



Sh. Devi Singh, S/o Sh. Milkhi Ram,
R/o Village-Manku Majra,
Tehsil-Anandpur Sahib,
Distt. Ropar.

Sh. Roop Chand S/o Sh. Pooran Chand,
R/o Village- Manku Majra,
Tehsil – Anandpur Sahib,
District Ropar

Complainants

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Nurpur Bedi, Distt. Ropar.

Respondent

Complaint Case Nos.77 and 78 of 2019

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	Date of Second Appeal
23.05.2018/25.01.2018	Nil	Nil	Nil	16.01.2019

Present: Complainants- Shri Roop Chand, & Sh.Devi Singh.
Respondent- Sh. Pritam Singh, Panchayat Secretary.

ORDER

The following order was passed on 05.09.2019:-

30.05.2019

“The complainant has sent a request through e.mail to defer the matter. His request is accepted. Meanwhile, the respondent shall ensure that the admissible information is provided”.

None is present on behalf of the respondents. The Commission takes strong exception to the indifference shown by them. PIO in the O/o BDPO Nurpur Bedi is desired to file written explanation for having failed to provide the information to the complainants. From perusal of the application, it is suggested that the information sought is humongous which may comprise thousands of papers. The information in such a quantum, the Commission feels, does not tend to serve any public cause. Nonetheless, in the interest of fair play, the Commission directs the respondents to allow him inspection of the record available with them on a duly intimated date and time in writing and provide him certified copies of the documents not beyond 100 pages.”

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Complaint Case No.77 and 78 of 2019

23.07.2019

“The respondents are again absent despite the displeasure of the Commission conveyed to the respondents on their callous conduct. The BDPO has violated the provisions of Section 7(1) of RTI Act and has rendered himself liable for penal consequences.

The BDPO Nurpur Bedi is hereby 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 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 resumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”

05.09.2019

The matter has been taken up today. Sh. Pritam Singh, Panchayat Secretary, submits that he has recently joined. He further says that the record in question has been supplied to the complainants. He has produced an acknowledgement of the record having been received by the complainants. The complainants say that it was inadequate. Nonetheless, another opportunity is afforded to them to peruse the record and seek the copies to the barest minimum and relevant to their cause.

A memo from the BDPO has also been presented in which it has been submitted that he is occupied in the conduct of the elections of the chairman and vice chairman of Block Samiti and is not in the position to join the proceedings. It has also been submitted that he has just joined and shall take the appropriate measures to satisfy the complainants in providing information. The matter is adjourned to be heard on 24.10.2019 at 11.30 AM.”

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Complaint Case No.77 and 78 of 2019

24.10.2019

The BDPO has brought to the knowledge of the Commission that they have twice requested the complainants to come and inspect the record. However, they failed to turn up. The BDPO has also enclosed a copy of the acknowledgement of the information having been earlier received by them for the period 2013-2018. From the conduct of the complainants, it seems that that they have been filing frivolous complaints with a view to harass the respondents. The Commission is not inclined to intervene in the matter anymore.

Disposed.

24.10.2019

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



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Appeal Case No.1434/2019

Plea has also been taken that information sought relates to the statements and cross-examination of some witnesses, which contains a sensitive information and as such is not desirable to be revealed. The respondents also submit that a Civil Writ Petition Number 33495/2018 challenging the report of Hon'ble Commission is pending with the Hon'ble High Court of Punjab and Haryana. The issue is also under investigation of Income Tax Department and Enforcement Directorate. The information sought according to respondents is likely to involve bank accounts of some witnesses which is the personal information of a third party. Therefore they are entitled to be protect the information under Section 8 (1) (j) of the RTI Act. The appeal has thus been requested to be dismissed on the aforesaid grounds.

In the counter submissions, the appellant has stated that the Punjab Government, Department of Home Affairs, had by notification dated 30.05.2017, constituted a Commission of Inquiry under Justice (Retd.) J.S. Narang, which has already submitted its report and the same has since been placed before the Punjab Vidhan Sabha along with "Action Taken Report". It has been admitted by respondents in their memo dated 13.11.2018, which has been enclosed along with the appeal. The appellant has questioned the refuge having been taken by the respondents under section 8 (1) (h) and 8 (1) (j) of the RTI Act, which according to him has been inaptly invoked. They shall have to come up with some convincing evidence or argument to substantiate their cause.

The respondents have not explained as to how the revelation of information is likely to impede the process of investigation or apprehension or prosecution of offenders in the case in hand. Having failed to do so, the plea taken under section 8 (1)(h) of the RTI Act is tenuous and does not sustain. The mere suggestion that the matter is under investigation by the Income Tax Authorities or the Enforcement Directorate does not justify their claim in withholding the information. The appellant has further argued that the pendency of civil writ petition on the issue is also no ground to deny the supply of information especially as there is no bar on such score under RTI Act of 2005. There is no special direction to any authority from the Hon'ble High Court of Punjab and Haryana to withhold the information.

The appellant pleads that the information sought relates to a matter of grave public importance and does not amount to an unwarranted invasion into the privacy of an individual. The information sought in fact forms the basis of inquiry report which pertains to public activities. Had it not been so, there was no reason for the Government to constitute the Commission for an inquiry. Even the proviso under section 8 (1) (j) suggests that the

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Appeal Case No.1434/2019

information which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person. It has not been denied by the respondents that the report has already been placed before the Punjab Legislative Assembly in March, 2018. The appellant has finally requested to reject the contention of the respondents and pass directions to the respondents to furnish the information as sought in the original application in the interest of justice.

The Commission has gone through contents of the file and has given its thoughtful consideration to respective submissions of the appellant as well as the respondents.

It shall be relevant to reproduce the provisions invoked by the respondents here under:

“8. Exemption from Disclosure of information – (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen-
(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.

The Commission finds that the plea of the respondents in invoking Section 8 (1) (h) of the RTI Act is misplaced. It has not been disputed that the enquiry has been completed and action taken report submitted before the Legislative Assembly. There is no suggestion as to how divulgence of information shall jeopardize or hamper the investigation or apprehension or prosecution of an accused, if any. The plea, as such, on this score is overruled. There is no confusion that the issue purely relates to public activities and invocation of section 8 (1) (j) of the RTI Act is also uncalled for. The information sought cannot be construed to be personal in nature as it forms part of an official record. It does in no way intrude into the privacy of an individual. The exception of provision under section 8 (1) (j) as such does not apply. The plea that the information sought is sensitive and is under investigation of Income Tax Department and Enforcement Directorate is vague and also hazy and does not warrant serious consideration.

The Enquiry Commission obviously was constituted following some serious allegations concerning the public affairs. Even if there is any chance of the disclosure of some personal information, the Commission is of view that the larger public interest is likely to outweigh the private interest if all harmed.



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Appeal Case No.1434/2019

The respondents have failed to convincing rebut the contentions made by the appellant. The appeal as such succeeds. The respondents are directed to provide the information to the appellant within 15 days from the receipt of this order and report compliance to the Commission before the next date of hearing.

24.10.2019

The case has come up today. The respondents submit that the order has been received only on 15.10.2019. They intend to challenge it in the High Court by way of filing a writ petition. It has been submitted that a Caveat has also been filed by the appellant. The Commission maintains that they should produce a copy of the stay of the order in the event of their filing writ in this case and produce it before the next date, else, the Commission shall be constrained to invoke the penal provisions as envisaged under the Act.

24.10.2019

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

PUNJAB STATE INFORMATION COMMISSION
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Sh. Kashmira Singh S/o Sh. Assa Singh,
Asstt. Sub Inspector No.204,
Mohali Economic Offences Wing (I)
Near Police Station, Phase-I, Mohali.

Appellant

Versus

Public Information Officer,
O/o Director General of Police,
Pb. Police HQs, Sector-9, Chandigarh.

First Appellate Authority,
O/o Director General of Police,
Pb. Police HQs, Sector-9, Chandigarh.

Respondents

Appeal Case No.2560/2019

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	Date of Second Appeal/ Complaint
05.02.2019	Nil	09.04.2019	Nil	16.07.2019

Present: Appellant- None.
Respondents- Constable Sh. Maninder Singh, O/o DGP, Pb, Chandigarh.

ORDER

The following order was passed on 12.09.2019:-

"The appellant had sought a copy of the tentative seniority list and some allied information. The respondents submit that the seniority list of C-2 candidates is yet to be finalized, so it cannot be provided.

The Commission understands that the tentative seniority list is desirable to be published for seeking objections of the officials likely to be affected, if any. It can only be finalized by the competent authority after disposing the objection. It is desired that the tentative seniority list, in case it has been drafted, be provided to the appellant and displayed on their website and the copy of the link should also be provided to the information seeker."

24.10.2019

Today, the appellant is absent. The respondents have submitted a Rejoinder to the observations made by this Bench as mentioned above. It has been submitted that a tentative seniority list has already been sent to the SSPs of the Districts for circulation. The appellant can access the same from his respective district in case he desires so and file his objection to the tentative seniority list to the SSP concerned who shall forward it to the Head Office for appropriate decision on the same. The Commission feels that the appellant has been suitably informed. No more action is called for. The appeal is **disposed**.

24.10.2019

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

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Sh. Harnam Dass,
H.No.3165-D, Sector-40,
Chandigarh

Appellant

Versus

Public Information Officer,
O/o District Development & Panchayat Officer,
Kapurthala.

First Appellate Authority,
O/o Deputy Commissioner,
Kapurthala.

Respondents

Appeal Case No.1454/2019

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	Date of Second Appeal/ Complaint
04.01.2019	Nil	05.02.2019	Nil	18.04.2019

Present: Appellant - None;
Respondents- None.

ORDER:

None is present.

Since this Bench shall be demitting its office soon on the completion of its tenure, the case is forwarded to the Deputy Registrar to put it up before the Ld. CIC to entrust it to another Bench as deemed appropriate.

24.10.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Sh.Gurdeep Singh Kahlon
R/o 947, HIG, Jamalpur Colony,
Ludhiana, Distt., Ludhiana.

Appellant

Versus

Public Information Officer-cum-
O/o Station House Officer,
Police Station,Jamalpur,
Ludhiana

Respondent

Complaint Case No.816/2019

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	Date of Second Appeal/ Complaint
29.08.2019	Nil	----	Nil	11.09.2019

Present: Complainant - None;
Respondents- None.

ORDER:

None is present.

Since this Bench shall be demitting its office soon on the completion of its tenure, the case is forwarded to the Deputy Registrar to put it up before the Ld. CIC to entrust it to another Bench as deemed appropriate.

24.10.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner

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Sh. Gurdeep Singh Kahon
R/o 947, HIG, Jamalpur Colony,
Ludhiana, Distt., Ludhiana.

Appellant

Versus

Public Information Officer-cum-
O/o Addl. Commissioner of Police-4,
Ludhiana.

Respondent

Appeal Case No.817/2019

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	Date of Second Appeal/ Complaint
29.08.2019	Nil	----	Nil	11.09.2019

Present: Appellant - None;
Respondents- None.

ORDER:

None is present.

Since this Bench shall be demitting its office soon on the completion of its tenure, the case is forwarded to the Deputy Registrar to put up before the Ld. CIC to entrust it to another Bench as deemed appropriate.

24.10.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner