

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

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Whatsapp No. 62848-20189



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:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 23.3.2021 vide which the case was adjourned for 4.5.2021 but due to administrative reasons the case was further adjourned for today i.e. 27.5.2021.

2. A reference has been received from the respondents from which it has transpired that the officials of the respondent office are on strike. Therefore, the case is adjourned and the appellant has been informed not to appear in this case.

3. Also the appellant has made the submissions which are taken on record and a copy of the same is being **sent** along with this order to the respondent-Public Information Officer to file the rejoinder, if any, before the next date of hearing.

3. To come up on 12.7.2021 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: 27.5.2021

(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:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 23.3.2021 vide which the case was adjourned for 4.5.2021 but due to administrative reasons the case was further adjourned for today i.e. 27.5.2021.

2. A reference has been received from the respondents from which it has transpired that the officials of the respondent office are on strike. Therefore, the case is adjourned and the appellant has been informed not to appear in this case.

3. Also the appellant has made the submissions which are taken on record and a copy of the same is being **sent** along with this order to the respondent-Public Information Officer to file the rejoinder, if any, before the next date of hearing.

3. To come up on 12.7.2021 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: 27.5.2021

(Suresh Arora)

Chief Information Commissioner,
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Whatsapp No. 62848-20189



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:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 23.3.2021 vide which the case was adjourned for 4.5.2021 but due to administrative reasons the case was further adjourned for today i.e. 27.5.2021.

2. A reference has been received from the respondents from which it has transpired that the officials of the respondent office are on strike. Therefore, the case is adjourned and the appellant has been informed not to appear in this case.

3. Also the appellant has made the submissions which are taken on record and a copy of the same is being **sent** along with this order to the respondent-Public Information Officer to file the rejoinder, if any, before the next date of hearing.

4. To come up on 12.7.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana /cisco webex.

Sd/

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Dated: 27.5.2021

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Whatsapp No. 62848-20189



Sh. Sawinder Singh, S/o Sh. Harbhajan Singh,
Village - Gumanpura, PO Cheratta,
Tehsil Attari,
Distt Amritsar-2. M : 9872551681

..Complainant

Vs

Public Information Officer,
O/o Sub Divisional Magistrate,
Amritsar-2

....Respondent(s)

Complaint Case No. 157/2021

Sh. Sawinder Singh, S/o Sh. Harbhajan Singh,
Village - Gumanpura, PO Cheratta,
Tehsil Attari,
Distt Amritsar-2.M : 9872551681

..Complainant

Vs

Public Information Officer,
O/o Naib Tehsildar,
Sub Tehsil Attari,
Distt Amritsar.

....Respondent(s)

Complaint Case No. 158/2021

(Video Conference/Cisco Webex/Phone proceedings)

Present:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 6.5.2021

2. A reference has been received from the respondents from which it has transpired that the officials of the respondent office are on strike. Therefore, the titled cases are adjourned and the appellant has been informed not to appear in this case.

3. To come up on 12.7.2021 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: 27.5.2021

(Suresh Arora)

Chief Information Commissioner,
Punjab.

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Smt Surinder Kaur, W/o Sh. Guriqbal Singh,
R/o Village Wallipur Khurd,
Post Office - Purain,
Tehsil Jagraon,
Distt Ludhiana.

..Appellant

Vs

Public Information Officer,
O/o Sub Divisional Magistrate (East),
Ludhiana.

First Appellate Authority
O/o Deputy Commissioner,
Ludhiana.

....Respondent(s)

Appeal Case No. 1142/2021
(Video Conference/Cisco Webex/Phone proceedings)

Present:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 12.5.2021.

2. A reference has been received from the respondents from which it has transpired that the officials of the respondent office are on strike. Therefore, the titled case is adjourned and the appellant has been informed not to appear in this case.

3. To come up on 12.7.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana /cisco webex.

Dated: 27.5.2021

Sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Ranjit Singh (Ex-sarpanch),
Village Burj Pawat
PO Choriya,
Block Machhiwara,
District Ludhiana 9855341014

..Complainant

Vs

Sh. Sanjiv Kumar,
Public Information Officer **Registered**
o/o District Development and Panchayats Officer,
District Ludhiana

Public Information Officer-cum- **Registered**
Panchayat Secretary, Burj Pawat,
c/o Block Development and Panchayats Officer,
Machhiwara, Ludhiana.

....Respondents

Complaint Case No. 853 of 2020

(Video Conference/Telephone Proceedings)

Present:- Sh. Ranjit Singh, complainant, on telephone.
Sh. Jaswinder Singh Superintendent 7986559865, and Sh. Ranjit Singh,
Panchayat Secretary on phone, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 4.3.2021 vide which the case was adjourned to 20.4.2021 but due to administrative reasons the case was could not be heard and further adjourned for today i.e. 27.5.2021.

2. The representative of the respondents states that a letter has already been issued to the complainant bearing No. 5582 dated 27.5.2021 with a copy to the Commission, which is taken on record, vide which it has informed that the complainant may apply to Suvidha Kendra in case he wants to seek information related to Court case decided by the Collector-cum-District Development and Panchayats Officer.

3. It is also a fact on record that

- (i) the respondent-Public Information Officer-cum- District Development and Panchayats Officer transferred the RTI application of the complainant under Section 6(3) after twenty days to the Block Development and Panchayats Officer, Ludhiana vide letter dated 27.8.2020 although as per the provisions of the RTI Act, 2005 it has to be transferred within 5 days.
- (ii) the respondent-Public Information Officer-cum-Block Development and Panchayats Officer on receipt of the RTI application of the appellant under Section 6(3) of the RTI Act, 2005 from the District Development and Panchayats Officer, returned the RTI application of the complainant to the Public Information Officer-cum-District Development and Panchayats Officer vide No. 6294 dated 10.9.2020 being the information sought related to the orders issued by the District Development and Panchayats Officer.

4. Keeping in view the above, it appears that the respondent-Public Information Officer-cum-District Development and Panchayats Officer is knowingly harassing the complainant for the one reason or the other by changing the reply in this case. Video Conference Facility was introduced for convenience of general public and for government

Contd..p/2

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Complaint Case No. 853 of 2020

-2-

officials. Viewing the attitude in dealing with the RTI application of the complainant by the respondent seriously, Sh. Sanjiv Kumar, District Development and Panchayats 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 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. 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.

5. As far as the supply of information in this case is concerned, 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...."

6. 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 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.

Contd..p/3

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Complaint Case No. 853 of 2020

-3-

(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."

7. Keeping in view the judicial pronouncements mentioned herein, the respondent-Public Information Officer-cum-District Development and Panchayats Officer is directed to supply the information under the RTI Act, 2005 free of cost to the complainant before the next date of hearing.

8. To come up on 8.7.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana /cisco webex.

sd

(Suresh Arora)

Chief Information Commissioner,
Punjab.

Dated: 27.5.2021

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Smt. Jagdish Kaur 9855019296

H.No. 24, Street No. 3,

Avtar Nagar, Gram panchayat New Rajguru Nagar,

Kharike, District Ludhiana

....Appellant

Vs

Sh. Baldev Singh, Panchayat Secretary,

Public Information Officer

o/o Gram Panchayat,

New Rajguru Nagar,

c/o Block Development and Panchayats Officer,

Block Ludhiana -1,

District Ludhiana

First Appellate Authority

o/o District Development and Panchayats Officer,

District Ludhiana.

....Respondents

Appeal Case No. 2667 of 2020

(Cisco Webex/Telephone Proceedings)

Present:- Smt. Jagdish Kaur, appellant.

Sh. Dhanwant Singh, Block Development and Panchayats Officer

_____ and Sh. Sarabjit Singh, Supdt. 6239079871 on behalf of
the respondents.

ORDER

This order may be read with reference to the previous order dated 12.5.2021.

2. The appellant states that she will deposit the necessary fee amounting to Rs.3280 on receipt of the information. However, the respondent-Public Information Officer contended that the appellant may be directed to deposit the fee in advance to enable the office to supply the information.

3. After deliberations, the respondent-Public Information Officer-cum-Block Development and Panchayats Officer is directed to call both the parties in the office and necessary information be supplied to the appellant in his presence and the appellant will deposit the fee immediately on receipt of the information.

4. Accordingly, the case is adjourned.

5. To come up 9.6.2021 at 12.30 PM on to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Ludhiana/cisco webex.

sd

Dated:27.5.2021

(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. Hardeep Singh, Executive Engineer-cum-
Public Information Officer **Registered**
o/o the Director, Mining,
Old Hydrel Building,
1st Floor, Sector 18,
Madhya Marg, Chandigarh. 9888545999

....Respondents

Complaint Case No.668 of 2020
(Cisco Webex/Telephone proceedings)

Present:- Advocate Deepak Verma 9814671446 8699903235 on behalf of the
appellant.
Sh. Rajesh Chadha, Block Development and Panchayats Officer 9781169111
and Sh. Gurtej Singh Gharcha, Distt. Mining Officer on behalf of the
respondents. 9814672476.

ORDER

This order may be read with reference to the previous order dated 10.5.2021.

2. Sh. Deepak Verma, Advocate on behalf of the complainant requested for a week's time to file the rejoinder in this case as he was unable to file the same due to his some personal issue.
3. Accordingly, the case is adjourned with the directions to the appellant to file the rejoinder, if any, within a week as has been requested him failing which the ex-parte decision will be taken on the next date of hearing.
4. To come up on 21.6.2021 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: 27.5.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.

PUNJAB STATE INFORMATION COMMISSION

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Sh. Jagir Singh 9463447732
Village Majwind PO Kathunangal,
Tehsil Majitha,
District Amritsar

....Appellant

Vs

Sh. Jasbir Singh, **Registered**
Public Information Officer
o/o Naib Tehsildar Majitha,
District Amritsar

First Appellate Authority
o/o Sub divisional magistrate,
Majitha, Amritsar

Sh. Ajay Kumar, **Registered**
Naib Tehsildar,
Taran Taran M – 9592981111

....Respondents

Appeal Case No. 3953 of 2020

(Cisco Webex/Telephone Proceedings)

Present:- Sh. Jagjit Singh son of Sh. Jagir Singh, on telephone on behalf of the appellant.
Sh. Jasbir Singh, Naib Tehsildar, Majitha on behalf of the respondents.
9872187800 on telephone 9501287717 9872187800.

ORDER

This order may be read with reference to the previous order dated 5.5.2021.

2. The appellant has sent a request in which he has pointed out the deficiencies in the information so supplied by the respondents through email which are taken on record. He also reiterated the same during the hearing.

3. However, Sh. Jasbir Singh, respondent-Public Information Officer-cum-Naib Tehsildar, Majitha states that whatever information is available on record concerning the RTI application, the same has already been supplied to appellant. He also states that the copy of an affidavit mentioned in Jamabandi as has been sought by the appellant concerning Point No. 1, 2 and 4 of the RTI application, the same has already been returned as per the report of the then Naib Tehsildar Sh. Ajay Sharma, although the Kanugo has mentioned the same in the Jamabandi in shape of a note. He has also placed the copy of Jamabandi on record. Regarding Intkal No. 848 village Majwind, the representative of the respondents states that due to non handing over the record to the Kanugo concerned, the same is not being reflected in the Jamabandi for the year 2018-2019. In addition he further states that as and when the new Jamabandi will be prepared i.e. after 5 years, the same intkal will be

Contd..p/2

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Appeal Case No. 3953 of 2020

-2-

entered on record. Also the respondent-Public Information Officer sent the photo copy of the diary register bearing No. 1166 which was received from the Patwari Majwind, which is taken on record. Also the respondent-Public Information Officer o/o the Deputy Commissioner, District Amritsar (SK Branch) has sent the reply concerning Point no. 6,7,8 and 10 of the RTI application, a copy of the same is being **sent** along with this order to the appellant to file the rejoinder, if any.

4. Since, the appellant has sought the information pertaining to his own property and he has filed the RTI application to the respondent-Public Information Officer-cum-Tehsildar, Majitha on 8.10.2020 and the respondent-Public Information Officer replied to the appellant on 5.2.2021 i.e. after 120 days.

5. It is also a fact on record that

- (i) the official record has been handed over by Sh. Ajay Kumar, Naib Tehsildar after the intervention of the Commission;
- (ii) the particular intkal has not been entered in the Jamabandi by the respondents despite a request was made by the appellant well in advance.
- (iii) the information supplied in this case is too late as per the provisions of the RTI Act, 2005.

It is, thus apparent from the response of the respondent-Public Information Officer that there has been delay in providing the information. Appellant had also suffered financial loss in getting 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.

6. I am, therefore, of the view that ends of justice would be met by awarding a sum of Rs. 10000/- (Rupees ten thousands only) by way of compensation to the Appellant. This amount shall be payable from the State Exchequer by the office of the Tehsildar, Majitha before the next date of hearing.

7. It is apparent that the harassment has been caused to the appellant regarding entry of Intkal No. 848 in the Jamabandi 2018-2019 due to non handing over of the official record and non dealing of his application regarding entry of intkal No. 848. Keeping in view the mandate of RTI Act, 2005 i.e. transparency and accountability, it appears to be a fit case to

Contd..p/3

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Appeal Case No. 3953 of 2020

-3-

fix the responsibility & take necessary action as per law. Hence a copy of this order is being **sent** to the Deputy Commissioner, Amritsar for information in this regard.

8. No further directions can be given in accordance with the provisions of the RTI Act, 2005, as per the submissions made by the appellant that the respondent-Public Information Officer-cum-Naib Tehsildar has not taken any action so far on his application.

9. Also Sh. Jasbir Singh, Naib Tehsildar, Majitha 9872187800 is directed to remain present on the next date of hearing.

10. To come up on 1.7.2021 at 12.30 PM to be heard through Video Conference Facility available in the office of the Deputy Commissioner, District Amritsar/cisco webex.

SD

Dated: 27.5.2021

(Suresh Arora)

Chief Information Commissioner,
Punjab.

CC

Deputy Commissioner (By name) **Registered**
District Amritsar