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Sh. Naresh Devgun Sharma, Advocate,

Chamber No.7022/2a, District Courts,

Ludhiana Appellant

Versus

Public Information Officer,

O/o Commissioner of Police,

Ludhiana

First Appellate Authority

O/o Commissioner of Police,

Ludhiana Respondents

 **APPEAL CASE NOs.3198 and 3304 of 2017**

Date of RTI application : 07.11.2017

Date of First Appeal : 11.11.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :13.11.2017

**Present:** Sh. Naresh Devgun Sharma, Advocate, Appellant in person.

 1. Inspector Dev Raj, In charge, RTI Cell, O/o Dy. Commissioner of Police, Ludhiana,

 2. HC Harjap Singh, PS, Division No. 5, Ludhiana – for Respondents.

 **ORDER**

 The Commission had made the following order on 05.12.2017:

 *“The respondents have filed a written statement primarily pleading that the information sought has already been communicated to the appellant. They further say that another bench of this Commission has already decided the matter disposing of his appeals.*

 *The respondents are directed to provide the appellant a copy of the reply filed by them who may like to file a written rejoinder in case he so desires.”*

The appellant alleges non-compliance of the order. The respondents say that the appellant was requested through a registered letter to come present and collect the information. The appellant, on the other hand, says that he has not received such communication. Be that as it is the reply filed by the respondents has been handed over to the appellant on spot.

 Contd..page…2

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**APPEAL CASE NOs.3198 and 3304 of 2017**

 From the perusal of the original application it is made out that the appellant is seeking disciplinary and other legal action against some of the police officials who have allegedly framed him

in certain false cases which resulted into his incarceration for more than 70 days. The Commission feels that he is entitled to be apprised of the action having been taken by the concerned police authorities for the detriment suffered by him.

 The respondents are directed to give him unambiguous reply about the status of his complaints.

 To come up on **08.02.2018 at 11.30 AM.**

 **Sd/-**

**28.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Naresh Devgun Sharma, Advocate,

Chamber No.7022/2, District Courts,

Ludhiana Appellant

Versus

Public Information Officer,

O/o Chief Minister, Punjab,

Punjab Civil Secretariat, Sector-1,

Chandigarh

First Appellate Authority

O/o Chief Minister, Punjab,

Punjab Civil Secretariat, Sector-1,

Chandigarh Respondents

 **APPEAL CASE NO.3305/2017**

Date of RTI application : 18.11.2017

Date of First Appeal : 21.11.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :22.11.2017

**Present:** Sh. Naresh Devgun Sharma, Advocate, Appellant in person.

 None on behalf of the Respondent.

**ORDER**

 The following order was passed by the Commission on 05.12.2017:

  ***“****The appellant had sought an action taken report on a representation made by him to the office of the Chief Minister, Punjab. The respondents submit that his applications have duly been forwarded to the Additional Chief Secretary to Govt., Punjab, Department of Home & Justice, and the Director General of Police, Punjab, vide their letter dated 01.12.2017 for appropriate action. A copy of the same has been handed over on spot to the appellant.*

 *His original RTI application has been forwarded under Section 6(3) of the Act to the aforesaid offices. They are impleaded to be necessary parties in this case. They are directed to file a written reply before the Commission along with a copy to the appellant.*

 *The appellant says that only seven of his e.mails out of 19 have been acknowledged to have been received by the respondents in C.M. Office. The appellant may forward the e.mails to Contd..Page…2*

 *-2-*

***APPEAL CASE NO.3305/2017***

*them which they shall immediately forward to the concerned departments for appropriate action.*

 *Since the office of the C.M., Punjab is not directly dealing with the issue PIO is exempted from future hearings.”*

The case has come up today. The appellant is present.

 None is present on behalf of the respondents. The Commission takes a serious note of their absence. A final opportunity is afforded to them to file a suitable reply and provide the information to the information seeker under intimation to the Commission before the next date of hearing.

 To come up on **08.02.2018 at 11.30 AM.**

 **Sd/-**

**28.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: PIO, O/o the Additional Chief Secretary to Government, Punjab,**

 **Department of Home Affairs & Justice, Punjab Civil Secretariat – 1,**

 **Chandigarh, for information and n/a.**

**CC: PIO, O/o the Director General of Police,**

 **Sector – 9, Chandigarh, for information and n/a.**

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Sh. H.S. Hundal, Advocate,

Chamber No.82, District Courts,

Sector-76, S.A.S.Nagar Appellant

Versus

Public Information Officer,

O/o Punjab Right to Service Commission,

MGSIPA Complex, Sec.-26,

Chandigarh

.

First Appellate Authority

O/o Punjab Right to Service Commission,

MGSIPA Complex, Sec.-26,

Chandigarh Respondents

 **APPEAL CASE NO.2314/2017**

Date of RTI application : 26.05.2017

Date of First Appeal : 03.07.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 17.08.2017

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

 1. Sh. Bharat Bhushan Sehgal, Under Secretary – cum – PIO,

 2. Sh. Surinder Kumar, Superintendent, RTI Commission – for Respondents.

**ORDER**

The appellant is absent.

 Sh. Bharat Bhushan Sehgal, PIO appearing on behalf of the respondents says that the appellant has been suitably informed vide their letter dated 05.12.2017. A copy of the same has been forwarded to the Commission as well. Its perusal suggests that sufficient information has been provided. No more action is called for.

 **Disposed.**

 **Sd/-**

**28.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. H.S. Hundal, Advocate,

Chamber No.82, District Courts,

Sector-76, S.A.S.Nagar Appellant

Versus

Public Information Officer,

O/o Punjab Right to Service Commission,

MGSIPA Complex, Sec.-26,

Chandigarh

.

First Appellate Authority

O/o Punjab Right to Service Commission,

MGSIPA Complex, Sec.-26,

Chandigarh Respondents

 **APPEAL CASE NO.2316/2017**

Date of RTI application : 15.05.2017

Date of First Appeal : 20.06.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 17.08.2017

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

 1. Sh. Bharat Bhushan Sehgal, Under Secretary – cum – PIO,

 2. Sh. Surinder Kumar, Superintendent, RTI Commission – for Respondents.

**ORDER**

The appellant is absent.

 Sh. Bharat Bhushan Sehgal, PIO appearing on behalf of the respondents says that the appellant has been suitably informed vide their letter dated 27.12.2017. A copy of the same has been forwarded to the Commission as well. Its perusal suggests that sufficient information has been provided. No more action is called for.

 **Disposed.**

 **Sd/-**

**28.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Harpreet Singh Kand,

S/o Late Sh. J.S. Hand, IPS,

House No.894, Phase -3 B II,

S.A.S. Nagar. Appellant

Versus

Public Information Officer,

O/o Deputy Supdt. of Police,(City),

S.A.S.Nagar.

First Appellate Authority

O/o Senior Supdt. of Police,

S.A.S.Nagar Respondents

 **APPEAL CASE NO.2410/2017**

Date of RTI application : 28.03.2017

Date of First Appeal : 26.05.2017/10.07.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :28.08.2017

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

 ASI Ravinder Singh, RTI Br., O/o SSP, Mohali – for Respondents.

**ORDER**

The Commission had made the following observations on 05.12.2017:

 *“The appellant is absent.*

 *ASI Ravinder Singh appearing on behalf of the respondents says that they have provided him the information available with them. However, he had sought a copy of the opinion tendered by the DDA (Legal) in the case of a complaint in which MAX Super Specialty Hospital has allegedly made extortionate charges of Rs.43 lacs from the appellant.*

 *The respondent says that the issue is pending with the State Consumer Redressal Forum. The appellant may like to respond to the observations thus made before the next date of hearing.”*

The appellant is neither present nor anything in writing has been received from him. Seemingly, he is satisfied with the status of the things and the information already provided to him.

 **Disposed.**

 **Sd/-**

**28.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Kul Shashi Parkash,

48/1,Ekta Vihar, Gangayal (Jammu) Complainant

Versus

Public Information Officer,

O/o Sub Registrar-cum- Tehsildar,

Mini Sectt. Patiala. Respondent

 **COMPLAINT CASE NO.851/2017**

Date of RTI application : 06.02.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :23.08.2017

**Present:** Sh. Kul Shashi Parkash, Complainant in person.

 None on behalf of the Respondent.

**ORDER**

 The complainant is present. He is a senior citizen who has come all the way from Jammu. Probably it is in the knowledge of the respondent. Despite the fact that his application should have been dealt on priority they are maintaining a lackadaisical and defiant stance. Having failed to provide the information in a stipulated time the PIO in the office of the Sub Registrar, Patiala is liable to be penalized.

 The PIO 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 maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on himfor 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 Contd…page…2

 -2-

**COMPLAINT CASE NO.851/2017**

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.

 To come up on **01.02.2018 at 11.30 AM.**

 **Sd/-**

**28.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Mukesh K Sharma, Advocate,

House No.258, MDC, Sector-4,

Panckula Appellant

Versus

Public Information Officer,

O/o Station House Officer,

Police Station, Zirakpur

First Appellate Authority

O/o Station House Officer,

Police Station, Zirakpur Respondents

 **APPEAL CASE NO.2371/2017**

Date of RTI application : 16.06.2017

Date of First Appeal : 20.07.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 28.08.2017

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

 1. Ms. Prabhjot Kaur, Dy. Superintendent of Police,

 2. ASI Ravinder Singh, RTI Cell, O/o SSP, Mohali – for Respondents.

**ORDER**

Ms. Prabhjot Kaur, Dy. Superintendent of Police is present. She states that the requisite information has since been furnished to him. They have also enclosed an acknowledgement from the appellant having received the information. No further intervention of the Commission is required.

 **Disposed.**

 **Sd/-**

**28.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Paramjit Singh

S/o Sh Roshan Singh,

 Makkar Farm, Village Wadaala,

Jalandhar Appellant

Versus

Public Information Officer,

O/o Deputy Commissioner,

Jalandhar.

First Appellate Authority

O/o Deputy Commissioner,

Jalandhar Respondents

 **APPEAL CASE NO.3199 /2017**

Date of RTI application : 10.07.2017

Date of First Appeal : 23.08.2017

Date of Order of FAA : 15.09.2017

Date of 2nd Appeal/complaint :17.11.2017

**Present:** Ms. Ameena Singh on behalf of the Appellant.

 Sh. Mandip Singh, Clerk, O/o DC, Jalandhar – for Respondents.

**ORDER**

Being aggrieved with the order of the First Appellate Authority and non-receipt of information, the appellant has filed the second appeal with the Commission.

 A case is pending adjudication in the Court of Deputy Commissioner exercising the power of Chief Settlement Commissioner under the Displaced Persons (Compensation and Rehabilitation) Act, 1954. The appellant had sought the certified copies of the documents available on record pertaining to the aforesaid case.

 The respondents have filed a written statement dated 09.08.2017 to defend their cause in not providing the information. The plea taken is that as the record is more than twenty years old and the same cannot be parted with as provided in Section 8(1) (a) and (3) of the Right to Contd…page…2

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**APPEAL CASE NO.3199 /2017**

Information Act.

 It shall be prudent to reproduce the aforesaid provisions of law to take the things in correct perspective.

  **Section 8 (1) (a)--**

*Information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;*

 **Section 8 (3) –**

*Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section.*

 Section 8 (1) (a) deals with the information which can prejudicially affect the sovereignty and integrity of the country and its economic interests.

 The Commission is not inclined to accept the arguments of the respondents. The Deputy Commissioner has to adjudicate the issue on the merits of the case in a transparent way. It is at a loss to understand as to how the economic interests of the State can be compromised by keeping the record of a case dealing the compensation to a displaced person under shroud. Their arguments too fetched and are rejected. The other plea taken under Section 8 (3) is also miss-conceived. The spirit of the provision is in fact contrary to what the respondents seem to suggest. Rather it obliges a Public Authority to part with the information which is more than twenty years old even in some of the cases which attract the exemption under Section 8. There is no merit in the contention of the Contd…page…3

 -3-

**APPEAL CASE NO.3199 /2017**

respondents. They are directed to part with the information forthwith and in any case well before the next date of hearing under intimation to the Commission failing which the penal provision shall be invoked.

 To come up on **01.02.2018 at 11.30 AM.**

 **Sd/-**

**28.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Mohinder Singh,

Booth No.49, Phase 5,

S.A.S. Nagar Appellant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

S.A.S.Nagar.

First Appellate Authority

O/o Inspector General of Police,Pb.

Zone -1, Patiala. Respondents

 **APPEAL CASE NO.3225/2017**

Date of RTI application : 13.06.2017

Date of First Appeal : 07.08.2017

Date of Order of FAA : Reply 21.06.2017

Date of 2nd Appeal/complaint :13.11.2017

**Present:** Sh. Mohinder Singh, Appellant along with his counsel Adv. Damayanti.

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

 2. ASI Avtar Singh, Thana City, Kharar – for Respondents.

**ORDER**

Feeling aggrieved with the inaction of the respondents on his application dated 13.06.2017 the appellant has filed second appeal with the Commission. The appellant had sought information about the registration of an FIR under Section 406 and 498A IPC.

 ASI Avtar Singh, PS (City), Kharar is present. He draws our attention to a reply sent by the respondents to the appellant vide their memo dated 21.06.2017. Its perusal suggests that the enquiry in this case has already been completed and has been committed to the Court. Even so they are invoking the exemption under Section 8(1) (h) of the Act which reads as under:

 **Section 8 (1) (h) --- Exemption from disclosure of information ---**

 ***“information which would impede the process of investigation or apprehension or prosecution of offenders.***

 Contd…page…2

 -2-

**APPEAL CASE NO.3225 /2017**

 It has been admitted by the respondents in writing as well as orally that the investigation has already been completed. The apprehension of any accused is no more required. They don’t intend to prosecute the accused also as per findings of the interim enquiry. In the face of the aforesaid facts it does not lie in their mouth to invoke Section 8(1) (h).

 The appellant is entitled to the information sought for. The respondents are directed to provide him the asked for information forthwith but not beyond fifteen days from today positively.

 To come up on **01.02.2018 at 11.30 AM.**

 **Sd/-**

**28.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The PIO, O/o SHO, P.S. (City), Kharar, for n/a.**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh.Telu Ram Jain, (Sr. Citizen),

Modi Mill Colony, Gali No.2,

Nabha Distt. Patiala. Appellant

Versus

Public Information Officer,

O/o Deputy Director, Local Govt. Punjab,

Mini Sectt. Patiala.

First Appellate Authority

O/o Regional Deputy Director, Local Govt. Punjab,

Mini Sectt. Patiala Respondents

 **APPEAL CASE NO.3271/2017**

Date of RTI application : 17.05.2017

Date of First Appeal : 22.06.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 14.11.2017

**Present:** Sh. Telu Ram Jain, Appellant in person.

 Sh. Ashwani Kumar, Clerk, O/o Dy. Director, Local Govt. – for Respondents.

**ORDER**

 The appellant had sought information concerning the regularization of illegal colonies in the jurisdiction of the respondents. He has also sought the connected information there along. The respondents have communicated to the appellant that the information is huge and it shall divert their resources disproportionately.

 The Commission finds that the information sought indeed is humungous and keeping in view the short-handedness of the respondents it is well nigh impossible to provide it.

 The Commission directs that the appellant may visit the office of the respondents on a mutually agreed date and time which the respondents shall convey to him in writing and arrange an inspection and shall provide him the certified copies of the documents identified by him but not beyond 250 pages on payment of the fee that shall be leviable under rules.

 Meanwhile, the respondents shall communicate to him the information concerning the number of colonies regularized and the amount of fee thus collected by them.

 To come up on **01.02.2018 at 11.30 AM.**

 **Sd/-**

**28.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh.Mandeep Singh

S/o Sh. Rattan Singh,

Village Devinagar, Tehsil Dera Bassi,

Distt. S.A.S. Nagar. Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Council, Dera Bassi,

Distt. S.A.S. Nagar

First Appellate Authority

O/o Executive Officer,

Nagar Council, Dera Bassi,

Distt. S.A.S. Nagar Respondents

 **APPEAL CASE NO.3227/2017**

Date of RTI application : 31.07.2017

Date of First Appeal : 04.09.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :09.11.2017

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

 Sh. Amit Kumar, SDO, O/o NC. Dera Bassi – for Respondents.

**ORDER**

 The appellant is absent.

 Sh. Amit Kumar, SDO, O/o NC, Dera Bassi is present. He says that the requisite information has been communicated to the appellant. He has also shown us an acknowledgement of the information having been received by the appellant. No more action seems called for.

 The appeal is **disposed.**

 **Sd/-**

**28.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

 **PUNJAB STATE INFORMATION COMMISSION**

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Sh. Karamjeet Kaur

W/o Late Sh Swaran Singh

C/o Sh Ajaib Singh,

R/o Village Bakarpur,

Tehsil & Distt. S.A.S.Nagar. Complainant

Versus

Public Information Officer,

O/o Sub Divisional Magistrate,

S.A.S. Nagar Respondent

 **COMPLAINT CASE NO.1269 /2017**

Date of RTI application : 20.09.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :10.11.2017

**Present:** Sh. Ajaib Singh, brother of the Complainant.

 None on behalf of the respondent.

**ORDER**

Seemingly the notice has been miss-sent to PIO, O/o Sub Divisional Magistrate, SAS Nagar. It should have been sent to the PIO, O/o Sub Divisional Magistrate, Dera Bassi.

 The PIO, O/o Sub Divisional Magistrate, Dera Bassi is directed to provide the information to the complainant before the next date of hearing under intimation to the Commission. To come up on **01.02.2018 at 11.30 AM.**

 **Sd/-**

**28.12.2017 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: PIO, O/o Sub Divisional Magistrate, Dera Bassi, for n/a along with copy of the RTI application**