

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,
Madhya Marg, Sector 16, Chandigarh.

Ph: 0172-2864111, Visit us @ www.infocommpunjab.com,
Email: psic21@punjabmail.gov.in, RTI Helpline - 0172-2864100



D.R. Singla,
4961, Sector 38 (West),
Chandigarh.

Versus

Public Information Officer,
o/o Sub Divisional Magistrate,
Kharar (Punjab).
First Appellate Authority,
Deputy Commissioner,
SAS Nagar, (Mohali).

Appeal Case No. 2511 of 2022

PRESENT:

(Appellant) Absent

(Respondent) Absent

ORDER:

(To be read in continuity with order dated 15.7.2022, 12.8.2022, 9.9.2022, 19.10.2022, 14.11.2022, 18.1.2023, 21.2.2023, 17.3.2023, 22.3.2023, 19.6.2023, and 21.8.2023)

1. The RTI application is dated **29.10.2021** vide which the appellant has sought **information regarding unauthorized colonies in Kharar City**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **Nil**, and Second Appeal was filed in the Commission on **23.5.2022** under Section 19 of the Right to Information Act, 2005. The case was last heard on **21.8.2023**.

2. Both parties are absent. The case is adjourned.

3. **Next hearing on 18.3.2024 at 1.30 PM at Punjab State Information Commission, Red Cross Building, Madhya Marg, Sector 16, Chandigarh.**

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner,
Punjab

Sd/-
(Asit Jolly)
State Information Commissioner,
Punjab

Chandigarh

11.12.2023

Cc: 1. PS/Hon'ble SIC Amrit Partap Singh Sekhon.

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Sh. Rajnish Kumar,
19274, Street No.6, Bibi Wala Road,
Bathinda.

Versus

Public Information Officer,
o/o Principal, DAV College,
Bathinda.
First Appellate Authority,
o/o Principal, DAV College,
Bathinda.

Appeal Case No. 5813 of 2022

PRESENT:

Rajnish Kumar (Appellant) 98153-13238
(Respondent) Absent

ORDER:

(To be read in continuity with order dated **31.3.2023 and 1.8.2023**)

1. The RTI application is dated **8.9.2022** vide which the appellant has sought **information regarding associate professors of computer department**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **16.10.2022**, and Second Appeal was filed in the Commission on **23.11.2022** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.8.2023**.

2. The respondent PIO is absent without intimation. This RTI application was submitted to the PIO on 8.9.2022, wherein the respondent PIO provided a reply vide Letter No. 1269 Dated 3.10.2022, wherein the requested information was denied as per Section 8(1)(j) of the RTI Act, 2005, citing the following:

in nature. Reference is invited to Supreme Court verdict dated 31.08.2017 (Civil Appeal number 22 of 2009) in the matter "Canara Bank versus CS Shyam" wherein Hon'ble Court observed as under:

....transfers of staff with regard to individual employees is in relation to the personal details of individual employee such as the date of his/her joining, designation, details of promotion earned, date of his/her joining to the Branch where he/she is posted, the authorities who issued the transfer orders etc. etc are personal details of employees exempted under section 8(1)(j) of RTI Act.

Reference is further invited to Supreme Court verdict dated 13.11.2019 (Civil Appeal number 2683, 10044 & 10045 of 2010) in the matter "Central Public Information Officer, Supreme Court versus Subhash Chandra Agrawal" wherein Hon'ble Court observed as under:

59. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, all are treated as personal information. Similarly professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information.

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Appeal Case No. 5813 of 2022

Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied.

This list is indicative and not exhaustive. //

3. The respondent PIO is hereby directed to provide a written, pointwise reply to the RTI application along with the information sought therein. This must be done on or before the next Hearing. The PIO is directed to attend the next Hearing in person at the Commission in Chandigarh. Failure to comply, will compel the Commission to secure his presence through service of **Bailable Warrant**.

4. **Next hearing on 18.3.2024 at 1.30 PM** (The appellant can attend the Hearing via Video Conference Facility at DC Office, Bathinda and the respondent PIO will attend the Hearing at Punjab State Information Commission, Red Cross Building, Madhya Marg, Sector 16, Chandigarh.)

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner,
Punjab

Sd/-
(Asit Jolly)
State Information Commissioner,
Punjab

Chandigarh
11.12.2023

Cc: 1. PS/Hon'ble SIC Amrit Partap Singh Sekhon.

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Sh. Rajnish Kumar,
19274, Street No.6, Bibi Wala Road,
Bathinda.

Versus

Public Information Officer,
o/o Principal, DAV College,
Bathinda.
First Appellate Authority,
o/o Principal, DAV College,
Bathinda.

Appeal Case No. 3657 of 2023

PRESENT:

Rajnish Kumar (Appellant) 98153-13238
(Respondent) Absent

ORDER:

(To be read in continuity with order dated 1.8.2023)

1. The RTI application is dated **20.2.2023** vide which the appellant has sought **information regarding students admitted in Class BA-i, BA-ii, BA-iii, BCOM-i, ii, iii, or BCA-I, ii, iii, PG DCA, DDCA and BBA**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **31.3.2023**, and Second Appeal was filed in the Commission on **5.6.2023** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.8.2023**.

2. The respondent PIO is absent without intimation. This RTI application was submitted to the PIO, DAV College Bathinda on 23.2.2023, where after, the appellant Sh. Rajnish Kumar, was provided with a written reply vide Letter No. 2389 Dated 18.3.2023, whereby all the information have been provided baring that pertaining to the self-financed courses. The appellant contends that the respondent cannot claim exemption for disclosure claiming that the self financed courses are not within the purview of the RTI Act, 2005. Sh. Rajnish Kumar wishes to make a submission in this regard. He is accordingly granted time for the same.

3. The respondent PIO is hereby directed to attend the next Hearing of this Appeal Case in person at the Commission in Chandigarh. Failure to comply, will compel the Commission to secure his presence through service of **Bailable Warrant**.

4. **Next hearing on 18.3.2024 at 1.30 PM** (The appellant can attend the Hearing via Video Conference Facility at DC Office, Bathinda and the respondent PIO will attend the Hearing at Punjab State Information Commission, Red Cross Building, Madhya Marg, Sector 16, Chandigarh.)

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner,
Punjab

Sd/-
(Asit Jolly)
State Information Commissioner,
Punjab

Chandigarh
11.12.2023

Cc: 1. PS/Hon'ble SIC Amrit Partap Singh Sekhon.

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Sh. Rajnish Kumar,
19274, Street No.6, Bibi Wala Road,
Bathinda.

Versus

Public Information Officer,
o/o Principal, DAV College,
Bathinda.
First Appellate Authority,
o/o Principal, DAV College,
Bathinda.

Appeal Case No. 2265 of 2023

PRESENT:

Rajnish Kumar (Appellant) 98153-13238
(Respondent) Absent

ORDER:

(To be read in continuity with order dated 1.8.2023)

1. The RTI application is dated **29.12.2022** vide which the appellant has sought **information regarding students strength, BCA-1, PGDCA, BA-I, ii. Iii (Computer Science)**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **6.2.2023**, and Second Appeal was filed in the Commission on **5.4.2023** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.8.2023**.

2. The respondent PIO is absent without intimation. This RTI application was submitted on 29.12.2022, thereafter, the respondent PIO provided a reply vide Letter No. 1826 Dated 3.2.2023, wherein the requested information was denied citing the following:

This is in reference to your yet other RTI application DAVCRTA/193/2022 dated 29.12.2022 (letter received on 03-01-2023). Since information sought is about unaided/self-financing category of courses, it is not covered under RTI Act 2005.

It is observed that you are in practice of filing too many RTI applications that too aimlessly with the College, a tendency held misuse of RTI Act in several court-verdicts. Some such verdicts of Delhi High Court are as hereunder:

- Verdict dated 08.10.2015 (WPC 7911/2015) in the matter "RajniMaindiratta versus PIO, Director of Education (North-West B)"
- Verdict dated 05.02.2014 (WPC 845/2014) in the matter "ShailSahni versus Sanjeev Kumar and others"
- Verdict dated 19.01.2016 (WPC 406/2016) in the matter "ShailSahni versus SmtValsa Sara Mathew and others"

Handling such large number of RTI applications from one single individual disproportionately diversifies resources is of the College. Reference in this context is invited to para 37 of Supreme Court verdict dated 09.08.2011 in the matter "Central Board of secondary Education versus Aditya Banopadhyaya and others" (Civil Appeal number 6454 of 2011). Relevant extracts of para 37 of the said, Supreme Court verdict are reproduced as hereunder:

"....Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties.

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Appeal Case No. 2265 of 2023

The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties."

Reference is further invited to Supreme Court verdict dated 13.11.2019 (Civil Appeal number 2683, 10044 & 10045 of 2010) in the matter "Central Public Information Officer, Supreme Court versus Subhash Chandra Agrawal" wherein Hon'ble Court observed as under:

44. In line with the aforesaid discussion, we need to note that following non-exhaustive considerations needs to be considered while assessing the 'public interest' under Section 8 of the RTI Act.

- a. Nature and content of the information*
- b. Consequences of non-disclosure; dangers and benefits to public*
- c. Type of confidential obligation.*
- d. Beliefs of the confidant; reasonable suspicion*
- e. Party to whom information is disclosed*
- f. Manner in which information acquired*
- g. Public and private interests*
- h. Freedom of expression and proportionality.*

In view of the above cited court verdicts, you are cautioned against such tendency of filing RTI applications so frequently. *Even Hon'ble Central Information Commission in its decision dated 25.02.2011 in file-number CIC/LS/C/2009/000770-DS ruled that such vexatious applications can be summarily dismissed at the level of the CPIO.*

3. The Commission notes that the same respondent has provided similar information in Appeal Case No. 3657, also heard today. In view of this, the respondent PIO is hereby directed to provide a written, pointwise reply to the RTI application along with the information sought therein. This must be done on or before the next Hearing. The PIO is directed to attend the next Hearing in person at the Commission in Chandigarh. Failure to comply, will compel the Commission to secure his presence through service of **Bailable Warrant**.

4. **Next hearing on 18.3.2024 at 1.30 PM** (The appellant can attend the Hearing via Video Conference Facility at DC Office, Bathinda and the respondent PIO will attend the Hearing at Punjab State Information Commission, Red Cross Building, Madhya Marg, Sector 16, Chandigarh.)

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner,
Punjab

Sd/-
(Asit Jolly)
State Information Commissioner,
Punjab

Chandigarh
11.12.2023

Cc: 1. PS/Hon'ble SIC Amrit Partap Singh Sekhon.

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Sh. Rajnish Kumar,
19274, Street No.6, Bibi Wala Road,
Bathinda.

Versus

Public Information Officer,
o/o Principal, DAV College,
Bathinda.
First Appellate Authority,
o/o Principal, DAV College,
Bathinda.

Appeal Case No. 352 of 2023

PRESENT:

Rajnish Kumar (Appellant) 98153-13238
(Respondent) Absent

ORDER:

(To be read in continuity with order dated **31.3.2023 and 1.8.2023**)

1. The RTI application is dated **12.10.2022** vide which the appellant has sought **information regarding approval letter by Punjabi University of Principal DAV College, Bathinda**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **20.11.2022**, and Second Appeal was filed in the Commission on **4.1.2023** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.8.2023**.

2. The respondent PIO is absent without intimation. This RTI application was submitted on 12.10.2022, thereafter, the respondent PIO provided a reply vide Letter No. 1439 Dated 9.11.2022, wherein the requested information was denied under Section 8(1)(j) of the RTI Act, 2005, citing the Supreme Court of India's Order as under:

This is in reference to your RTI application DAVCRTA/170/2022 dated 12.10.2022. Information sought is declined under section 8(1)(j) of RTI Act being personal in nature. Reference is invited to Supreme Court of India 31.08.2017 (Civil Appeal number 22 of 2009) in the matter "Canara Bank versus CS Shyam" wherein Hon'ble Court observed as under:

....transfers of staff with regard to individual employees is in relation to the personal details of individual employee such as the date of his/her joining, designation, details of promotion earned, date of his/her joining to the Branch where he/she is posted, the authorities who issued the transfer orders etc. etcure personal details of employees exempted under section 8(1)(j) of RTI Act.

Your attention is further drawn to verdict dated 13.11.2019 by Constitutional Bench of Supreme Court (Civil Appeal number 2683, 10044 & 10045 of 2010) in the matter "Central Public Information Officer, Supreme Court versus Subhash Chandra Agrawal" wherein Hon'ble Court while defining parameters for responding to RTI applications, also elaborated exemption under section 8(1)(j) of RTI Act. Relevant extracts of the verdict are as here-under

59. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, all are treated as personal information. Similarly professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive.

44. In line with the aforesaid discussion, we need to note that following non-exhaustive considerations needs to be considered while assessing the 'public interest' under Section 8 of the RTI Act.

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Appeal Case No. 352 of 2023

- a. Nature and content of the information
- b. Consequences of non-disclosure; dangers and benefits to public
- c. Type of confidential obligation.
- d. Beliefs of the confidant; reasonable suspicion
- e. Party to whom information is disclosed
- f. Manner in which information acquired
- g. Public and private interests
- h. Freedom of expression and proportionality.

Reference is also invited to Supreme Court verdict dated 31.10.2002 in the matter "T.M.A.Pai Foundation &Ors vs State Of Karnataka. &Ors" (WPC 317 of 1993) wherein the Hon'ble Court observed as under:

"48. Private education is one of the most dynamic and fastest growing segments of post-secondary education at the turn of the twenty-first century. A combination of unprecedented demand for access to higher education and the inability or unwillingness of government to provide the necessary support has brought private higher education to the forefront. Private institutions, with a long history in many countries, are expanding in scope and number, and are becoming increasingly important in parts of the world that relied almost entirely on the public sector.

49. Not only has demand overwhelmed the ability of the governments to provide education, there has also been a significant change in the way that higher education is perceived. The idea of an academic degree as a "private good" that benefits the individual rather than a "public good" for society is now widely accepted. The logic of today's economics and an ideology of privatization have contributed to the resurgence of private higher education, and the establishing of private institutions where none or very few existed before.

50. The right to establish and administer broadly comprises of the following rights:-

- (a) to admit students;
- (b) to set up a reasonable fee structure;
- (c) to constitute a governing body;
- (d) to appoint staff (teaching and non-teaching); and
- (e) to take action if there is dereliction of duty on the part of any employees.

52. There cannot be a better exposition than what has been observed by these renowned educationists with regard to autonomy in education. The aforesaid passage clearly shows that the governmental domination of the educational process must be resisted. Another pithy observation of the Commission was that state aid was not to be confused with state control over academic policies and practices. The observations referred to hereinabove clearly contemplate educational institutions soaring to great heights in pursuit of intellectual excellence and being free from unnecessary governmental controls.

Also various court-verdicts have held such regular filing of RTI applications with a public authority by an individual as misuse of RTI Act. Some such verdicts of Delhi High Court are referred as here-under:

- Verdict dated 08.10.2015 (WPC 7911/2015) in the matter "Rajni Maindiratta versus PIO, Director of Education (North-West B)"
- Verdict dated 05.02.2014 (WPC 845/2014) in the matter "Shail Sahni versus Sanjeev Kumar and others"
- Verdict dated 19.01.2016 (WPC 406/2016) in the matter "Shail Sahni versus Smt. Valsa Sara Mathew and others"

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Appeal Case No. 352 of 2023

3. The PIO's decision to deny the information as personal information is herewith set aside. The respondent PIO is directed to provide a written, pointwise reply to the RTI application along with the information sought therein. This must be done on or before the next Hearing. The PIO is directed to attend the next Hearing in person. Failure to comply, will compel the Commission to secure his presence through service of **Bailable Warrant**.

4. Next hearing on 18.3.2024 at 1.30 PM (The appellant can attend the Hearing via Video Conference Facility at DC Office, Bathinda and the respondent PIO will attend the Hearing at Punjab State Information Commission, Red Cross Building, Madhya Marg, Sector 16, Chandigarh.)

Sd/-

(Amrit Partap Singh Sekhon)

State Information Commissioner,
Punjab

Sd/-

(Asit Jolly)

State Information Commissioner,
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Cc: 1. PS/Hon'ble SIC Amrit Partap Singh Sekhon.

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Versus

Public Information Officer,
o/o Principal, DAV College,
Bathinda.
First Appellate Authority,
o/o Principal, DAV College,
Bathinda.

Appeal Case No. 2261 of 2023

PRESENT:

Rajnish Kumar (Appellant) 98153-13238
(Respondent) Absent

ORDER:

(To be read in continuity with order dated 1.8.2023)

1. The RTI application is dated **27.10.2022** vide which the appellant has sought **information regarding teaching staff associate professor approval letter given by Punjabi University, Patiala**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **22.12.2022**, and Second Appeal was filed in the Commission on **5.4.2023** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.8.2023**.

2. The respondent PIO is absent. This RTI application was submitted on 27.10.2022, whereafter a reply was provided to the appellant vide Letter No. RTI/75/1503 Dated 21.11.2022, wherein the information was denied as per Section 8(1)(j) of the RTI Act, 2005. The respondent PIO also cited the Supreme Court Order in support of his decision to deny the information as following:

This is in reference to your RTI application DAVCRTA/179/2022 dated 27.10.2022. Information sought is declined under section 8(1)(j) of RTI Act being personal in nature. Reference is invited to Supreme Court of India 31.08.2017 (Civil Appeal number 22 of 2009) in the matter "Canara Bank versus CS Shyam" wherein Hon'ble Court observed as under:

....transfers of staff with regard to individual employees is in relation to the personal details of individual employee such as the date of his/her joining, designation, details of promotion earned, date of his/her joining to the Branch where he/she is posted, the authorities who issued the transfer orders etc. etc are personal details of employees exempted under section 8(1)(j) of RTI Act.

Your attention is further drawn to verdict dated 13.11.2019 by Constitutional Bench of Supreme Court (Civil Appeal number 2683, 10044 & 10045 of 2010) in the matter "Central Public Information Officer, Supreme Court versus Subhash Chandra Agrawal" wherein Hon'ble Court while defining parameters for responding to RTI applications, also elaborated exemption under section 8(1)(j) of RTI Act. Relevant extracts of the verdict are as here-under

59. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, all are treated as personal information. Similarly professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive.

44. In line with the aforesaid discussion, we need to note that following non-exhaustive considerations needs to be considered while assessing the 'public interest' under Section 8 of the RTI Act.

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Appeal Case No. 2261 of 2023

- a. Nature and content of the information
- b. Consequences of non-disclosure; dangers and benefits to public
- c. Type of confidential obligation.
- d. Beliefs of the confidant; reasonable suspicion
- e. Party to whom information is disclosed
- f. Manner in which information acquired
- g. Public and private interests
- h. Freedom of expression and proportionality.

Reference is also invited to Supreme Court verdict dated 31.10.2002 in the matter "T.M.A.Pai Foundation &Ors vs State Of Karnataka &Ors" (WPC 317 of 1993) wherein the Hon'ble Court observed as under:

"48. Private education is one of the most dynamic and fastest growing segments of post-secondary education at the turn of the twenty-first century. A combination of unprecedented demand for access to higher education and the inability or unwillingness of government to provide the necessary support has brought private higher education to the forefront. Private institutions, with a long history in many countries, are expanding in scope and number, and are becoming increasingly important in parts of the world that relied almost entirely on the public sector.

49. Not only has demand overwhelmed the ability of the governments to provide education, there has also been a significant change in the way that higher education is perceived. The idea of an academic degree as a "private good" that benefits the individual rather than a "public good" for society is now widely accepted. The logic of today's economics and an ideology of privatization have contributed to the resurgence of private higher education, and the establishing of private institutions where none or very few existed before.

50. The right to establish and administer broadly comprises of the following rights:-

- (a) to admit students;
- (b) to set up a reasonable fee structure;
- (c) to constitute a governing body;
- (d) to appoint staff (teaching and non-teaching); and
- (e) to take action if there is dereliction of duty on the part of any employees.

52. There cannot be a better exposition than what has been observed by these renowned educationists with regard to autonomy in education. The aforesaid passage clearly shows that the governmental domination of the educational process must be resisted. Another pithy observation of the Commission was that state aid was not to be confused with state control over academic policies and practices. The observations referred to hereinabove clearly contemplate educational institutions soaring to great heights in pursuit of intellectual excellence and being free from unnecessary governmental controls.

Also various court-verdicts have held such regular filing of RTI applications with a public authority by an individual as misuse of RTI Act. Some such verdicts of Delhi High Court are referred as here-under:

- Verdict dated 08.10.2015 (WPC 7911/2015) in the matter "RajniMaindiratta versus PIO, Director of Education (North-West B)"
- Verdict dated 05.02.2014 (WPC 845/2014) in the matter "ShailSahni versus Sanjeev Kumar and others"
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Appeal Case No. 2261 of 2023

3. The Commission has examined the RTI application and is of the view that the exemption claimed by the respondent under Section 8(1)(j) of the RTI Act, 2005, does not apply. The respondent PIO is accordingly directed to provide a fresh reply to this RTI application along with duly attested copies of the information sought.

4. **Next hearing on 18.3.2024 at 1.30 PM** (The appellant can attend the Hearing via Video Conference Facility at DC Office, Bathinda and the respondent PIO will attend the Hearing at Punjab State Information Commission, Red Cross Building, Madhya Marg, Sector 16, Chandigarh.)

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner,
Punjab

Sd/-
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Chandigarh
11.12.2023

Cc: 1. PS/Hon'ble SIC Amrit Partap Singh Sekhon.

PUNJAB STATE INFORMATION COMMISSION

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Madhya Marg, Sector 16, Chandigarh.

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Sh. Rajnish Kumar,
19274, Street No.6, Bibi Wala Road,
Bathinda.

Versus

Public Information Officer,
o/o Principal, DAV College,
Bathinda.
First Appellate Authority,
o/o Principal, DAV College,
Bathinda.

Appeal Case No. 2262 of 2023

PRESENT:

Rajnish Kumar (Appellant) 98153-13238
(Respondent) Absent

ORDER:

(To be read in continuity with order dated 1.8.2023)

1. The RTI application is dated **29.12.2022** vide which the appellant has sought **information regarding examination held since July, 2022**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **6.2.2023**, and Second Appeal was filed in the Commission on **5.4.2023** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.8.2023**.
2. The respondent PIO is absent. This RTI application was submitted on 29.12.2022 and the reply sent by the respondent PIO vide Letter No. 1825 Dated 3.2.2023, wherein the information was denied as per Section 8(1)(j) of the RTI Act, 2005.
3. On examination the RTI application, the Commission is of the considered view that the information sought therein does not qualify for exemption as personal information. Accordingly the PIO is directed to provide a fresh, pointwise reply to the appellant on or before the next Hearing.
4. **Next hearing on 18.3.2024 at 1.30 PM** (The appellant can attend the Hearing via Video Conference Facility at DC Office, Bathinda and the respondent PIO will attend the Hearing at Punjab State Information Commission, Red Cross Building, Madhya Marg, Sector 16, Chandigarh.)

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner,
Punjab

Sd/-
(Asit Jolly)
State Information Commissioner,
Punjab

Chandigarh
11.12.2023

Cc: 1. PS/Hon'ble SIC Amrit Partap Singh Sekhon.

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19274, Street No.6, Bibi Wala Road,
Bathinda.

Versus

Public Information Officer,
o/o Principal, DAV College,
Bathinda.
First Appellate Authority,
o/o Principal, DAV College,
Bathinda.

Appeal Case No. 3658 of 2023

PRESENT:

Rajnish Kumar (Appellant) 98153-13238
(Respondent) Absent

ORDER:

(To be read in continuity with order dated 1.8.2023)

1. The RTI application is dated **14.2.2023** vide which the appellant has sought **information regarding log book of college car, fuel used, repair, and maintenance**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **31.3.2023**, and Second Appeal was filed in the Commission on **5.6.2023** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.8.2023**.
2. The respondent PIO is absent. This RTI application was submitted on 14.2.2023, whereafter the reply was provided vide Letter No. 2372 Dated 14.3.2023, wherein the information was denied on the plea that the funds pertaining to the details sought in the RTI application, are not part of the Government aid, but from the Management Fund account.
3. The Commission has examined the aforesaid reply and is of the view that the exemption claimed does not apply. Accordingly, the respondent PIO is directed to provide a pointwise reply to the RTI application with certified copies of the information sought therein, on or before the next Hearing.
4. **Next hearing on 18.3.2024 at 1.30 PM** (The appellant can attend the Hearing via Video Conference Facility at DC Office, Bathinda and the respondent PIO will attend the Hearing at Punjab State Information Commission, Red Cross Building, Madhya Marg, Sector 16, Chandigarh.)

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner,
Punjab
Chandigarh
11.12.2023

Sd/-
(Asit Jolly)
State Information Commissioner,
Punjab

Cc: 1. PS/Hon'ble SIC Amrit Partap Singh Sekhon.

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Sh. Rajnish Kumar,
19274, Street No.6, Bibi Wala Road,
Bathinda.

Versus

Public Information Officer,
o/o Principal, DAV College,
Bathinda.
First Appellate Authority,
o/o Principal, DAV College,
Bathinda.

Appeal Case No. 3659 of 2023

PRESENT:

Rajnish Kumar (Appellant) 98153-13238
(Respondent) Absent

ORDER:

(To be read in continuity with order dated **1.8.2023**)

1. The RTI application is dated **31.1.2023** vide which the appellant has sought **information regarding approval letter list of members of LMC etc.**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **12.3.2023**, and Second Appeal was filed in the Commission on **5.6.2023** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.8.2023**.

2. The respondent PIO is absent. This RTI application was submitted on 31.1.2023, whereafter the reply was provided vide Letter No. RTI/75/2271 Dated 28.2.2023, wherein the information was denied as following:

Point-numbers (1) & (2)

Information is declined under section 8(1)(j) of RTI Act being personal in nature. Reference is invited to Punjab & Haryana High Court order dated 25.01.2023 in the matter "Dr Jagriti Sharma versus State Information Commission Haryana & others (LPA 145 of 2020) wherein Hon'ble Court observed as under:

Keeping in view the above discussion and on applying the ratio of the aforesaid judgment to the facts of the present case, in our opinion, the only information with regard to the date of appointment of the appellant can be supplied under the RTI Act, 2005. However, the information with regard to her place of posting, period of deputation, working hours, place of headquarter during deputation between 01.07.2014 to 31.12.2014, any type of leave availed during the period 01.07.2014 to 31.12.2014 along with permission to leave the headquarter, copy of her attendance register and movement register from 01.07.2014 to 31.12.2014, is relating to the information personal to her. This information is between the appellant and her employer and this would be subject to service rules and cannot be sought by respondent No.5 under the RTI Act, 2005. Even, copy of Form-16 and PAN card of the appellant cannot be given to respondent No.5 as such information is also personal to her and cannot be claimed by respondent no.5 under the RTI Act, 2005.

Point-numbers (3) to (9)

Since information sought is about unaided/self-financing category of courses, it is not covered under RTI Act 2005.

Cont....

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Appeal Case No. 3659 of 2023

Reference is also invited to Supreme Court verdict dated 13.11.2019 (Civil Appeal number 2683, 10044 & 10045 of 2010) in the matter "Central Public Information Officer, Supreme Court versus Subhash Chandra Agrawal" wherein Hon'ble Court observed as under:

44. In line with the aforesaid discussion, we need to note that following non-exhaustive considerations needs to be considered while assessing the 'public interest' under Section 8 of the RTI Act.

- a. Nature and content of the information
- b. Consequences of non-disclosure; dangers and benefits to public
- c. Type of confidential obligation.
- d. Beliefs of the confidant; reasonable suspicion
- e. Party to whom information is disclosed
- f. Manner in which information acquired
- g. Public and private interests
- h. Freedom of expression and proportionality.

It is observed that you are in practice of filing too many RTI applications that too aimlessly with the College, a tendency held misuse of RTI Act in several court-verdicts. Some such verdicts of Delhi High Court are as hereunder:

- Verdict dated 08.10.2015 (WPC 7911/2015) in the matter "RajniMaindiratta versus PIO, Director of Education (North-West B)"
- Verdict dated 05.02.2014 (WPC 845/2014) in the matter "ShailSahni versus Sanjeev Kumar and others"
- Verdict dated 19.01.2016 (WPC 406/2016) in the matter "ShailSahni versus SmtValsa Sara Mathew and others"

Handling such large number of RTI applications from one single individual disproportionately diversifies resources is of the College. Reference in this context is invited to para 37 of Supreme Court verdict dated 09.08.2011 in the matter "Central Board of secondary Education versus Aditya Banopadhyaya and others" (Civil Appeal number 6454 of 2011). Relevant extracts of para 37 of the said Supreme Court verdict are reproduced as hereunder:

Cont....

"....Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties."

In view of the above cited court verdicts, you are cautioned against such tendency of filing RTI applications so frequently. Even Hon'ble Central Information Commission in its decision dated 25.02.2011 in file-number CIC/LS/C/2009/000770-DS ruled that such vexatious applications can be summarily dismissed at the level of the CPIO.

Contd....3

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Appeal Case No. 3659 of 2023

3. The Commission has examined the aforesaid reply and is of the view that the exemption claimed does not apply. Accordingly, the respondent PIO is directed to provide a pointwise reply to the RTI application with certified copies of the information sought therein, on or before the next Hearing.

4. Next hearing on 18.3.2024 at 1.30 PM (The appellant can attend the Hearing via Video Conference Facility at DC Office, Bathinda and the respondent PIO will attend the Hearing at Punjab State Information Commission, Red Cross Building, Madhya Marg, Sector 16, Chandigarh.)

Sd/-

(Amrit Partap Singh Sekhon)

State Information Commissioner,
Punjab

Sd/-

(Asit Jolly)

State Information Commissioner,
Punjab

Chandigarh

11.12.2023

Cc: 1. PS/Hon'ble SIC Amrit Partap Singh Sekhon.

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Sh. Rajnish Kumar,
19274, Street No.6, Bibi Wala Road,
Bathinda.

Versus

Public Information Officer,
o/o Principal, DAV College,
Jalandhar.
First Appellate Authority,
o/o Principal, DAV College,
Jalandhar.

Appeal Case No. 5814 of 2022

PRESENT:

Rajnish Kumar (Appellant) 98153-13238
(Respondent) Absent

ORDER:

(To be read in continuity with order dated **31.3.2023 and 1.8.2023**)

1. The RTI application is dated **8.9.2022** vide which the appellant has sought **information regarding list of associate professor of computer department**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **6.10.2022**, and Second Appeal was filed in the Commission on **23.11.2022** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.8.2023**.

2. The respondent PIO is absent without intimation. This RTI application was submitted to the PIO on 8.9.2022, wherein the respondent PIO provided a reply vide Letter No. AC/135/2022 Dated 3.10.2022 wherein the requested information was denied as per Section 8(1)(j) of the RTI Act, 2005, citing the following:

This is in reference to your RTI application DAVCRTA/154/2022 dated 08.09.2022. Information sought in point-numbers (1) to (10) is exempted under section 8(1)(j) of RTI Act being personal in nature. Reference is invited to Supreme Court verdict dated 31.08.2017 (Civil Appeal number 22 of 2009) in the matter "Canara Bank versus CS Shyam" wherein Hon'ble Court observed as under:

....transfers of staff with regard to individual employees is in relation to the personal details of individual employee such as the date of his/her joining, designation, details of promotion earned, date of his/her joining to the Branch where he/she is posted, the authorities who issued the transfer orders etc. etc are personal details of employees exempted under section 8(1)(j) of RTI Act.

Reference is further invited to Supreme Court verdict dated 13.11.2019 (Civil Appeal number 2683, 10044 & 10045 of 2010) in the matter "Central Public Information Officer, Supreme Court versus Subhash Chandra Agrawal" wherein Hon'ble Court observed as under:

59. Reading of the aforesaid judicial precedents, in our opinion, would indicate that personal records, including name, address, physical, mental and psychological status, marks obtained, grades and answer sheets, all are treated as personal information. Similarly professional records, including qualification, performance, evaluation reports, ACRs, disciplinary proceedings, etc. are all personal information. Medical records, treatment, choice of medicine, list of hospitals and doctors visited, findings recorded, including that of the family members, information relating to assets, liabilities, income tax returns, details of investments, lending and borrowing, etc. are personal information. Such personal information is entitled to protection from unwarranted invasion of privacy and conditional access is available when stipulation of larger public interest is satisfied. This list is indicative and not exhaustive.

44. In line with the aforesaid discussion, we need to note that following non-exhaustive considerations needs to be considered while assessing the 'public interest' under Section 8 of the RTI Act.

- a. Nature and content of the information*
- b. Consequences of non-disclosure; dangers and benefits to public*
- c. Type of confidential obligation.*

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Appeal Case No. 5814 of 2022

- d. Beliefs of the confidant; reasonable suspicion*
- e. Party to whom information is disclosed*
- f. Manner in which information acquired*
- g. Public and private interests*
- h. Freedom of expression and proportionality.*

It may be mentioned in response to point-number (11) that the College has eight teachers under self-financing/unaided category while four in government-aided category in respect of teaching Computer Science.

3. The PIO's decision to deny the information as personal information is set aside. The PIO is hereby directed to provide a written, pointwise reply to the RTI application along with the information sought therein. This must be done on or before the next Hearing. The PIO is directed to attend the next Hearing in person at the Commission in Chandigarh. Failure to comply, will compel the Commission to secure his presence through service of **Bailable Warrant**.

4. **Next hearing on 18.3.2024 at 1.30 PM** (The appellant can attend the Hearing via Video Conference Facility at DC Office, Bathinda and the respondent PIO will attend the Hearing at Punjab State Information Commission, Red Cross Building, Madhya Marg, Sector 16, Chandigarh.)

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner,
Punjab

Sd/-
(Asit Jolly)
State Information Commissioner,
Punjab

Chandigarh
11.12.2023

Cc: 1. PS/Hon'ble SIC Amrit Partap Singh Sekhon.

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SHOW CAUSE NOTICE

Sh. Rajnish Kumar,
19274, Street No.6, Bibi Wala Road,
Bathinda.

Versus

Public Information Officer-cum-Director,
Public Instructions (Colleges), Mohali.
Public Information Officer,
o/o Secretary Higher Education,
Punjab, Punjab Civil Secretariat-2,
Chandigarh.
First Appellate Authority,
o/o Secretary Higher Education,
Punjab, Punjab Civil Secretariat-2,
Chandigarh.

Appeal Case No. 4296 of 2022 and 4297 of 2022 (Heard together)

PRESENT:

Rajnish Kumar (Appellant) 98153-13238
(Respondent) Absent

ORDER:

(To be read in continuity with order dated 10.1.2023, 31.3.2023, 30.5.2023, 30.6.2023, and 1.8.2023)

1. The RTI application is dated **28.5.2022** vide which the appellant has sought information as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **18.7.2022**, and Second Appeal was filed in the Commission on **14.9.2022** under Section 19 of the Right to Information Act, 2005. The case was last heard on **1.8.2023**.
2. The respondent PIO is absent without intimation. A perusal of the case file shows that the respondent PIO was directed to present the original file pertaining to the RTI application, vide this Commission's Order of 30.6.2023. The respondent PIO was given yet another opportunity to comply with the aforesaid Order, at the Hearing on 30.6.2023. There is nothing on record to show that the respondent PIO has made any attempt to comply. The Commission deems it appropriate to issue this Show Cause Notice to the respondent PIO.
3. The respondent **PIO-cum-Director Public Instructions (Colleges), Mohali**, is herewith ordered to **SHOW CAUSE** as to why a penalty should not be imposed upon him under Section 20 (1) of RTI Act, 2005, for causing willful delay/denial of the information requested by the appellant as far back as on **28.5.2022**. **If there is / are other PIO / PIOs responsible for the delay in providing the information, the incumbent PIO is directed to inform such PIO(s) of the Show Cause and direct them to appear before the Commission along with written replies.**

Contd....2

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Appeal Case No. 4296 of 2022 and 4297 of 2022 (Heard together)

“In addition to the written reply, the respondent PIO is also given an opportunity under Section 20 (1) provision there to, 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*.” Copies of this order be sent to the parties through registered post.

4. The PIO is further directed to attend the next Hearing of this Appeal Case in person at the Commission in Chandigarh. Failing this, the Commission will be compelled to secure his presence through service of a **Bailable Warrant**.

5. Next hearing on 18.3.2024 at 1.30 PM (The appellant can attend the Hearing via Video Conference Facility at DC Office, Bathinda and the respondent PIO will attend the Hearing at Punjab State Information Commission, Red Cross Building, Madhya Marg, Sector 16, Chandigarh.)

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner,
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Sd/-
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Chandigarh
11.12.2023

Cc: 1. PS/Hon'ble SIC Amrit Partap Singh Sekhon.