

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGRH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Vishal Singh Chauhan, Advocate,
H.No.127, Sector 10 – A, Chandigarh.

Appellant

Versus

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

Public Information Officer,
O/o Judicial - 1 Branch,
Department of Home Affairs and Justice, Govt. of Punjab,
Punjab Civil Sectt. – 1, Chandigarh.

First Appellate Authority
O/o Secretary to Govt. of Punjab
Department of Home Affairs & Justice,
Punjab Civil Sectt.-1, Chandigarh.

Respondents

APPEAL CASE NOS.938 and 939 of 2018

Date of RTI application : 30.08.2017/17.07.2017
Date of First Appeal : 27.10.2017/31.08.2017
Date of Order of FAA : 12.01.2018Reply27.09.2017/04.08.2017
Date of 2nd Appeal/complaint : 12.03.2018/06.03.2018

Present: **Adv. Sourav Dhir, Counsel for Sh. Vishal Singh Chauhan, Appellant.**
1. **Sh. P. S. Bajwa, Additional Advocate General, Punjab,**
2. **Adv. Sehajbir Singh for Respondent No.11, 18, 24 and 35,**
 Respondents.

ORDER

The appellant has filed a written argument. However, its copy admittedly has not been supplied to the respondents. He is desired to do it quickly as in the absence of the same a fruitful discussion and argument is not possible.

The matter shall be reheard on **07.03.2019 at 11.30 AM.**

15.01.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email:psic22@punjabmail.gov.in

Sh. Rakesh Kumar Gupta, Advocate,
R/o 8/237, Jagraon Road,
Mandi Mullanpur, Distt. Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Amlah, Distt. Fatehgarh Sahib.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Fatehgarh Sahib.

Respondents

Appeal Case No.3231/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA
27.05.2018	Nil	27.07.2018	Nil

Present:

None on behalf of the Appellant.

- 1. Sh. Balkar Singh, Superintendent, BDPO Office, Amlah**
- 2. Sh. Khushbinder Singh, Panchayat Secretary, BDPO Office, Amlah – for Respondents.**

Order

The following order was passed by this forum on 04.12.2018:

"The appellant is not present. Sh. Balkar Singh, Superintendent appearing on behalf of the Respondents submits that they have since sent him the information comprised in 692 pages under a registered post. The appellant is directed to respond to the submissions of the respondents failing which it shall be presumed that he is satisfied with the information provided and the matter shall be closed.

The appellant is absent on trot.

The respondents on the other hand says that complete information has been provided as comprised in more than 600 pages as mentioned above.

In view of the request of the appellant the Commission is inclined to afford another opportunity to him to pinpoint any deficiency failing which it shall be presumed that he has nothing more to say and the matter shall be decided on the basis of record on file.

To come up on **05.03.2019 at 11.30 AM.**

15.01.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Rakesh Kumar Gupta, Advocate,
R/o 8/237, Jagraon Road,
Mandi Mullanpur, Distt. Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Senior Superintendent of Police,
Fatehgarh Sahib.

First Appellate Authority,
O/o Inspector General of Police,
Roop Nagar Range, Roopnagar, Pb.

Respondents

Appeal Case No.3233/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA
27.05.2018	30.06.2018	27.07.2018	Nil

Present: None on behalf of the Appellant.
ASI Ranjit Singh, Incharge, RTI Br., SSP office, Fatehgarh Sahib – for Respondents.

Order

On the request of the appellant the matter is adjourned to **05.03.2019 at 11.30 AM.**

15.01.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Ram Phal,
S/o Sh. Dull Chand,
R/o #404-H, Badal Colony, Zirakpur,
Distt. SAS Nagar.

Appellant

Versus

Public Information Officer,
O/o Executive Officer,
Municipal Council, Zirakpur,
Distt. SAS Nagar.

First Appellate Authority,
O/o Deputy Director,
Local Government, Mini Secretariat,
Patiala.

Respondents

Appeal Case No.3244/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA
17.10.2017	Nil	21.04.2018	Nil

Present: Sh. Ram Phal, Appellant in person.
None on behalf of the Respondents.

Order

The following order was made on 04.12.2018:

"The appellant had sought information about the opening of a street which earlier used to be a cul-de-sac. It is allegedly causing inconvenience to him. The respondents are absent and nothing has been heard from them. The Commission takes serious note of it. They are advised to file written reply to the notice issued by the Commission before the next date of hearing positively."

The respondents submit that the appellant was informed that no record pertaining to his application exists/available with them. They are required to file an affidavit on this score with the Commission. Meanwhile, they should also comply with the instructions issued to them reportedly by the Deputy Director, Local Government, Patiala.

To come up on **12.02.2019 at 11.30 AM.**

15.01.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

PS: Sh. Harvinder Kumar, Clerk, O/o Deputy Director, Local Government, Patiala, appeared after the Court was over. He has been apprised of the above order.

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Navdeep Gupta,
R/o K. No. 455, Gillco Valley,
Kharar, Distt. Mohali, Punjab.

Complainant

Versus

Public Information Officer,
O/o Incharge, Police Chowki,
Sunny Enclave, Kharar,
S.A.S Nagar.

Respondent

Complaint Case No.1084/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA
16.09.2018	Nil	Nil	Nil

Present: **None on behalf of the Complainant.**
ASI Avtar Singh, Chowki Incharge, Sunny Enclave, Kharar – for Respondent.

Order

The complainant is absent on trot.

ASI Avtar Singh, Chowki Incharge, Sunny Enclave submits that he is filing repeated applications in respect of the same issue. He further says that similar complaint has been decided by this bench in Complaint Case Nos. 981, 982, 983, 984 and 985 of 2018 – titled Navdeep Gupta Vs Incharge, Police Chowki Incharge, Sunny Enclave, Kharar, passed on 20.11.2018.

As the subject is the same, the complaint is decided in terms of the aforementioned complaints.

Disposed.

Sd/-

15.01.2019

(Yashvir Mahajan)
State Information Commissioner

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Navdeep Gupta,
R/o K. No. 455, Gillco Valley,
Kharar, Distt. Mohali, Punjab.

Complainant

Versus

Public Information Officer,
O/o Incharge, Police Chowki,
Sunny Enclave, Kharar,
S.A.S Nagar.

Respondent

Complaint Case No.1116/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA
20.09.2018	Nil	Nil	Nil

Present: **None on behalf of the Complainant.**
ASI Avtar Singh, Chowki Incharge, Sunny Enclave, Kharar – for Respondent.

Order

The complainant is absent on trot.

ASI Avtar Singh, Chowki Incharge, Sunny Enclave submits that he is filing repeated applications in respect of the same issue. He further says that similar complaint has been decided by this bench in Complaint Case Nos. 981, 982, 983, 984 and 985 of 2018 – titled Navdeep Gupta Vs Incharge, Police Chowki Incharge, Sunny Enclave, Kharar, passed on 20.11.2018.

As the subject is the same, the complaint is decided in terms of the aforementioned complaints.

Disposed.

Sd/-

15.01.2019

**(Yashvir Mahajan)
State Information Commissioner**

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Gurnam Singh,
S/o Sh. Bachitar Singh,
R/o #10, Muhalla Mehtian wala,
Banur, Distt. SAS Nagar.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Sudhar, Ludhiana.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Mini Secretariat, Ludhiana.

Respondents

Appeal Case No.3212/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA
30.06.2018	Nil	02.08.2018	Nil

Present: Adv. Iqbal Singh, Counsel for the Appellant.
Smt. Lakhwinder Kaur, BDPO, Block Sudhar, Ludhiana – for Respondents.

Order

The following order was passed on 04.12.2018:

“Having failed to receive the information against an original application and first appeal filed on 30.06.2018 and 02.08.2018 respectively, the appellant has been constrained to file a second appeal with the Commission.

A simple and terse information has been sought. The respondents are absent. No written reply has been filed by them to the notice issued by the Commission nor the information has been supplied till date.

The Commission takes strong exception to it. The Block Development & Panchayat Officer, Sudhar, Distt. Ludhiana is issued a show cause notice 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 Appellant 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

Contd.... Page...2

Appeal Case No.3212/2018

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.”

Smt. Lakhwinder Kaur, BDPO, Block Sudhar is present. She submits that the original application of the appellant was responded by her on the village address which has been shown to the Commission. A copy of the same has also been taken on record. The grievance of the appellant is that the former sarpanch had encroached upon the common passage in the village by getting a tubewell connection installed in the passage which needs to be cleared.

It is not in the domain of this forum to pass executive directions. However, the Commission observes that the BDPO may take due cognizance of the same and take appropriate measures to get the encroachment removed which is a nuisance to the people at large. She further says that during the previous six months the incumbency of BDPO has been changed four times and the delay is attributable to same. The Commission is inclined to accept the version and does not see any malafide in withholding the information. No further intervention of the Commission is desired. With the aforesaid directions the appeal is **disposed**.

15.01.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com
Email: psic22@punjabmail.gov.in

Sh. Sushil Kumar,
S/o Sh. Bhoop Ram,
District Jail, Rupnagar.

Appellant

Versus

Public Information Officer,
O/o Superintendent of Police (S.T.F.),
RTI Cell, Phase – 4, SAS Nagar (Mohali).

First Appellate Authority,
O/o Inspector General of Police,
Roop Nagar Range, Roop Nagar.

Respondents

Appeal Case No.3229/2018

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA
06.06.2018	Nil	16.07.2018	Nil

Present: **Sh. Sushil Kumar, Appellant in person.**
1. Insp. Harbhinder Kumar, SHO, STF, Phase – 4, Mohali, and
2. ASI Harbhajan Singh, STF, Phase – 4, Mohali – for Respondents.

Order

The following order was made on 04.12.2018:

“The appellant is a dismissed employee of Punjab Police. He had sought copies of the DDR and jimneys made in the investigation of a case registered under FIR No.04 dated 04.08.2017.

ASI Ravinder Singh, RTI In charge, SSP Office, Mohali is present. He submits that the issue pertains to the STF Wing of the Government who have desired the District Police to represent the case. The respondents have refused information taking the plea that they are out of the ambit of the provisions of RTI Act by virtue of a notification dated 16.04.2018 issued by the Department of Administrative Reforms in the Government of Punjab.

The appellant submits that he stands incarcerated in jail for the last one and half year approximately. His services have been dispensed with under Article 311 of the Constitution of India. He claims innocence and alleges that he has been framed by the authorities that be.

A citizen is entitled to defend himself which is his basic and fundamental right. In such a scenario according to him the notification of exemption does not hold good. Before a call is taken on the issue the Respondents, PIO – cum – Superintendent of Police, (S.T.F.), RTI Cell, Phase – 4, SAS Nagar (Mohali) are directed to respond to the aforesaid submissions of the appellant before the next date of hearing positively.”

The case has come up today.

The respondents reiterate that their organization is exempted to reveal the information under

Appeal Case No.3229/2018

Section 24 of the RTI Act which has been duly notified by the Government vide Notification dated 16th February, 2018. They further claim exemption under Section 8(1)(h) of the RTI Act. It is their submission that though the investigation or apprehension part of the aforesaid provision is no more applicable, yet the prosecution is likely to be affected adversely in case the information sought for is revealed to the appellant.

The appellant while rebutting their submissions says that this issue has been thrashed by this bench only in Appeal Case No.2912/2017 - titled Roop Kishor Soni Versus PIO, O/o Senior Superintendent of Police, SAS Nagar passed on 05.04.2018, a copy of which handed over to the respondents and the Commission in the Court itself. The respondents may like to comment in case they desire so before the next date of hearing.

To come up on **12.02.2019 at 11.30 AM.**

Sd/-

15.01.2019

**(Yashvir Mahajan)
State Information Commissioner**

CC: PIO, O/o Senior Superintendent of Police, SAS Nagar, Mohali, for n/a.