**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Ranjit Singh, Advocate,

Chamber No.122, Mahatma Gandhi Complex,

District Courts, Patiala Appellant

Versus

Public Information Officer,

O/o Improvement Trust,

Patiala.

First Appellate Authority

O/o Improvement Trust,

Patiala Respondents

 **APPEAL CASE NO.1721/2017**

Date of RTI application : 17.04.2017

Date of First Appeal : 01.06.2017

Date of Order of FAA : Reply 13.06.2017

Date of 2nd Appeal/complaint : 22.06.2017

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

 Sh. Balbir Singh, JE, Improvement Trust, Patiala – for Respondents.

**ORDER**

 The following order was passed by the Commission on 10.08.20917:

 *“The appellant is absent. He has sought an adjournment. It turns out that he is seeking an information relating to personnel issues of Sh. Narinder Singh, JE, Improvement Trust. The respondent says that following the procedure under Section 11 of the Act the information has been refused at the behest of the third party.*

 *The Commission has not been able to decipher as to what specific information is being asked enabling it to adjudicate the matter. Even the application is vague. The appellant is desired to specify the details of information sought for before the next date of hearing.”*

The appellant is absent. He has failed to throw light on the details of the information he had sought. The appeal is filed for want of proper prosecution.

  **Disposed.**

 **Sd/-**

**14.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Jasvir Singh

S/o Sh. Sant Singh,

V &P.O. Sohana

Near Rattan College,

Distt. S.A.S. Nagar. -14308 Appellant

Versus

Public Information Officer,

O/o Senior Supdt. of Police,

S.A.S.Nagar

First Appellate Authority

O/o Inspector General of Police,

Chhoti Baradari, Patiala Respondents

 **APPEAL CASE NO.1759/2017**

Date of RTI application : 01.05.2017

Date of First Appeal : 31.05.2017

Date of Order of FAA : Reply 03.06.2017

Date of 2nd Appeal/complaint :03.07.2017

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

 1. ASI Ravinder Singh, Incharge, RTI Cell, O/o SSP, Mohali, and

 2. HC Sukhwinder Singh, P.S.: Sohana – for Respondents.

**ORDER**

As directed in the order passed on 10.08.2017 a copy of the jimney report maintained by the D.S.P. (City), Mohali, has been brought along by the respondents. The same has been handed over on spot to the appellant. The information thus supplied seems sufficient and in order. No further intervention is called for.

 **Disposed.**

 **Sd/-**

**14.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Surinder Singh

Chamber No. 135, Yadvindra Complex,

District Courts, Patiala Complainant

Versus

Public Information Officer,

O/o Senior Supdt. of Police,

Patiala

First Appellate Authority

O/o Senior Supdt. of Police,

Patiala Respondent

 **COMPLAINT CASE NO.657/2017**

Date of RTI application : 10.08.2016

Date of First Appeal : 17.02.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 30.06.2017

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

 ASI Ajit, O/o SSP, Patiala – for Respondent.

**ORDER**

 The following order was passed by the Commission on 10.08.2017:

 *”The complainant had sought information with reference to a follow up action taken by the police on an FIR No. 82 dated 20.06.1992. The respondent says that he has already been provided with the information.*

 *The complainant is absent. Nothing has been heard from him also. The matter is adjourned for want of an appropriate response from the complainant.”*

The case has been taken up today. Sh. Surinder Singh, complainant is again absent today. Nothing has been heard from him also. The respondent has intimated that the information has been supplied to the complainant. Seemingly, he is satisfied with the information already reported to have been sent.

 **Disposed.**

 **Sd/-**

**14.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Jaspal Singh,

House No.221, Sector-51-A,

Chandigarh Complainant/Appellant

Versus

Public Information Officer,

O/o Additional Deputy Commissioner,

S.A.S Nagar (Mohali)

First Appellate Authority

O/o Deputy Commissioner, S.A.S. Nagar (Mohali) Respondents

**COMPLAINT/APPEAL CASE NO.3604/2015**

**Present:** Sh. Jaspal Singh, Complainant/Appellant in person.

 1. Sh. Ravinder Kumar, APIO – cum – Supdt, O/o DC, Mohali,

 2. Sh. Navjot Tiwari, Sadar Kanungo, DC Office, Mohali, and

 3. Sh. Bhupinder Singh, Special Kanungo, DC Office, Mohali – for Respondent.

**ORDER**

 The following order was passed by the Commission on 29.08.2017:

 *“The following order was passed by this forum on 10.08.2017:*

 *“The complainant is present. None has appeared on behalf of the respondents. Nothing has been heard from them as well.*

 *From the perusal of the record it is observed that a bench of the Commission had passed an order that the complainant had expressed his satisfaction over the receipt of information. He says that he is not conversant with English language and could not understand the import of the above order. However, he denies having ever received the information asked for.*

 *The undersigned bench has gone through the record. There is no inkling in record to the effect that the information has been provided to the complainant.*

 *Even the respondents have not taken a plea of having provided the information. There seems some miscommunication in this respect. Contrarily it is a classic case of indifference, defiance and arrogance on the part of the respondents. The crux of the issue is that the complainant Contd…page. 2*

 *-2-*

***COMPLAINT/APPEAL CASE NO.3604/2015***

*had sought for a copy of a mutation No.1055 of Village Balopur, Tehsil Dera Bassi duly sanctioned by the Sub Divisional Magistrate, Dera Bassi in the year 2009. Ever since he has been making request*

*for its certified copy but without any avail. An express order passed by the then State Information Commissioner on 08.05.2013 directing the then ADC to pass a speaking order after hearing the complainant. However, the same seemingly was ignored with contempt. No action seemingly has been taken by the then incumbent.*

 *Thereafter during the last four years the complainant has been made to run between the office of the Commission and the respondent like a proverbial shuttle cock but without any tangible result. Apparently, there seems some malafide design and intent in depriving and obstructing the flow of the information in the office of the Public Authority which requires to be enquired into. The PIO is directed to produce in person the entire record in original regarding the mutation in question along with the file dealing his RTI applications on 29.08.2017 failing which the Commission shall be constrained to enforce his presence by exercising its authority under Section 18(3) (a) of the RTI Act.”*

 *“Sh. Ravinder Kumar, APIO – cum – Supdt. is present with record. We had observed that the original application in the instant case was filed by the complainant on 24.07.2012. Ever since the respondents in their office have initiated the proceedings to create a masanna which requires the sanction of the Deputy Commissioner to update the record. It is not being denied that the original copy of the sanctioned mutation has been lost in the office of the Deputy Commissioner only. From the perusal of the record it seems that no urgency rather heed has been shown by the competent authority to approve the proposal to create the duplicate copy of the document for the loss Contd…page. 3*

 *-3-*

***COMPLAINT/APPEAL CASE NO.3604/2015***

*of which they are responsible. The proceedings in the Commission over the last more than four years and various directions have been seemingly held in contempt. The Commission shall take it as a malafide attempt to obstruct the flow of information on the part of the respondent authority in case no prompt action is taken towards providing a certified copy of a mutation which has already been sanctioned by the Sub Divisional Magistrate. A final opportunity is afforded to the respondents to provide him the information failing which it shall be considered as willful and malafide denial of information and consequential penal action shall follow.”*

 The case has been taken up today. The respondents have brought along the information which has been handed over on spot to the complainant/appellant.

 The complainant/appellant is satisfied with the information thus provided.

 **Disposed.**

 **Sd/-**

**14.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Somesh Gupta, Advocate,

House No.5739, Sector-38, West,

Chandigarh Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Municipal Council, Banur, Distt. S.A.S. Nagar.

First Appellate Authority

O/o Deputy Director, Local Govt., Room No.409,

Block No.A, 3rd Floor, Mini Sectt.,

Patiala. Respondents

 **APPEAL CASE NO.1827/2017**

Date of RTI application : 17.04.2017

Date of First Appeal : 29.05.2017

Date of Order of FAA : 21.06.2017

Date of 2nd Appeal/Complaint : 10.07.2017

**Present:** Sh. Somesh Gupta, Advocate, Appellant in person.

 Sh. Ashok Kumar, Clerk, M.C. office, Banur – for Respondents.

**ORDER**

The following order was passed on 17.08.2017:

 *“The appellant is seeking information about the temporary/contractual staff who have been regularized ever since the year 1986. The respondents in their written reply to the appellant have submitted that the information sought is in the shape of a questionnaire and they are not obliged to respond to such queries. Simultaneously, they have taken a plea that this is a ‘personal information’ and invoking Section 8(1) (j) of the Act, they have refused the information.*

 *The original application has been perused. Undoubtedly the information has been sought in the fashion that the respondents shall have to cull out the information besides giving certain replies as a measure of response.*

 *Be that as it is, the respondents are directed to get the relevant record concerning the Contd…page…2*

 *-2-*

***APPEAL CASE NO.1827/2017***

*subject inspected by the appellant on a specific date and time but not later than ten days and shall provide him the certified copies of the documents identified by him free of cost within fifteen days from today positively.”*

 The respondent says that they had sent a written communication to the appellant to come and inspect the record. Somehow there seems some mis-communication and the inspection as directed has not matured. The Commission directs that the inspection shall be got organized on 22.09.2017 at 3.00 PM in the office of the E.O., M.C., Banur. The E.O. shall be personally responsible to have the inspection organized.

 To come up on **17.10.2017 at 11.30 AM.**

**Sd/-**

**14.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Gurmail Singh

S/o Sh. Ram Chand,

R/o Village Lasarhi, Tehsil Anandpur Sahib

Distt. Ropar. Complainant

Versus

Public Information Officer,

O/o Block Development & Panchayat Officer,

Nurpur Bedi, Distt. Ropar Respondent

 **COMPLAINT CASE NO.307/2017**

 **Date of RTI Application : 26.08.2016**

 **Date of First Appeal : Nil**

 **Date of Order of FAA : Nil**

 **Date of Second Appeal : 07.04.2017**

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

 Sh. Devinder Kumar, BDPO, Nurpur Bedi – for Respondent.

**ORDER**

The following order was passed by the Commission on 17.08.2017:

 *“The order was reserved on 18.07.2017 for pronouncement.*

 *A show cause notice was issued to the PIO – cum – Panchayat Secretary of the gram panchayat of village Lasari, Block, Nurpur Bedi, on 13.06.2017 which is reproduced hereunder :-*

 *“The complainant had sought information during the month of August about the various grants issued to the gram panchayat of village Lasari, Block, Nurpur Bedi from the year 2013 onwards.*

 *It transpires that the respondent had asked the complainant to deposit a sum of Rs.2,000/- as a cost of providing the information. We find that no valid formula/calculation has been observed while demanding the amount of fee which obviously is on the very high side. The fee was deposited timely by the complainant. It is after a lapse of about six months that the information Contd…page..2*

 *-2-*

***COMPLAINT CASE NO.307/2017***

 *comprised in about 200 pages was sent by post to the complainant which as per report of the postal*

*authorities was declined to be received by the complainant. The respondent has brought along the information thus sent to the complainant. The same has been passed on to the complainant on spot in the Court itself.*

 *The Commission finds that the conduct of the respondent has been negligent and lackadaisical whereas a substantial delay is involved. Simultaneously an exaggerated amount calculated haphazardly has been demanded probably to discourage the information seeker. The Commission takes a serious view of the same and takes it a willful denial of information and issues a show cause notice to the PIO to explain in a self-attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

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

 *Meanwhile the respondent shall refund the amount of Rs.1,600/- un-authorisedly charged by the respondent, forthwith.”*

 *The case has been taken up today. Sh. Devinder Kumar, Block Development & Panchayat Officer, Nurpur Bedi along with Sh. Ashneel Singh, PIO – cum – Panchayat Secretary*

 *Contd…page..3*

 *-3-*

***COMPLAINT CASE NO.307/2017***

*was present on the last date of hearing on 18.07.2017 and had filed a written explanation. The Commission has considered the matter. The respondents have failed much less in giving a convincing explanation as to how an amount of Rs.2,000/- was demanded as a cost of information when the information delivered comprised 200 pages only. The respondent as such has violated the provisions of Section 7(1) (3) of the RTI Act.*

 *The original application was filed on 26.08.2016. The information has been delivered beyond 100 days of filing of the application. The respondent is thus culpable of violation of the mandatory provisions of Section 7(1) of the RTI Act and is liable to be penalized under Section 20(1) and 20(2) of the Act.*

 *The Commission finds lack of orientation and appropriate knowledge about the provisions of this Act even after more than ten years of the enactment of this Act. Thus exercising its authority under Section 20(1) of the Act and taking a lenient view, the Commission imposes a penalty of Rs.10,000/- (Rupees Ten Thousand only) in lump sum on Sh. Ashneel Singh, PIO – cum – Panchayat Secretary, O/o BDPO, Nurpur Bedi for the significant delay in responding to the application. The PIO shall ensure that the amount of penalty is deposited in the government treasury in two equal installments commencing from the month of September, 2017 under head given below :*

*- 0070-Other Administrative Services*

*- 60 Other Services*

*- 800 Other Receipts*

*- 86 Fee under RTI Act, 2005*

*A copy of the challan shall be sent to the Commission for record before the next date of hearing positively.*

 *Contd…page…4*

 *-4-*

***COMPLAINT CASE NO.307/2017***

 *The Block Development and Panchayat Officer, Nurpur Bedi is directed to ensure the refund of extra amount i.e. Rs.1,600/- to the complainant as already ordered for the same if not done already.”*

The case was fixed for ensuring the compliance of order passed on 17.08.2017.

 Sh. Devinder Kumar, BDPO, Nurpur Bedi has come present. He has produced before the Commission a copy of the challan suggesting the remittance of the penalty as well as the payment of the excessive cost charged from the complainant. No more action is called for.

 **Disposed.**

**Sd/-**

**14.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Block Development & Panchayat Officer,**

 **Nurpur Bedi (Punjab) for information and n/a.**

**CC: The District Development & Panchayat Officer,**

 **Ropar.**

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Sh. Kuldeep Singh

Sohian Road, Rajgarh Colony,

Ward No.7, Sangrur Appellant

Versus

Public Information Officer,

O/o Director, Public Instructions (S), Punjab,

Vidya Bhawan, PSEB Complex, Sector-62,

S.A.S.Nagar

First Appellate Authority

O/o Director, Public Instructions (S), Punjab,

Vidya Bhawan, PSEB Complex, Sector-62,

S.A.S.Nagar Respondents

 **APPEAL CASE NO.3436/2016**

 **Date of RTI Application : 18.05.2016**

 **Date of First Appeal : 11.07.2016**

 **Date of Order of FAA : Reply: 21.06.2016**

 **Date of Second Appeal : 25.11.2016**

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

 1. Smt. Harvinder Kaur, PIO – cum – Assistant Director, O/o DPI (S), Pb., and

 2. Sh. Bimal Dev, Sr. Assistant, O/o DPI (S) – for Respondents.

**ORDER**

The following order was passed by this forum on 18.07.2017:

 We had made the following observations on 14.06.2017:-

 *“The appellant had sought to know the details about the premature retirement of
Sh. Chamkaur Singh, Punjabi Teacher, Government Senior Secondary School (Boys), Sangrur, contesting the legislative assembly election, withdrawal of the resignation and resuming of his duties.*

 *The respondent has taken a plea of ‘personal information’ of a third party in denying it. The aforementioned issues are a subject of public domain and the exemptions afforded under Section 8(i) (j) of the Act cannot be attracted in it. The Commission refuses to accept the plea. The respondents are directed to provide him the information within fifteen days from today positively under intimation to the Commission failing which penal action shall ensue.”*

 *Contd…page…2*

 *-2-*

 **APPEAL CASE NO.3436/2016**

 *“The matter has been taken up today.*

 *Sh. Bimal Dev, Sr. Assistant has appeared on behalf of the respondents. He says that he has brought along the information and hands it over to the appellant on spot which carries the information about rescinding the order of the government retiring the aforesaid teacher.*

 *However, according to the appellant, the vital document vide which the official had requested the Government to withdraw his resignation and the date on which it was received by the competent authority is missing. The appellant alleges that the teacher predated his application after the expiry of the period within which he could have withdrawn his resignation. The respondents are once again directed to provide him the copy of their letter vide which he has withdrawn his resignation and the certified copy of the receipt register on which the same was entered to have been received.”*

Smt. Harwinder Kaur, PIO – cum - Assistant Director, DPI (SE) has come present and submitted an affidavit dated 13.09.2017, a copy of which has been handed over to the appellant on spot. The respondents have also brought along the original receipt register which was being maintained on the relevant date. A certified copy of the same has also been handed over on spot to the appellant. A copy has also been retained in the record of the Commission. Its perusal suggests that no letter from Sh. Chamkur Singh, Punjabi Teacher has been received on 27.12.2007, the date on which he purportedly withdrew his resignation. The inference is that a predated letter in connivance with some officials of the government has been procured and dealt with to allow him to legitimately resume his duties, the cooling period having already been expired. The Director General Contd…page…3

 -3-

**APPEAL CASE NO.3436/2016**

of School Education, Punjab, is desired to look into it and take appropriate action. As far as the information part is concerned the Commission feels that the available information has been transmitted to the appellant. No further action is called for.

 **Disposed.**

  **Sd/-**

**14.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Director General of School Education, Punjab,**

 **PSEB Complex, Vidya Bhawan, Phase VIII, SAS Nagar (Mohali) for information and necessary action.**

**Cc: The Director of Public Instructions, (School Education),**

 **Punjab, PSEB Complex, Vidya Bhawan, Phase VIII, SAS Nagar (Mohali).**

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Sh. Brish Bhan Bujarak

S/o Sh. Saroop Chand

Ward No. 33, Kahangarh Road,

Patran (Patiala) Complainant

Versus

Public Information Officer,

O/o Superintendent, (Home Br.-4),

Punjab Civil Sectt.-1,

Chandigarh. Respondents

 **COMPLAINT CASE NO.705/2017**

Date of RTI application : 25.03.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 17.07.2017

**Present:** Sh. Brish Bhan Bujarak, Complainant in person.

 1. Sh. Harpal Singh, Superintendent, Home IV br., Pb. Civil Sectt.,

 2. Sh. Mohan Singh, Senior Assistant, Home IV Branch – for Respondent.

**ORDER**

 The complainant is seeking information concerning the acid victims in the State of Punjab over a period of time. The respondent says that partial information which relates to affording the financial assistance to the victims have been brought along and handed over on spot to the complainant. As far as the number of victims is concerned the same is awaited from the office of the Director General of Police, Punjab which shall be delivered to him after procuring it at the earliest.

 To come up on **26.10.2017 at 11.30 AM.**

 **Sd/-**

**14.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Jasmer Singh

S/o Sh. Nasib Singh,

Village Sohana

Near Government Girls Sr. Sec. School,

S.A.S.Nagar. Appellant

Versus

Public Information Officer,

O/o Estate Officer,

Greater Mohali Area Development Authority (GMADA),

Sector-62,S.A.S. Nagar

First Appellate Authority

O/o Estate Officer,

Greater Mohali Area Development Authority (GMADA),

 Sector-62,S.A.S. Nagar Respondents

 **APPEAL CASE NO.249/2014**

Date of RTI application : 29.05.2012.

Date of First Appeal : 03.07.2012

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 22.08.2012

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

 1. Smt. Suman Bala, APIO – Assistant Estate Officer, GMADA,

 2. Sh. Jaginder Singh, LAC, GMADA and

 3. Sh. Krishan Pal Singh, JE, GMADA – for Respondents.

**ORDER**

 The matter had been entrusted to this bench by the Chief Information Commissioner. The case was adjourned sine die by Sh. Surinder Awasthi, the then State Information Commissioner pending an enquiry by Vigilance Department. The hearing has been ordered to be restored by an order of CIC on 21.08.2017.

 The respondents say that a fresh communication dated 14.09.2017 that they have supplied the available information to the appellant. The appellant intends to go through it so as to see its conformity to the original application. The request is acceded.

 The matter shall be reheard on **26.10.2017 at 11.30 AM.**

 **Sd/-**

**14.09.2017 (Yashvir Mahajan)**

 **State Information Commissioner**