

Only for private/restricted circulation amongst the Hon'ble President of India, All Governors of States, all Members of Parliament, Members of Punjab Legislative Assembly, Hon'ble Information Commissioners across the Country, Union Ministers and Legal Luminaries.

100
STRANGE
&
SHOCKING ORDERS
Of
State
Information Commission
Punjab

RTI Activists Federation
(Punjab)

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

Only for private/restricted circulation amongst the Hon'ble President of India, All Governors of States, all Members of Parliament, Members of Punjab Legislative Assembly, Hon'ble Information Commissioners across the Country, Union Ministers and Legal Luminaries.

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

RTI Activists Federation (Punjab)

**100 STRANGE & SHOCKING ORDERS OF
PUNJAB STATE INFORMATION COMMISSION**

**DEDICATED TO ALL THOSE RTI ACTIVISTS AND
WHISTLE BLOWERS
WHO HAVE LOST THEIR LIVES WHILE FIGHTING
AGAINST CORRUPTION**

**RTI ACTIVISTS FEDERATION PUNJAB
Central Office: H. No. 2299, Sector-44 C,
CHANDIGARH-160047**

**RTI ACTIVISTS FEDERATION PUNJAB
CENTRAL OFFICE: 2299, SECTOR 44-C, CHANDIGARH 160047**

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION



Dated: 15.3.2011

Dear Sirs,

We have brought out this booklet to enable you to understand one of the problems faced by the RTI Activists of Punjab in implementing their resolve to expose corruption through the RTI Act.

The State CIC of Punjab has been openly clamoring for powers under Contempt of Courts Act; For what purpose? It appears the sole motive is to stifle the voice of RTI Activists. The position in other State Information Commissions may be totally different from Punjab; Many Information Commissioners in Punjab are virtually enjoying paid holidays on most of the working days, as they don't have sufficient work to keep them busy. The Information Commissioners get same salary as is paid to Hon'ble Judges of the High Courts; However, they do not have to burn mid-night oil at their residence for going through the paper books of cases. The Country expects much better orders from the Information Commissioners. However, there have been good orders also occasionally coming from many of them; One such good order is published at serial No. 2 in this booklet; They deserve our compliments. By and large, however, the position appears to be far from satisfactory in the Punjab State Information Commission. At the same time, we are of the considered view that any number of good orders cannot mitigate the pain of those who have suffered hundreds of strange and shocking orders.

We, therefore, reiterate our conviction and appeal to all of you to exert your influence at your respective places so that atleast 50% of the Information Commissioners should be selected from amongst Retired Judges and prominent RTI Experts/ activists of unimpeachable integrity; only such persons can carry the RTI movement forward in consonance with the letter and spirit of the RTI Act.

H.C. ARORA
State President
M-98140-13764

ANIL VASHISHT
State Secretary
M-98888197788

**100 STRANGE & SHOCKING ORDERS OF
PUNJAB STATE INFORMATION COMMISSION**

**100
STRANGE &
SHOCKING ORDERS
OF
PUNJAB STATE
INFORMATION
COMMISSION**

RTI ACTIVISTS FEDERATION PUNJAB
CENTRAL OFFICE: 2299, SECTOR 44-C, CHANDIGARH 160047

**100 STRANGE & SHOCKING ORDERS OF
PUNJAB STATE INFORMATION COMMISSION**

RTI ACTIVISTS FEDERATION PUNJAB

CORDIALLY INVITES YOU TO

PRESS CONFERENCE

**AT PRESS CLUB, SECTOR 27, CHANDIGARH
ON 13TH APRIL, 2011 AT 1.00 P.M.**

PROGRAM

**BOOK RELEASE CEREMONY OF
"100 STRANGE AND SHOCKING ORDERS OF
PUNJAB STATE INFORMATION COMMISSION"**

**AND PROGRAM OF AGITATION FOR DEMANDING COMPETENT AND
HONEST RTI ACTIVISTS AS INFORMATION COMMISSIONERS**

H.C. ARORA
State President
98140-13764

hcarora.highcourt@gmail.com

ANIL VASHISHT
State Secretary
98881-97788

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

01

(Most vindictive Order-The complainant, who is a public spirited person, and is Joint Secretary of RTI Activists Federation, Punjab, had filed RTI Application in the Pb. Information Commission for seeking details of TA Bills of Shri Darbara Singh Kahlon just a few days ago-This Order has been passed as a counter-blast and for arm-twisting the complainant.)

State Information Commission Punjab Chandigarh

C.C. No. 234/2011

Shri Balbir Aggarwal, Ludhiana-3.

Versus

Public Information Officer, General Secretary,
Lahore Hospital Society (Regd.)
Dr. B.L. Kapur Memorial Hospital, Ludhiana and anr.

ORDER

Today Shri Naveen Kumar, Clerk, made a statement in this Court which comprises two copies, to the effect that Dr. B.L. Kapur Memorial Hospital, Ludhiana is a private society, which does not fall under the purview of Right to Information Act, 2005, and that it is not bound to give requisite information to the complainant.

He also submitted a two-paged letter in this Court, according to which Shri Balbir Aggarwal is misusing this Act, and his motive is to extort money from this society. He has also stated that he blackmails them and misuses the information after it is given to him. The information sought by him is exempted under section 8 (d).

This Court is of the understanding that "because Dr. B.L. Kapur Memorial Hospital, Ludhiana is a private organization, therefore, this information cannot be supplied to the complainant under the Right to Information Act, 2005." Therefore, this case is closed. A copy of this order is being sent to both the parties.

Dated 23RD. Feb., 2011

Darbara Singh Kahlon
State Information Commissioner, Punjab

(Note: This is English translation of vernacular version of the Order passed by Shri Kahlon.)

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

02

MOST RIDICULOUS ORDER

State Information Commission Punjab Chandigarh

CC No. 1975 of 2009

Shri R.P.Mehta, Chairman,
Struggle Committee for Justice And Corruption Drive/
Admn. Reforms, Amroh,
Tehsil Mukerian, Distt. Hoshiarpur

Complainant

Vs.

The Public Information Officer,
o/o Director Public Instructions (SE), Punjab, Chandigarh

Respondant

ORDER

The present complaint is filed by Shri R.P. Mehta who is Chairman of Struggle Committee for Justice and Corruption Drive/Admn. Reforms, Amroh, Tehsil Mukerian, Distt. Hoshiarpur-144224. Under Right to Information Act, 2005 only a citizen of India can ask for the information and not any non-Government Organisation (NGO). Since the present complaint has been filed by the NGO, the complainant is not entitled to avail of the facility of Right to Information Act.

2. The case stands disposed of accordingly.

Dated: 9.10.2009

**(R.K. Gupta)
State Information Commissioner. Pb**

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

03

STRANGELY ENOUGH, A NOTICE WAS ISSUED TO A RETIRED OFFICER OF VIDHAN SABHA BY THE STATE CIC, THOUGH THE COMPLAINANT HAD NOT SOUGHT ANY ACTION AGAINST HIM. HOWEVER, FULL BENCH RIGHTLY DROPPED THE NOTICE.

State Information Commission Punjab Chandigarh

C.C._No. 728 of 2010

Sh. Nachhattar Singh Mavi, Secretary(retd.)
Punjab Vidhan Sabha
179, Sector : 64, Mohali

...Complainant

Vs.

Public Information Officer,
O/o Punjab Vidhan Sabha, Chandigarh

.....Respondent

ORDER

The judgment in this case was reserved on 22.2.11.

2. Vide order dated 15.02.2011, we directed all the parties, i.e., Sh. Nachhattar Singh Mavi, Complainant, Sh. Madan Mohan and PIO of the office of Punjab Vidhan Sabha to file their written submissions.

3. The basic grievance of Sh. Nachhattar Singh Mavi, the Complainant is that the Respondent-PIO has supplied him incorrect information by deliberately misconstruing the resolution dated 10.09.2008 of the Punjab Vidhan Sabha. According to him, the Respondent has thus become liable to be penalized under Section 20 of the RTI Act by knowingly supplying incorrect and misleading information. He has not sought action against any other official of the Punjab Vidhan Sabha. However, vide order dated 02.06.2010, the Ld. Chief Information Commissioner Punjab (who was earlier hearing this case), directed the issuance of notice to a former Secretary of Punjab Vidhan Sabha (Sh. Madan Mohan) for
.....having furnished incorrect information to the PIO which in turn resulted in the supply of wrong information to the Complainant. The notice was issued by treating the said Sh. Madan Mohan as deemed PIO under Section 5(5) of the RTI Act 2005.

4. The genesis of the instant complaint is the application dated 27.05.2009 made by the Complainant before the Respondent-PIO seeking following information:-

- (i) *Copy of the noting on which the case regarding stoppage of my pension was dealt with along with the portion on which orders of the Speaker were passed;*

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

- (ii) *Copy of the noting on which my representation against stoppage of my pension has been dealt with along with the orders of the Speaker thereon;*
- (iii) *Copy of the Rule/Bye-law/Regulation etc. under which Secretary, Punjab Vidhan Sabha or the Speaker, Punjab Vidhan Sabha, as the case may be, has passed orders for stoppage of my pension.*
- (iv) *Copy of the Rule etc. under which the above authority is competent to do so."*

5. According to the averments made in the complaint the PIO while replying to his application for information stated that the Complainant's pension was stopped in pursuance to the resolution dated 18.09.2008 passed by the Punjab Vidhan Sabha and that the copies of notings could not be supplied as advice, in that behalf, from the Advocate General was being awaited. Complainant was subsequently supplied a copy of the said resolution. Complainant alleges that the perusal of the resolution showed that there was no mention of stoppage of his pension therein and that the information supplied was incorrect to the knowledge of the PIO. This was done only with a view to injure his interest. He further alleged that copies of noting pages on which orders of competent authority regarding stoppage of his pension had been made were still not supplied. In the reply dated 15.03.2010 filed by the Respondent-PIO, it has been categorically stated that the entire available information has been supplied to the Complainant.

6. The perusal of the complaint, various responses /written submissions filed by the Complainant, the Respondent-PIO and Sh. Madan Mohan, the former Secretary of Punjab Vidhan Sabha shows that the following issues arise for adjudication in the instant complaint:-

- (i) Whether the information supplied by the Respondent to the Complainant can be characterized as incorrect and misleading so as to attract the penal provisions of Section 20 RTI Act 2005?
- (ii) Whether Sh. Madan Mohan's assistance in supplying the information was ever sought under Section 5(4) by the PIO?
- (iii) Whether Sh. Madan Mohan, the former Secretary of Punjab Vidhan Sabha (who retired on 30.01.09) has become liable to be penalized under Section 20 as a deemed PIO?

Re: (i)

The information that was supplied to the Complainant by the Respondent is based upon the recommendations contained in the report of the special committee, the resolution dated 10.09.2008 passed by the Punjab Vidhan Sabha and the interpretation placed upon the purport of the said resolution by the office of the Vidhan Sabha vide its noting dated 16.08.2010, which was subsequently accepted by the Hon'ble Speaker, Vidhan Sabha on 21.10.2008. As per the office noting dated 16.10.2008, it was concluded that vide resolution dated 10.09.2008, the Vidhan Sabha had decided that the recommendations of the special committee be implemented which included withholding of pension payable to the Complainant and Sh. Tara Singh with immediate effect. The contention of the Complainant is that resolution dated 10.09.2008 passed by Vidhan Sabha does not make any mention regarding stoppage of pension.

The case of the Respondent on the other hand is that the recommendations of the special committee specifically stated that the payment of pension to the Complainant and Sh. Tara Singh be immediately stopped and that the resolution dated 10.09.2008 by the Vidhan Sabha categorically states that the recommendations of the special committee were approved. According to the Respondent, the approval included the recommendations regarding stoppage of pension also, as the resolution talked of the approval of the recommendations made by the special committee and did not expressly or by implication exclude any part of the recommendations made by the special committee. The submission by the Complainant on the other hand is that only those recommendations can be said to have been approved which were specifically discussed and mentioned in the resolution passed by the Punjab Vidhan Sabha.

Be that as it may. One thing is quite clear that the interpretation placed on the resolution dated 10.09.2008 by the office of the Punjab Vidhan Sabha is not so highly irrational or illogical that no reasonable person could ever construe it in that manner. Such a construction, in our view,

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

could be justifiably made by the office of the Vidhan Sabha, though a different view was also possible. In this scenario, it cannot be held that the information supplied by the Respondent to the Complainant was incorrect and misleading as contemplated under Section 20 RTI Act. Apart from this, the mandate of the RTI Act is that information as existing on the record is to be supplied by the PIO. It is no part of the duties of the PIO to analyze the materials available in the office and give his opinions on the consequences flowing there-from. In the instant case, the PIO has supplied the information as per the record that is the recommendations of the special committee, resolution dated 10.09.2008 passed by the Vidhan Sabha and the noting generated by the office in October 2008. All this material existed on the record of the Punjab Vidhan Sabha much prior to the date of application seeking information i.e. 27.05.2009. Nothing has been interpreted or manufactured by the PIO. For these reasons, we are of the firm view that the PIO is not remiss in the discharge of his official duties. This question is answered in favour of the Respondent and we hold that the Respondent is not liable to be penalized under Section 20 RTI Act 2005.

Re. (ii) & (iii) Section 5(4) of the RTI Act permits the PIO to seek assistance of any other officer in the Public Authority concerned for the proper discharge of his functions in the matter of supplying the information. And Section 5(5) postulates that the officer whose assistance has been sought by the PIO would also be treated a PIO. And in case he did not assist the PIO appropriate be, action under Section 20 could also be initiated against him. In the instant case, however, at no stage, was the assistance of Sh. Madan Mohan sought in the supply of information. In fact, Sh. Madan Mohan had retired on 30th January 2009 that is much prior to the application for information was made. The application for information was made on 27.05.2009. In this scenario, Sh. Madan Mohan cannot be even considered to be an officer in the Public Authority on the date the application seeking information was made. These issues are, therefore, decided in favour of the noticee, Sh. Madan Mohan. The proceedings against him are consequently dropped.

7. In view of the foregoing, the complaint is **dismissed** being devoid of merit. Copies of the order be sent to the parties.

Dated : 10.03.2011

(Kulbir Singh)
S.I.C.

(P.P.S.Gill)
S.I.C.

(Surinder Singh)
S.I.C.

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

04

“MOST DAMAGING ORDER OF THE YEAR” BONANZA UNLIMITED FOR DEFAULTING PIOS

State Information Commission Punjab Chandigarh

CC No. 2663 of 2010

Shri Hardev Singh Arshi, Former MLA,
#3, Tagore Nagar, Bathinda –151003.

....Complainant.

Vs.

The Public Information Officer
o/o the District Welfare Officer, Mansa –151505.

.....Respondent.

ORDER

This case involves an important question regarding imposition of penalty on the PIO for the delay beyond 30 days in furnishing information to the Complainant. On 18th November, 2010 the Complainant had expressed his satisfaction with the contents of the information supplied to him, though he was unhappy over the delay caused by the PIO.

2. Briefly stated, the facts of the case are that Shri Hardev Singh Arshi, Ex-MLA had sought certain information, in public interest, on 5.3.2009 from the District Welfare Officer, Mansa regarding Ashirwad (Shagun) Scheme for the years 2008-09 and 2009-10. He had formulated six queries, seeking some basic data and details of the beneficiaries with their names and addresses and the amount disbursed in the district of Mansa. He received a reply from the respondent vide letter No. 177 dated 19.3.2010, forwarding the information. However, as this reply did not disclose full information, Mr. Arshi moved the State Information Commission. Notice was issued to the District Welfare Officer, Mansa who submitted the office copy of the above mentioned letter dated 19.3.2010 sent to Mr. Arshi and averred that only a part of the information sought by Mr. Arshi could not be supplied as this information was voluminous and not readily available in the form in which it had been sought by the Complainant. The information was deficient as it did not contain the details of the amount disbursed, with names and addresses of the beneficiaries etc. This deficiency, however, was removed by the respondent on 18.11.2010 as the remaining information was handed over to Sh. Arshi in the State Information Commission, during the course of hearing of the case. On receiving this balance information, Shri Arshi expressed his satisfaction that all his six queries had been duly answered. However, he pointed to the delay in furnishing of the information. Consequently, notice was given to the respondent to show cause why penalty should not be imposed under Section 20 of the RTI Act (hereinafter called the Act). In reply, written submissions were tendered by the respondent and Sh. Kuldeep Singh was also afforded due opportunity of personal hearing.

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

.....
...
In the present case, there are no allegations of malafide or knowingly giving of misleading or incorrect or destruction of the information etc. In fact, the information has been received by the information seeker and he is fully satisfied with it. The only issue for determination is the delay of about eight months and whether the delay warrants imposition of penalty. The wording of Section 20 (1) of the Act makes it clear that simple delay of more than 30 days would attract penalty even when such delay is neither intentional nor willful or malafide. The only condition is that the simple delay was without reasonable cause. Therefore, full import of the words 'reasonable cause' needs an explanation.

.....
6.2 Facts of each case, therefore, shall have to be examined to see whether the delay was without a reasonable cause. Factors and details such as duration of delay, its extent and context would be relevant. The circumstances and conditions surrounding the delay and whether a justifiable nexus or a rational relation exists between such circumstances and the cause of delay etc. may be gone into. If sufficient and rational explanation comes forward explaining any delay, a judicial cognizance of the same will have to be factored, before arriving at a final decision on the issue of penalty. The RTI Act is in its infancy. Over a period of time broad guidelines, for example, like the principle of 'proportionality' evolved in relation to reasonable restrictions on Fundamental Rights, may judicially evolve, so that instances of arbitrary or capricious delay do not escape penalty and at the same time no one should be penalized without proven grounds of unreasonable delay.

6.3 Penalty is a punishment. Though the penalty envisaged in Section 20 of the Act is essentially a civil liability and not criminal or even quasi-criminal, the fact that penalty is imposed after a conclusive finding to the effect that the indicted PIO acted 'without reasonable cause' or 'malafidely' or 'willfully', injects elements of *mens rea*. The factum of civil liability, therefore, does not, in any way mitigate the rigor of penalty, for a penalty remains essentially punitive in substance, resulting in not only a monetary loss, but ill-consequences may visit by way of an entry in the service parchment of the indicted employee, adversely affecting his service-future. This would be an additional reason for a judicious approach in dealing with penalty cases.

.....
...
9. In view of the foregoing discussion, we may conclude that the RTI Act ushers in a new paradigm of transparency and openness, conferring an inviolable right to information on citizens, with adverse consequences for non-adherence to firm time-caps. The law, however, does not lay down a regime of automatic imposition of penalty on expiry of 30 days. The right to information is infrangible, but penalty is a contingent consequence, conditional to a conclusive finding of unreasonable of the delay. Therefore, to blindly impose penalty would only blind the law. A penalty is a punishment and it should be awarded only after first establishing the reasons of delay and correlating these reasons to the grounds of penalty enumerated in section 20 of the Act *ibid*. Penalty must be imposed in all cases where facts and circumstances so justify within the ambit of law; it must not and shall not be levied otherwise.

.....
...
11. One may also recall that Parliament, while enacting the RTI Act, was fully alive to the ground reality, conditions and constraints of our administrative mechanism in the country. Preamble to the Act *ibid* acknowledges this in so far it says that,
*"And whereas revelation of information in actual practice is likely to conflict with other public interests including efficient operation of the Government, optimum use of limited fiscal resources and the preservation of confidentiality of sensitive information;
And Whereas it is necessary to harmonies these conflicting interests while preserving the paramountcy of democratic ideal;....."* . (emphasis provided)

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

Lack of adequate infrastructure and resources, including quality human resource, are major constraints, apart from the inherent closed mind set and callousness of the system. Unless these issues are adequately addressed by the 'Competent Authorities' / governments concerned, the era of transparency may face a staggering start. The office of the respondent District Welfare Officer also suffers from these constraints and consequently is struggling to cope with the imperatives of transparency. The RTI mechanism is not a substitute for governance reforms; if anything, administrative reforms are a prerequisite and an essential imperative for success of transparency initiative.

12. The inescapable conclusion, therefore, is that it is not a fit case for imposition of penalty; it certainly, however, is a wakeup call for the authorities to address the issues ailing the system. The Complaint case is **closed**. Any party aggrieved by this order has the remedy to seek judicial redress, reminded by Section 19 (9) of the RTI Act.

(R.I. Singh)

December 13, 2010

Chief Information Commissioner, Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

05

**“AN ORDER STRIKING AT VERY ROOTS OF RTI ACT.”-
ORDER IS OBLIVIOUS OF CENTRAL GOVERNMENT’S INSTRUCTIONS
PERTAINING TO APPOINTMENT OF NODAL PIOS IN BIGGER
ORGANIZATIONS.**

State Information Commission Punjab Chandigarh

CC NO. 05 OF 2010

Sh. Kuldeep Singh Khaira,
v/s

Complainant

Public Information Officer, O/o Inspector General of Police,
Punjab Police Headquarter, Sector 9, Chandigarh

Respondent.

ORDER The complainant vide his application dated 12.10.2009 addressed to PIO, Punjab Police Headquarter, Chandigarh sought information about eleven issues listed in the application. pertaining to implementation of “Cigarette and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce Production, Supply and Distribution) Act, 2003” and “Cigarette and Other Products Rule, 2004” in the offices, buildings and premises of Punjab Police Headquarters and under the control of Punjab Police. The information being sought is fairly comprehensive and would involve not only collection of data from each police office in 20 districts of the State, but tabulating, collating and shifting of date, before it could be furnished in the format asked for. To illustrate, the complainant wants to know the number of warning sign-boards against smoking displayed in each office/premises/floor/ building with addresses and cost incurred in displaying each sign board in each building/floor with dates in all the office buildings throughout the State of Punjab and the names with designations of each person who ordered affixation of the warning boards against smoking, the agency which executed the order to affix such warning sign-boards etc.

On receipt of this request, the PIO of Police Headquarters at Chandigarh transferred the query to all the PIOs of the various public authorities of Police Department in the State of Punjab under Section 6(3) of the Right to Information Act. The information seeker received response from 23 PIOs from all over the State, but as he was not satisfied with the information supplied to him, he moved the State Information Commission, seeking a direction to PIO of Punjab Police Headquarters to follow the procedure listed under sub-section (4) and (5) of Section 5 of Right to Information Act and supply him the information, after collecting and collating the data.

In support of his plea, the complainant has relied on the Punjab Police Act, 2007 wherein it is mentioned in Section 3(i) that there “shall be one police service in the State.” This clause is being interpreted by the complainant to mean that there shall be one single public authority for

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

Punjab Police in the State of Punjab, with obligation to supply information in respect of all the Punjab Police offices in the State.

I have heard the parties and gone through the record.

The appellant has addressed the request for information to the DGP, Punjab and expects that DGP, as a public authority shall procure, collate and thereafter supply the information in respect of all police offices in the State of Punjab under his control. Obviously, the appellant has not appreciated the mechanism created by RTI Act for securing information by citizens. Section 2(j) of the Act confers right on citizens to access information 'held by or under the control of any public authority' and thereby casts a corresponding duty on the concerned public authority to furnish the information. The term 'public authority' has been defined in Section 2(h) of the RTI Act. For our purposes, sub-clause (c) & (d) of this Section are relevant, which read as below:-

Section 2(h) sub-clauses (C) and (d):-

“Public Authority means any authority or body or institution of self government established or constituted:-

(c) by any law made by State Legislature;

(d) by notification issued or order made by the appropriate Government, and includes any-

(i) body owned, controlled or substantially financed;

(ii) non-government organization substantially financed, directly or indirectly by funds provided by the appropriate government.”

The office of DGP is an authority created by the law/notification of the State government and it is therefore a 'public authority'. Likewise the offices of District Police Chief (SSP), office of the sub-divisional Police chiefs and Police Stations headed by SHO are creation of law/notifications issued by government and therefore are 'public authorities' within the meaning of Section 2 of Act. Whereas every Head of Government Department is a public authority, every public authority is not Head of a Government Department. The law provides for recognition of more than one public authority within a government department, so long they meet the criteria of Section 2. Each public authority within a department may be the custodian of an 'information' i.e. an information "is held by or under the control" of such a public authority. For the purpose of RTI Act each public authority is a self-contained unit and the fact that a public authority is on the administrative side subordinate to another superior office, which is also a public authority, makes no difference. An information seeker is required to access the information from the concerned public authority which holds or controls the information. If the information is held and controlled by a Head of Department in capacity as 'public authority' then the information seeker is required to approach him. If, however, the information is held and controlled by a public authority other than the Head of Department, then the information seeker is required to approach that public authority. The fact that this public authority is subordinate to Head of Department on the administrative side is immaterial because under the RTI Act, there is no hierarchy of 'public authorities'. No one public authority is subordinate to or superior than another public authority, for the purpose of RTI Act. The reliance on Provisions of the Punjab Police Act, 2007 is misplaced. Section 3(i) of the Act merely states that "there shall be one Police Service in the State". This does not mean that there shall be only one 'public authority' for the Department of Police in the State of Punjab. The institution of 'Public Authority' is created by the RTI Act, 2005 and not by Punjab Police Act, 2007. Any body or institution which satisfies the provisions of Section 2(h) is a public authority and there could be as many offices in a government department designated as 'Public Authority', as satisfy the Provisions of Section 2(h). There is no conflict between the provisions of the Police Act and the RTI Act, but were there to be any inconsistency between the two, it is RTI Act, which shall prevail in view of the overriding effect of Section 22 of RTI Act.

Section 6(1)(a) makes it further clear that a person who desires to obtain any information 'shall' make a request to the PIO "of the concerned public authority" and the concerned public authority would be the authority which 'holds' or 'controls' the information. The information must be held in capacity as 'Public Authority'. Even from a practical point of view, if a Head of a Department is called upon to collect, collate and supply information held by various offices who are

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

public authorities spread all over the State under its control on the administrative side, the statutory dead-line of 30 days provided by Section 7 would be rarely honoured, given the sheer size and logistics of the operations, even for a small State like Punjab.

The obligation to supply information is discharged by each public authority by designating officers as 'Public Information Officers', who act as the nodal points for receiving the requests for information, procuring it from the concerned hands within the organization and thereafter supplying it to the information seeker. The PIO may seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his/her duties. The assistance contemplated under Section 5 sub clause (4) and (5) must be construed as assistance of any officer within the public authority. This is obvious from the fact that under Sub-clause (5) of Section 5, the officer whose assistance has been sought shall be treated as a PIO. For seeking assistance of any officer under the control of another Public Authority, there is a separate provision in law. If the information sought is held by another public authority i.e. by an authority other than to which the PIO who has received the request belongs, the law creates an obligation on the part of such a PIO to, "transfer the application or such part of it as may be appropriate to that other public authority". This obligation under Section 6 of the Act is to transfer the application to "that other public authority" and not to public 'authorities'. The expression used in Section 6 is 'authority' and not 'authorities'. Simply put, the PIO is expected to transfer a request which does not relate to him but has nevertheless been received by him, one identifiable authority. He is not expected to transfer such a request if information is held by many or a number of authorities. The rationale is that a PIO is not a post office or a coordinator for forwarding requests from information seekers to various departments. Legislature has merely facilitated the information seekers by empowering PIO who inadvertently receives request pertaining to another PIO to forward it to the concerned PIO. Law, however, does not require him to deal with a multitude of public authorities; if that were so, some PIOs may end up doing nothing else!

From the foregoing discussion, it must be held that the appellant erred in approaching the DGP, as Head of Department, for seeking information from various police public authorities spread all over the State on the pretext that these public authorities are subordinate to the DGP. The appellant was required under law to approach the PIO of the concerned public authority which holds or controls the information, which in the present case would mean the PIOs of the offices of SSP's, SHO's etc. The information sought by the appellant is in public interest but even the cause of public good is no ground to set wrong procedural precedents which would get cited in future to short circuit the law. Consequently, it must be held that the PIO of the office of DGP is under no legal obligation to collect, collate and supply information to the appellant from other public authorities spread all over Punjab. Of course, it goes without saying that PIO of the office of DGP is obligated to provide the information pertaining to the office of DGP. This should be done within 15 days from now.

The complainant has submitted an application dated 28.1.2010 updating the status of information received by him so far. This be taken on record.

It is noted with regret that the PIO has mentioned the name of complainant's father incorrectly. This should be rectified at the earliest as requested by the complainant.

To come up for further hearing on **17.02.2010** at **11.00 A.M.**

28th January, 2010

(R.I. Singh)

Chief Information Commissioner, Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

06

STRANGE WAY OF QUESTIONING MOTIVE OF COMPLAINANT

State Information Commission Punjab Chandigarh

CC No. 1180 of 2009

Shri Bhupinder Singh. ... Complainant

vs.

The Public Information Officer,
o/o the District Food and Supplies Controller Sangrur
.... Respondent

ORDER

Shri Manjit Singh, Inspector appearing on behalf of the respondent-department states that Shri Bhupinder Singh, complainant is in the habit of black mailing the authorities by sending complainants and later on settling the issue by giving in writing that the asked for information is not required by him. According to Shri Manjit Singh, Inspector he has already played same trick with the Assistant Foods and Supplies Officer, Samana who is also APIO for District Food and Supplies Controller, Patiala where he had initially asked the information in four application and later on withdrawn the same. This is a very serious allegation which has been leveled against complainant. Normally such allegations are not given credence but in the instant case, the complainant is a resident of Samana and asking for the information relating to Bhawanigarh, District Sangrur. His only plea was that his maternal uncle/grand father are from that place and he wants to help them.

2. Case stands adjourned to **10.8.2009**, when Shri Subhash Mehta, APIO, Assistant Food and Supplies Officer, Samana will also appear alongwith Shri Manjit Singh with complete information on the four applications filed by the complainant. Shri Bhupinder Singh is directed to bring with him his relation residing at Bhawanigarh who wants information in the instant case so that varsity of allegation leveled against him could be ascertained.

(R.K. Gupta)

Dated: 6.7.2009

State Information Commissioner, Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

07

COMPLAINANT MADE TO VISIT OFFICE OF PIO

State Information Commission Punjab Chandigarh

AC No. 833 of 2009

Shri R.C. Verma

Appellant

v/s

The Public Information Officer,
o/o the Director Public Instructions (C),
Punjab, Chandigarh.

...Respondent

ORDER

Shri Sunil Modi, APIO stated that neither their office has received any request for nominating any person on behalf of the respondent-department nor it has nominated any person to the Selection Committee for selecting Principal of the College. Management Committee has made adhoc arrangement at their own level and no information about approval for selection of principal has been sent to their office. He further stated that the University did not approve the appointment of Shri Arora of being principal as such the grant regarding pay of Principal of the college was not released by DPI (Colleges), Punjab, Chandigarh. Complainant wanted these facts to be given to him in writing for which Shri Modi offered to do so Shri Verma can visit the office of respondent-department today itself and get the same in writing.

2. In view of the above situation, case stands disposed of.

December 4, 2009

(R.K. Gupta)
State Information Commissioner

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

08

INTERROGATORIES- A CONVENIENT WAY TO DENY INFORMATION

State Information Commission Punjab Chandigarh

CC No. 2531 of 2009

Shri Jaskam Singh
Complainant

Vs.

The Public Information Officer,
o/o Director Public Instructions (Colleges), Punjab, Chandigarh. Respondent

ORDER

Necessary information regarding reservation policy has been provided to the complainant. As regards information about the three remaining points which are in the form of interrogation, it cannot be supplied to him. The department cannot be asked to give information to the interrogatory questions.

2. In view of the above, case stands disposed of.

(R.K. Gupta)

Dated: 6.11.2009

State Information Commissioner, Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

09

BENEVOLENCE FOR DEFAULTING PIOS

State Information Commission Punjab Chandigarh

CC No. 719 of 2009

Ms. Ravinder Kaur

...Complainant

Vs.

The Public Information Officer, Civil Surgeon, Sangrur.

.....Respondent

ORDER

Information stands supplied though beyond the stipulated time prescribed under the Right to Information Act, 2005. Dr. G.S. Nagi, Civil Surgeon, Sangrur is instructed to ensure that in future the required information is supplied within the time frame provided in the Right to Information Act, 2005 i.e. within 30 days.

2. In view of the above, case stands disposed of

Dated: 7.8.2009

(R.K. Gupta)
State Information Commissioner, Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

10

COMPLAINANT MADE TO VISIT OFFICE OF PIO

State Information Commission Punjab Chandigarh

Shri Balbir Singh Dhillon
CC No. 1851 of 2009
Complainant

Vs.

The Public Information Officer, o/o the Bhatinda Development Authority, Bhatinda.
.....Respondent

ORDER

Some information has been provided. For the supply of remaining information, complainant can visit the office of the Public Information Officers on 10.9.2009 at 3.00 P.M.

2. Case stands adjourned to 5.10.2009.

Dt. 04.9.2009

(R.K. Gupta)
State Information Commissioner. Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

11

**FOR DELAYED INFORMATION, DEPUTY COMMISSIONER MAY TAKE
ACTION- STATE INFORMATION COMMISSIONER ABDICATES HER POWERS
IN FAVOUR OF D.C.**

State Information Commission Punjab Chandigarh

C.C. NO.603 of 2009

Shri Mehnga Ram,

Vs.

Public Information Officer,
O/o Deputy Commissioner, Hoshiarpur.

Respondent

ORDER The Respondent does not know any thing about the case and neither he is in the rank of APIO/PIO which is against the directions of the notice of hearing issued by the Commission. The presence of the Clerk is not considered as proper compliance of the order of the Commission.

In reply to show cause notice the Respondent states that action has been taken by SDM Hoshiarpur RL No.830 and according to them, ration card pertaining to Atta/Dal (Rs.4/- Kg Atta and Rs.20/-Kg Dal) cannot be made in favour of the Complainant, because he does not come under the purview of the Scheme of Atta/Dal as he is running a Sawing Machine (for the purpose of wood trading and is earning more than Rs.30,000/- per annum. The Scheme covers only families whose income does not exceed Rs.30000/- per annum. I am satisfied with the reply of the Respondent. The Complainant states that office of BDPO Kot Isse Khan has provided information very late. Directions are given to the Respondent that in future, the applicants seeking information under RTI Act should not be made to wait for a longer period and proper and correct information should be provided. If Deputy Commissioner deems fit, he can take action against the defaulter officials/officers.

As the information stands provided, therefore, case is hereby **closed and disposed of**.

(Mrs. Ravi Singh)

Dated: 28.10.2009

State Information Commissioner. Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

12

**STRANGE ORDER (SERVICE RECORD CANNOT BE SUPPLIED) CC NO. 3896
OF 2009**

State Information Commission Punjab Chandigarh

Sh.Nirmal Singh Punch

Complainant

Vs.

Public Information Officer,
O/o. Superintendent, Distt. Jail, Sangrur.

Respondent

ORDER Heard. The information for which the complainant has applied in this case concerns the details of the service record of a third party, such as the period of his postings in different jails and the dates during which he remained suspended etc., with which he has no apparent concern, and it appears that there is some enmity between the complainant and the third party involved and the RTI Act is being used to collect personal information of S. Raminder Singh Rammi, Head Constable. The information cannot therefore be supplied to him under Section 8(1)(j) of the RTI Act, 2005.

Disposed of.

22nd January, 2010

(P.K.Verma)
State Information Commissioner, Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

13

DISPROPORTIONATE/ VOLUMINOUS INFORMATION- AN OFTEN USED SHIELD AGAINST EXPOSING SCAMS

State Information Commission Punjab Chandigarh

CC No. 3910 of 2009

Sh.Satish Kumar,

Complainant

Vs.

Public Information Officer, O/o. Registrar,
Punjab Agricultural University, Ludhiana.

Respondent

ORDER

The information required by the complainant has been supplied to him by the respondent except for the information mentioned at point no. 5 of his application for information. Against this point, the complainant has asked for details of the manner in which the suspension period was treated of all the employees of the University who were suspended during the period 01-01-1995 to 31-05-2009 and in case it was treated as non-duty, whether a show cause notice was issued to the concerned employee. The respondent informed the complainant that no such information is being maintained , i.e., there is no single place or register where this information would be available. The complainant has sent to the respondent a list of 168 employees belonging to different wings and Departments of the University who, according to the complainant, were punished at the end of disciplinary proceedings, and has asked the respondent to give the required information in respect of those who had been suspended.. The complainant states that he wants this information to support his allegation that the show cause notice, which must be issued before a period of suspension can be treated as non-duty, has not been followed by the University. The complainant, however, can make such a complaint to the appropriate authorities for necessary action without this information, and it is not necessary to compel the respondent to spend time and effort to collect the same, as it would be disproportionate to the objective being sought to be achieved by the complainant.

Disposed of.

22nd January, 2010

(P.K.Verma)

State Information Commissioner
Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

14

INTERNAL ASSESSMENT IS CONFIDENTIAL

State Information Commission Punjab Chandigarh

CC No. 149 of 2010

Sh.Gurwinder Singh,

Complainant

Vs.

Public Information Officer,

O/o. The Registrar, Guru Nanak Dev University, Amritsar.

Respondent

ORDER

The complainant in this case has asked for details of the internal assessment relating to the B.Ed course of the University for the year 2009. The respondent states that the disclosure of marks obtained in different assignments which form part of the internal assessment process would reveal the marks given by the individual members of the faculty, which would affect the confidentiality of the entire process and is required to be denied under Section 8(1)(e) of the RTI Act, 2005. The objection raised by the respondent is upheld and this case is disposed of accordingly.

2nd March, 2010

(P.K.Verma)

State Information Commissioner Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

15

AVOIDING REAL ISSUES

State Information Commission Punjab Chandigarh

AC No. 313 of 2009

Sh. Binny Choudhary,

Vs.

Appellant

Public Information Officer,
O/o Deputy Registrar (Admn.),
Punjab & Haryana High Court, Chandigarh

Respondent

ORDER

The denial of the information to the complainant in this case and the decision of the first appellate authority, is in accordance with the Rule 4 of the "High Court of Punjab and Haryana (Right to Information) Rules,2007" and I see no reason to interfere with the same.

The second appeal is accordingly dismissed.

Disposed of.

2nd July, 2009

(P.K.Verma)
State Information Commissioner,
Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

16

COPIES OF EDUCATIONAL CERTIFICATES OF DSP DENIED

State Information Commission Punjab Chandigarh

AC No. 313 of 2009

Sh. Avtar Singh,

Appellant

Vs.

Public Information Officer,
O/o Inspector General of Police, Punjab (HQ)
Sector 9, Chandigarh.

Respondent

ORDER

Of the two items of information for which the appellant had applied for vide his application for information dated 15.09.2008, the inquiry report of Sh. Kanwar Vijay Partap Singh, SSP, Amritsar, in respect of the educational qualification of Sri Dharam pal Singh, DSP, has been sent by the respondent to the appellant vide his letter dated 22.05.2009. Insofar as copies of the educational certificates of Sh. Dharampal Singh, DSP is concerned, I find that this information has correctly been denied by the respondent as it is third party information to which the applicant is not entitled under the RTI Act, and I see no reason to disagree with the finding of the First Appellate Authority on this point.

Disposed of.

4th June, 2009

(P.K.Verma)
State Information Commissioner, Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

17

CONVENIENT EXCUSE-FILE NOT AVAILABLE- ACCEPTED BY THE SIC

State Information Commission Punjab Chandigarh

CC No. 585 of 2009

Sh. Pyare Lall, PCS (Judicial)
Vs.

Complainant

Public Information Officer, O/o Principal Secretary to Govt.
, Punjab, Home Affairs & Justice (Judicial Branch),
Chandigarh.

Respondent

ORDER The respondent has made a written submission vide his letter dated 04.06.2009 that the PCS branch has reported that the file concerned with the information for which the complainant has applied could not be located in that branch despite every effort having been made. In view of the above, no further action is required to be taken in this case, **which** is disposed of.

5th June, 2009

(P.K.Verma)
State Information Commissioner, Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

18

**ANSWER SHEETS ARE HELD BY UNIVERSITY IN FIDUCIARY CAPACITY-
CANNOT BE SUPPLIED**

State Information Commission Punjab Chandigarh

AC No. 639 of 2009

Sh.Arun Gosain,

Appellant

Vs.

Public Information Officer,
O/o Guru Nanak Dev University, Amritsar.

Respondent

ORDER

The complainant in this case has asked for copies of his answer sheets of the 9th and 10th semester examinations conducted by the Guru Nanak Dev University in November, 2007 and May, 2008 respectively. The information has been denied on the basis that it is confidential and the refusal of the PIO has been upheld by the first appellate authority. Hence this second appeal.

The appellant has in his appeal stated that the information should be provided to him because it does not relate to any third party and its disclosure has no relationship with any public activity and to the privacy of any individual. The respondent has put forth the argument in the Court today that the required information, namely, the answer sheets held in the custody of the University, are marked by the examiners and in case these are made available to the concerned student, the information about the marks given by the examiner for each answer would also get revealed. This information, however, is held by the University in a fiduciary relationship with the examiner, and it cannot be disclosed under Section 8(1)(e) of the RTI Act. The respondent also states that the disclosure of the marks given by the examiner for each answer as well as his identity, which may get revealed inadvertently, may also endanger his life or physical safety and such disclosure is therefore also exempted under Section 8(1)(g) of the RTI Act. There is considerable strength in the arguments advanced by the respondent, I, therefore, uphold the decision of the first appellate authority and dismiss this second appeal .

5th November, 2009

(P.K.Verma)
State Information Commissioner
Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

19

NOVEL METHOD OF DENYING INFORMATION

State Information Commission Punjab Chandigarh

AC NO. 90 OF 2009

Dr. Jagdeep Singh Sandhu,

Appellant

Vs.

Public Information Officer, O/o Registrar,
Punjab & Haryana High Court, Chandigarh

Respondent

ORDER

The information required by the appellant in this case has been denied to him

by the respondent on the ground that the disclosure of the information asked for at (i) (ii) and (iv) of the appellant's application for information dated 3-7-2008 is prohibited by Rule 4 (a) of the High Court of Punjab and Haryana (Right to Information) Rules, 2007 and disclosure of information asked for at (iii) of the same application is prohibited by Rule 4(c) of the rules ibid.

I find that denial of the required information to the appellant in this case is in accordance with the rules mentioned above and this second appeal is therefore rejected.

Disposed of.

6th April, 2009

(P.K.Verma)
State Information Commissioner
Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

20

**INFORMATION CANNOT BE GIVEN EVEN AFTER PRESENTMENT OF
CHALLAN IN A CRIMINAL CASE**

State Information Commission Punjab Chandigarh

CC No. 419 of 2009

Sh. Sukhwinder Singh,

Complainant

Vs.

Public Information Officer,
O/o Senior Superintendent of Police, Ludhiana.

Respondent

ORDER

The respondent has claimed exemption from providing the information required by the complainant under Section 8(1)(h) of the RTI Act, since it concerns a case in which the challan has been submitted to the court on 16.03.2000 and the case is still under trial. The exemption being claimed by the respondent is upheld with the directions that the information required by the complainant should be given to him on the completion of the trial of the Court.

Disposed of.

9th April, 2009

(P.K.Verma)
State Information Commissioner,
Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

21

COPY OF CHARGE SHEET DENIED

State Information Commission Punjab Chandigarh

AC NO. 136 Of 2009

Sh. Shivraj Singh,

Appellant

Vs.

Public Information Officer,
O/o Director, Women & Child
Development Department, Punjab,

Respondent

ORDER

The appellant in this case is not concerned with the charge-sheet or departmental action taken against Ms. Sunita Joshi w/o Sh. Ratanjit Joshi and the information for which he had applied therefore concerns a third party. The appellant's representative before us has stated that the applicant is the brother of the person against whom action is being initiated. He has been advised that the person against whom action is being taken should apply for the information which is required by her.

Disposed of.

9th April, 2009

(P.K.Verma)
State Information Commissioner,
Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

22

ABDICATION OF POWERS TO AVOID DECIDING REAL ISSUES

State Information Commission Punjab Chandigarh

AC No. 22 of 2009

Sh. Pyare Lall, PCS (Judicial),

Appellant

Vs.

Public Information Officer, O/o Joint Registrar (Rules),
Punjab & Haryana High Court, Chandigarh.

Respondent

ORDER

The appellant is not present, nor has any request has been received on his behalf for an adjournment. Sri Kamal Kant, Deputy Registrar, Administration, appearing on behalf of the respondent, has put forth the argument that one of the grounds on which the information has been denied to the appellant is that it is exempted from disclosure under Rule 4(a) of the "High Court of Punjab and Haryana (Right to Information)_Rules,2007", which reads as follows:-- "Exemption from disclosure of Information : The information specified under Section 8 of the Act shall not be disclosed and made available and in particular the following information shall not be disclosed:- (a) Such information which is not in the public domain or does not relate to judicial functions and duties of the court and matters incidental and ancillary thereto" Since the information required by the appellant is clearly not in the public domain and does not relate to the judicial functioning of the Hon'ble High Court, but exclusively to the administrative functions of the Court, the same cannot be supplied to him in view of the Rule cited above, and it is not necessary for the Court to go into any other issue for the disposal of this case. I find this argument to be sufficient ground for rejecting this second appeal of the appellant and also that there is therefore no necessity for the Court to give a finding on any of the other points raised by the appellant or the respondent. Disposed of.

10th July, 2009

(P.K.Verma)
State Information Commissioner,
Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

23

COPY OF OMR SHEET CANNOT BE SUPPLIED TO A CANDIDATE

State Information Commission Punjab Chandigarh

AC No. 891 of 2009

Sh. Shakti Paul Sharma, Advocate,
-7, Panchkula-134109

Appellant

Vs.

PIO, O/o. Registrar,
Baba Farid University of Health Sciences,
G.G.S. Hospital Complex, Sadiq Road, Faridkot

Respondent

ORDER

With reference to the orders passed on 16-12-2009, Ld. Counsel for the respondent states that there are no written records in connection with the letter dated 06-06-2009 of the appellant. Insofar as the answer sheet of the appellant's daughters, Shruti Kaushik, is concerned, the test consisted of multiple choice questions in which the candidate was required to darken the circle next to the answer of his choice. Thereafter, the answer sheets were evaluated by OMR method and the number of marks obtained by the candidate were recorded on each answer sheet. Ld. Counsel for the respondent states that under the Regulations/Prospectus of the University, candidates dissatisfied with their marks can apply for a recheck of their answer sheets after depositing the prescribed fees of Rs.10,000/-, and in order to simply see their answer sheet they have to deposit a fee of Rs.5000/-. He states that there is no provision in the prospectus for a copy of the answer sheet to be given to a student. I do not agree with the Ld. Counsel for the respondent that a copy of the answer sheet cannot be given to the candidate because there is no provision for the same in the prospectus. Section 22 of the RTI Act 2005 states that the provisions of the Act shall have effect notwithstanding anything inconsistent therewith contained in the any other law, and therefore, the respondent has an obligation to give this information to the complainant under the act. However, the RTI Act cannot be used to avoid making the payment of fees prescribed for certain purposes in the rules and regulations framed by the public authority concerned. In this case an amount of Rs.5000/- is required to be paid by a candidate as fees for seeing his answer sheet. I therefore direct the respondent to provide an attested copy of the candidate, Ms. Shruti Kaushik's answer sheet to the appellant, after he has deposited the prescribed fees of Rs.5000/-. Disposed of.

14th January, 2010

(P.K.Verma)
State Information Commissioner
Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

24

ACRS CANNOT BE SUPPLIED TO THE CONCERNED EMPLOYEE

State Information Commission Punjab Chandigarh

CC No. 1300 of 2008

Sh. Jasbir Singh,

Complainant

Vs.

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

Respondent

ORDER

The respondent makes a commitment that copies of the notings concerning the grant of ACP benefits to the complainant will be given to him within two days. Insofar as copies of the ACRs of the complainant are concerned, since the ACP benefits have already been sanctioned to him, as stated by the respondent and agreed to by the complainant, no public interest will be served if the complainant is given his ACRS, which are normally treated as confidential. The PIO has given an affidavit containing his response to the notice served upon him vide the court's orders dated 05.03.2009.

The decision on the notice will be taken on the next date of hearing.

Adjourned to 10.00 AM on 21.04.2009 for further consideration and orders.

16th April, 2009

(P.K.Verma)
State Information Commissioner,
Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

25

DETAILS OF LEAVE AVAILED BY A DSP CANNOT BE SUPPLIED

State Information Commission Punjab Chandigarh

CC No. 2178 of 2009

Sh. Harbans Singh,

Complainant

Vs.

Public Information Officer,
O/o. Senior Superintendent of Police,
Ludhiana.

Respondent

ORDER

The application for information of the complainant dated 12-2-2009 was not received in the office of the SSP, Ludhiana and he came to know of the same from the notice which was issued by the Commission for the hearing. He states that the information required by the complainant concerns the details of leave availed by DSP Ravcharan Singh Brar during the period 7-5-2003 to 13-2-2009, which is personal information concerning a third party and has therefore been refused. The contention of the respondent is upheld and this case is disposed of.

18th September ,2009

(P.K.Verma)
State Information Commissioner,
Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

26

COPY OF CHARGE SHEET ISSUED TO AN EMPLOYEE IS EXEMPTED INFORMATION

State Information Commission Punjab Chandigarh

AC No. 67 & 68 of 2009

Sh. Kulvinder Singh,

Appellant

Vs.

Public Information Officer,
O/o Punjabi University, Patiala.

Respondent

ORDER

Arguing his case that the information for which he has applied cannot be denied to him even if it is exempted from disclosure under Section 8(1)(j) of the RTI Act, because it is covered by the proviso to the said section, which states that information which cannot be denied to the Parliament or a State Legislative Assembly shall not be denied to any person, Ld. counsel for the complainant has submitted copies of Rules 41 and 42 of “the Rules of Procedure and Conduct of Business in Lok Sabha”, and Rules 39 and 40 of “the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha”, to the Court. He states that these rules describe the kind of information which a member can ask for on the floor of the House in order to obtain information and the information for which he has applied fulfills the criteria laid down in these Rules for the admissibility of a question put by a member. The respondent on the other hand points out that rule 39(1) concerning the Punjab Legislative Assembly states that a question put by a member shall be admissibly only if it relates to the public affairs with which the Minister to whom it is addressed, is officially connected, or to a matter of administration for which he is officially responsible. He has also drawn the Court’s attention to Rule 39(18), which states that a member “shall not ask for information on trivial matters”. Ld. counsel argues that the information required by the complainant has no relationship with public affairs and the details of a salary certificate given by the respondent in connection with his loan case, of the details of a charge sheet issued to a University employee, must be regarded as trivial. The complainant is also unable to show to the court in what manner any public interest would be served if he is provided the third party information for which he has applied. When asked about the complainant’s relationship with Sh. Sukhdev Singh, Sr. Assistant, Punjabi University, he states that Sh. Sukhdev Singh’s wife issued a cheque in favour of the complainant, which was not honored by the Bank, and the applications for information have therefore obviously arisen due to a state of hostility between the complainant and Sh. Sukhdev Singh, which cannot in any manner be described to be a matter of public interest. Ld. counsel for the respondent has also brought to the notice of the Court a judgment of the Chief Information Commissioner, State Information Commission, Haryana in case No. 1220 of 2007 decided on 12.07.2007, in which the learned CIC has dealt with the scope and applicability of the proviso of Section 8(1)(j) of the RTI Act : -

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

“The applicant has also argued that there is a proviso to section 8(1)(j) which says that information which cannot be denied to Parliament or the State Legislature shall not be denied to any person..... The point raised by the appellant is purely hypothetical. Information sought by an individual member of Parliament or the State Legislature is furnished by the appropriate Govt. and in many cases information is denied on the grounds that it will not be in public interest to disclose the information. In some cases information is also denied on the grounds that the labour and time involved in collecting the information is not commensurate with the benefit likely to accrue by providing the information. The right to obtain information of the members of Parliament or the State Legislature is not absolute and depends on the nature of information sought and the view taken by the appropriate Govt. It is finally left to the Presiding Officer of the House to decide about the need to provide the information. The respondent department therefore is not expected to give any finding whether such an information can be denied to Parliament or the State legislature. There can be valid grounds for denying such an information to a member of Parliament or State Legislature on the very ground of invasion of privacy under section 8(1)(j) and on further grounds that no larger public interest will be served by disclosing this information. The question at this stage is therefore purely hypothetical and does not change the situation in the present case.”

After hearing the arguments of both Id. counsels of the complainant and the respondent, I do not agree with the contention of the Id. counsel for the complainant that the information for which he has asked must be provided to him because of the proviso to section 8(1)(j) of the RTI Act, and I uphold the exemption which has been claimed by the respondent from disclosing the information in both these cases under Section 8(1)(j) of the RTI Act.

Disposed of.

21st May, 2009

(P.K.Verma)
State Information Commissioner,
Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

27

DETAILS OF INVESTIGATION DENIED TO AN ACCUSED

State Information Commission Punjab Chandigarh

CC NO. 796 OF 2009

Sh. Balwant Singh,

Complainant

Vs.

Public Information Officer,
O/o Inspector General (Zonal), Police Jalandhar Zone,
Punjab.

Respondent

ORDER

The complainant in this case has asked for the details of the investigation in case FIR No. 180 dated 08.08.2008 PS, Sadar, Phagwara. The FIR was under investigation at the time when he made the application for information and now under trial. Disclosure of the information required by the complainant, who is an accused in this case, would adversely affect its prosecution and the respondent has therefore claimed exemption under Section 8(1)(h) of the RTI Act. The exemption being claimed by the respondent is upheld and this case is disposed of.

22nd May, 2009

(P.K.Verma)
State Information Commissioner,
Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

28

NO INFORMATION TILL CONCLUSION OF TRIAL

State Information Commission Punjab Chandigarh

AC NO. 122 OF 2009

Sh. Iqbal Singh,

Appellant

Vs.

Public Information Officer,
O/o Senior Superintendent of Police, Jagraon.
Distt. Ludhiana.

Respondent

ORDER

The application for information of the complainant in this case was transferred by the respondent to the PIO, office of the SSP, Ludhiana for necessary action, who is therefore substituted as the respondent in this case. The representative of the latter, who has appeared in the Court today, states that the required information has been found to pertain to FIR No. 240 dated 31-7-2004, PS Jagroan, Distt Ludhiana, which is under trial and cannot, therefore, be given to the complainant under section 8(1)(h) of the RTI Act, as opined by the D A (Legal), Ludhiana. The opinion of the D A (Legal), Ludhiana has been seen. It merely states that the information may be denied because it has been stated by the police authorities that the disclosure of the information would affect the trial in case FIR 240 dated 31-7-2004, PS Jagroan. Neither the respondent nor the D A (Legal) has given any detail of the manner in which the disclosure of the required information would affect the trial, apart from stating that the applicant, Sri Iqbal Singh son of Sri Malkiat Singh, is an accused in FIR No. 240 dated 31-7-2004, mentioned above. The representative of the PIO present before us seeks an adjournment in order to show to the Court that the exemption being claimed under section 8(1)(h) of the RTI Act is justified. The request is granted and the case is adjourned to 10 AM on 22-5-2009 for further consideration and orders.

24th April, 2009

(P.K.Verma)
State Information Commissioner
Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

29

NO INFORMATION UNDER RTI TILL CONCLUSION OF TRIAL

State Information Commission Punjab Chandigarh

AC No. 291 and 292 of 2009

Sh. Iqbal Singh,

Appellant

Vs.

Public Information Officer,
O/o Senior Superintendent of Police (Rural),
Jagraon, Distt. Ludhiana, Punjab.

Respondent

ORDER

Both these cases are being dealt with by this single order since the appellants and the respondents in both these cases are identical. The respondent has claimed exemption under Section 8(1)(h) of the RTI Act, 2005 from disclosure of the information for which the complainant had applied since it pertains to FIR No. 240 of 2004 ,PS Jagraon, in which the complainant is an accused. Now the challan of this case has been put up in the Court on 14-10-2005 and it is under trial. The exemption being claimed by the respondent is upheld and the respondent is directed to give the information required by the complainant after the conclusion of the trial in this case. Disposed of.

26th June, 2009

(P.K.Verma)
State Information Commissioner
Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

30

DETAILS OF PAROLE AVAILED BY A CONVICT CANNOT BE SUPPLIED

State Information Commission Punjab Chandigarh

CC No. 2366 of 2009

Sh. Sukhjinder Singh,

Complainant

Vs.

Public Information Officer,
O/o. Superintendent, Central Jail,
Ludhiana.

Respondent

ORDER

The application for information of the complainant in this case has asked for the details of the parole and medical treatment availed by other convicts, which cannot be given to him since the information is exempted from disclosure under Section 8(1)(j) of the RTI Act, 2005. Disposed of.

29th December, 2009

(P.K.Verma)
State Information Commissioner,
Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

31

**COPIES OF APPLICATIONS RECEIVED FOR COMPASSIONATE
APPOINTMENT CANNOT BE GIVEN**

State Information Commission Punjab Chandigarh

CC No. 3071 of 2009

Sh. Mohmad Ramjan,

Complainant

Vs.

Public Information Officer,
Chief Conservator of Soils, Punjab, Sector 17, Chandigarh

Respondent

ORDER

In compliance with the Court's orders dated 20-11-2009, the details of the appointments made to class IV posts on compassionate grounds during the year 2004-05 have been given by the respondent to the complainant . Copies of total no. of applications received for such appointments could not be given because these are not entered or recorded in a single register or at one place.

Disposed of.

30th December, 2009

(P.K.Verma)
State Information Commissioner,
Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

32

RIDICULOUS

**DETAILS OF REMAINING CRIMINAL CASES REGISTERED AGAINST A
TEHSILDAR CANNOT BE SUPPLIED WITHOUT CONSULTING HIM, THOUGH
DETAIL OF SOME SUCH CASES ALREADY SUPPLIED BY THE PIO**

State Information Commission Punjab Chandigarh

CC No. 3477 of 2009

Sh. Harjinder Singh,

Complainant

Vs.

Public Information Officer,
O/o Senior Superintendent of Police (City), Amritsar.

Respondent

ORDER

The application for information of the complainant in this case concerns a third party and has asked for the details of cases registered against the Ex Tehsildar in Amritsar District between the period January 2000 to September 2009. The respondent states a list of five cases registered against the Ex Tehsildar has been provided to the complainant but the complainant today has given a list of nine cases and has demanded copies of the FIR's which were registered in these cases. The respondent is directed to follow the procedure laid down in Section 11 of the RTI Act 2005 and to take a decision thereafter, which should be conveyed to the complainant within 30 days from today.

Disposed of.

30th December, 2009

(P.K.Verma)
State Information Commissioner,
Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

33

**THESIS SUBMITTED BY SOME OTHER PERSON CAN BE INSPECTED, BUT
COPY THEREOF CANNOT BE SUPPLIED**

State Information Commission Punjab Chandigarh

AC No. 92 of 2009

Sh. Dina Nath Parsad,

Appellant

Vs.

Public Information Officer,
O/o Registrar, Guru Nanak Dev University, Amritsar.

Respondent

ORDER

Arguments in this case were heard on 06.04.2009 and judgment was reserved.

2. Vide application dated 15.09.2008, made by the Appellant to the Respondent, he demanded copies of the "thesis submitted by Ms. Sukhwinder Kaur Bath and Kiranjot Kaur for their M.Phil Degree in Hindi in 1987, 1988 & 1989." The request made by the Appellant has been declined by the Respondent, vide his communication dated 08.12.2008, stating that the thesis in question is of confidential nature and, therefore, its copies cannot be supplied under the RTI Act 2005. It is however, mentioned in this letter that the Appellant could go through the thesis in question, on any working day, in the library of the department, and for this purpose, he may contact the Head of the Department of Hindi. The Appellant, vide his communication dated 30.12.2008, has controverted this plea of the Respondent by stating that the information sought by him is not of confidential nature and that it is not exempt from disclosure under any of the clauses of Section 8 (1). Having failed to persuade the PIO as well as the first Appellate Authority to accede to his request, the Appellant has approached the Commission by way of second appeal under Section 19 of the Act.

3. At the time of arguments, the submission made on behalf of the Respondent is that the information sought by the Appellant is not accessible to him under the RTI Act 2005. According to him, the request by the Appellant does not even amount to information as envisaged under the Act. Another submission of the Respondent is that the information sought by the Appellant stands exempted from disclosure by virtue of the operation of clauses (e) and (j) of Section 8 (1) as also Section 11.

4. On the other hand the Appellant submits that a public authority can only deny to a citizen, information that is exempt from disclosure under Sections 8 or 9 of the Act. According to him, the right to information of a citizen is not subject to any other limitation. He submits that the demand made by him does not fall under any of the clauses of Section 8 (1) or Section 9. Regarding

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

Section 11, he submits that it is merely a procedural provision giving a third party a right of hearing while deciding the request for information pertaining to the said third party.

5. The arguments submitted by the applicant and the respondent have been carefully considered. I find that the thesis of a student has nothing to do with the working or the functioning of the University and cannot be described as part of the official records of the University. It is rather an intellectual property of the student who has authored it. While, therefore, it can be accessed for reference and research purposes by a member of the public in the library of the University, the delivery of a copy of the entire thesis to an applicant under the RTI Act would harm the competitive position of the student who has written the thesis, since the student may contemplate its publication in the future as a priced book, and therefore the information required by the complainant is exempted from disclosure under Section 8(1)(d) of the RTI Act.

6. For the above reasons, the submissions made by the appellant in this case are rejected and this complaint is disposed of.

22nd April, 2009

(P.K.Verma)
State Information Commissioner,
Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

34

INFORMATION YET TO BE SUPPLIED-COMPLAINT DISPOSED OF

State Information Commission Punjab Chandigarh

AC No. 683 of 2009

Sh. Baga Singh,

Appellant

Vs.

Public Information Officer O/o District Welfare Officer,
Ferozepur

Respondent

ORDER

Respondent has committed that sought for information will be provided to the Appellant within one week under intimation to the Commission. No further action is required.

The case is **disposed of**. Copies of the order be sent to the parties.

Dated: 3rd December, 2009

(Kulbir Singh)
State Information Commissioner, Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

35

INFORMATION REQUIRED FOR RESEARCH WORK- CANNOT BE SUPPLIED

State Information Commission Punjab Chandigarh

CC No. 2671 of 2009

Sh. Harmeet Singh,

Complainant

Vs.

Public Information Officer O/o. Principal,
Secretary School Education, Pb, Chandigarh.

Respondent

ORDER

Sh. Harmeet Singh has authorized Sh. Malkit Singh to attend the hearing on his behalf. Respondent has provided information to the Complainant today in the Commission. Complainant wants this information for his research work. Since, no public interest is involved. No further action is required.

The case is **disposed of**. Copies of the order be sent to the parties.

(Kulbir Singh)

Dated: 12th November, 2009

State Information Commissioner, Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

36

**INFORMATION IS YET TO BE SUPPLIED-COMPLAINT
DISPOSED OF**

State Information Commission Punjab Chandigarh

CC No. 953 of 2009

Sh. Amritpal Singh,

Complainant

Vs.

Public Information Officer, O/o Zila Parishad, Distt- Ropar.

Respondent

ORDER

Sh. Amarjit Singh Laukha, appearing on behalf of the Complainant states that he has been informed by the Respondent that sought for information is available in the electronic mode, department is not aware of the pass word, due to this reason, it is not possible to supply the information. He further states that he has been informed by the Respondent that after finding the pass word, the sought for information will be provided.

Respondent is directed to ensure that copy of the information is provided to the Complainant at the earliest under intimation to the Commission. No further action is required.

Disposed of.

Dated: 15th Sept. 2009

(Kulbir Singh)
State Information Commissioner, Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

37

INSTEAD OF TAKING ACTION AGAINST DPI FOR NOT FORWARDING RTI APPLICATION TO DEO, APPLICANT IS DIRECTED TO FILE FRESH APPLICATION WITH DEO.

State Information Commission Punjab Chandigarh

CC No. 2604 of 2009

Sh. Rajiv Kumar,

Complainant

Vs.

Public Information Officer, O/o. DPI (S), Pb, Chandigarh.

Respondent

ORDER

Complainant has sought information regarding selection of Head Masters during the year 2006. Sh. Baljit Singh, Sr. Assistant appearing on behalf of the PIO. PIO states that sought for record is not available in their office. All the record relating to the selection of Head Masters are available with the District Education Officers, where the candidates has joined. Complainant is advised to file the application with the concerned DEOs to get this information. No further action is required.

Disposed of.

Dated: 16th October, 2009

(Kulbir Singh)
State Information Commissioner Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

38

FOR CONTRA, SEE DECISION NO. 36- THUS PREROGATIVE MISUSED BY
THE SIC

State Information Commission Punjab Chandigarh

CC No. 2670 of 2009

Sh. Joginder Kaur,

Complainant

V/s.

Public Information Officer, O/o. DPI (E), Pb,
Chandigarh and anr.

Respondents

ORDER

Complainant filed application for information on 30.06.09. She further states that no information has been provided to her by PIO, O/o DPI (elementary). Sh. Avtar Singh, PIO states that the application of the Complainant has been wrongly returned to the Complainant.

In the instant case, I find that the information is to be provided by the PIO, O/o Secretary Education (Schools), Punjab. Therefore, PIO, O/o DPI (E) is directed to transfer this application under Section 6(3) to the concerned Public Authority.

I, therefore, order that PIO, O/o Secretary Education (Schools) be impleaded as Respondent No. 2. I further direct the PIO, O/o Secretary Education (Schools) to supply the information sought by the Complainant before the next date of hearing.

Adjourned to **12.11.09 (at 02.00 PM)** for further proceedings.

Dated: 16th October, 2009

(Kulbir Singh)
State Information Commissioner, Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

39

FOR CONTRA, SEE DECISION NO. 35. THUS, POWERS MISUSED BY SIC.

State Information Commission Punjab Chandigarh

CC No. 3505 of 2009

Sh. Harnek Singh,

Complainant

Vs.

PIO, O/o Director Medical, Education & Research,
Punjab, Chandigarh and anr.

Respondents

ORDER

Sh. Dhiraj, Junior Assistant, representative of the Director Medical Education & Research states that this information is to be provided by PIO, O/o Secretary, Medical Education & Research (Health-3 branch) Mini Sectt., Sector 9, Chandigarh.

Since, this information is to be provided by the PIO, O/o Secretary, Medical Education & Research (Health-3 branch). I, therefore, order that PIO, O/o Secretary, Medical Education & Research (Health-3 branch) be impleaded as Respondent No. 2. I further direct the PIO, O/o Secretary, Medical Education & Research (Health-3 branch) to supply the information sought by the Complainant before the next date of hearing. Adjourned to **15.01.10 (at 11.00 AM)** for further proceedings

Dated: 16th December, 2009

(Kulbir Singh)
State Information Commissioner

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

40

FOR CONTRA, SEE DECISION NO. 35. THUS, POWERS MISUSED BY SIC.

State Information Commission Punjab Chandigarh

CC No. 1599 of 2009

Smt. Balvir Kaur,

Complainant

Vs.

Public Information Officer
O/o. District Education Officer (Elementary), Moga.

Respondent

ORDER

Respondent states that due to the death of the Selection Committee Chairman, no record is available in the office, so information can not be provided. Respondent is directed that since all the teachers selected are working in the education department. Information be collected about the selected teachers from the DPI, Pb and same should be provided to the Complainant before the next date of hearing. Adjourned to **28.08.09 (2.00 PM)** for further proceeding.

Dated: 20th July, 2009

(Kulbir Singh)
State Information Commissioner Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

41

SOFT-PEDALING ISSUE OF PENALTY

CC No. 957 of 2009

Sh. Amandeep Singh Cheema, Advocate,

Complainant

Vs.

Public Information Officer O/o. DPI(Secondary),
Chandigarh

Respondent

ORDER

Complainant has filed application for information on 06.02.09 but sought for information was provided to the Complainant today in the Commission after more than 8 months. Complainant has attended five hearings in the Commission in order to get the sought for information.

In response to the show cause notice, Respondent has submitted that the delay has occurred as the information was with the DEO, Barnala.

It is observed that information seekers get information only when they approach the Commission. I have no doubt in my mind that this state of affairs has come about on account of the absence of adequate machinery for handle the RTI work in the office of DPI(S). Office of the DPI(S) is, thus, squarely, responsible for inadequate handling of the RTI request in the instant case.

I am, therefore, of the view that ends of the justice would be met if instead of penalizing the Respondent, PIO, under Section 20 of the RTI Act 2005, suitable compensation is awarded to the Complainant for the loss and detriment suffered by him on account of the delayed supply of information.

A sum of Rs.2500/- (Rupees Twenty five hundred only) by way of compensation is, therefore, awarded to the Complainant. This amount shall be payable by the Public Authority within 15 days. Respondent shall intimate the Commission about the payment of compensation to the Complainant. Adjourned to **13.11.09 (at 11.00 AM)** for confirmation and compliance.

(Kulbir Singh)

Dated: 22nd October, 2009

State Information Commissioner, Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

42

**MAKING APPLICANTS RUN FROM ONE OFFICE TO ANOTHER-INSTEAD OF
TAKING ACTION FOR VIOLATION OF SECTION 6 (3).**

State Information Commission Punjab Chandigarh

CC No. 1522 of 2009

Sh. Alwinder Goyal,

Complainant

Vs.

Public Information Officer
O/o State Transport Commissioner, Pb,
Chandigarh.

Respondent

ORDER

Respondent states that all the sought for information as relating to their office has been provided to the Complainant. Regarding copies of FIR, these are available in the office of District Transport Officer, Mansa. Complainant is advised to file a fresh application with the District Transport Office, Mansa to get the copies of FIR. Since, all the information stands supplied. No further action is required. **Disposed of.**

Dated: 24th September, 2009

(Kulbir Singh)
State Information Commissioner, Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

43

OVER-BURDENED PIO EXEMPTED FROM PENALTY

State Information Commission Punjab Chandigarh

Dr. Harpreet Singh Sidhu,

Complainant

Vs.

Public Information Officer
O/o. District Transport Officer, Mansa.

Respondent

ORDER

2. Complainant has informed the Commission that he has received the information and he does not want to pursue the case anymore. In response to the show cause notice, PIO has filed an affidavit stating that due to shortage of staff, he was unable to provide the information in time. He further states that he is handling charge of three districts due to which, he could not provide the information in time. The reply submitted by the Respondent is found satisfactory, the show cause notice is hereby, dropped.

3. In view of the foregoing, the instant complaint is **dismissed** being without merit. Copies of the order be sent to the parties

Dated: 30th October, 2009

(Kulbir Singh)
State Information Commissioner

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

44

SHORTAGE OF STAFF IS A GROUND FOR NOT IMPOSING PENALTY

State Information Commission Punjab Chandigarh

CC No. 1565 of 2009

Sh. K.K.Goyal, Journalist,

Complainant

Vs.

Public Information Officer
O/o District Transport Officer, Mansa.

Respondent

ORDER

Complainant has informed the Commission that he has received the information and he does not want to pursue the case anymore. In response to the show cause notice, PIO has filed an affidavit stating that due to shortage of staff, he was unable to provide the information in time. He further states that he is handling charge of three districts due to which, he could not provide the information in time. The reply submitted by the Respondent is found satisfactory, the show cause notice is hereby, dropped.

In view of the foregoing, the instant complaint is **dismissed** being without merit. Copies of the order be sent to the parties

Dated: 30th October, 2009

(Kulbir Singh)
State Information Commissioner

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

45

AN ORDER SHOWING HELPLESSNESS OF SIC TO PASS EFFECTIVE ORDER

State Information Commission Punjab Chandigarh

MR No. 53/2009 In CC No. 1660 of 2008

R.K. Saini, President,
New Generation Residents Welfare Society (Regd.),
Zirakpur

Applicant

Vs

PIO, O/o Executive Officer,
Nagar Panchayat, Municipal Council,
District SAS Nagar, Zirakpur

Respondent

ORDER

The order in this case was **reserved** on 27.11.2009.

The Complainant representing New Generation Residents Welfare Society (Regd.) filed a RTI application dated 23.06.2008 with the Respondent APIO/PIO, office of Executive Officer, Nagar Panchayat, Municipal Council, District SAS Nagar, Zirakpur, Punjab, seeking the following information:

1. *"Please furnish details in respect of the various amended plans submitted by the M/s New Generation Real Estate Pvt. Ltd. SCO 373-374, Sector 35-B, Chandigarh in the matter of T.P. scheme (New Generation Apartments), Dhakoli, Zirakpur, which was initially sanctioned by Govt. of Punjab vide Notification Number:- 4/8/2001/2LGIII/3238 dated 12.03.2001. Diagram No. STP(S)/3/2000 dated 17.08.2000."*

2. Getting no response, the Complainant filed a complaint with the Punjab Information Commission on 25.07.2008.

3. A notice of hearing was issued to the parties on 13.02.2009 for 27.02.2009. However, the hearing was adjourned to 20.03.2009 vide a fresh notice sent by the Punjab Information Commission, Deputy Registrar on 02.03.2009.

4. On 20.03.2009, when parties were present, the Respondent submitted in writing that no request for information dated 23.06.2008 was received in the office. The Respondent's submission is signed by APIO and it is undated.

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

5. The case was disposed of and closed on 20.03.2009 with the order: *“The Complainant may file a fresh application, pay the requisite fee and obtain the necessary information”*.

6. The Complainant filed a review petition with the Punjab Information Commission on 06.05.2009. Appended to the petition was a certificate issued by the Manager Department of Posts, Customer Care Centre, General Post Office, Chandigarh, dated 26.03.2009, certifying that *“the article has been delivered to addressee on 01.07.2008”*. Enclosed with this was a photocopy of the Respondent’s receipt register.

7. In view of this, on 19.05.2009, I ordered the reopening of the case, as MR. The Deputy Registrar was directed to issue notice of hearing to the parties for 05.06.2009. The notice was issued on 20.05.2009.

8. During the hearing on 05.06.2009, the Respondent said they have received applicant’s letter (06.05.2009) sent by the Punjab Information Commission alongwith notice of hearing dated 20.05.2009. The Respondent was asked to file a written submission on the applicant’s letter and also to hold an inquiry/look into the matter whether the Complainant’s request dated 23.06.2008 was received in the office, and, if so, by whom and submit a report in writing to the Commission, not later than 24.07.2009.

9. In the hearing on 24.07.2009, the Respondent filed two documents, dated 23.07.2009 and 24.07.2009, as per order dated 05.06.2009.

10. In his reply, dated 23.07.2009, Respondent has denied receipt of application dated 23.06.2008 on 01.07.2008. Inter alia the Respondent writes:

“That the acknowledgment has been shown to all the employees of the Municipal Council and the signature does not match with any of the employee’s signature who was working in the office of the Municipal Council at the relevant time. The inquiries have been made from the persons who were working on the receipt register, he has said that the signatures are not his and he has not received any such letter.” In the document, dated 24.07.2009, the PIO, inter alia writes

“With regard to the inquiry made by the postal department, no comments can be given but it is submitted that the accompanying proof given by the postal authorities, which has been attached with the application, does not in any way prove that the application was received. A bare perusal of the application would show that it does not show that who has received the so called letters which has been delivered by the postal authorities on 01.07.2008.”

“It is totally denied that any such application has been received or the registry was delivered in the office of the Municipal Council, The proof so attached is being vehemently denied as no name of the employee or even the signature mentioned therein does not match to any employee and no letter much less the letter of the Complainant even the other letters mentioned in the said proof, have not been received in the office of the Municipal Council.”

11. During the hearing on 24.07.2009, a copy each of the two documents, dated 23.07.2009 and 24.07.2009, was given to the applicant for his response to be given to the Respondent, not later than 14.08.2009. The case was adjourned to 28.08.2009. However, the case had to be adjourned twice and came up on 21.10.2009.

The applicant who submitted in his reply to the two documents on 04.08.2008, writes:

“That Department of Post is of the Central Government and communication by “Regd. Post” is universally accepted as reliable. Here in this case the Respondents not only negated this reliability: but is now challenging the authenticity of the “Certificates of delivery” issued by the Department of

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

Post. They dare do all this but are not ready to supply the information which the EO/NC-Zirakpur only possess.”

12. When the case came up for hearing on 21.10.2009, a copy of the response of the applicant, dated 04.08.2009, was handed over to the Respondent for comments and case was adjourned to 06.11.2009, with the direction to the Respondent to file his response within one week.

13. On 06.11.2009, the Respondent submitted his response to the applicant's document dated 04.08.2009. The case was adjourned to 27.11.2009, when the order was **reserved**.

14. In his response dated 06.11.2009, PIO, has stayed that: *“The present controversy in the application as to whether the application so made by the Complainant was ever received in the office of Municipal Council or not. This is not only one application made by the Complainant. The other applications made by the Complainant have been duly considered and appropriate action has been taken. Once, this application was not received, the same was brought to the notice of this Hon'ble Court. Infact, the Complainant are not interested for the information but are only*

interested in harassing the Officers of the Municipal Council for the reason best known to them. Otherwise, they would have made the fresh application when the case was disposed of in March, 2009, and would have got the same if they were entitled for under the law. Rather than choosing to get the information, the present application has been moved which shows that the intention of the Complainant. Till the application is received along with the required documents including the fees, no information can be supplied to the Complainant.

“In reply to this para it is submitted that the authenticity of the certificate, produced by the Complainant clearly shows that how it is being described that the answering Respondent received the letter sent by the Complainant. The Complainant had sent the same letter to the office of the Principal Secretary also, which was also not received and the said case was also disposed of by this Hon'ble Court on the same date i.e. 20.03.2009 with a direction to the Complainant to file a fresh application along with the required fees. For any inaction on the part of the postal authorities, the answering Respondent cannot be made liable.”

15. In the context of these facts, and also written and oral submissions made by the parties, I am of the considered opinion that the Respondent could, perhaps, have offered to give the information by asking the applicant to re-submit the RTI request. But that was not to be. The Respondent not only chose to contest the receipt of the RTI application dated 23.06.2008, but also expressed his apprehensions and doubts even over certificate issued by the department of posts.

However, I find no merit in the Respondent's averments. Also, there is no ground for me to disbelieve the department of posts. That the benefit of the intent be given to the applicant. Since, it has clearly emerged that he had posted a request of information. Therefore, I direct that a copy of the original RTI application, dated 23.06.2008, be sent to the Respondent alongwith this order. The Respondent will supply the requisite information, as per record, duly attested to the applicant against payment to be determined by the Respondent. Should the applicant pay the fee for obtaining information, the Respondent shall be duty bound to supply the same.

The case is **disposed of and closed**.

Chandigarh,

(P. P. S. Gill)

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATEINFORMATION COMMISSION

Dated, December 23, 2009

State Information Commissioner Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

46)

**PUBLIC AUTHORITY NOT PUTTING IN PLACE PROCEDURE FOR DEALING
WITH RTI APPLICATIONS-PIO NOT TO BE PENALIZED**

State Information Commission Punjab Chandigarh

CC No. 273 & 274 of 2009

Dilbag Singh,

Complainant

Vs

Public Information Officer,
O/o Secretary Education (Schools), Punjab,
Chandigarh.

Respondent

ORDER

The arguments in this case, (i.e. the recall application), were heard on 18.12.2009 and judgment was **reserved**.

1. Vide order dated 24.06.2009, a penalty of Rs. 10,000 (Rs Ten thousand only) in each of the cases was imposed upon Ms. Surjit Kaur, (the Applicant herein), under Section 20(1) RTI Act 2005 for the delayed supply of information. Prior to the order imposing penalty, vide my orders dated 17.04.2009 and 22.05.2009, the PIO in the o/o DPI (S) was called upon to show cause why penalty be not imposed upon him/her under Section 20(1) RTI Act for the delay in the supply of information. The PIO concerned, (Ms. Surjit Kaur), did not appear before me on 24.06.2009, no explanation/affidavit was submitted on her behalf and the representative of the Respondent also did not make any submission explaining the delay in the supply of information. Thus, the penalty in question was imposed.

2 The order imposing the penalty was challenged by Ms. Surjit Kaur before the Hon'ble Punjab and Haryana High Court by way of CWP No. 12244 of 2009 alleging that at no point of time she has dealt with any of the files regarding the information request in question. She also alleged that she did not receive any notice from the Information Commission to appear and explain the cause for delay in supply of information. On these allegations, the High Court gave liberty to Ms. Surjit Kaur to apply for recall of the order imposing penalty.

3 She has made an application/affidavit dated 10.08.2009 and 19.08.2009 giving her version in the matter. In her affidavit, dated 19.08.2009, she has stated **that neither original application nor orders of the Commission, passed from time-to-time, were put up to her by the officials concerned.**

4. She has given a detailed graphic description of how RTI requests for information are dealt with in the office of DPI (S). She states that neither the department's RTI cell nor the branch

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

officials concerned brought to her notice any papers connected with this case. She also states that the matter relating to the present complaint came to her notice only when the RTI Cell in the office of the Respondent, DPI (S), issued her a letter vide No. 368 (S)3/831-08 RTI (2) 3/1171-08 RTI (2) dated 21.07. 2009.

5. The substance of the comments made by Mr Dhaliwal is as under: Firstly, he traces the movement of the Applicant's RTI request for information within the office of the DPI (S) and its transit through various branches. He has blamed two officials, who were dealing with the case and attending to hearings in the Court and states that they must have brought to the notice of APIO or officials about the two cases (CC-274/2009 and CC-383/2009). He also states that it is also the responsibility of the PIO concerned (Ms Surjit Kaur) to keep a tab on the pending RTI applications and proceedings before the Commission, as she was the PIO since 04.06.2008. Mr. Dhaliwal concludes by stating that it was the responsibility of every officer to keep track of the RTI applications and status of pending cases in the Commission. Also, in case no files were put up to her in any case, it was for the officer concerned to initiate action against the erring staff, assistant or Superintendent or APIO.

6. Countering the submission of the nodal PIO, Ms. Surjit Kaur in her comments on 8.12.2009 states that she has explained the background of the cases in her application/affidavit dated 10.08.2009 and 19.08.2009 and the same be taken into consideration. And that the fault lies with the subordinate staff dealing with the cases.

7. From the perusal of the comments filed by the nodal PIO and Ms. Surjit Kaur, it is clear that Ms. Surjit Kaur has put the blame at the door step of the subordinate staff: employees and APIOs, whose job, she states, is to put up the papers to the officer, as the subordinate staff too gets paid from the government. An officer alone can not be expected to remember every file or case and keep track of its movement, she avers. It is quite apparent that Ms. Surjit Kaur is prevaricating from the stand she took before the Hon'ble High Court that *"at no time she dealt with any of the files regarding which information was to be given."*

8. The question is whether a PIO would stand absolved of his/her obligations under the RTI Act 2005 merely on the plea that the file/application which he/she had marked to the subordinate staff for certain action was not subsequently put up before him/her. The answer to this question, to my mind, would be in the negative. There should be, nay must be, a suitable mechanism in the office of every public authority to ensure that all the PIOs should remain aware of the pending RTI requests being dealt by him/her. The systemic deficiencies in this regard in the office of the Respondent are too obvious to require any pointing out. In some other matters, I have already directed the education department to streamline the functioning of the RTI cell/branches dealing with requests of informationseekers. Nothing much, however, seems to have been done by the department in this regard till now.

9. I am of the view that this anomaly would not have risen had the Respondent public authority—DPI (S)—ensured that the implementation of provisions of the RTI Act are totally amenable to the information-seekers. It is so evident on analysis of the cases that the existing system of providing information has a large number of lacunae with the subordinate staff not acting with the sense of urgency which is mandated in the RTI Act. Lack of inter and intra office coordination and communication within the office of Respondent public authority and not keeping the PIO posted with various requests has led to systemic failure, which in return has resulted in delayed delivery of information to the information-seekers.

10. I, therefore, call upon the Respondent DPI (S) to put his house in order so that requests of the citizens under the RTI Act can be efficiently dealt with and served.

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

11. Insofar as the question of penalizing Ms. Surjit Kaur under Section 20 RTI Act 2005 is concerned, I am taking a lenient view in the matter and give her the benefit of the inaction of the public authority concerned in not putting in place appropriate procedures for dealing with the RTI applications and keeping track of them.

12. This, however, may not be taken as a precedent or our approval of the manner in which Ms Surjit Kaur has been functioning as PIO. While showing leniency, it is hoped that in future she shall be more careful in the performance of her duties, as PIO.

13. In view of the foregoing, the order dated 24.06.2009, imposing penalty of Rs. 10,000 (Rs Ten thousand only) in each of the two cases, CC-274/2009, CC-383/200, upon Ms. Surjit Kaur is recalled. The case is disposed of and closed.
Chandigarh,

Dated, January 06, 2010

(P. P. S. Gill)
State Information Commissioner

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

47

**SHOCKING DECISION-DPC PROCEEDINGS CANNOT BE GIVEN, AS THERE
MIGHT BE REFERENCE TO ACRS IN THOSE PROCEEDINGS**

State Information Commission Punjab Chandigarh

CC No. 709 of 2009

Pavitter Singh Jaura

Complainant

Vs

Public Information Officer,
O/o Secretary, Higher Education Punjab,
Mini Secretariat, Punjab,
Chandigarh

Respondent

ORDER

The Complainant vide his request for information, dated 28.01.2009, has sought DPC meeting proceedings held on 26.08.2008.

2. The Respondent has taken the plea, conveyed in writing to the Complainant and the Commission on 24.02.2009, that disclosure of DPC proceedings involves making available ACRs of other candidates, who constitute the third party. Therefore, giving DPC proceedings would tantamount to compromising with provisions of the RTI Act, 2005 also that these proceedings are confidential.

3. There is an order of full bench of the Commission in AC-67/2006, wherein, it is stated that ACR copies would not be disclosed to any other person except the one to whom these relates to and who asks for the same under the RTI Act.

4. Infact, DPC proceedings, if approved, can be disclosed subject to the exemptions, if any, under Section 8 of the Act.

5. In the instant case, the plea of the Respondent is in consonance with the provisions of the RTI Act.

The case is **disposed of and closed**.

Chandigarh,
Dated, June 08, 2009

(P. P. S. Gill)
State Information Commissioner Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

48

**DESPITE REPEATED DIRECTIONS, SIC FAILS TO ENSURE THAT ONLY PIO
OR APIO APPEAR BEFORE IT.**

State Information Commission Punjab Chandigarh

AC No. 181 of 2009

Jaspal Singh Aujla,

Appellant

Vs

Public Information Officer,
O/o Registrar, Punjab Technical University,
Jalandhar.

Respondent

ORDER

The Appellant says that he has received the information and is satisfied.

2. In the order dated 15.05.2009, it was ordered in para 3 as under:- "*In future hearings, no official below the rank of APIO should appear before the court and he/she should be well prepared about the facts/details of the case.*": However, the Respondent has not acted upon this. In future, a person below the rank of APIO will not be allowed to appear. The case is **disposed of and closed.**

Chandigarh,
Dated, June 10, 2009.

(P. P. S. Gill)
State Information Commissioner Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

49

**SIC DIRECTS THE DPI (PUNJAB) OFFICE TO PUT IN PLACE PROCEDURE
FOR DEALING WITH RTI APPLICATIONS BY A GIVEN DATE-BUT NO
PENALTY**

State Information Commission Punjab Chandigarh

CC No. 276 of 2009

Harjinder Pal Sharma

Complainant

Vs

Public Information Officer,
O/o Director Public Instruction, (SE), Punjab,
Chandigarh.

Respondent

ORDER

Arguments in this case were heard on 05.10.2009 and appropriate order on the affidavit submitted by Nodal PIO, Mr. Darshan Singh Dhaliwal was **reserved**.

2 The Complainant had applied for information under the RTI Act, 2005 from the PIO, office of Chairman Selection Committee, DPE, District Education Officer, SAS Bagar (Mohali) on 27.11.2008. On not getting any information, he filed a complaint with the State Information Commission on 22.01.2009. A notice of hearing was sent to the parties on 02.03.2009 for 17.04.2009.

3 The Complainant's father, Mr. Satpal Sharma, has submitted an Affidavit dated 05.08.2009, stating that in respect of information sought by him "the matter has been patched up, with mutual consent, and the required information has been received."

4 There is also a letter dated 13.08.2009, from the office of DPI (Schools), addressed to the State Information Commission, which endorses the Affidavit dated 05.08.2009 and prays that the case be disposed of.

5 In view of this, in so far as supply of information to the Complainant is concerned, in response to his two RTI requests, both dated 27.11.2008, the case is **closed**.

6 In the order dated 24.06.2009, a show cause notice was issued to Mr. Darshan Singh Dhaliwal PIO-cum-officer on Special Duty to submit an affidavit before the next date of hearing i.e. 15.07.2009 on two points:-

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATEINFORMATION COMMISSION

- (i) As to why delivery of information has been delayed?
- (ii) As to why penalty be not imposed upon him?

7 Since the Nodal PIO did not submit the affidavit, on 15.07.2009, one last opportunity was given to Nodal PIO, Mr. Darshan Singh Dhaliwal to submit the affidavit and the case was adjourned to 05.08.2009 and again to 05.10.2009 as the undersigned was on medical leave. In compliance with the order dated 15.07.2009, the Nodal PIO, Mr. Darshan Singh Dhaliwal submitted an affidavit dated 26.08.2009 on the same date.

8 Inter alia, the Nodal PIO, Mr. Darshan Singh Dhaliwal states in his affidavit that he is not the PIO of the recruitment cell, which is headed by Ms. Surjit Kaur (ADSA-1). She was the PIO of the recruitment Cell upto 02.07.2009; since 02.07.2009, Mr. Jagjit Singh Sidhu, Deputy Director, School Administration is PIO of the Branch.

9 The affidavit further states that *"It was her/his duty to provide required information to the Complainant. Beside this I tried my best to collect the information from the concerned branch and it was handed over to the applicant."*

10 In the affidavit, Nodal PIO, Mr. Darshan Singh Dhaliwal also states that *"I here by declare as that the letter of State Information Commission Punjab, Chandigarh, received on dated 15.04.2009 and it was sent to the branch concerned on the dated 16.04.2009 for compliance but the branch failed to provide the information required to the concerned. Also not attended the hearing on 17.04.2009, in the of Hon'ble State Information Commission Punjab, Chandigarh. Similarly, happened in the next hearing on dated 22.05.2009, 24.06.2009 and 15.03.2009. Now the information is sought and issued to the applicant has given affidavit that he has received the information."*

11 It is evident from the affidavit that the Nodal PIO, Mr. Darshan Singh Dhaliwal has expressed his helplessness in providing the required information since the same was not provided by the branches concerned.

12. Various branches of the public authority concerned i.e. DPI (Schools Education), seemingly work in watertight compartments. Consequently, neither the orders issued by the Commission nor the applications received under the RTI Act from the information seekers are dealt with, as required under the provisions of the RTI Act, 2005.

13. The affidavit points to the lackadaisical manner in which the public authority works and the Commission orders and RTI applications are dealt with. Action to provide information is only initiated after notices of hearing are received by the Respondent and also when asked to explain why action be not taken under Section 20(1) of the RTI Act, 2005. Apparently, there is a system failure due to incorrect office procedures.

14. The Nodal PIO cannot absolve himself of his responsibilities by merely stating the horizontal and vertical movement of RTI applications/Commission orders in different branches or marking these to designated PIOs/APIOs/officials concerned heading different branches who are the custodians of the information demanded under the RTI Act.

15 Unless the public authority concerned evolves a system of transferring and dealing with RTI request under Section 5(4) of the RTI Act, 2005, and reviews the system regularly getting feedback on the implementation of requests for information and orders of the Commission, the responsibility will continue to remain on the Nodal PIO, who has to ensure proper, quick and complete compliance in executing the RTI

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

applications/Commission's orders. Once on application under RTI is transferred by the PIO to the official/ branch concerned, then under Sec 5(5) the official or branch head concerned becomes the 'deemed' PIO.

16. To the two specific questions posed in para 6 above, Mr. Darshan Singh Dhaliwal in his affidavit states that "*In all the hearings I was not told the status of the case because the letter was being sent to the branch directly by APIO of the RTI cell. Now some days back, I came to know the case and consulted with the APIO of recruitment cell.*"

17. In this backdrop, I am, therefore, of the view that this is not a fit case for either imposing penalty on the Nodal PIO or awarding compensation to the Complainant.

18. Given the disconnect between the Nodal PIO and his officials/branches and the ill-managed system prevailing in the public authority i.e. office of DPI, Schools, as revealed in the affidavit of Mr. Darshan Singh Dhaliwal, no single individual is to be blamed for the delay, which is due to the ossified procedures in the public authority. The systematic deficiencies in the manner of receiving and disposing of applications as well as compliance of orders of the Commission need to be corrected.

19. Though it is close to four years since the Act became effective, the public authority still does not seem to be properly tuned to the performance of its obligations ensuring proper implementation of the RTI Act. Even the department officials are not properly sensitized and trained to deal with RTI applications. There is need to inculcate in the officials necessary disciplining of functioning and a sense of urgency required for the discharge of duties as per the RTI Act.

18. Therefore, the Respondent-public authority is directed to work out a system by which information sought by the information-seekers is provided as per stipulations laid down in Sec 7 of the RTI Act, 2005.

19. **The worked out system will be confirmed through a written submission by the Public authority himself/herself to the Commission not later than 30.10.2009.**

The case is adjourned to 04.11.2009 (Wednesday) at 10.30 AM in court No. 01, SCO No. 84-85, Sector 17-C, Chandigarh, for confirmation of the order.

Chandigarh,
Dated, October 16, 2009

(P. P. S. Gill)
State Information Commissioner Pb

50

SHOCKING-DPC PROCEEDINGS CANNOT BE SUPPLIED

**State Information Commission Punjab
Chandigarh**

**RTI ACTIVISTS FEDERATION PUNJAB
CENTRAL OFFICE: 2299, SECTOR 44-C, CHANDIGARH 160047**

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

CC No. 1109 of 2009

P.L. Bhatti,

Complainant

Vs

Public Information Officer,
O/o Director, Treasury & Accounts, Punjab,
Chandigarh

Respondent

ORDER

The Respondent has given the requisite information to the Complainant, in response to his request for information dated 26.02.2009, barring some pages which pertain to the 3rd party.

2. Consequently, the Complainant filed an appeal before the Appellate Authority, who has upheld the decision of the PIO of not giving information pertaining to the 3rd party.

3. A copy of the DPC's proceedings can be given, if approved, to the applicant (Complainant or Appellant) subject to exemptions, if any, under the provisions of the Right to Information Act, 2005.

4. In the instant case, the Respondent has given the relevant information running into 27 pages and has rejected the Complainant's demand of being given copies of some missing pages. These papers, the Respondent has maintained, pertain to the third party and hence cannot be given to the Complainant.

5. This decision of the PIO as well as of the Appellate Authority is in consonance with the provisions of the Act, therefore, the case is **disposed of and closed**.

Chandigarh,
Dated, June 22, 2009.

(P. P. S. Gill)
State Information Commissioner Pb

51

**MOST SHOCKING -COMPLAINANT DENIED INFORMATION ABOUT HER OWN
SERVICE**

**State Information Commission Punjab
Chandigarh**

CC No. 655 of 2009

RTI ACTIVISTS FEDERATION PUNJAB
CENTRAL OFFICE: 2299, SECTOR 44-C, CHANDIGARH 160047

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

119, Civil Lines, Patiala.

Complainant

Vs

Public Information Officer,
O/o Director Public Instruction (Colleges), Punjab,
Chandigarh.

Respondent

ORDER

Arguments in the instant case were heard on 15.05.2009 and order was reserved.

2. The case relates to a service matter containing 13 items. Initial request was filed on 06.12.2008 and on not receiving a response, the Complainant filed a complaint with the Commission on 12.03.2009. Attached, with the request for information was personal case of the Complainant.

3. During the hearing on 15.05.2009, the Complainant was asked to justify the public interest or activity involved in the information demanded She could not do so. On the other hand, she averred that it was a 'personal case' as her service stands affected and her "promotion sabotaged." It is also mentioned in the one page annexure.

4. In view of the foregoing, it emerges that the information demanded relates to personal information, the disclosure of which has no relationship to any public activity or interest, as defined in Section 8 (i) (j) of the RTI Act. Also, Section 2 (j) defines what is 'right to information': It is public-interest oriented and not to promote or sub-serve narrow, personal gains/ interests/considerations. Thus, any progress in this case will amount to misuse of the Right to Information Act and goes against the spirit of the Act in resolving personal issues.

5. Therefore, the request for information by the Complainant is rejected. Accordingly, the case is **disposed of and closed**.

Dated, June 05, 2009.
Chandigarh,

(P. P. S. Gill)
State Information Commissioner Pb

52

INFORMATION REQUIRED IN A COURT CASE ALSO CANNOT BE SUPPLIED

**State Information Commission Punjab
Chandigarh**

CC No. 12 of 2010

Jaswant Singh,
No. 2017/1, Sector 45-C, Chandigarh

Complainant

RTI ACTIVISTS FEDERATION PUNJAB
CENTRAL OFFICE: 2299, SECTOR 44-C, CHANDIGARH 160047

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

Vs

Public Information Officer, O/o Principal,
Government Senior Secondary School, Doraha,
District Ludhiana.

Respondent

ORDER

The information demanded by the Complainant pertains to the 3rd party, according to Ms. Sukhjinder Kaur. The Complainant has failed to justify the public interest involved if the information is disclosed. He, however, says that he needs the information to fight a case in the Hon'ble High Court. The RTI Act is essentially public-interest oriented and is not to promote or sub-serve narrow personal interests and considerations.

Therefore, the case is **dismissed**.

Chandigarh,
Dated, February 01, 2010

(P. P. S. Gill)
State Information Commissioner Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

53

**INFORMATION REQUIRED FOR USING IN A CIVIL SUIT CAN ALSO NOT BE
SUPPLIED**

State Information Commission Punjab Chandigarh

CC No. 17 of 2010

Sidharth Kumar,

Complainant

Vs

Public Information Officer,
O/o Director Education Department (SE), s
ector 17, Punjab, Chandigarh.

Respondent

ORDER

The Complainant vide his RTI request dated 17.11.2009, had sought information regarding certain individuals. On not getting any information, he filed a complaint with the Commission on 17.12.2009.

2. The representative of the Respondent says that the information demanded has no public interest and the Complainant avers that he needs the information for a civil suit in the Court. The RTI Act is essentially public interest oriented and is not to promote or sub-serve narrow personal interests and considerations. The case is, therefore, **dismissed**.

Chandigarh,
Dated, February 01, 2010

(P. P. S. Gill)
State Information Commissioner Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

54

**INFORMATION PERTAINING TO SERVICE MATTER IS NOT IN PUBLIC
DOMAIN- A RIDICULOUS ORDER**

State Information Commission Punjab Chandigarh

CC No. 23 of 2010

Jasvir Kaur,

Complainant

Vs

Public Information Officer, O/o District Education Officer (S), Ferozepur

Respondent

ORDER

The brother of Complainant, Mr. Jaswinder Singh, has appeared on her behalf but he does not carry any authority letter.

2. The Complainant's brother shows a letter from the DEO, Ferozepur, dated 27.11.2009 wherein the information has been denied as being of 3rd party. Meanwhile, the representative of the Respondent submits that Sarabjit Singh has given in writing that no information regarding his service matters be given to the Complainant, Jasvir Kaur, who is his wife.

3. The brother of the Complainant avers that there is a family dispute and fails to justify what public interest is involved. RTI is essentially public-interest oriented and is not to promote or subserve narrow, personal interests/ considerations. The case is, thus, **dismissed**.

Chandigarh.

Dated, February 01, 2010.

(P. P. S. Gill)

State Information Commission Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

55

**INFORMATION PROVIDED IN COMMISSION ITSELF; BUT SIC LAMENTS
THAT IT SHOULD NOT HAVE BEEN PROVIDED**

State Information Commission Punjab Chandigarh

CC No. 3622 of 2009

Ashok Kumar Sachdeva,

Complainant

Vs

Public Information Officer, O/o DEO (S), Ferozepur

Respondent

ORDER

The Complainant vide his RTI application dated 06.10.2009, addressed to D.E.O., Ferozepur, has demanded information regarding a Headmaster of Govt. High School, Saiyanwala. He says that he wants the information because his daughter is working there. There is no public interest or activity involved. Yet the D.E.O., Ferozepur, sent him the requisite information on 03.12.2009 a copy of which is on record. A photo copy of the information is handed over to him in my presence today. The case is **disposed of and closed**.

Chandigarh,
Dated, January 04, 2010.

(P. P. S. Gill)
State Information Commissioner, Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

56

**DPI PUNJAB PROVIDES A LIST OF DO'S AND DON'TS TO THE
COMMISSION-FOR DEALING WITH RTI APPLICATIONS-THAT IS ALL THAT
SIC HAS BEEN ABLE TO EXTRACT FROM DPI OFFICE**

State Information Commission Punjab Chandigarh

CC No. 276, 181, 439 & 479 of 2009

Harjinder Pal Sharma and others..... Complainants

Vs

Public Information Officer, O/o Director Public Instruction,
(SE), Punjab, Chandigarh. Respondent

ORDER

In compliance with the order dated 05.10.2009 and 16.10.2009, the Nodal PIO, Mr. Darshan Singh Dhaliwal, submits the system that the public authority/DPI(Schools) has worked out to deal with the RTI applications and implementation of the orders issued by Punjab Information Commission. The worked out system is signed by the DPI, Mr. Sukhwinder Singh and lists the dos and don'ts in respect of implementation of the RTI Act in letter and spirit. A copy each of this submission made by the DPI be placed in the case files, CC No. 276, 181, 439 & 479 of 2009.

2. In all these cases, including in CC-181/2009, the demanded information regarding detail marks card of English Mistress general category, has been supplied to the Complainant by the Respondent vide letter dated 16.10.2009. A copy of the forwarding letter is on record. Nothing contrary has been heard from the Complainant.

3. As per order dated 30.03.2009, the PIO, Nodal is directed to refund Rs. 900/- to the Complainant, Mr. Jatinder Kumar Goyal, through bank draft within a week and report compliance to the Commission as the information was to be provided free of cost. Therefore, all these cases, CC No. 276, 181, 439 & 479 of 2009, thus **disposed of and closed**.

Chandigarh,
Dated, November 04, 2009

(P. P. S. Gill)
State Information Commissioner Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

57

INFORMATION REGARDING A SCHOOL EMPLOYEE CANNOT BE SUPPLIED

State Information Commission Punjab Chandigarh

CC No. 3837 of 2009

Mahant devdass,

Complainant

Vs

Public Information Officer,
O/o Government Girls High School,
Mahna Singh road, Amritsar

Respondent

ORDER

The information sought by the Complainant vide his RTI request dated 29.10.2009, is regarding a school employee. The Complainant says that he needs this information to fight a Court case. The RTI Act is essentially public interest oriented and is not meant to sub-serve personal vested interests or considerations. Therefore, the case is **dismissed**.

Chandigarh,
Dated, February 08, 2010

(P. P. S. Gill)
State Information Commissioner Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

58

THIRD PARTY'S "NO" IS FINAL

State Information Commission Punjab Chandigarh

CC No. 3720 of 2009

Ram Shah Bhumbra,

Complainant

Vs

Public Information Officer,
O/o Principal, G.S.S. School, Mandevi,
Tehsil Moonak, District Sangrur

Respondent

ORDER

The Complainant vide his RTI request dated 31.10.2009 has sought information about one particular employee of a school from the DEO, Sangrur. In response to this request, the DEO vide his letter dated 05.11.2009, sent the application to the Principal of the GSSS, Mandevi, under section 6(3) stating that this information pertains to the 3rd party and be not given without the consent of the 3rd party. The Principal of the school, who is present, says that he had sought the permission of Joginder Singh, Library restorer, whether the information be given or not and Joginder Singh said the same be not given. The Library Restorer wrote to the Principal (in response to the DEO's letter dated 05.11.09) that this information be not given under Sec 8 (i) (j) of the RTI Act, 2005. Consequently, the Principal says that no information has been given to the Complainant. His plea is accepted. The case is **disposed of and closed**.

Chandigarh,
Dated, January 11, 2010.

(P. P. S. Gill)
State Information Commissioner Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

59

NO INFORMATION TILL DEPARTMENTAL ENQUIRY IS COMPLETED

State Information Commission Punjab Chandigarh

eCC No. 1837 of 2009

Yashwant Rai Puri, Advocate,

Complainant

Vs

Public Information Officer, O/o District Education Officer
(SE), Ferozepur.

Respondent

ORDER

Mr. Yogesh Aneja, Advocate, has filed his power of attorney on behalf of the Complainant.

2. The Complainant vide his RTI request dated 14.05.2009 has demanded details about the complaints received, pending and decided concerning a particular headmaster.

3. The Respondent vide his letters dated 05.06.2009 and 31.07.2009 has informed the Complainant that the enquiry against the particular headmaster is still in progress and unless the enquiry is completed and report submitted to the department, no information can be given.

In view of this, the case is **disposed of and closed**.

Chandigarh,
Dated, October 19, 2009.

(P. P. S. Gill)
State Information Commissioner. Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

60

**INFORMATION REGARDING PROMOTION OF AN EMPLOYEE CANNOT BE
GIVEN**

State Information Commission Punjab Chandigarh

CC No. 1876 of 2009

Hem Raj Mittal,

Complainant

Vs

Public Information Officer,
O/o Director Public Instructions (SE), Punjab, Chandigarh. ...

...Respondent

ORDER

The Complainant vide his RTI request dated 30.03.2009 has sought certain information regarding promotion of one Bhupinder Singh, Steno in the office of DEO(S), Bathinda. Though this is 3rd party information, the D.E.O., Bathinda has given a parawise reply. A copy is in the file. The case is, thus, **disposed of and closed.**

Chandigarh,
Dated, October 19, 2009.

(P. P. S. Gill)
State Information Commissioner. Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

61

**FOR CONTRA -SEE ORDER AT SERIAL NO. 47 AND 50 -NOW SAME SIC
SAYS THAT DPC PROCEEDINGS AS WELL AS ACRS HAVE TO BE SUPPLIED**

State Information Commission Punjab Chandigarh

CC No. 667 of 2010

Neelam Bhardwaj,

Complainant

Vs

Public Information Officer,
O/o Director Public Instructions (Colleges),
Punjab, Chandigarh

Respondent

ORDER

The RTI request is dated 24.11.2009, as per Complainant's oral submission. The information demanded pertains to seeking a copy of her own ACRs from the year 2000 onwards including remarks of DPI and Secretary and also copy of the proceedings of DPC etc. Her complaint to the Commission is dated 23.01.2010.

2. The Respondent submits a letter dated 25.03.2010, to the Commission wherein, it is stated that the requisite information was sent to the Complainant on 09.03.2010. The Complainant acknowledges the receipt of the same. Copy of the letter dated 09.03.2010, is taken on record. The Complainant acknowledges the receipt of copies of ACRs. Insofar as proceedings of DPC and concerned, Respondent has written at point No. 2 that the proceedings of DPC, held on 16.01.2009, are pending with the Secretary and will be sent to the Complainant as and when received back. The Complainant says that the meeting of the DPC in which her name was fixed was held in August, 2008, while the Respondent says that no DPC meeting was held in August, 2008. The PIO is directed to confirm if any DPC meeting took place in August, 2008 and if so a copy of the proceedings, if approved, and are on record, be sent to the Complainant before the next date of hearing. In case DPC was not held, it should be intimated to the Complainant, in writing, with a compliance report to the Commission. The case is **adjourned to 19.04.2010 (Monday), Court No. 1, SCO No. 84-85, Sector 17-C, Chandigarh at 11.00 AM** for confirmation.

Chandigarh,
Dated, March 26, 2010

(P. P. S. Gill)
State Information Commissioner Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

62

THIRD PARTY'S "NO" IS FINAL

State Information Commission Punjab Chandigarh

CC No. 3138 of 2009

Hardeep Singh,
C/o Gulshan K. Arora, Advocate,

Complainant

Vs

Public Information Officer, O/o Punjab Pollution Control Board,
Gill Road, Ludhiana

Respondent

ORDER

The Complainant vide his RTI application dated 31.08.2009, has sought information on issue of NOC of a particular factory from the Respondent.

2. The Respondent vide his letter dated 10.09.2009, has informed the Complainant that the requisite information pertains to 3rd party and cannot be given. In a letter to the Deputy Registrar, office of the State Information Commission, Punjab, the Respondent vide letter dated 11.11.2009, has also conveyed the same and quoted Section 8(b) for denying the information. The same is accepted and taken on record. Nothing contrary has been heard. Therefore, the case is **disposed of and closed**.

Chandigarh,
Dated, November 30, 2009

(P. P. S. Gill)
State Information Commissioner Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

63

DELAYED COMPLAINT REJECTED

AC No. 914 of 2009

Shri Anil Wadhera .

Appellant.

Vs.

The Public Information Officer,
o/o MARKFED, Sector 35, Chandigarh

Respondent

ORDER

This is a second appeal against the order dated 21.11.2008 passed by the Managing Director, MARKFED, Chandigarh in his capacity as First Appellate Authority. The second appeal, however, has been filed on 16.11.2009. The appellant prays for condonation of the delay on the grounds that he had kept the papers in a wrong file and could not locate the same and consequently the limitation period expired. He seeks condonation of delay of 260 days.

Counsel for the respondent on the other hand pleaded that Right to Information Act provides time-limits which are applicable both to the Public Authorities and to information-seekers. Delay could be condoned only for some cogent and explainable reasonable reasons. I have heard the parties and gone through the record. Section 19 (3) of the Right to Information Act provides that a second appeal shall lie within 90 days. An appeal may be admitted after the expiry of 90 days period, if the appellate authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal.

The Right to Information Act does not allow luxury of leisure. The law provides firm time caps which must be adhered to, by both the PIO and the information seeker alike, for the various steps in disposal of cases. The delay can be condoned only if there was sufficient explanation for the same. Forgetfulness or negligence is no reasonable reason. The information seeker has the right to sleep, but he must suffer the consequences of slumber. In the absence of cogent explanation for delay, I do not find any justification to condone the delay of 260 days and accordingly **reject** the appeal.

26th February, 2010 Punjab

(R.I. Singh)

Chief Information Commissioner. Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

64

**INFORMATION ABOUT EDUCATIONAL QUALIFICATION OF AN ASI IS
PERSONAL, AND, THEREFORE, CANNOT BE SUPPLIED**

State Information Commission Punjab Chandigarh

CC No. 1748 of 2008

Sh. Balwinder Singh Sahota,

Complainant

ORDER

The complainant states that he applied for the information regarding the educational qualifications of ASI Dalip Singh because he has received information that the certificate submitted by him at the time of his recruitment is not genuine. This, however, is no reason for the applicant to ask for information which pertains to a third party. The correct course of action for him to adopt is to give intimation to the Police Department about the information which he has received and further necessary action regarding the same is to be taken by the Police Department. Apart from this, the applicant has also been informed by the SSP, Chandigarh that the procedure prescribed under Section 11 of the RTI Act was followed and ASI Dalip Singh has given a written statement that he would not like the information pertaining to his personal educational qualification to be given to the applicant, which therefore has been refused.

In view of the above, no further action is required to be taken in this case, which is disposed of.

Oct 15, 2008

(P.K.Verma)
State Information Commissioner Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

65

ACRS CANNOT BE SUPPLIED TO CONCERNED OFFICIAL

State Information Commission Punjab Chandigarh

CC No.272 of 2008

Sh. S.M. Jindal,

Complainant

Vs.

Public Information Officer, O/o Managing Director,
Punjab State Warehousing Corpn., Chandigarh.

Respondent

ORDER

The complainant in this case has asked for copies of three of his ACRs and copies of adverse remarks contained in those ACRs. Copies of the adverse remarks have been supplied to the complainant but the respondent is not very clear on the position regarding the supply of ACRs.

This Court has constantly taken the view that ACRs are by definition confidential documents which cannot be revealed to applicants for information under the RTI Act, since doing so would adversely affect the public interest. Copies of the ACRs therefore cannot be given to the complainant. Disposed of.

Dated: 14th March, 2008

(P.K.Verma)

State Information Commissioner Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

66

CASE DISPOSED-INFORMATION YET TO BE SUPPLIED

State Information Commission Punjab Chandigarh

CC No.89 of 2008

Sh. Kuldip Singh,

Complainant

Vs.

Public Information Officer,
O/o Principal, Govt. Medical College, Majitha Road, Amritsar.

Respondent

ORDER

The respondent states that the information asked for by the complainant in this case is available in the office of the Director, Medical Education and Research, and it is the PIO, o/o DRME to whom it should have been made in the first instance. Since, however, this case has already been very much delayed, the respondent has undertaken to get the information from the office of the DRME and send it to the complainant.

Disposed of.

(P.K.Verma)

Dated: 15th February, 2008

State Information Commissioner Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

67

**PROOF OF DISPATCH OF RTI APPLICATION BY REGD. POST DISCARDED
BY SIC**

State Information Commission Punjab Chandigarh

CC-3080 /10

Sh. Navdeep Gupta,

Complainant

Vs.

PIO O/O Addl. Registrar of Firms and Societies,
Directorate of Industries and Commerce, Chandigarh

Respondent

ORDER

The complaint of Sh. Navdeep Gupta dated 16.9.10 with respect of his RTI application dated 30.7.10 made to the address of PIO/ Addl. Registrar of Firms and Societies & Director of Industries was considered today in the presence of his representative Sh. D.C.Gupta (his father) and the representative of the PIO. It was pointed out to the representative of the complainant that although it is stated that the complaint dated 27.6.09 is enclosed with the RTI application dated 30.7.10, but no copy of the same has been provided to the Commission. Sh. Gupta is directed to place a copy on the record today.

2. The representative of the PIO pointed out that they were not in receipt of any RTI application dated 30.7.10 or the postal order described therein. As the letter was addressed to PIO/Addl. Registrar of Firms and societies, whereas there is no office of Addl. Registrar Firms and Societies. He states that however, in the same building only, there is an office of addl. Registrar Cooperative Societies. So the application has probably been misplaced. He also states that they received a copy of the application only through the notice of the Commission and again since no such copy of the original complaint dated 27.6.10 was sent to the Commission, therefore, they have also not received the same. As such, the complaint does not lie in the Commission. Sh. D.C.Gupta states that a letter has been sent and the proof has been shown to the Commission. However, the proof of posting does not constitute proof of delivery as seen in the present instance as explained above. Thus, the 30 days time limit would start only from today. In case information is not supplied within 30 days, only then should the complaint can be made to the Commission. In the meantime, the PIO may check up from the office of addl. Registrar Cooperative Societies whether this RTI application has gone there and landed in that office.

With these observations the case is hereby dismissed as premature.

1.12.. 2010

Mrs. Rupan Deol Bajaj)
State Information Commissioner (Pb)

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

68

“SHOCKING-REVERSE ACTIVISM”

State Information Commission Punjab Chandigarh

CC - 1892/2010

Shri Madan Mohan,

Vs

Public Information Officer, O/o Executive Engineer,
Water Supply and Sanitation, Division, Faridkot.

Respondent

ORDER

1. On 05.10.2010 the Complainant was directed to ask for specific information regarding specific works being executed in the jurisdiction of XEN, Water Supply and Sanitation Division, Faridkot. After that the case has been heard on 16.11.2010 and 30.12.2010, when the Complainant was not present and even today he is absent.

2. As per the directions given on 05.10.2010, Shri Yadwinder Singh, XEN, Water Supply and Sanitation Division Faridkot submits his affidavit and affidavits from Shri Tej Pal Singh, SDE Jaitu and Shri Chander Kumar Aggarwal, SDE-II, Faridkot in which they have stated as under:-

- (1) That Shri Madan Mohan Deora is a retired employee of Water Supply and Sanitation Department.
- (2) That as per his verbal statement, there is a pending payment of about Rs. 40,000/0 with the department on account of various petty works done through him during his service period in the then Public Health(Mech) division Faridkot.
- (3) That now he is demanding that payment from the office of the deponent for which he has been unable to produce any documentary evidences in support of the said payment.
- (4) That on the pretext of the above said payment he is harassing the deponent by demanding bulk information 's without specifying any specific work or specific period.
- (5) That the work of development suffer due to these unrequired activities.
- (6) That the deponent kindly request that keeping in view the facts stated above, the complainant may please be debarred from demanding such information's.

3. The Respondent states that Shri Madan Mohan has not submitted any previous bills in respect of his claim for the payment. He is simply harassing the Department by demanding voluminous information, which is not easy to prepare and moreover is not in the public interest. He submits that the Complainant may be directed not to submit unnecessary applications for

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

demanding unnecessary information and his such applications may not be considered and he may be directed to demand some specific information for specific period.

4. From the facts stated above by the Respondents it appears that Shri Madan Mohan Deora is deliberately harassing the officers of the said department . Therefore, I recommend that the Deputy Commissioner Faridkot may get an inquiry conducted by some senior officer to look into the conduct of the Complainant and for this purpose photo copy of the complete file of the Commission be sent to the Deputy Commissioner. Inquiry Report be sent to the Commission as well as to the Department for taking necessary action.

5. Since the Complainant has not attended three consecutive hearings and has not asked for any specific information for specific period, the instant case is **disposed of**. However, he is directed to file a fresh application for demanding some specific information for specific period, if so desires.

6. Copies of the order be sent to both the parties and to the Deputy Commissioner, Faridkot alongwith photo copy of the complete file of the Commission for getting an inquiry conducted.

Place: Chandigarh
Dated: 17. 01. 2011

Surinder Singh
State Information Commissioner, Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

69

“PASSING THE BUCK-TYPE”

State Information Commission Punjab Chandigarh

CC No. 221 of 2011

Sh. Kartikay Kaushal,

.Complainant

Vs.

Public Information Officer
O/o Nagar Nigam, Patiala.

.Respondent

ORDER.

Complainant is absent. He has authorized his father Dr. Bharam Sharma to appear before the Commission for today's hearing. Complainant states that complete information has not been provided to him. Respondent states that information as available in the record, has already been provided to the Complainant. Complainant is not satisfied with the reply of the Respondent.

In view of the facts explained by the Respondent and the Complainant, Complainant is advised to approach the proper forum i.e senior officer/authority to take action regarding short comings found by him in the information provided.

No further cause of action is left and the complaint is **disposed of the closed.**

Dated: 22nd Feb. 2011

(Kulbir Singh)
State Information Commissioner, Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

70

“EXTREMELY NARROW APPROACH”

State Information Commission Punjab Chandigarh

CC No. 3696 of 2110

Sh. Sandeep Bassi,
A-12, Phase VI,

Complainant

Versus

Public Information Officer, O/o. Project Coordinator(Admn.),
Punjab Heritage & Tourism Promotion Board, Chandigarh.

Respondent

ORDER Ld. Counsel for the complainant has argued that the Project Reports submitted by a private company have become part of the official record, and he is entitled under the RTI Act to get copies of the same. He has also argued that Section 11 of the RTI Act is not attracted in this case since the Project Reports cannot be considered to be confidential.

I do not find the arguments advanced by the Ld. Counsel to be convincing. The RTI Act is concerned only with official records and the exemptions and restrictions mentioned therein to disclosure of information are therefore applicable to official records which fall within the categories mentioned in Section 8 or Section 11 of the Act. Section 8(1)(d) states that information regarding commercial confidence or intellectual property may not be disclosed if such disclosure harms the competitive position of a third party and Section 11 describes the procedure to be followed when information pertaining to a third party is applied for. In my view, the information for which the complainant has applied falls squarely within the ambit of Section 8(1)(d) as well as Section 11 of the Act and the denial thereof by the respondent is therefore upheld. Disposed of

11th February, 2011

(P.K.Verma)
State Information Commissioner Pb

71

“PRO-PIO APPROACH”

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

State Information Commission Punjab Chandigarh

AC No. 976 of 2010

K. P. Verma,

Complainant

Vs

Public Information Officer
O/o DPI(S), Pb, Sec.17-D, Chandigarh & anr.

Respondents

ORDER

In compliance with the order dated 14.01.2011, the requisite information has been provided to the Appellant, who is satisfied. A copy of the letter dated 07.02.2011 is taken on record.

2. The Nodal P.I.O. makes a written submission as per the order which is taken on record. Before I part with this order, I would like to recall that the Appellant did not get any response either from the P.I.O. or the First Appellate Authority. This shows a disconnect of the public authority with information-seeker and also reflects systemic deficiencies in the functioning of the department, where officials are seemingly not properly sensitized and trained with a view to inculcate in them necessary disciplining of functioning or a sense of urgency required for the discharge of their solemn functions under the RTI Act.

3. Nodal P.I.O. is directed to take appropriate steps in dealing with the RTI applications to stop harassment of the information-seekers. He is also cautioned to be more careful in future.

Since the information stands supplied, the case is **disposed of and closed**.

Chandigarh,
Dated, February 09, 2011.

(P. P. S. Gill)
State Information Commissioner. Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

72

“Extremely Pro-PIO approach”

State Information Commission Punjab Chandigarh

CC No.3509 of 2010

Sh.Jagdish Singh

Complainant

Vs.

Public Information Officer,
O/o Block Development & Panchayat Officer,
Block Majri, Distt: SAS Nagar.

Respondent

ORDER

In compliance of the order dated 24.1.2011, Mrs. Sarabjit Kaur, BDPO appeared in person and she gave clarification and report submitted by Shri Gurdeep Singh, JE, has been handed over to the complainant.

2. Commission has taken it seriously on the remarks given by Shri Gurnam Singh, Panchayat Officer in the orders dated 22.12.2010 that no report has been submitted by Shri Gurdeep Singh, JE and the report has only been submitted by Shri Amarjit Singh. Mrs. Sarabjit Kaur, BDPO has also stated that the working of Shri Gurnam Singh, PO is not satisfactory and she has many times rebuked him for not showing interest in the office work.

3. As the information stands supplied to the complainant, the case is **closed and disposed of** accordingly.

Chandigarh
09.02.2011

(Mrs. Jaspal Kaur)
State Information Commissioner.Pb

Dated:

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

73

“FINDING FAULT WITH APPLICANTS”

State Information Commission Punjab Chandigarh

AC No.1054 of 2010

Bagga Singh

Complainant

Vs

Public Information Officer, O/o Gram Panchayat,
Manjha Nidhana, Block-Gur Harsahai, Distt Ferozepur

Respondents

ORDER

The RTI request is dated 03.06.2010 and the information sought is regarding BPL families and schemes carved out for them.

2. Appeal with the 1st Appellate Authority is dated 08.07.2010 and with the Commission 09.08.2010. The First Appellate Authority, B.D.P.O., Ferozepur, vide his letter No. 6051 dated 30.12.2010 addressed to the Commission has returned the instant case alongwith 20 other notices of hearing on the plea that the village does not fall in the jurisdiction of the Block in question – Ferozepur.

3. A perusal of the documents on record also reveals that the information seeker has not addressed his RTI request as per Section 6(1) of the RTI Act. It reads as under :

“ A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi in the official language of the Area in which the application is being made, accompanying such fee as may be prescribed, to

- (a) To the Central Public Information Officer or State Public Information officer, as the case may be, of the concerned public authority ;*
- (b) The Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be specifying the particulars of the information sought by him or her. “*

4. It transpired during the hearing that the addressee “ Gram Panchayat Secretary” as mentioned in the RTI request for information of 03.06.2010, is neither PIO nor APIO.

5. The PIO, in fact, is the Panchayat Secretary as per the order of the

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

Financial Commissioner Rural Development, Govt. of Punjab, dated 10.10.2005, published in the manual under RTI Act, 2005 of the department of Rural Development and Panchayat, Page 85. It is :

“ Every Panchayat Secretary will be the Public Information Officer for the Gram Panchayat falling in his jurisdiction, Block Development and Panchayat Officer shall be appellate authority for the Panchayat. ”

6. *The Appellant was explained during the hearing that each Panchayat Secretary has been allocated a small number of villages (05-08) which constitute a “Circle” and one central village in each circle serves as the Headquarter of the Panchayat Secretary concerned, who periodically visits villages in his allotted Circle(s).*

7. In fact, B.D.P.O. of a block is also the PIO at block level. A “Gram Panchayat Secretary “ is neither PIO nor APIO. **Therefore, Appellant’s request itself is in fructuous under Section 6(1) of the RTI Act, 2005, as it has not been correctly addressed.**

8. Thus, it is clear that the original RTI request has not been delivered/received in the office of the public authority concerned or by any designated PIO/APIO. Therefore, the RTI application of the Appellant, dated 03.06.2010, is not maintainable and hence, **dismissed.**

9. He has been explained in detail and at length how to go about filing of RTI request in a correct/proper manner.

10. However, the Appellant, if he so desires, may file a fresh application under the provisions of the RTI Act, 2005 and address it to the B.D.P.O.-cum-PIO of the Block concerned to seek information.

Chandigarh,
Dated, January 31, 2011.

(P. P. S. Gill)
State Information Commissioner.Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

74

**“SHOCKING ORDER-DELHI-RESIDENT APPELLANT DIRECTED TO HAND
OVER THE ORDER OF COMMISSION PERSONALLY TO LUDHIANA-BASED
PIO.”**

State Information Commission Punjab Chandigarh

AC No. 857 of 2010

Sh Amrit Pal Singh, D-15, Marg 13, Saket, New Delhi

Appellant

Vs.

PIO O/o Deputy Commissioner, Ludhiana

Respondent

ORDER

Appellant states that he filed an application for information on 03.07.2010 to the PIO O/o Deputy Commissioner, Ludhiana but no information was provided to him by the PIO so far. In the hearing dated 11.11.2010, **Sh. S.R.Kaler, PCS, ADC, Ludhiana** was directed to show cause. In response to the order showing cause, PIO-cum-ADC, Ludhiana has submitted his reply, which is not as per the facts stated by the Appellant. Appellant states that he has attended three hearings in the Commission, still information has not been provided.

In view of the above, **Sh. S.R.Kaler, PCS, ADC-cum-PIO, Ludhiana** is hereby given an opportunity u/s 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 presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him *ex-parte*, if there are other persons responsible for the delay in providing the information to the Appellant the PIO is directed to inform such persons of the show cause and direct them to appear before the Commission alongwith the complete record relating to the RTI application and also their written reply in response to the order showing cause. Appellant is advised to hand over the copy of the today's order to the PIO personally.

Adjourned to **10.02.2011 (11.00 AM)** for further proceedings.

Dated: 28th January 2011

(Kulbir Singh)
State Information Commissioner Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

75

“NO MOTIVE DISCLOSED-NO INFORMATION”

State Information Commission Punjab Chandigarh

CC No.3736 of 2010

(Order against Basic Structure of RTI Act)

Sh.Lakha Singh

Complainant

Vs.

Public Information Officer,
O/o Improvement Trust, Patiala.

Respondent

ORDER

Complainant filed complaint with the Commission on 30.11.2010 with respect to his RTI application dated 22.10.2010, made to the address of PIO, O/o Improvement Trust, Patiala, seeking information regarding sewerage and water connections in the new Colonies. Information is sought as to how many connections are issued colony wise, how many bills issued against those connections, how many house holders are making regular payments against those bills, how many are the defaulters colony wise, how much amount stands due colony wise, name of the person under whose authority and the Improvement Trust as a whole to recover the due amount from the defaulters, the total amount that stands due colony wise is required to be furnished. What are the Government rules in this connection? A copy of these rules be also supplied duly attested.

2. Today, during hearing, respondent submitted that information is very much voluminous and this information relates to the whole Improvement Trust, Patiala. He has not mentioned the period of information. From the RTI application, it transpires that the information relates to the colonies 20 to 30 years old and relates to sundry items. He further submitted that the information sought by him is not in public interest and that he is seeking information for his personal grouses. Respondent further added that complainant has some personal conflict with a lady employee, named as Mrs. Rajwinder Kaur, clerk working now in Head Office, Patiala. In fact, the information seeker is a citizen of India and he is entitled to receive the information under the RTI Act, 2005. This Act was enacted to bring transparency in the administrative system of public authority, but one should not make a mockery of such a beneficial piece of legislation by using as a vindictive tool to set the personal grouse against the public authority or employee of any institution or organization.

3. I heard the parties at length. The complainant failed to justify that he is seeking the information in public interest and not for any personal grouse. The Commission finds that the complainant has no motive for seeking the information and such intention of the complainant should be curbed so that real motive of the Act may not be defeated.

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

4. In view of the above, the case is **closed and disposed of**.

Chandigarh
Dated: 24.01.2011

(Mrs. Jaspal Kaur)
State Information Commissioner. Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

76

CRUEL JOKE AGAINST A SUFFERING WIFE

State Information Commission Punjab Chandigarh

CC No. 2988 of 2010

Smt. Manpreet Kaur,

Complainant

Vs.

Public Information Officer

O/o SMO, Civil Hospital, Kapurthala

Respondent

ORDER

Respondent states that the information regarding Smt. Manpreet Kaur, D/o Baldev Singh has been sent to her. Respondent has submitted that the information regarding her husband i.e. Sh. Baljinder Singh s/o Tarsem Singh was declined because as per guidelines of the National Aids Control Organization, Ministry of Health and Family Welfare, GOI, is totally confidential and cannot be revealed to anybody without the consent of the person who has undergone the HIV test. As per guidelines, the partner notification is as under:-

“ An HIV-positive person should be encouraged through counseling and tools such as role-play to share the positive test result with his/her spouse, sexual or needle-sharing partner(s), and bring the spouse or partner for counseling to an ICTC. This process of helping the client to share the test result might take more than one visit. If after repeated visits the counselor feels that the client is not ready to share his/her status and the regular sexual partner of the client is deemed to be at risk, the partner can be notified of the person’s positive status. This communication with the partner should be, without exception, in a face-to-face setting. Wherever possible, the counselor could contact positive network groups to facilitate the disclosure.”

3. In view of the guidelines of the National Aids Control Organization, the sought for information cannot be provided. However, the Complainant is at liberty to get the information by law through the Hon’ble Court. Since, information has been provided, no further cause of action is left and the complaint is **closed and disposed of**. Copies of the order be sent to the parties.

(Kulbir Singh)

State Information Commissioner. Pb

Dated: 21st January 2011

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

77

RIDICULOUS (MAXIMUM 50 PAGES OF INFORMATION CAN BE SUPPLIED

State Information Commission Punjab Chandigarh

CC No. 3778 of 2010

Sh. Amrik Singh, Complainant

Versus

Public Information Officer,
O/o. District Welfare Officer, Ludhiana. Respondent

ORDER

The complainant has asked for a huge amount of information regarding the 'shagan' scheme which the respondent cannot be expected to collect since the effort and time involved would not be proportionate to any objective which the complainant has in mind. However, I order that the respondent should make available his records to the complainant, from which he can make a selection of documents not exceeding 50 pages, and photostat copies of the same should be given by the respondent to the complainant.

Adjourned to **10 AM on 11-02-2011**. The inspection will take place at 10 AM on 03-02-2011 in accordance with the mutual convenience of both the parties.

20th January, 2011

(P.K.Verma)
State Information Commissioner, Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

78

RIDICULOUS (MAXIMUM LIMIT OF PAGES FOR FREE INFORMATION)

State Information Commission Punjab Chandigarh

CC No. 3726 of 2010

Sh. Dalbir Singh Randhawa,

Complainant

Versus

PIO, O/o. Chief Agriculture Officer, Gurdaspur.

Respondent

ORDER

The information mentioned at sr. nos. 1 & 2 of the application for information of the complainant will be supplied to the complainant by the respondent free of cost. Regarding sr. no. 3, the respondent will inform the Court on the next date of hearing, how many pages of information will be involved if only a copy of the register in which entries are made of the brief details of disbursement of subsidy, is given for each commodity, for one year from 01.01.2010 to 31-12-2010.

The complainant has requested for adjournment and the case is adjourned to **10 AM on 10-02-2011** for further consideration and orders.

20th January, 2011

(P.K.Verma)
State Information Commissioner, Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

79

NO ENQUIRY PENDING-STILL COPY OF COMPLAINT NOT SUPPLIED

State Information Commission Punjab Chandigarh

CC No. 3663 of 2010

Sh. Harinder Pal Singh Grewal

Complainant

Versus

Public Information Officer, O/o. Secretary to Govt.
Punjab, Food and Supplies Department, Chandigarh

Respondent

ORDER

There are two items of information mentioned in the application for information of the complainant. He has received the information mentioned at item no 1. Insofar as item no 2 is concerned, the complainant has asked for copies of the proceedings concerning the complaints made against him during the karif season 2008-09. Having heard the respondent in the complainant's absence, I observe that the complaints referred to in the application for information are of a sensitive nature and in fact, a decision is still to be taken whether they should be inquired into. In the meanwhile, I agree with the respondent that disclosure of the details of the complaint is exempted under Section 8 (1) (e, g, and h). However, the respondent is directed to reconsider the application of the complainant if it is finally decided that an inquiry will not be held into the complaints.

Disposed of.

14th January, 2011.

(P.K.Verma)
State Information Commissioner, Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

80

OFFICIAL WAS ON LEAVE OR NOT- IS A THIRD PARTY INFORMATION

State Information Commission Punjab Chandigarh

CC No. 3303 of 2010

Sh. Jasvir Singh,

Complainant

Versus

Public Information Officer,
O/o. Senior Executive Engineer,
Punjab State Power Corporation,
Dasuya. Distt. Hoshiarpur.

Respondent

ORDER

The information supplied to the complainant by the S.D.O., Punjab State Power Corporation Ltd., Gardiwala, vide his letter dated 04-05-2010 is not the information for which the complainant had made his application. On the other hand, I find that the complainant has asked for information whether a third party was present or on leave on several days mentioned in his application, spread over from 15-07-1999 to 31-12-2003, and in case he was on leave, the records concerning his taking the leave. I find that this information falls squarely within the ambit of Section 11 of the RTI Act, and the respondent is therefore directed to take action as has been laid down in the afore mentioned provision of the Act and then take a decision on the complainant's application.

Adjourned to **10 AM on 24-02-2011** for confirmation of compliance.

14th January, 2011.

(P.K.Verma)
State Information Commissioner, Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

81

**OFFICIAL INFORMATION ALSO DECLARED TO BE THIRD PARTY
INFORMATION**

State Information Commission Punjab Chandigarh

CC No. 3690 of 2010

Sh. Sant Ram Kataria,

Complainant

Versus

Public Information Officer,
O/o. Deputy Commissioner, Jalandhar.

Respondent

ORDER

The information for which the complainant has applied in this case relates to personal details of a third party, about whether she has sought permission from Government before acquiring some property and whether leave was taken by her before attending a court case. Such like information relating to a third party is exempted from disclosure under Section 8(1)(j) of the RTI Act, 2005.
Disposed of.

14th January, 2011.

(P.K.Verma)
State Information Commissioner, Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

82

RIDICULOUS (TOO MANY COOKS SPOIL THE BROTH)

AC No.1092 of 2010

Sh. C.L. Pawar,

Appellant

Versus

Public Information Officer,
O/o. Chief Secretary to Govt. Punjab,
Punjab Civil Secretariat, Chandigarh.

Respondent

ORDER

The respondent states that the appellant has been informed that no action can be taken on his application for information, since the information concerns several departments and action under Section 6(3) was not taken because of multiplicity of PIOs involved, in view of the guidelines of Government of India, circulated vide their memo. dated 12-06-2009.

The appellant is not present, nor has any request been received for an adjournment. Disposed of.

14th January, 2011

(P.K.Verma)
State Information Commissioner, Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

83

MATTER SUB-JUDICE; NOTING SHEET DENIED

State Information Commission Punjab Chandigarh

CC No. 3602 of 2010

Sh. Gurpreet Singh Sidhu,

Complainant

Versus

Public Information Officer,
O/o. MD, PUNSUP, Chandigarh.

Respondent

ORDER

Ld. Counsel for the respondent states that the information required by the complainant at sr. nos. 1 & 3 of his application for information has been brought by him and he has submitted the same to the Court for being supplied to the complainant. Insofar as item no. 2 of the application is concerned, in which certified copies of notings have been asked for by the complainant, Ld. Counsel states that there are two proceedings which are pending between the Punsup and the complainant, firstly, a criminal case which has been filed by Punsup in the Court of JMIC, Moga for recovery of crores of rupees, on account of an alleged fraud committed by the complainant and secondly, the Punsup has challenged the award which was made in arbitration proceedings between the parties concerning the same matter. He states that the letter of the complainant dated 21-09-2010, which is in continuation of letter dated 20-11-2008 (mentioned at sr. no. 1 & 3 of his application for information respectively) are representations regarding the same matter which is subjudice in the proceedings between the parties, and disclosure of the notings in which these letters have been dealt with would adversely affect the said proceedings and the information is therefore exempted from disclosure under Section 8(1)(h) of the RTI Act, 2005.

I find that there is considerable strength in the arguments of the respondent. I therefore uphold the respondent's claim of exemption in respect of sr. no.2 of the items of information mentioned in the complainant's application.

Of the remaining items mentioned in the application, information in respect of sr.nos. 4 & 5 has already been supplied to the complainant and information in respect of sr. nos. 1 & 3 submitted by the respondent in the Court today, may be sent to the complainant along with these orders for his information. Disposed of.

13th January, 2011.

(P.K.Verma)
State Information Commissioner, Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

84

**SHOCKING-FEE AT RATES DIFFERENT FROM THOSE PROVIDED UNDER RTI
ACT, ALLOWED**

State Information Commission Punjab Chandigarh

CC No. 3754 of 2010

Sh. Ramlal Tantia

Complainant

Vs.

PIO, O/o Register of Firms and Societies Punjab, Chd

Respondent

ORDER.

Respondent states that Complainant has to pay the fee as approved by the Government to get the copies of the documents relating to any society registered with the Registrar firms and Societies, Punjab. He further states that Complainant has already been informed in this regard. Complainant is absent. He is advised that he should pay the fee as fixed by the Government to the Registrar of Firms and Societies to get the documents sought by him.

In view of the above, no further cause of action is left and the complaint is **closed and disposed of**. Copies of the order be sent to the parties.

Dated: 7th January 2011

(Kulbir Singh)
State Information Commissioner, Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

85

INFORMATION REGARDING PAROLE DENIED

CC No. 3528 of 2010

Ex. Capt. Gurbaksh Singh Sekhon,

Complainant

Vs.

PIO, O/o. Jail Superintendent, District Jail, Sangrur

Respondent

ORDER

The complainant in this case has asked for the details of the parole availed by the convict, convicted in a case in which the present complainant before the Commission was the complainant. The parole was availed by the convict between 2001-2006 in accordance with the applicable rules, for which he was granted bail pending the decision on his appeal by the Hon'ble Punjab and Haryana High Court. The information required by the complainant relates to a third party and there is no apparent public interest in its disclosure. The respondent has sent the information to the Commission vide his letter dated 17-12-2010 stating that it may be given to the complainant if such action is in accordance with the RTI Act, 2005.

On a careful consideration I find that the required information should not be disclosed to the appellant/complainant. Disposed of.

6th January, 2011

(P.K.Verma)

State Information Commissioner, Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

86

SHOCKING

State Information Commission Punjab Chandigarh

CC No. 3707 of 2010

Smt. Jagdeep Bains,

Complainant

Vs.

Public Information Officer

O/o Tehsildar, Jalandhar (West), Distt. Ferozepur

Respondent

ORDER.

Complainant states that she sought information from the Tehsildar who vide letter dated 02.11.10 has informed her that the sought for information relates to the Patwari, Halqa Amir Khas, Jalalabad so she should approach the concerned, Patwari. Sh. Baldev Singh, Patwari appearing on behalf of the Tehsildar has submitted an affidavit of the Tehsildar stating that information demanded by the Complainant is of public nature related with the Patwari and in this regard jamabandi is to be provided by Halqa Patwari. A requisite fee has been fixed by the State Govt. regarding obtaining this type of information i.e. Jamabandi, Complainant has been informed in this regard by registered post on 04.11.2010. Since, the information can only be provided after paying the revenue fees and as per the revenue law. Complainant is advised to approach the Patwari as informed by the Tehsildar. If the information is not provided as per revenue act then the Complainant is free to approach the Commission under the RTI Act.

3. In view of the above, no further cause of action is left and the complaint is **closed and disposed of**. Copies of the order be sent to the parties.

Dated: 30th December, 2010

(Kulbir Singh)

State Information Commissioner, Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

87

PURPORT OF INSPECTION RE-DEFINED

State Information Commission Punjab Chandigarh

CC-646 /2010

Sh. D.C.Gupta,

Complainant

Vs.

PIO,O/o Chief Engg. Electrical, PWD B&R, Mini Sect,Patiala.

Respondent.

ORDER:

The complaint of Sh. D.C.Gupta dated 27.1.10, received in the Commission on 17.2.10, in respect of his RTI application dated 26.11.09, made to the address of PIO/ O/O Chief Engineer, Electrical, PWD B&R, Mini Sectt., Patiala was considered today. (His application was transferred by the Nodal Officer on 16.12.09 u/s 6(3) to SE Electrical, PWD B&R Chandigarh and further transferred by that authority to the XEN, Electrical Div. Jalandhar vide letter dated 1.2.10).

2. The PIO stated that full information had been supplied vide letter dated 01.02.2010. Shri D.C.,Gupta confirmed the fact but stated that information had not been supplied on point No. 4. The PIO stated that it would be supplied within 10 days. Shri D.C. Gupta also stated that no date had been fixed for inspection of the record from which the documents had been supplied. Shri Gupta had asked for information 12 points and also demanded:

“While providing the information please intimate the date and time convenient to you for inspection of the relevant documents along with the cash book of the above deposit work and bank statements.”

3. It is quite in order for Sh. Gupta to request for inspection of documents and thereafter to demand copy of any documents which are suitable to his purpose. However, the demand reproduced above amounts to asking for documents first to be delivered to him in his house and then asking to cross check the documents from which they have been prepared, perhaps in order to see whether they have been correctly provided. This expresses the mis-trust in the PIO from the very beginning, even before receiving the documents and is not a very palatable situation for the PIO. I am, therefore, of the view that no date of inspection needs to be fixed in such reverse order.

4. In future, as and when Sh. D.C.Gupta requires documents, he may inspect them at the outset and ask for the copies he requires. His apprehension expressed in the hearing that the PIO may make him visit the office fruitlessly and not show him the papers should also be stated only after it is factually found to be so and not by expressing doubts before –hand, since the PIO

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

is expected to fix a date for inspection only after segregating the information and record, asked for by the applicant and to keep them ready for inspection.

5. It is also observed that since Sh. D.C.Gupta knew that the information he is seeking is regarding Sainik School Kapurthala, he could have found out who is the concerned PIO and sent the RTI application to him instead of involving 3-4 offices to send the application to the correct PIO.

With these observations, the case is hereby disposed of. In case the information is not provided to Shri D.C.Gupta on point No. 4 by the date promised, he is free to get the matter reopened through a simple letter addressed to this Bench.

13.7. 2010

(Mrs. Rupan Deol Bajaj)
State Information Commissioner, Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

88

SIC DECIDES HOW MUCH INFORMATION SHOULD BE PROVIDED

State Information Commission Punjab Chandigarh

AC No. 1073 of 2010

Sh. K. Deep Sandhu,

Appellant

Vs.

Public Information Officer, O/o SDM, Jagraon & anr.

Respondent

ORDER

Appellant states that he filed an application on 08.05.2010 under the RTI Act. Respondent states that the sought for information has already been sent to the Appellant on 10.07.2010. Appellant is not satisfied with the information provided. All the points have been discussed in the Commission today in the presence of the Respondent and Appellant. Respondent is directed to provide information of point j and e before the next date of hearing. Since, the information from 1990 to 2005 is very voluminous, Respondent is directed to provide information for only last five years i.e. 2000 to 2005.

3. Adjourned to **14.01.11 (10.30 AM)** for further proceedings.

Dated: 27th December, 2010

(Kulbir Singh)

State Information Commissioner, Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

89

COPY OF BUILDING PLAN IS NOT TO BE SUPPLIED

State Information Commission Punjab Chandigarh

CC No. 2138 of 2008

Rajinder Kumar and anr.

Complainants

Vs

Public Information officer,
O/o Municipal Corporation, Patiala

Respondent

ORDER

Arguments were heard on 22.12.2010 and order was **reserved** for pronouncement on 24.12.2010.

2. This case had been disposed of and closed on 06.02.2009. However, the case had been relegated to "State Information Commission, Punjab, to re-address the issue and assign reasons for not issuing direction to give information on Point No. 02. Needful be done within a period of four weeks from the date of receipt of a certified copy of the order", vide order dated November 09, 2010 passed by Hon'ble Punjab and Haryana High Court in C.W.P. No. 11528 of 2009. A copy of the said order was received on 30th November, 2010.

3. In view of the order of Hon'ble Punjab and Haryana High Court, to give an opportunity to both the parties to once again present their case, a notice of hearing was issued to the parties through registered post by the Deputy Registrar, Punjab State Information commission, on 17.12.2010. The case was listed for hearing on 22.12.2010.

4. On 22.12.2010, both parties were present and arguments were heard. In the hearing, a copy of written submission made by the Complainant was given to the Respondent, who was directed to file his written submission to the Commission positively on 23.12.2010. A response to the same has been received and placed in the case file. The Respondent has given point-wise response to all 04 points, the Complainant had raised in his written submission. I have carefully perused all documents on record.

5. The present case relates to seeking information relating to Plots No. 28 & 29, Ajit Nagar, Patiala. Initial request containing 12 items was filed on 14.01.2008. However, on not getting the requisite information, the Complainant had filed an appeal with the Commission on 12.09.2008. The matter was taken up on 24.10.2008, 21.11.2008, 19.12.2008, 16.01.2009 and 06.02.2009. Information, as had been demanded, was provided, except on item No. 2, that is, "copy of building plan as sanctioned by Municipal Corporation with respect to building on Plot No. 28 & 29, Ajit Nagar, Patiala."

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

6. In the written submission of 23.12.2010, the Respondent has reiterated his position as per his letter of 24.10.2008. In that letter the Respondent had submitted that information demanded falls under the purview of exemptions under provisions of Section 8 (1) (d) and (j) of the Right to Information Act, 2005 and should, therefore, be denied. In his letter dated 24.10.2008, the Respondent had also referred to the orders of this Commission passed on 08.09.2008 in AC No. 111/2008.

7. The Respondent on 24.10.2008 had stated :“ But the information could not be supplied to him because they had sought a copy of building plan as sanctioned by Municipal corporation with respect to the building on Plot No. 28 & 29, Ajit Nagar, Patiala. The contents of their application dated 14.01.2008 reveal that the information sought in the instant case pertains to the property/Plot No(s) 28 & 29, Ajit Nagar, Patiala which indisputably belongs to the third party. Thus this information could not be supplied to them. Further it is relevant to mention here that this Hon'ble Commission has also given the finding in AC No. 111/2008 on 08.09.2008, wherein, it has been held :

“the information demanded by the appellant pertains to a building plan submitted for approval by the third party/objector with the Municipal Corporation, Patiala. The contents of the building plan submitted by the objector are obviously personal information relating to the third party. These also constitute intellectual property of the objector/third party. Disclosure of this information would be exempt under Section 8 (I) (d) and (j) RTI Act, 2005, unless the appellant can show that the demand made by him would subserve any public interest. The Appellant has not been able to show as to how the disclosure of information demanded by him has any linkage with public activity or interest. The request for information made by the Appellant is, therefore, liable to be rejected. I order, accordingly.”

8. During the hearing on 22.12.2010, the Complainant was unable to justify larger public interest involved in obtaining information.

9. In view of the foregoing, it is directed that provision of information pertaining to item No. 2 of the original request dated 14.01.2008 of the Complainant will not be supplied being commercial, confidential and personal in nature for which the Complainant has not justified larger public interest in obtaining the same. The case is, therefore, **disposed of and closed**.

Chandigarh,
Dated, December 24, 2010.

(P. P. S. Gill)
State Information commissioner Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

90

**SHOCKING
(DEMANDING INFORMATION FROM GRAM PANCHAYAT AMOUNTS TO
HARASSMENT TO GRAM PANCHAYAT-IT HINDERS DEVELOPMENT)**

State Information Commission Punjab Chandigarh

CC No. 3416 /2010

Shri Gurmail Singh

Complainant

Vs

Public Information Officer, O/o Block Development & Panchayat Officer, Anandpur Sahib, dist.
Ropar.
Respondent

ORDER

Heard both the parties.

2. The respondent states that the information was sent to the complainant through Chowkidar, Shri Joginder Singh on 01.12.2010. But the complainant, Shri Gurmail Singh, refused to receive the information as stated/ given in writing by the chowkidar :-

“ ;{uBk b?D s'A fJBekoh j?.
;jh\$- u"ehdko ”

The respondent further states that the same information was sent through registered post on 21.12.2010 also. He further states that the wife of Shri Gurmail Singh, complainant, is member Panchayat and he has filed so many cases against the sarpanch for getting the information from the Gram Panchayat. If the complainant would have received the information, there was no need to file a complaint in the commission. In view of the above, I am of the opinion that the complainant is just harassing the Panchayat and is a big hindrance in the development of village. The case is **dismissed**.

3. Copies of the order be sent to both the parties.

Place: Chandigarh
Dated:23-12-2010

Surinder Singh
State Information Commissioner, Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

91

**INFORMATION SOUGHT ABOUT ACTION TAKEN ON APPLICANT'S OWN
COMPLAINT, IS EXEMPTED UNDER RTI ACT**

State Information Commission Punjab Chandigarh

AC No. 949 of 2010

Rakesh Kumar Singla, Press Correspondent,

Appellant

Vs

Public Information Officer, O/o Director Public Instruction (SE), Punjab, Sector 17-D, Chandigarh
and anr. Respondents

ORDER

The RTI request is dated 31.12.2009 wherein, the Appellant wants to know the details of the action taken on the complaint he had filed against Mr. X.

His 1st Appeal to the Appellate Authority is dated 11.02.2010 and 2nd Appeal with the Commission is dated 30.03.2010. The perusal of the file reveals that response was sent to him by the O/o D.P.I. on 15.02.2010. The Information sought is exempted under sec 8(1)(j). The Appellant accepts the receipt of this letter.

The Appellant has failed to justify what, if any, any public interest, would be served if information is disclosed. Since the information stands supplied, the case is **disposed of and Closed.**

Chandigarh,
Dated, December 17, 2010.

(P. P. S. Gill)
State Information Commissioner. Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

92

COPY OF LEGAL NOTICE SERVED BY SON ON A DEPARTMENT DENIED

State Information Commission Punjab Chandigarh

AC No. 941 of 2010

Dr. M. L. Ohri,

Appellant

Vs

Public Information Officer,
O/o Principal, Mehar Chand Polytechnic College,
Jalandhar & anr.

Respondent

ORDER

The RTI request is dated 27.08.2010. The information sought is a copy of the legal notice served by one Sh. Sanjay Mahajan, Lecturer in Civil Engineering on the Respondent-PIO on 24.09.2009.

2. The Respondent, vide his letter dated 10.09.2010, addressed to the Appellant has rejected the same under Section 8(1) (j) of the RTI Act. Not satisfied with the response, he filed an appeal with the First Appellate Authority on 18.09.2010 and Second Appeal with the Commission on 02.11.2010.

3. The representative of the Respondent submits a written response from the Principal which is taken on record. The plea taken by the Respondent to deny information under Section 8(1)(j) is accepted. The Appellant has failed to justify the larger public interest involved if the information is disclosed to him. He admits that his son is fighting a personal case in the High Court because of which he wants a copy of legal notice, Mr. Sanjay Mahajan has served on respondent on 24.09.2009. This Commission is not a Forum for redressal of vendetta or vengeance.

In view of the above, the case is **disposed of and closed.**

Chandigarh,
Dated, December 13, 2010.

(P. P. S. Gill)
State Information Commissioner.Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

93

**INFORMATION WHETHER A CLERK HAS PASSED TEST IN PUNJABI,
DECLINED-SIC SAYS THERE IS NO PUBLIC INTEREST IN IT**

State Information Commission Punjab Chandigarh

CC No. 3325 of 2010

Mohinder Singh (Retd.),

Complainant

Vs

Public Information Officer, O/o Director Public Instruction (S), Punjab, Sector 17-D, Chandigarh.
Respondent

ORDER

The Complainant is represented by Mr. Ajay Singla, Advocate.

2. The RTI request is dated 26.08.2010 seeking information about an individual clerk about his having passed or otherwise test in Punjabi. On not getting any response, a complaint was filed with the Commission on 01.11.2010. The representative of the Complainant has failed to justify larger public interest involved in this. The information also relates to a 3rd party.

Therefore, the case is **disposed of and closed**.

Chandigarh,
Dated, December 10, 2010.

(P. P. S. Gill)
State Information Commissioner.Pb

P.S.

The representative of the Respondent, Mr Amarjit Singh, Sr. Asstt., appeared after the order was dictated in the open court. He submits a letter, dated 07.12.2010, written to the information-seeker which is taken on record. He has been apprised of the order passed in the open court.

Chandigarh,
Dated, December 10, 2010.

(P. P. S. Gill)
State Information Commissioner

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

94

FINANCIAL BENEFITS OBTAINED BY FAMILY OF EMPLOYEE FROM PUNSUP-INFORMATION DENIED

State Information Commission Punjab Chandigarh

CC No. 3491 of 2010

Sh. Jasbir Singh,

Complainant

Vs.

Public Information Officer, O/o. Managing Director,
PUNSUP, Chandigarh- 160022.

Respondent

ORDER

The respondent states that the financial benefits due to the family of Sh. Jaswant Singh. S/o. Sh. Dalip Singh after his death, which took place about ten years ago, have been disbursed to her mother. The applicant in this case claims to be the uncle of the deceased employee and is not entitled to be given the information about the details of the disbursement which had been made, since the information pertains to a third party and it would not be in the public interest to disclose the same.

I agree with the submissions made by the respondent. Disposed of.

10th December, 2010

(P.K.Verma)
State Information Commissioner, Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

95

OFFICIAL DOCUMENTS PERTAINING TO A RETIRED REGISTRAR DENIED

State Information Commission Punjab Chandigarh

AC No. 825 of 2010

Jit Parkash,

Appellant

Vs

Public Information Officer
,O/o Director Public Instruction (SE), Punjab,
Sector 17-D, Chandigarh & anr.

Respondent

ORDER

The RTI request is, dated 19.04.2010, wherein the Appellant demands information/documents pertaining to a retired Registrar. On not getting any response, he filed an appeal with the Commission which is registered at diary No.18356, dated 04.10.2010.

2. The Respondent says that this is a 3rd party information and it cannot be given.

3. The Appellant fails to justify the larger public interest involved if this information is disclosed to him. Apart from this, he wants to fight a court case. In view of this, the case is **disposed of and closed.**

Chandigarh,
Dated, November 01, 2010.

(P. P. S. Gill)
State Information Commissioner. Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

96

**RIDICULOUS ORDER- INFORMATION ABOUT SELECTED CANDIDATES NOT
SUPPLIED TO A REJECTED CANDIDATE**

State Information Commission Punjab Chandigarh

CC No. 2856 of 2010

Jaswinder Singh,

Complainant

Vs

Public Information Officer,
O/o District Education Officer (SE),
Hoshiarpur.

Respondent

ORDER

The request for information is dated 31.07.2010 regarding seeking information on appointment of physical training masters. On not getting any response, he filed a complaint with the Commission on 17.09.2010. The Respondent says that the information sought is voluminous and involves multiple public authorities from which the Respondent-PIO is required to collect and collate the information and then give to the information-seeker, which is not in accordance with the letter and spirit of the RTI Act.

2. During the hearing the information-seeker has failed to justify the public interest involved if the information is disclosed to him. He also admits that it is his personal case since he has not been selected as Physical Training Master.

3. He has been advised to file a fresh RTI request, if he so desires, and seek specific information from the Respondent (s) concerned.

In view of this, the case is **disposed of and closed**.

Chandigarh,
Dated, October 25, 2010.

(P. P. S. Gill)
State Information Commissioner. Pb

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

97

SHOCKING ORDER- SIC DENIES INFORMATION ABOUT ACTION TAKEN ON ENQUIRIES CONDUCTED AGAINST A PARTICULAR TEACHER

State Information Commission Punjab Chandigarh

CC No. 276 of 2010

Kuljit Singh,

Complainant

Vs

Public Information Officer,
O/o Director Public Instruction (SE), Punjab,
Chandigarh.

Respondent

ORDER

The RTI request, addressed to the office of DPI (S), is dated 30.12.2009. The request for information pertains to seeking action taken report on inquiries conducted against a particular teacher. The complaint to the Commission was received at SICP diary No.17305 dated 07.09.2010.

2. The Complainant failed to justify the public interest involved in seeking this information being 3rd party. The same is denied.

The case is, thus, **disposed of and closed.**

Chandigarh,
Dated, October 04, 2010.

(P. P. S. Gill)
State Information Commissioner. PB

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

98

AUDIT REPORTS OF A COLLEGE DENIED TO INFORMATION SEEKER

State Information Commission Punjab Chandigarh

CC No. 1934 of 2010

Jai Pal Thind, S/o Sh. Gurbachan Thind,

Complainant

Vs

PIO, O/o Principal, Kamla Nehru College for Women,
Phagwara, Distt Kapurthala

Respondent

ORDER

Order on provision of information in this case was reserved on 05.07.2010 for pronouncement on 14.07.2010. On that day, in view of certain documents containing additional information the Respondent had submitted, the order for provision of information was again **reserved**.

2. The case is regarding seeking audit reports etc. from the Respondent College. The application for information, dated 22.12.2009, was addressed to DPI (Colleges), who transferred the application under Section 6 (3) to the Kamla Nehru College for Women, Phagwara, on 14.04.2010. On not getting any information, a complaint was filed with the Commission on 29.04.2010.

3. The Respondent vide letter , dated 03.07.2010, addressed to the State Information Commission had denied the information on the grounds that the *"information can not be provided to the petitioner as per the provisions of Section 8 of the RTI Act as the information demanded by the applicant would impede the process of criminal proceedings and pendency of the prosecution against the accused in the Court of Sub-Divisional Judicial Magistrate, Phagwara under Section 420 and 408 of the IPC and the next date of hearing is 17.07.2010."*

4. On 14.07.2010, the Respondent submitted two documents, a copy of the application, dated 27.02.2008 that the information-seeker in the instant case had filed in the Court of the Sub-Divisional Judicial Magistrate, Phagwara; and also a copy of the order that the Sub-Divisional Judicial Magistrate, Phagwara, had passed on that application on 13.05.2010.

5. I have perused the documents on record. It transpires that the RTI applicant, Mr. Jai Pal Thind, is allegedly an accused in a case of embezzlement in the Respondent College, where he was employed and a criminal case was registered against him. A copy of the FIR, dated 16.11.2003, is in the record file. In the application, dated 27.02.2008, Mr. Thind has demanded the same information from the Court to defend himself, as he has demanded in his RTI request of 22.12.2009.

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

6. The Sub-Divisional Magistrate in his order, dated, 13.05.2010 has rejected Mr. Thind's application, dated 27.02.2008, for supply of documents demanded, including audit reports of the College, on the grounds that there was no "*relevancy*" of these documents for cross-examination of witnesses, as contended by the applicant. The order was further says that he (Mr Thind) had concealed the fact in his 27.02.2008 application that he had made a similar request earlier too, on 19.08.2005, and that the then Sub-Divisional Judicial Magistrate, Phagwara, had rejected the same.

7. The order of the Sub-Divisional Judicial Magistrate, Phagwara, concludes "*For the reasons recorded above, the present application is devoid of any merit and the same is hereby dismissed. However, any observations made in this order shall not affect the merits of the case.*"

8. Apparently, the complainant is trying to "use" the RTI Act to procure audit reports etc. of the Respondent College that the court has twice rejected. I see no reason why RTI be allowed to be "misused". Therefore, his request for provision of information is rejected and the case is **dismissed**.

Chandigarh,
Dated, July 30, 2010

(P. P. S. Gill)
State Information Commissioner, Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

99

**OFFICIAL INFORMATION DECLINED ON OBJECTION BY CONCERNED
CLERK**

State Information Commission Punjab Chandigarh

CC No. 3720 of 2009

Ram Shah Bhumbra,

Complainant

Vs

Public Information Officer, O/o Principal, G.S.S. School,
Mandevi, Tehsil Moonak, District Sangrur.

Respondent

ORDER

The Complainant vide his RTI request dated 31.10.2009 has sought information about one particular employee of a school from the DEO, Sangrur. In response to this request, the DEO vide his letter dated 05.11.2009. sent the application to the Principal of the GSSS. Mandevi, under section 6(3) stating that this information pertains to the 3rd party and be not given without the consent of the 3rd party. The Principal of the school, who is present, says that he had sought the permission of Joginder Singh, Library restorer, whether the information be given or not and Joginder Singh said the same be not given. The Library Restorer wrote to the Principal (in response to the DEO's letter dated 05.11.2009) that this information be not given under Sec 8 (i) (j) of the RTI Act, 2005. Consequently, the Principal says that no information has been given to the Complainant. His plea is accepted. The case is **disposed of and closed**

Chandigarh,
Dated, January 11, 2010.

(P. P. S. Gill)
State Information Commissioner. Punjab

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

100

HEARTLESS ORDER- SHOWING INSENSITIVITY TO A BLIND PERSON. HOWEVER, THE HON'BLE HIGH COURT HAD, IN C.W.P. FILED BY THE COMPLAINANT, EXPUNGED THE WORDS "HE SHOULD SEEK ONLY CORRECT INFORMATION ON ANY SUBJECT IN FUTURE." FROM THE ORDER

State Information Commission Punjab Chandigarh

CC No. 2705/2009

Sh. Sat Pal

Complainant

Versus

Public Information Officer,
office of Distt. Development & Panchayat Officer,
Panchayati Raj, Nawanshahr.

.Respondent

ORDER

Sh. Sat Pal (Surma Singh) s/o Sh Sibu Ram, has in somewhat vague and questioning manner, submitted an application dated 15.7.2009 from Public Information Officer-cum-Distt. Development & Panchayat Officer, Panchayati Raj, Shaheed Bhagat Singh Nagar, Nawanshahr. Taking action on the same, Public Information Officer, Distt. Development & Panchayat Officer, Shaheed Bhagat Singh Nagar, vide his letter No. 3939/Supdt. dated 22.7.2009 instructed Block Development & Panchayat Officer, Nawanshahr to directly supply the information to Sh Sat Pal s/o Sh Sibu Ram r/o village Barsian, Distt Shaheed Bhagat Singh Nagar, under information to his office. Taking action on the said letter, Block Development & Panchayat Officer, Nawanshahr vide his endst No. 2471 dated 1.10.2009, gave reply to the effect that in this regard, 114 applications were considered and resolution passed in the meeting of concerned Panchayat in the Panchayat Ghar on 2.9.2008, for construction of latrines, as per report submitted by Panchayat Secretary. However, due to absence of grant, no latrines could be constructed. Whenever grant will be received from Govt., the latrines would be constructed on priority basis in the village of the complainant. Alongwith the said letter, a copy of resolution was also annexed.

Thereupon, the Distt. Development & Panchayat Officer, Shaheed Bhagat Singh Nagar, vide its letter No. 5843/Supdt. dt. 14.10.2009, wrote the complainant that "The information sought by you has already been sent to you directly by Block Development & Panchayat Officer. In this regard, latrines will be constructed after receipt of grant and as per the instructions to be given by the Govt." Regarding this entire correspondence, the Distt. Development & Panchayat Officer, Shaheed Bhagat Singh Nagar, also apprised this Court vide his letter No. 5877 / Supdt. dated 20.10.2009, today on 10.11.2009. This Court taking action on the complaint received in this office

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

vide diary No. 14784 dated 17.9.2009 and the application submitted by the complainant, summons both the parties to the Court. In this regard, on account of submission of complete information by Public Information Officer-cum-Distt. Development & Panchayat Officer, Panchayati Raj, Shaheed Bhagat Singh Nagar, the case is closed.

The complainant, Sh Sat Pal s/o Sh Sibb Ram, V&PO Barsian, Distt. Shaheed Bhagat Singh Nagar is directed to seek only correct information on any subject in future. What information can be given by an officer about something which has not come into existence.

Dt. 10.11.09

Darbara Singh Kahlon
State Information Commissioner, Punjab

(This is the English translation of the order passed in Punjabi.)

**100 STRANGE & SHOCKING ORDERS OF
PUNJAB STATE INFORMATION COMMISSION**

**SOME PHOTOGRAPHS
OF
THE PRESS CONFERENCE
WHERE THE BOOK WAS
RELEASED ON
13 APRIL 2011 AT THE
CHANDIGARH PRESS CLUB,
SECTOR 27 CHANDIGARH**



100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION



RTI ACTIVISTS FEDERATION PUNJAB
CENTRAL OFFICE: 2299, SECTOR 44-C, CHANDIGARH 160047

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION



RTI ACTIVISTS FEDERATION PUNJAB
CENTRAL OFFICE: 2299, SECTOR 44-C, CHANDIGARH 160047

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION



RTI ACTIVISTS FEDERATION PUNJAB
CENTRAL OFFICE: 2299, SECTOR 44-C, CHANDIGARH 160047

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

THE PRESS RELEASE ISSUED AT THE PRESS CONFERENCE

PRESS NOTE

RELEASED AT PRESS CONFERENCE AT PRESS CLUB, CHANDIGARH ON
13.4.2011

PRESS CONFERENCE ADDRESSED BY:-

1. H.C. Arora, State President, RTI Activists Federation, Punjab
2. Anil Vashisht, Secretary, RTI Activists Federation, Punjab
3. Ramesh Sharma, Vice-President, RTI Activists Federation, Punjab
4. H.S. Rathi, Vice President, RTI Activists Federation, Punjab
5. R.S. Bains, Chief Patron, RTI Activists Federation, Punjab
6. Sarabjit Singh Kahlon, Joint Secretary, RTI Activists Federation, Punjab
7. Balbir Aggarwal, Joint Secretary, RTI Activists Federation, Punjab
8. Manphool Singh, Executive Member, RTI Activists Federation, Punjab
9. Sham Lal, District President, Sangrur, RTI Activists Federation Punjab.

ABOUT THE BOOK

This book contains 100 Strange and Shocking Orders passed by the State Information Commission, Punjab. The object of publishing this book has been stated in its Preface as under:-

“We have brought out this booklet to enable you to understand one of the problems faced by the RTI Activists of Punjab in implementing their resolve to expose corruption through the RTI Act.

The State CIC of Punjab has been openly clamoring for powers under Contempt of Courts Act; For what purpose? It appears the sole motive is to stifle the voice of RTI Activists. The position in other State Information Commissions may be totally different from Punjab; Many Information Commissioners in Punjab are virtually enjoying paid holidays on most of the working days, as they don't have sufficient work to keep them busy. The Information Commissioners get same salary as is paid to Hon'ble Judges of the High Courts; However, they do not have to burn mid-night oil at their residence for going through the paper books of cases. The Country expects much better orders from the Information Commissioners. However, there

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

have been good orders also occasionally coming from many of them; One such good order is published at serial No. 2 in this booklet; They deserve our compliments. By and large, however, the position appears to be far from satisfactory in the Punjab State Information Commission. At the same time, we are of the considered view that any number of good orders cannot mitigate the pain of those who have suffered hundreds of strange and shocking orders.

We, therefore, reiterate our conviction and appeal to all of you to exert your influence at your respective places so that at least 50% of the Information Commissioners should be selected from amongst Retired Judges and prominent RTI Experts/ activists of unimpeachable integrity; only such persons can carry the RTI movement forward in consonance with the letter and spirit of the RTI Act.”

CONTENTS OF BOOK

This book contains 100 Orders as per details given hereunder:-

Name of Information Commissioner	Retiring on	No. of Orders included in this book
P.K. Verma	16.5.2011	35 (including 4 Ridiculous Orders, at serial nos. 32,77,78, 82)
P.P.S. Gill	24.1.2012	29 (including 1 ridiculous order at s. no. 96)
Kulbir Singh	24.1.2012	17
R.K. Gupta	20.1.2010	6 (including 1 most ridiculous order at s. no. 2)
R.I. Singh	28.6.2014	4 (all Shocking Orders showing anti-RTI Act attitude)
D.S. Kahlon	12.3.2011	2 (heartless and revengeful orders)
Ms. Ravi Singh	28.6.2014	1
Ms. R.D. Bajaj	22.12.2010	2 (whimsical orders)
Ms. Jaspal Kaur	12.11.2014	2
Surinder Singh	16.5.2011	2

OUR DEMAND AND NECESSITY OF LAUNCHING A MASS MOVEMENT BY RTI ACTIVISTS IN PUNJAB.

(1) DEMAND:

Atleast 50% of the Information Commissioners should be selected from amongst Retired Judges and prominent RTI Experts/ activists of

100 STRANGE & SHOCKING ORDERS OF PUNJAB STATE INFORMATION COMMISSION

unimpeachable integrity; Only such persons can carry the RTI movement forward in consonance with the letter and spirit of the RTI Act.”

Section 12 and 15 of the RTI Act, 2005 lay down that “The Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.”

As there are 10 posts of State Information Commissioners, and one post of State Chief Information Commissioner in Punjab, therefore, we demand that 5 posts of Information Commissioners be filled up from amongst retired Judges and RTI Activists, and the State CIC should only be a retired Judge (i.e, the persons of eminence with back ground of law and social service).

At present, 4 posts of Information Commissioners are vacant, and two posts are to fall vacant on 16.5.2011. We, therefore, demand that 5 out of these 6 vacant posts be filled up from amongst retired Judges and prominent RTI Activists of unimpeachable integrity.

(2) ACTIONS SO FAR TAKEN BY THE RTI ACTIVISTS FEDERATION.

During last one month, more than 1000 memorandums have been sent by RTI Activists from all over Punjab to Deputy Chief Minister, Punjab (S. Sukhbir Singh Badal) through e-mail and fax . All those memorandums have been “just forwarded” by the office of Deputy C.M. to the Information & Technology Department for necessary action. Thus, in a way, more than 1000 memorandums have been “thrown into dust-bins” by the Punjab Government .

(3) NOW, THEREFORE, WE HAVE NO OTHER ALTERNATIVE EXCEPT LAUNCHING A POWERFUL MASS MOVEMENT IN SUPPORT OF OUR SOLITARY DEMAND AS ABOVE.

Outlines of mass movement shall be given at time of Press Conference.

(H.C. ARORA)
State President
M-98140-13764

(ANIL VASHISHT)
Secretary
M-98881-97788