Hearing on 30.9.2020, the respondent PIO-cum-Superintendent, Home Department, Ms. Kiran Bala, submitted a copy of his / her reply to the RTI application, which was sent to the appellant vide Letter No. 971 Dated 4.8.2017. The said reply is reproduced below:

“1. Details disclosed by a person as part of his bar enrolment/registration certificate/number council particulars, resume, references if any, are personal information and/or the disclosure of which would cause unwarranted invasion of the privacy of the individual, and which thus stands exempted from disclosure under Section 8(1)(e) of The Right to Information Act 2005. It is open for you to seek the consent of such third party/ individual and provide it to this Department to further process this application and/or to further the process contemplated by Section 11 of the said Act.

2. Nil. There is no such process of reporting/ documentation/verification contemplated by the provisions of Punjab Law Officers (Engagement) Act, 2017 to be conducted by the office of the Advocate General. (Copy of the Punjab Law Officers (Engagement) Act, 2017 enclosed)

3. Nil. There is no such process of reporting/ documentation/verification contemplated by the provisions of Punjab Law Officers (Engagement) Act, 2017 to be conducted to be conducted by the office of the Advocate General.

4. Details disclosed by a person in his/her income tax returns are personal information and/or the disclosure of which would cause unwarranted invasion of the privacy of the individual, which stands

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Appeal Case No. 939 of 2018

exempted from disclosure under Section 8(1)(e) of The Right to Information Act 2005. It is open for you to seek the consent of such third party/ individual and provide it to this Department to further process this application and/or to further the process contemplated by Section 11 of the said Act.

5. Nil. There is no such process of reporting/ documentation/verification contemplated by the provisions of Punjab Law Officers (Engagement) Act, 2017 to be conducted by the office of the Advocate General.

6. Number of cases filed/ conducted by Ms. Akansha Pal in the District f Courts of Chandigarh is not information held by this Department in terms of Section 2(j) of The Right to Information Act 2005 and hence is incapable of disclosure by this Department under the Act.

Further any such information, which may be part of her curriculum vitae/resume are personal information and/or the disclosure of which would cause unwarranted invasion of the privacy of the individual, and which thus stands exempted from disclosure under Section 8(1)(e) of The Right to Information Act 2005. It is open for you to seek the consent of Ms. Akansha Pal third party / individual and provide it to this Department to further process this application and / or to further the process contemplated by Section 11 of the said Act.

7. Same as above,

8. The cumulative "consideration" which have led to the appointment of Ms. Akansha Pal is contained in Section 9 read with Section 7(2) of The Punjab Law Officers (Engagement) Act 2017.

As regards your request for "copy/notes of any due diligence conducted or satisfaction arrived at by the office of Advocate General Punjab/Government of Punjab to satisfy itself regarding the purported standing of 3 years at the Bar of Smt. Akansha Pal before appointing her as Assistant Advocate General, Punjab", there is no such process of due diligence/ satisfaction contemplated by the provisions of Punjab Law Officers (Engagement) Act, 2017 to be conducted by the office of the Advocate General.

9. Enrolments with the Bar Association of the Punjab &Haryana High Court Bar Association is not information held by this Department in terms of Section 2(j) of The Right to Information Act 2005.

As far as her details disclosed as part of her bar council enrolment/ registration certificate / number particulars are personal information and/or the disclosure of which would cause unwarranted invasion of the privacy of the individual, and which thus stands exempted from disclosure under Section 8(1)(e) of The Right to Information Act 2005. It is open for you to seek the consent of Ms. Akansha Pal and provide it to this Department to further process this application and/or to further the process contemplated by Section 11 of the said Act.

10. The remarks of the Selection Committee as regards the Applicants considered, inter-alia make reference to the resumes which may include, bar council registration details (standing) in years, work experience, internships held and other documents/information of a personal nature and/or the disclosure of which would cause unwarranted invasion of the privacy of the individual, and which thus stands exempted from disclosure under Section 8(1)(e) of The Right to Information Act 2005. It is open for you to seek the consent of Ms. Akansha Pal and provide it to this Department to further process this application and/or to further the process contemplated by Section 11 of the said Act.

11. A list of the candidates containing remarks of the Selection Committee pending references to the Education Qualification, previous work experience and jobs held, by the applicant in question are of a personal nature and/or the disclosure of which would cause unwarranted invasion of the privacy of the individual, and which thus stands exempted from disclosure under Section 8(1)(e) of The Right to Information Act 2005. It is open for you to seek the consent of Ms. Akansha Pal and the other Applicants you refer to and provide it to this Department to further process this application and/or to further the process contemplated by Section 11 of the said Act.

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Appeal Case No. 939 of 2018

12. The specific number of appearances of an individual lawyer put in before the High Court of Punjab & Haryana is not information "held by or under the control of this Department, is not information within the meaning of Section 2(j) of The Right to e Information Act.

Assuming such information is part of the resume of an Applicant in a given case, this is of a personal nature and/or the disclosure of which would cause unwarranted invasion of the privacy of the individual, and which thus stands exempted from disclosure under Section 8(1)(e) of The Right to Information Act 2005. It is open for you to seek the consent of Ms. Akansha Pal and the other Applicants you refer to and provide it to this Department to further process this application and/or to further the process contemplated by Section 11 of the said Act

13. Section 9 of the Punjab Law Officers (Engagement) Act 2017, particularly Section 9 (1) does not require "any special knowledge/ ability as - compared to other applicants" as part of the eligibility criteria.

Further any other consideration such as previous work experience, cases done, internships/ jobs held, by the applicant in question are of a personal nature and/or the disclosure of which would cause unwarranted invasion of the privacy of the individual, and which thus stands exempted from disclosure under Section 8(1)(e) of The Right to Information Act 2005. It is open for you to seek the consent of Ms. Akansha Pal and the other Applicants you refer to and provide it to this Department to further process this application and/or to further the process contemplated by Section 11 of the said Act."

4. The FAA upheld the PIO's decision vide her Order Dated 12.1.2018, which is as under:

"... 3.0 In fact, a perusal of the response dated 4.8.2017, makes it clear, that the information denied to the appellant was personal in nature which would cause warranted invasion of privacy and is covered by the exemption contained in section 8 (1) (e) and (j) of the Act. Moreover, the appointment in question is to that of a public servant or a Government employee but of a professional who has entered into a contract with the State. The reasons supplied therein are correct and upheld.

4.0 Be that as it may, in an application preferred by another party (Sh. Harbinder Singh Baidwan) which had sought similar information relating to the appointment of Law Officers, the process under Section 11 was taken recourse too by which the Department had sought consent of the Law Officers to disclose information sought by the applicant. In response thereto communication from individual law officers denying their consent to share any information regarding their appointment was received. Further, communication dated 15.11.2017 was also received from the office of the Advocate General Punjab informing that a meeting of Law Officers engaged with the Office of the Advocate General Punjab at the Punjab and Haryana High Court as well as the Legal Cell New Delhi was convened where all the Law Officers unanimously decided to deny their consent to give their personal information sought under the RTI Act, 2005. The said communication dated 15.11.2017 also clarifies that such refusal would apply to any similar or subsequent application seeking personal information of the Law Officers.

5.0 In view of the above, the request for information including educational qualification, work experience, income tax records etc. relating to Ms. Akanksha Pal sought by the appellant, Sh. Vishal Singh Chauhan, vide his application dated 6.7.2017 and this appeal dated 31.08.2017 received in this office on 13.09.2017 is hereby rejected after hearing the appellant in person on 10.11.2017 & considering his written argument dated 17.11.2017 and the order / response dated 4.8.2017 issued by the PIO is subsequently upheld."

5. The respondent PIO-cum-Superintendent, Home Department, had made a submission vide letter Dated 27.6.2018, wherein he contended as under:

"... It is respectfully submitted that the information sought by the appellant includes educational qualifications, work experience, income tax records of the officer who were engaged under the provisions of the Punjab Law Officer's Engagement Act, 2017. It is firstly stated that the said engagement does not

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Appeal Case No. 939 of 2018

constitute a Government appointment to a Government post and is hence not a public office in that sense. It is contractual employment of a professional and such professional not being a public servant or a Government employee would be entitled to claim privacy and protection of material which is individual/specific to him/her. In this regard it is submitted that the respondent has rightly invoked the provisions of Section 8. In fact, a perusal of Annexure R-2, makes It clear, that the information which was denied to the appellant, was personal in nature which would cause unwarranted invasion of privacy and is covered by the exemption contained in Section 8(1)(j) of the Act. Mere wrong mention of a provision of the statute will not render Annexure R-2 Illegal, when from a reading of its contents, the intention is clear. The respondents crave leave to refer to and reply upon the position in law in this regard at the time of hearing.

7. It may further be submitted that as far as the process under Section 11 is concerned, it is submitted that the said process has already been conducted with regard to a similar application preferred by another party which had sought such information relating to the appointment of Law Officers. Further to the process under Section 11, vide notice/communication dated 27.09.2017 the Public Information Officer called upon the various Law Officers (including Akanksha, Assistant Advocate General, Punjab) to submit their response in terms of Section 11 of the Act. A true translated copy of the said notice dated 27.09.2017 is annexed herewith as Annexure R-5.

8. In response thereto the respondent received communication dated 15.11.2017 from the office of the Advocate General Punjab informing that a meeting of the Law officers engaged with the Advocate General Punjab at the Punjab & Haryana High Court as well as the Legal Cell, New Delhi was conducted where all the Law Officers unanimously decided and agreed to deny consent to give their personal information sought under the RTI Act 2005. The said communication dated 15.11.2017 also clarifies that such refusal would apply to any similar or subsequent application seeking such personal information of Law Officers. The communication further states that its law officer's right to privacy is a fundamental right now so held by the Constitution Bench of the Hon'ble Supreme Court vide judgement dated 24.08.2017. A copy of the letter dated 15.11.2017 is annexed as Annexure R-6

9. Apart from the above, individual law officers (including Akanksha, Assistant Advocate General, Punjab) have also sent communications placing on record their refusal to grant consent, copies of which are annexed herewith as Annexure R-7 (Colly.).

10. In view of the above it is humbly submitted that the provisions of Section 8(1)(j) would squarely apply to the present case, the appointment in question is not that of a public servant or a Government employee and the process under Section 11 has already been concluded and the concerned law officer have registered her refusal to grant consent for disclosure of her personal Information.

11. It will further be seen that the present relief which would amount to disclosure of third party information cannot be sought by the appellant without making Mrs. Akanksha as party to these proceedings as per mandate of Section 19(4) of the RTI Act 2005.

In view of the above it is respectfully prayed that the present appeal may kindly be dismissed as being without merit."

6. The appellant Sh. Vishal Singh Chauhan made a written submission, vide his letter Dated 27.11.2018, as under:

"... the cryptic order by the First Appellate Authority deserves to be set aside since the PIO was mandated by law and is under legal obligation to prove information/documents as per provisions of the RTI Act, 2005. That it is further respectfully urged that the PIO be directed to provide the entire requisite information/document to the undersigned immediately and without any further delay."

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Appeal Case No. 939 of 2018

7. The respondent PIO-cum-Superintendent, Home Department, Ms. Kiran Bala, made a further submission vide Letter No. 1515 Dated 1.12.2020, wherein she contended as under:

"... That law officers engaged by the State Government in the Office of Advocate General, Punjab are not regular public appointments. These Law Officers are not appointed but engaged on contractual basis as per the provisions of the Punjab Law Officers (Engagement) Act, 2017 and their term of engagement is also not fixed. The Law Officers so engaged cannot claim lien on such post in view of their engagement as Law officers on contract basis and they are also not eligible for regularization. Further, The pay, leave and other matters relating to the engagements of Law Officers are such, as may be provided by the Government from time to time (Copy of the Punjab Law Officers (Engagement) Act, 2017 is annexed as Annexure-A). They are not covered by the Punjab Civil Services Rules, and their appointments are not public appointments

2. That the nature of duties of law officers are vastly different from other officers of the Government. There is a fiduciary relationship and is a matter of trust. It is not uncommon for Governments to engage private counsel who are engaged only on trust. Somebody may trust a person like Harish Salve and somebody may trust a person with let's say five years standing. Even there, their fee is paid out of the State exchequer.

3. That the appellants in the above appeals were not applicants for any post in the engagement process of Law Officers carried out by the State Government in year 2017. Most of the information sought by the appellants pertains to reasons/process of selection, which does not come under the definition of Information as per the office memorandum dated 01.06.2009 of Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, Government of India (kindly see Annexure-5 of reply dated 27.06.2018 in appeal case no.938 of 2018)

3. That certain information sought by the appellants is private in nature and law officers had already declined the release of the said information. Hon'ble Supreme Court of India in case of SLP (C) No 27734 of 2012-Girish Ram Chandra Deshpande V/s Central Information Commissioner and Ors has also held that the details disclosed by a person in his income returns are "personal information" which stand exempted from disclosure under clause (j) of

Section 8(1) of the RTI Act, unless it involves a larger public interest and the Central Public Information Officer or the State Public Information Officer or the appellate authority is satisfied that the larger public interest justifies the disclosure of such information (Copy of judgement is annexed as Annexure-B). Further, Right to Privacy is a Fundamental Right in view of the judgement, dated 24 August 2017, issued by a Constitutional Bench of Hon'ble Apex Court in 2017 AIR (SC) 4161 (Copy of judgement is annexed as Annexure-C).

4. That the appellants in their applications to Public Information Officer has not given reasons for the information sought from third parties. In CWP No.3344 of 2017 titled as Satish Kumar Bhiri Vs. State of Punjab and ors., Hon'ble High Court of Punjab and Haryana has held vide its judgement dated 05.04.2017 (Copy of judgement is annexed as Annexure-D) as under:

"In the present case, the petitioner has neither disclosed the reason for information nor has been able to establish as to how the disclosure of the information has got relation to any public activity or public interest as such his application has been rightly closed."

Further, Hon'ble Delhi High Court in case of 2010 AIR (Delhi) 7 has given judgement about the degree of protection to private individuals under RTI act from disclosure of their personal information (Copy of judgement is annexed as Annexure-E). It is submitted that the law officers engaged by the State are private professionals engaged by the State on contract and are entitled to a higher degree of protection from disclosure of their personal information.

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Appeal Case No. 939 of 2018

5. In view of the above, it is submitted that information sought by appellants was rightly rejected by the Public Information Officer being without any merit. It is, therefore, respectfully prayed that the appeals be dismissed in the interest of justice."

7. Considering the afore-cited facts, this Commission concurs with the PIO's decision to withhold the information sought by the appellant as personal and third party information. The PIO's decision is herewith upheld.

8. The Appeal is accordingly, **disposed of**.

Sd/-
(ASIT JOLLY)
State Information Commissioner
Chandigarh
12.6.2024