

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864101, Fax 0172-2864110 Helpline 0172-2864100

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Whatsapp No. 62848-20189



Sh. Sukhchain Singh s/o Baldev Singh
r/o Basti Hajara Singh Wali,
Tehsil & Distt. Ferozepur.

..Complainant

Vs

Public Information Officer
o/o Block Development and Panchayats Officer,
Block Mamdot,
Ferozepur.

Sh. Ruldu Singh, Panchayat Secretary **Registered**
-cum-Public Information Officer
Basti Hazara Singh Wali,
Block Mamdot,
Ferozepur.

Sh. Satish Kumar, Panchayat Secretary **Registered**
-cum-Public Information Officer
Basti Hazara Singh Wali,
c/o Block Development and Panchayats Officer
Block Mamdot,
Ferozepur.

....Respondents

Complaint Case No. 811 of 2020
(Video Conference Proceedings)

Present:- None on behalf of the complainant.
Sh. Rulda Singh, Panchayat Secretary 9646729136 on behalf of the
respondent.

ORDER

This order may be read with reference to the previous order dated 12.2.2021.

2. A telephonic message has been received from the appellant regarding the adjournment of the case. However, the respondent-Public Information Officer states that a letter has been written to the complainant to deposit the requisite fee to supply the information but due to non payment no action has been taken on the RTI application. He also states that he has already been transferred to Bhogpur and Sh. Satish Kumar, Panchayat Secretary has joined the post.

3. Accordingly, he was directed to send a copy of the letter vide which the fee has been demanded from the complainant and he assured that the same will be sent to the Commission through email/whatsapp. But despite the efforts made by the office to contact him on phone to send the same but no such letter has been sent by him till evening.

4. Since no documentary evidence has been placed on record by the respondent-Public Information Officer regarding demand of fee to supply the information, therefore, the present respondent-Public Information Officer-cum-Panchayat Secretary is directed to supply the information to the complainant before the next date of hearing free of cost failing which the punitive action will be initiated on the next date of hearing as per the provisions of the RTI Act, 2005.

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Complaint Case No. 811 of 2020

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5. To come up on 10.5.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Ferozepur/cisco webex.

Sd/

Dated: 23.3.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. PD Bansal,
President, Lok Sewa Club, 94,
City Homes Colony,
Near Spring Dale School,
Khanna-141401,
Distt. Ludhiana.M : 9855783747

..Complainant

Vs

Ms Harminder Kaur, Supdt.
Public Information Officer,
O/o Sub Divisional Magistrate,
Khanna, Ludhiana.

....Respondent(s)

Complaint Case No. 131/2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Sh. P.D. Bansal, complainant.

Ms Harminder Kaur, Supdt o/o the Sub Divisional Magistrate, Khanna on behalf of the respondents. 7009571123.

ORDER

The RTI application is dated 18.2.2020 vide which the complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 22.1.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 23.3.2021.

2. The appellant states that no information has been provided by the respondents so far. However, no satisfactory reply has been given by the respondent-Public Information Officer. Video Conference Facility was introduced for convenience of general public and for government officials. Viewing the attitude in dealing with the RTI application of the appellant by the respondent seriously, Ms Harminder Kaur, Supdt-cum-Public Information Officer is, thus, 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 a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on her for causing wilful delay/denial of the information to the RTI applicant.

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. She may take note that in case she does not file her written reply and do not avail herself of the opportunity of personal hearing on the next date, it will be presumed that she has nothing to say and the Commission will proceed ex-parte.

3. The respondent-Public Information Officer is also directed to supply the information as has been sought by the appellant before the next date of hearing which is self explanatory which is reproduced below:-

“Provide attested copy of letter No. 962/ਰੀਡਰ dated 9.12.96 written by your office to Deputy Commissioner, Ludhiana under the subject: ਮੰਗਾ ਪੱਤੀ ਖੰਨਾ ਸਬੰਧੀ ਜਮੀਨ ਦੇ ਇੰਤਕਾਲ ਰਿਨਿਊ ਕਰਨ ਬਾਰੇ”

4. To come up on 4.5.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

sd

Dated: 23.3.2021

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Smt. Kiran Sharma, W/o Late Sh. Jagdish Sharma,
Street No 42,
Preet Nagar, Shimlapuri,
Ludhiana-141003

....Complainant

Vs

Public Information Officer,
O/o Sub Registrar(South),
Ludhiana.

....Respondent(s)

Complaint Case No. 132/2021

(Video Conference/Cisco Webex/Telephone Proceedings)

Present:- Sh. Sushil Kumar, husband of the complainant on her behalf.
Ms Harpreet Kaur, Reader/Sub Registrar Ludhiana South, Ludhiana on behalf
of the respondents. 9877177747.

ORDER

The RTI application is dated 8.12.2020 vide which the complainant has sought information as enumerated in his RTI application. Complaint was filed in the Commission on 22.1.2021 under Section 18 of the Right to Information Act, 2005 (hereinafter called RTI Act). Notice of hearing was issued to the parties for today i.e. 23.3.2021.

2. The complainant states that no information has been provided by the respondents so far. However, the submissions have been received bearing No. 16 dated 17.12.2020, which is taken on record, from the respondent-Public Information Officer that the complainant has sought the copy of Wasika No. 7561 dated 10.7.2020 along with the INTKAL of Village Gill vide which the complainant has been asked to deposit the necessary amount and take the same from the Patwari.

3. It is appropriate to mention the decision of the Hon'ble Supreme Court of India in Civil Appeal No. 5665/2014 – Institute of Companies Secretaries of India Vs Paras Jain, and the relevant portion of the same is reproduced below:-

"...Rule 4, The Right to Information (Regulation of Fees and Cost) Rules, 2005 which also entitles the candidates to seek inspection and certified copies of their answer scripts. In our opinion, the existence of these two avenues is not mutually exclusive and it is up to the candidate to choose either of the routes. Thus, if a candidate seeks information under the provisions of the Right to Information, then payment has to be sought under the Rules therein, however, if the information is sought under the Guidelines of the appellant, then the appellant is at liberty to charge the candidates as per its guidelines...."

4. It is also appropriate to mention the decision of the Hon'ble Punjab and Haryana High Court in Civil Writ Petition No. 12016 of 2016 in Shakti Singh Vs State Information Commission, Haryana and others, and the relevant portion of the same is reproduced below:-

"...12. The reply to this question is that there being no inconsistency under the RTI Act and the provisions of the other statute/law, the option and prerogative is with the citizen to select and choose to exercise his right under such Act/law or the RTI Act. In case the citizen prefers to move an application under the RTI Act, Public Information Officer, on receipt of such request, shall proceed to take a decision thereon and

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Complaint Case No. 132 of 2021

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provide information as a norm and any denial of the same must be in accordance with Sections 8, 9 and 11 only. The right to information, thus, cannot be denied under the RTI Act merely because a statutory mechanism is evolved and prescribed under an Act, which is also applicable, obliging a public authority to share the same by following a prescribed procedure subject to fulfilment of prescribed conditions. If it is held otherwise, it would negate and lead to derecognising the fundamental right to information as granted under the RTI Act, which is unacceptable.

13. The answers to the two questions as posed in para 6 above are;

(i) In case of any inconsistency between the provisions of RTI Act and other Act/law, the RTI Act shall prevail.

(ii) In case of an application preferred under the RTI Act where alternative procedure and conditions are prescribed under any other statute/law, the said application cannot be rejected and/or information denied on this ground.

Such application shall be dealt with under the provisions of the RTI Act.

14. *In the light of the above, the impugned order dated 04.04.2016 (Annexure P-6) passed by the State Information Commission, Haryana, cannot sustain as the Commission has rejected the claim of the petitioner under the RTI Act proceeding upon the wrong assumption that the 6 of 7 Registration of Births and Deaths Act, 1969, being a legislation and statutory in nature, is not overridden by the RTI Act. It may be added here that the information under the RTI Act can only be denied if the same is exempted from disclosure of information under the provisions of RTI Act itself such as Sections 8, 9 and 11 thereof."*

It is also a fact on record that the RTI application of the complainant was dated 8.12.2020 and the respondent-Public Information Officer has given the prompt reply on 17.12.2020 vide which the complainant was advised to deposit the necessary fee as per the instructions of the Government with the patwari to get the same.

Keeping in view the judicial pronouncements mentioned herein and going through the case file, the Commission opines that the respondent-Public Information Officer-cum-Sub Registrar South has to supply the information under the RTI Act, 2005 after charging of fees as per the provisions of the RTI Act, 2005. Accordingly, the respondent-Public Information Officer is directed to raise the demand within 10 days and the complainant is advised to deposit the requisite fee within next 10 days in case he is interested to get the information as has been sought by him failing which the ex-parte decision will be taken on the next date of hearing. Also the respondent-Public Information Officer is directed to supply the information in case the requisite fee is deposited by the complainant before the next date of hearing.

5. To come up on 4.5.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

Sd/

Dated: 23.3.2021

(Suresh Arora)

Chief Information Commissioner, Punjab.

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Sh. Baldev Singh S/o Sh. Parkash Singh,

R/o Village Malikpur,

Tehsil & Distt SBS Nagar.

M : 6284578545

....Complainant

Vs

Public Information Officer, (By Name)

Registered

O/o District Development and Panchayats Officer,

SBS Nagar.

Sh. Gurtej Singh Garcha, 9814672476,

Public Information Officer

Registered

o/o the District Mining Officer,

Room No. 25, 1st Floor,

SDM Office,(Old DC Office Building)

SBS Nagar.

Sh. Sita Ram Saini, Executive Engineer-cum-

Public Information Officer **Registered**

o/o the Director, Mining,

Old Hydrel Building,

1st Floor, Sector 18,

Madhya Marg, Chandigarh. 9915010328

....Respondents

Complaint Case No.668 of 2020

(Video Conference/Cisco Webex/Phone proceedings)

Present:- Advocate Deepak Verma 9814671446 8699903235 on behalf of the appellant.

Sh. Harpreet Singh Clerk o/o Block Development and Panchayats Officer 9781169111 on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 12.2.2021.

2. The appellant states that no information has been provided by the respondents so far. However, the representative of the respondents states that the sought information is not available in the office of the Block Development and Panchayats Officer. He has also sent the submissions vide No. 874 dated 17.3.2021 along with an affidavit in this regard, which is taken on record.

3. None is present on behalf of the Public Information Officer o/o the District Mining Officer, SBS Nagar The respondent-Public Information Officer is absent without intimation. Video Conference Facility was introduced for convenience of general public and for government officials. Viewing the absence of the respondent seriously, Sh. Gurtej Singh Garcha, Public Information Officer-cum-District Mining Officer, SBS Nagar 9814672476, is, thus, 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 a maximum of Rs.25000/- 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. In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing

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Complaint Case No.668 of 2020

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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 next date, it will be presumed that he has nothing to say and the Commission will proceed ex-parte.

4. Also Sh. Sita Ram Saini 9915010328 Executive Engineer (Headquarter)-cum-Public Information Officer o/o the Director, Mining, Sector 18, Chandigarh is impleaded as necessary party in this case to file the reply/supply the information sought by the appellant. A copy of the RTI is also being sent with this order.

5. Also the respondent-Public Information Officer-cum-District Mining Officer, SBS Nagar is directed to file the reply/supply the information sought by the appellant before the next date of hearing.

6. The copies of the submissions made by the respondent-Public Information Officer-cum-Block Development and Panchayats Officer, SBS Nagar is being **sent** along with this order to the appellant.

7. To come up on 10.5.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, SBS Nagar/cisco webex.

Sd/

Dated: 23.3.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Ashok Kapoor,
8 C, Kitchlu Nagar,
Ludhiana-141001. M : 9855556210

Appellant

Vs

Public Information Officer,
O/o SDM (West),
Ludhiana.

Public Information Officer (By name) Registered
O/o the Deputy Commissioner,
District Ludhiana

First Appellate Authority -cum-
Deputy Commissioner,
Ludhiana.

....Respondents

Appeal Case No. 2403 of 2020

(Video Conference/Cisco Webex/Phone proceedings)

Present:- Sh. Ashok Kapoor, appellant.

Sh. Arun, Clerk, EA Branch o/o Deputy Commissioner, District Ludhiana
7009879565 and Sh. Lakshey Kumar, Tehsildar 7355280016 on behalf of the
respondents.

ORDER

This order may be read with reference to the previous order dated 12.2.2021.

2. The appellant states that no information has been provided by the respondents so far. Also he has sent the submissions, which are taken on record. However, the representative of the respondents states that a letter has already been written to the Sub Divisional Magistrate, West, Ludhiana to fix responsibility but no such report has been received from him so far. He has also sent the copy of letter No. 612 dated 16.2.2021, which is taken on record.

3. After hearing both the parties the respondent-Public Information Officer-cum-District Revenue Officer, Sh. Joginder Singh is directed to remain present along with the original record pertaining to the RTI application of the appellant. A copy of the submissions made by the respondent-Public Information Officer are being **sent** along with this order to go through the same and point out deficiency, if any, before the next date of hearing. Also the appellant is directed to remain present along with the information supplied, if any on the next date of hearing.

4. To come up on 4.5.2021 at 12.30 PM at Chandigarh.

Sd/

Dated: 23.3.2021

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Sh. Ashok Kapoor,
8 C, Kitchlu Nagar,
Ludhiana-141001.
M : 9855556210

Appellant

Vs

Sh. Joginder Singh, **Registered**
District Revenue Officer-cum-
Public Information Officer,
O/o Deputy Commissioner,
Ludhiana.

First Appellate Authority
O/o Deputy Commissioner,
Ludhiana.

...Respondents

Appeal Case No. 2410 of 2020

(Video Conference/Cisco Webex/Phone proceedings)

Present:- Sh. Ashok Kapoor, appellant.

None on behalf of the respondents 7696681960.

ORDER

This order may be read with reference to the previous order dated 12.2.2021 vide which Sh. Ranjeet Singh, S.K. o/o the Deputy Commissioner, District Ludhiana was issued a show cause notice under Section 20(1) and Section 19(8) of the RTI Act, 2005 along with the directions to file the reply/supply the information before the next date of hearing and the case was adjourned for today i.e. 23.3.2021.

2. The appellant states that no information has been provided by the respondents so far. He also states that he is being harassed by not providing the information. However, Sh. Arun o/o the Deputy Commissioner, Ludhiana states (who was present in an another case) that Sh. Joginder Singh, District Revenue Officer is a Public Information Officer office of the Deputy Commissioner, District Ludhiana. Accordingly, the show cause notice issued to Sh. Ranjeet Singh is hereby withdrawn.

3. That Sh. Joginder Singh, District Revenue Officer is the Public Information Officer o/o the Deputy Commissioner, District Ludhiana who is absent without intimation. Video Conference Facility/cisco webex facility was introduced for convenience of general public and for government officials. Viewing the absence of the respondent seriously, Sh. Joginder Singh, District Revenue Officer-cum-Public Information Officer is, thus, 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 a maximum of Rs.25000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing wilful delay/denial of the information to the RTI application.

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 a note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the next date, it will be presumed that he has nothing to say and the Commission will proceed ex-parte.

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Appeal Case No. 2410 of 2020

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He is also directed to remain present along with the original record pertaining to the RTI application of the appellant on the next date of hearing. The appellant is also directed to remain present at Chandigarh along with the information supplied, if any, to take the matter to its logical end.

4. The perusal of the file shows that in this case, application for information was filed on 20.02.2020 but after lapse of more than one year, no information has been supplied to the appellant so far. It is, thus apparent from the response of the respondent-Public Information Officer that there has been delay in providing the information. There are systemic deficiencies in the manner of receiving and disposing of applications. The department still does not appear to be properly tuned to the performance of its obligations enshrined under the RTI Act.

5. I am, therefore, of the view that ends of justice would be met by awarding a sum of Rs. 5000/- (Rupees Five thousand only) by way of compensation to the appellant. This amount shall be payable from the State Exchequer before the next date of hearing.

6. To come up on 4.5.2021 at 12.30 PM at Chandigarh.

Sd/

Dated: 23.3.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Ashok Kapoor,
8 C, Kitchlu Nagar,
Ludhiana-141001. M : 9855556210

Appellant

Vs

Public Information Officer,
O/o SDM (West),
Ludhiana.

Public Information Officer (By name) Registered
O/o the Deputy Commissioner,
District Ludhiana

First Appellate Authority -cum-
Deputy Commissioner,
Ludhiana.

....Respondents

Appeal Case No. 2408 of 2020

(Video Conference/Cisco Webex/Phone proceedings)

Present:- Sh. Ashok Kapoor, appellant.
Sh. Arun, Clerk, EA Branch o/o Deputy Commissioner, District Ludhiana
7009879565 and Sh. Lakshey Kumar, Tehsildar 7355280016 on behalf of the
respondents.

ORDER

This order may be read with reference to the previous order dated 12.2.2021.

2. The appellant states that no information has been provided by the respondents so far. Also he has sent the submissions, which are taken on record. However, the representative of the respondents states that a letter has already been written to the Sub Divisional Magistrate, West, Ludhiana to fix responsibility and a copy of the same has already been sent to the appellant.
3. After hearing both the parties the respondent-Public Information Officer-cum-District Revenue Officer, Sh. Joginder Singh is directed to remain present along with the original record pertaining to the RTI application of the appellant. A copy of the submissions sent by the appellant are also sent along with this order with the directions to the respondent-Public Information Officer to remove the same before the next date of hearing. Also the appellant is directed to remain present along with the information supplied, if any on the next date of hearing.
4. To come up on 4.5.2021 at 12.30 PM at Chandigarh.

Sd/

Dated: 23.3.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.