

**PUNJAB STATE INFORMATION COMMISSION**  
**SCO No. 84-85, Sector 17-C, CHANDIGARH.**

Sh. Hitender Jain,  
Resurgence India, B-34/903,  
Chander Nagar, Civil Lines,  
Ludhiana – 141 001.

----- Complainant

Vs

State Public Information Officer,  
Municipal Corporation,  
Ludhiana.

----- Respondent

**A.C. No.7 of 2006**  
**ORDER**

Present Sh. Hitender Jain, Complainant Sh. K.S. Kahlon, On behalf of Public Law Officer, Municipal Corporation, Information Officer Ludhiana.

Appellant states that the original that five original applications dated 13/12/2005 was made as submitted on 15.12.2005. There being no response reminders were issued on 13.1.2006. There being still no response it was presumed that the information has been denied. The complainant accordingly compelled to apply before the Commission which is appellate authority on 7.2.2006. The appellant averse that no decision have been taken up within the stipulated period of limit that by 9<sup>th</sup> March, 2006 (which even by makes existing go up 24<sup>th</sup> March, 2006). He has filled this appeal against the deem refusal of information by the Public Information Officer and the confirmation of this refusal.

Representative of PIO states before me that he has just recently been given this brief and he pleaded for time to be able to make a submission.

The progress in this case seems to indicated that the entire office of the Commissioner, Municipal Corporation, Ludhiana is unaware of the

provisions of the Right to Information Act, or is how Municipal Corporation is deny the information. In either case the representative of the Commissioner/PIO should have not been able to take a stand in this hearing. There seems to have been ablated defence of the statutory requirements of the Right to Information Act by the public authority in the Commission responsible for exercising the functions. A similar aptitude is apparent in so far as the appellate authority is concerned.

The appellant states before me that Commissioner, Municipal Corporation, Ludhiana has made a public statement that if any information is to be and it should have to be rooted through various functionaries of the Municipal Corporation, Ludhiana. The representative of PIO is unable to confirm or deny this statement.

In any case the appellant would not have provided the information nor is the PIO or the Appellate Authority complying with the provisions of the Act. It is directed that the Commissioner, Municipal Corporation, Ludhiana as Appellate Authority as well as PIO appear in person before the Commission on the next date of hearing i.e. 15<sup>th</sup> June, 2006.

(Rajan Kashyap)  
Chief Information Commissioner,  
Punjab.  
02.05.2006

**PUNJAB STATE INFORMATION COMMISSION**  
**SCO No. 84-85, Sector 17-C, CHANDIGARH.**

Sh. Hitender Jain,  
Resurgence India, B-34/903,  
Chander Nagar, Civil Lines,  
Ludhiana – 141 001.

----- Appellant  
Vs

State Public Information Officer,  
O/o The Commissioner,  
Municipal Corporation,  
Ludhiana.

----- Respondent

**A.C. No.7of 2006**  
**ORDER**

Present Sh. Hitender Jain, Appellant in person and Sh. K.S. Kahlon, Law Officer, Municipal Corporation, Ludhiana on behalf of the Respondent.

Appellant states that the original application seeking information dated 13.12.2005 was sent through speed post on 15.12.2005. There being no response, reminder was issued on 10.01.2006. There being still no response, it was presumed that the information has been denied. The Appellant accordingly was compelled to Appeal before the Commissioner, Municipal Corporation, Ludhiana which is the first Appellate Authority on 07.02.2006 .The Appellant avers that no decision on his appeal has been taken or conveyed within the stipulated period of time, that is by 9<sup>th</sup> March, 2006 ( which even by making allowance for permissible extension under the RTI Act goes upto 24<sup>th</sup> March, 2006). The Appellant has therefore, filed this second Appeal before the Commission on 27<sup>th</sup> March, 2006 against the deemed refusal of information by the Public Information Officer and confirmation of this refusal by the first Appellate Authority.

The representative of the PIO states before me that he has just recently been given the brief and pleads for time to be able to make his submission.

The progress in this case seems to indicate that the entire office of the Commissioner, Municipal Corporation, Ludhiana is unaware of the provisions of the Right to Information Act. The representative of the Respondent should have been able to take a stand at this hearing. There seems to have been a blatant defiance of the statutory mandate of the Act by the Respondent as well as the Appellate Authority concerned.

The Appellant states before me that the Commissioner, Municipal Corporation, Ludhiana has made a public statement that if any information is to be obtained, it should be routed through various functionaries of the Municipal Corporation. The representative of the Respondent is unable to confirm or deny whether the Commissioner Municipal Corporation had made any such statement as is attributed to him.

In the circumstances, it is directed that the Respondent, Public Information Officer, Municipal Corporation, Ludhiana as well as the Appellate Authority, that is the Commissioner, Municipal Corporation, Ludhiana, appear in person before the Commission on the next date of hearing that is 15<sup>th</sup> June, 2006.

Chandigarh  
Dated: 02.05.2006

Chief Information Commissioner,  
Punjab

**PUNJAB STATE INFORMATION COMMISSION**  
**SCO No. 84-85, Sector 17-C, CHANDIGARH.**

Sh. Hitender Jain,  
Resurgence India, B-34/903,  
Chander Nagar, Civil Lines,  
Ludhiana – 141 001.

----- Complainant

Vs

State Public Information Officer,  
O/o Commissioner,  
Municipal Corporation,  
Ludhiana.

----- Respondent

**C.C. No.136 of 2006**  
**ORDER**

Present Sh. Hitender Jain, Complainant in person and Sh. K.S. Kahlon, Law Officer, Municipal Corporation, Ludhiana on behalf of the Respondent.

This case relates to the same cause of action as Appeal Case No.7 of 2006 heard by me today. This being a complaint case, the complainant is directed to supply copy of this complaint to the respondent. He has done so in my presence today. The case to come up on 15<sup>th</sup> June, 2006 along with Appeal Case No.7 of 2006.

Chandigarh  
Dated: 02.05.2006

Chief Information Commissioner,  
Punjab

# PUNJAB STATE INFORMATION COMMISSION

SCO No. 84-85, Sector 17-C, CHANDIGARH.

Sh. Kailash Chander Goyal,  
H.No.682, Street No.1-A,  
Abohar.

----- Appellant

Vs

Public Information Officer-cum-  
District Mandi Officer,  
Punjab Mandi Board,  
Muktsar.

----- Respondent

## **A.C 6 of 2006** **ORDER**

None present on behalf of the Appellant. Sh. Kulwant Rai, Mandi Supervisor, Market Committee Giddarbaha is present on behalf of the Respondent.

The respondent submits before me that the record demanded by the appellant has been delivered to him on 17.02.2006. He also produced before me a copy of the receipt by the Appellant confirming that the record has been supplied.

In these circumstances, the demand of the appellant having been met, the appeal is disposed of as infructuous.

Chandigarh  
Dated: 02.05.2006

Chief Information Commissioner,  
Punjab.

**PUNJAB STATE INFORMATION COMMISSION**  
**SCO No. 84-85, Sector 17-C, CHANDIGARH.**

Sh. Jagdip Singh Chowhan  
H.No.1, Adarsh Nagar, Bhadson Road,  
Patiala (Punjab).

----- Complainant

Vs

Public Information Officer,  
O/o Principal Secretary to Govt. of Punjab,  
Deptt. of Information & Public Relations, Pb,  
Punjab Civil Secretariat,  
Chandigarh.

----- Respondent

**CC.19 of 2005**  
**ORDER**

None is present on behalf of the Complainant. Shri G.S. Boparai, Additional Director, Deptt. of Information & Public Relations, Punjab, Chandigarh is present on behalf of the Respondent.

This case had earlier come up before the Commission on 27.3.2006. It had been ordered that the information demanded by the complainant would be delivered to him as per the Act and the Rules.

It transpired now that the Public Information Officer has formally declined to supply the information and this order refusing information has been sent to the complainant on 10.04.2006. A copy of this decision of the PIO has been received in the Commission's Office also and is linked with this case.

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Since a specific decision under the Act, denying information has been taken by PIO, appropriate further course of action for the complainant is to either accept the decision of PIO or challenge it before the Appellate Authority. No action is required by the Commission at this stage. In addition to the decision dated 10.04.2006 conveyed by PIO to the complainant, PIO should also advise the complainant about the name and address of the Appellate Authority to whom appeal against this order would lie.

Disposed of accordingly.

Chandigarh  
Dated: 02.05.2006

Chief Information Commissioner,  
Punjab,



# **PUNJAB STATE INFORMATION COMMISSION**

**SCO No. 84-85, Sector 17-C, CHANDIGARH.**

Sh. Raghbir Singh,  
Under Secretary (Retd.),  
H.No.1200, Phase 3B2,  
Mohali.

-----Complainant

Vs

Public Information Officer,  
O/o Financial Commissioner Revenue,  
Govt. of Punjab, Punjab Civil Secretariat,  
Chandigarh.

----- Respondent

**CC No.10/2005**

**ORDER**

Present Sh. Raghbir Singh Complainant In person and Sh. D.S. Saroya, Superintendent, on behalf of the Respondent.

On the last date of hearing, the respondent was directed to give reasons in writing for the refusal to supply the information demanded by the Complainant. The respondent submits before me the reasons for refusing the supply of information.

The complainant, on the other hand has given in writing the arguments to support his plea that the refusal of denial of information to him is unjustified.

For pronouncement of orders, to come up on 15<sup>th</sup> June, 2006.

Chandigarh  
Dated 02.05.2006

Chief Information Commissioner,  
Punjab

# **PUNJAB STATE INFORMATION COMMISSION**

**SCO No. 84-85, Sector 17-C, CHANDIGARH.**

Sh. Harcharan Singh Sidhu  
H.No.274, Working Women Rural  
Welfare Society, Block-C,  
Vill. Kansal (Kaimbwala Road),  
Distt. Ropar.

----- Complainant

Vs

The Under Secretary to Govt. of Punjab,  
(Mrs. Shakuntala Devi),  
Department of Revenue (General),  
Financial Commissioner's Secretariat,  
Punjab Civil Secretariat, Chandigarh.

----- Respondent

**CC No.8/2006**

**ORDER**

Present Sh. Harcharan Singh Sidhu Complainant in person and Sh. D.S. Saroya, Superintendent Deptt. of Revenue Govt. of Punjab, Chandigarh on behalf of the Respondent.

The respondent submits before me in writing that the documents and information applied for have already been supplied to the complainant. Respondent submits that the complainant has still not deposited the prescribed fee of Rs.30/-.

The complainant submits before me that out of the three documents demanded by him the respondent has supplied only two. Third document i.e. I.D. No. dated 13.12.2005 has not been supplied.

In regard to the complainant's demand for the third document, the representative of the PIO states vaguely that the issues relate to certain notings and that is why the Department wishes to deny him access to this

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information. The representative of the PIO is unable to give cogent reasons for justifying the denial of information which pertains to notings on the office files. Section 8 of the RTI Act, 2005 does not exempt from disclosure information contained in the office notings.

In the circumstances, I direct that information in question be supplied to the Complainant within 15 days.

In regard to the payment of fee the complainant is prepared to deposit the same in cash. The Complainant states that he had offered to deposit the fee but the cashier refused to accept it. The procedure for payment of fees needs to be made more clear and efficient. The Complainant has paid the requisite fees today before the Commission. The respondent to issue receipt to him for the same.

The Public Information Officer of the Department of Revenue is directed to appear in person before me on the next date of hearing to report compliance of these orders.

Chandigarh  
Dated: 02.05.2006

Chief Information Commissioner,  
Punjab

# **PUNJAB STATE INFORMATION COMMISSION**

**SCO No. 84-85, Sector 17-C, CHANDIGARH.**

Sh. Bishan Singh  
H.No.1014, Phase-7,  
SAS Nagar (Mohali).

----- Complainant

Vs

Public Information Officer  
O/o Sub Divisional Magistrate,  
Kharar.

----- Respondent

**CC No.21/2006**

## **ORDER**

Present Sh. Bishan Singh Complainant in person and Sh. D.K. Sobti, Block Development & Panchayat Officer, on behalf of the Respondent.

The complainant states before me that the information demanded by him has since been supplied. The matter is accordingly closed and disposed of.

Chandigarh  
Dated : 02.05.2006

Chief Information Commissioner,  
Punjab

# PUNJAB STATE INFORMATION COMMISSION

SCO No. 84-85, Sector 17-C, CHANDIGARH.

Ms. Kanwaljit Kaur,  
W/o Sh. Nirmal Singh Chinna,  
Kothi No.353, Phase-VI,  
Mohali

----- Complainant

Vs

Public Information Officer,  
O/O Block Development & Panchayat Officer,  
Block-I, Ludhiana.

----- Respondent

**CC No.35 of 2006**

## **ORDER**

None present on behalf of complainant or the respondent. The complainant has sent an undated letter to the Commission stating that the information in question has since been supplied to her. The matter is disposed of accordingly as infructuous.

Chandigarh  
Dated: 02.05.2006

Chief Information Commissioner,  
Punjab

**PUNJAB STATE INFORMATION COMMISSION**  
**SCO No. 84-85, Sector 17-C, CHANDIGARH.**

Lt. Col. S.P. Singh (Retd.)  
166, Army Enclave,  
Vill. Dhina, P.O. Jalandhar Cantt.,  
Distt.Jalandhar.

----- Complainant

Vs

Public Information officer,  
O/o Principal Secretary to Govt. of Punjab,  
Deptt. Of Defence Services Welfare,  
Mini Secretariat, Sector 9,  
Chandigarh.

----- Respondent

**CC No.104 of 2006**  
**ORDER**

Present Lt. Col. S.P. Singh (Retd.) Complainant in person and Ms. Ritu Aggarwal, Joint Secretary, Deptt. of Defence Services Welfare, Punjab, Chandigarh on behalf of the Respondent.

The complainant had made an application for supply of information in regard to an enquiry against him and the termination of his services as District Sainik Welfare Officer, Amritsar. The request was declined by the respondent and the bank draft towards payment of fees for supply of information was returned.

The Respondent states in writing that the services of the complainant had been terminated during the period of his probation. She states further that the complainant had filed a Civil Writ Petition which is pending in the Hon'ble High Court of Punjab and Haryana. The respondent submits that the matter is thus sub judice. She states further that the Department has sought the guidance of the Commission on how to handle such matters.

On going through the written submission of the respondent and considering the oral submissions made by the representative of the respondent, it is decided that the fact of the matter being before the High Court in a writ petition does not debar the complainant from seeking copies of the relevant record, nor does it justify the denial of such information by the respondent. Regarding the submission of the Respondent that the department seeks the guidance of the Commission on how to handle such matters, it is clarified that the Commission is an adjudicating authority and not an advisory institution to the State Government. The Department/respondent is to take a decision on whether the information is to be supplied or not.

In the circumstances, it is directed that the Respondent Public Information Officer shall pass a speaking order within 15 days disposing of the application of the Complainant demanding the information. The PIO shall also indicate in the order the particulars of the appellate authority entitled to hear appeals against his orders under the RTI Act, 2005.

The matter is disposed of accordingly. To come up for compliance of the order on 3<sup>rd</sup> July, 2006.

Chandigarh  
Dated: 02.05.2006

Chief Information Commissioner,  
Punjab

**PUNJAB STATE INFORMATION COMMISSION**  
**SCO No. 84-85, Sector 17-C, CHANDIGARH.**

Sh. Subhash Chander Bajaj  
S/o Sh. Kundan Lal Bajaj,  
R/o Street No.5, Thakur Abadi,  
Abohar -152 116 (Punjab).

----- Complainant

Vs

The State Public Information Officer  
O/o State Drugs Controller Punjab,  
Sector 34 A, Chandigarh.

----- Respondent

**CC No.25 of 2006**  
**ORDER**

Present Sh. Subhash Chander Bajaj Complainant in person and Sh. Pardeep Kumar, Drug Licensing Authority, Deptt. of Health, Punjab on behalf of the Respondent.

The complainant states that his request for information in regard to guidelines of the State Government concerning licensing of chemists etc. in the State was made on 26.12.2005, but the information demanded has still not been supplied. He further states that he had earlier submitted a bank draft of Rs.10/- which he assumed was the amount required for applying for information. No reply was given to him. The complainant is prepared to deposit whatever additional fees are due.

The respondent states that he is prepared to supply information except those matters which are confidential. The complainant submits that there is no matter which is confidential and the entire record should be supplied. The respondent is directed to give in writing his position and



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reasons in regard to denial of information within 10 days. A copy of these reasons be supplied to the complainant also.

The complaint to come up for hearing on 22.06.2006.

Chandigarh  
Dated: 02.05.2006

Chief Information Commissioner,  
Punjab

**PUNJAB STATE INFORMATION COMMISSION**  
**SCO No. 84-85, Sector 17-C, CHANDIGARH.**

Shri K.K. Joshi,  
23-A, Netaji Subhas Road,  
2<sup>nd</sup> Floor, Suite No.5, Kolkata-1  
And  
Kothi No.55, Phase-II,  
Mohali (Punjab)

Complainant

Versus

Public Information Officer,  
O/o Principal Secretary (P.H.) Public Health,  
Govt. of Punjab, Chandigarh.

Respondent

**CC No.96 of 2006**

**O R D E R**

Present Shri K.K. Joshi, Complainant 23-A, Netaji Subhas Road, (in person) 2<sup>nd</sup> Floor, Suite No.5, Kolkata-1 And Kothi No.55, Phase-II, Mohali (Punjab) Sh. Harmohinder Singh Kohli, Executive Engineer, Water Supply & Sanitation Phase-II, Water Works, Mohali on behalf Public Information Officer, Deptt. Of Public Health, Govt.of Punjab, Chandigarh.

The respondent submits before me to day that the complainant has not submitted his demand for information to the appropriate public authority i.e. Special Secretary Public Health. The respondent states that the complainant has submitted his demand directly to the Principal Secretary Public Health. On behalf of the PIO the respondent states that he has no objection to supply the information provided that the complainant pays the requisite fees and make the request to the appropriate authority. The respondent states that the complainant has to submit his request on the prescribed proforma.

The complainant is advised to make a fresh request. The complainant on the other hand states that he had made a proper

application, but that he was not advised in regard to the format and procedure.

The basic question is that of supply of information. The respondent is prepared to supply the information de to the re manded. The application of the complainant presented before be is given respondent in time of its being submitted. The respondent is directed to supply the information in question within the next week. The requisite fees may be paid by the complainant at the time of taking delivery on 5<sup>th</sup> day from today i.e. 8<sup>th</sup> May, 2006. The requisite fee may be deposited with Executive Engineer, Water Supply & Sanitation (RWS) Division, Phase-II, Water Works, Mohali (Punjab). In view of the fact that the complainant is a senior citizen and in the circumstances he has submitted that he has to leave Chandigarh very shortly, the request made before me may be treated as proper request.

In case these orders are not complied with then the Public Information Officer of the Department namely Sh. Raj Kamal Chaudhry, Special Secretary Public Health, who is the Public Information Officer will appear in person before the Commission on the next date of hearing i.e. on 22<sup>nd</sup> June, 2006.

To come up for confirmation in compliance of this order on 22<sup>nd</sup> June, 2006.

(Rajan Kashyap)  
Chief Information Commissioner,  
Punjab  
02.05.2006

