**PUNJAB STATE INFORMATION COMMISSION**

 **Red Cross Bhawan, Near Rose Garden, Madhya Marg,**

**Sector: 16, Chandigarh.**

 **Tel. No.0172-2864100-01, Fax No.0172-2864110**

 **Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com/), **Email-ID** **pcic20@punjabmail.gov.in**

Shri Parveen Kohli

s/o Shri Savdesh Kohli

r/o H.No.451/2, College Road,

Jagraon, District Ludhiana. --------Complainant

 **Vs.**

Public Information Officer

O/o A.I.G. Flying Squad No. 1,

 Vigilance Bureau, Punjab,

SCO No. 49-51, Sector: 17-C, Chandigarh.

First Appellate Authority

 O/o Headquarter, Vigilance Bureau, Punjab,

SCO No. 60-61, Sector: 17-C, Chandigarh. -------Respondents

**Complaint Case No. 200 of 2017**

Present:- None on behalf of the complainant.

 Shri Avtar Singh, Sub-Inspector , on behalf of the respondents.

**ORDER**

 The case was last heard on 29.08.2017, when the complainant was not present. However, vide letter dated 28.08.2017, he informed that the information provided to him was incomplete and requested to adjourn the case in the month of October, 2017. During hearing it was noted with concern that despite handing over the information to the complainant on the last date of hearing by the respondent, he had not sent any deficiencies to the PIO till date but had again informed the Commission that the provided information was incomplete. Accordingly, one last opportunity was afforded to him to furnish the deficiencies, in the provided information, to the PIO, with

a copy to the Commission, failing which case would be decided on merit on the basis

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**CC - 200 of 2017 -2-**

documents placed on the file. The case was adjourned to 10.10.2017, which was further postponed to 01.11.2017 and then for today due to certain administrative reasons.

2. Today, the complainant is again not present nor any deficiencies, in the provided information, have been received from him. However, a letter dated 19.12.2017 has been received from him through e-mail informing that he is unable to attend hearing due to ill health and as usual has again informed that provided information is incomplete and requested to adjourn the case after one month.

3. Shri Avtar Singh, Sub-Inspector , appearing on behalf of the respondents, informs that no deficiencies in the provided information have been received from the complainant.

4. Despite affording a number of opportunities to the complainant to furnish deficiencies, if any, in the provided information , he has failed to do so and again has stated that the provided information is incomplete but has not mentioned any specific document still required by him.

5. In these circumstances, the case is **disposed of and closed**. However, in case he still wants any specific document , he can obtain the same from the PIO. The respondent assures to do the needful in this regard.

 **Sd/-**

**Dated : 20.12.2017 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

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Shri Ram Moorti,

 Sandhu Colony, Jalandhar Road,

Chowk Mehta, Amritsar. --------Appellant

  **Vs.**

Public Information Officer,

O/o Senior Superintendent of Police(Rural), Amritsar.

First Appellate Authority,

O/o Inspector General of Police,

Border Zone, Amritsar. ----Respondents

**Appeal Case No. 1427 of 2016**

Present:- None for the appellant.

Shri Baljit Singh, ASI, Police Station Mehta, on behalf of the respondents.

**ORDER**

 The case was last heard on 29.08.2017, when the appellant submitted a copy of letter No. 918, dated 16.09.2015 from SDM, Baba Bakala vide which the appellant was informed that in this matter necessary action was to be taken by the Police Department. Accordingly, the appellant was advised to contact the concerned Police Authorities to obtain the requisite information in this regard and the police authority was directed to take necessary action on the letter of SDM Baba Bakala within a period of one month and inform the appellant accordingly, under intimation to the Commission. The case was adjourned to 10.10.2017, which was further postponed to 01.11.2017 and then for today due to certain administrative reasons.

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**AC - 1427 of 2016 -2-**

2. A letter No. 302/RTI, dated 11.12.2017 has been received from SSP-cum-PIO, Amritsar Rural enclosing therewith a copy of letter from the appellant vide which he has requested to close his case as he no longer requires the sought information now.

3. Accordingly, the case is **disposed of and closed.**

 **Sd/-**

**Dated : 20.12.2017 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

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Sh. Rakesh Kumar Gupta, Advocate,

8/237, Jagraon Road, Mandi Multanpur,

District: Ludhiana. --------Appellant

  **Vs.**

Public Information Officer,

O/o DGP, Punjab Police,

Sector:09, Chandigarh.

First Appellate Authority,

o/o DGP, Punjab Police,

Sector:09, Chandigarh.

Public Information Officer,

o/o SSP, Ludhiana (Rural). -------Respondents

 **Appeal Case No. 3628 of 2016**

Present:- Shri Rakesh Kumar Gupta, appellant, in person.

Shri Balbir Chand, ASI, on behalf of the respondents.

**ORDER**

 In this case, during hearing on 02.08.2017 as per the directions of the Commission issued on the last date of hearing, Shri Jaswinder Singh Brar, DSP, Law and Order, Punjab, Chandigarh( the then DSP Dakha), submitted a duly attested affidavit dated 02.08.2017 stating therein, inter-alia, as under:-

 (1) That he was posted as DSP, Dakha from 16.11.2016 to 19.04.2017. The complaints were prior to the period when he was posted as DSP, Dakha and the inquiries were conducted by his predecessor.

Contd……p/2

 **AC - 3628 of 2016 -2-**

 (2) That he did not conduct any enquiry in this matter and as he was transferred on 19.04.2017 and thus he does not have the record as he is now posted as DSP, Law and Order, Punjab, Chandigarh.

 (3) That as he did not investigate the matter, hence he does not have any personal knowledge with regard to the case.

2. The appellant informed that he was having a copy of Inquiry Report, which had been signed by Shri Jaswinder Singh Brar, DSP Dakha. Shri Brar expresses his ignorance about this report stating that he was no longer incharge of the post of DSP Dakha. Consequently, after detailed deliberations, the appellant was directed to show or send a copy of the said report to Shri Jawinder Singh Brar, the then DSP Dakha, for his perusal and further action at his end. Shri Brar was directed to submit a report in this regard on the next date of hearing to facilitate the Commission to arrive at a logical conclusion. The case was adjourned to 05.09.2017.

3. On 05.09.2017, Shri Jaswinder Singh Brar, DSP, Law and Order, Punjab, Chandigarh( the then DSP Dakha), reiterated that he had not investigated this matter nor he had any knowledge about this case. He submitted that he had already submitted an affidavit in this regard. He requested that since he was not a necessary party in this case, he might be discharged from the present case. Accordingly, Shri Jaswinder Singh Brar, DSP, Law and Order, Punjab, was exempted from attending further hearings in this case. It was directed that a copy of the affidavit, submitted by Shri Brar, be supplied to the appellant. The appellant submitted that only partial information

Contd……p/3

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had been provided to him as yet. Accordingly, the respondent PIO was directed to get the record inspected by the appellant, on a mutually agreed date and time, to identify the specific documents still required by him, which will be supplied by the PIO to the appellant, before the next date of hearing. The case was adjourned to 10.10.2017, which was postponed to 01.11.2017 and then for today, due to certain administrative reasons.

4. Today, the appellant submits that no inspection has been allowed to him so far. Consequently, after hearing both the parties and discussing the present status of the case, the PIO is directed to get the record inspected by the appellant to identify the specific documents required by him and supply the same to him on the spot. Besides, the PIO is directed to bring the original record on the next date of hearing for perusal of the Commission.

5. To come up on **30.01.2018 at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dated : 20.12.2017 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

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Shri Sukhminder Singh,

S/0 Shri Malkeet Singh,

VPO: Boparai Kalan,Tehsil: Jagraon,

District: Ludhiana. …..Appellant

**Versus**

Public Information Officer

O/o Assistant Registrar,

Co-operative Societies, Jagraon,

District: Ludhiana.

First Appellate Authority,

O/o Deputy Registrar,

Co-operative Societies, Jagraon,

District: Ludhiana.

Secretary, The Boparai Kalan Cooperative Agriculture

Multipurpose Society Limited,

Village: Boparai Kalan, Tehsil: Jagraon, District: Ludhiana. ….Respondents

**Appeal Case No. 2692 of 2015**

Present: Shri Sukhminder Singh, Appellant, in person.

 Shri Akam Singh, Assistant Registrar Cooperative Societies, Jagraon, on behalf of the respondents.

**ORDER**

The case was last heard on 02.08.2017, when Shri Akam Singh, Assistant Registrar Cooperative Societies, Jagraon informed that the information

regarding three points, available in their record, had been supplied to the appellant.

Shri Ashwani Prashar, Ld. Counsel for the Boparai Kalan Cooperative Multi Purpose

Contd…..p/2

**AC - 2692 of 2015 -2-**

Agricultural Service Society Ltd., Boparai Kalan, Tehsil Jagraon, District Ludhiana, submitted that the said Society is private body having its own Managing Committee and is not receiving any grant-in-aid from the Government. He further submitted that the land in question had not been allotted by the Government at concessional rate and thus is not covered under RTI Act, 2005. He submitted written reply dated 22.07.2017 in this regard, which was taken on record and a copy of which was handed over to the appellant.

2. As per the judgement of Hon’ble Supreme Court in Thalappalam Ser. Coop. Bank Ltd. and others Vs. State of Kerala and others in Civil Appeal No. 9017 of 2013 decided on 07.10.2013, the onus lies on appellant to prove that the said Society is a Public Authority under the RTI Act, 2005. Accordingly, the appellant was directed to

submit a rejoinder to the written submission made by the Ld. Counsel for the Society.

3. The appellant submitted that he was asked by the Assistant Registrar, Cooperative Societies, Jagraon to deposit Rs. 750/- as documentation charges so that the requisite information could be supplied to him and now the information was not being supplied to him. Accordingly, the Assistant Registrar, Cooperative Societies, Jagraon was directed to file a detailed reply on the next date of hearing as to on what basis the appellant was asked to deposit Rs. 750/- as documentation charges and now as to why the information was being denied to him. The case was adjourned to 13.09.2017, 25.10.2017 and then for today due to certain administrative reasons.

Contd…..p/3

**AC - 2692 of 2015 -3-**

4. Today, Shri Akam Singh, Assistant Registrar Cooperative Societies, Jagraon, appearing on behalf of the respondents, informs that the information available in their office has been supplied to the appellant. The appellant expresses dis-satisfaction. Consequently, the appellant is directed to inspect the concerned file of the office of Assistant Registrar Cooperative Societies, Jagraon to identify any specific document required by him, which will be supplied to him by the PIO.

5. Besides, the appellant is directed to furnish documents to the said Cooperative Society, with a copy to the Commission, to prove that the said Society is a Public Authority under the RTI Act so that necessary response is got from the Society in question for the purpose of declaring the Society a Public Authority.

6. To come up on **24.01.2018 at 1.30 P.M. for further proceedings.**

 **(Viney Kapoor Mehra) ( Pawan Kumar Singla) (S.S. Channy)**

 **S. I. C. S.I.C. C.I.C. Punjab Punjab Punjab**

**Dated: 20.12.2017**

CC: PS/CIC for the kind information of Hon’ble CIC

PS/SIC(PKS) for the kind information of Hon’ble SIC(PKS)

PS/SIC(VKM) for the kind information of Hon’ble SIC(VKM)

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Shri Rakesh Kumar Gupta,

r/o 8/237, Jagraon Road,

Mandi Mullanpur, District Ludhiana. ……..Appellant

 **Vs.**

Public Information Officer

o/o Deputy Commissioner of Police,

District Ludhiana.

First Appellate Authority,

O/o Commissioner of Police,

Ludhiana. -------Respondents

**Appeal Case No. 2839 of 2017**

Present: Shri Rakesh Kumar Gupta, Appellant, in person.

 None for the respondents.

**ORDER**

 In this case, Shri Rakesh Kumar Gupta, Appellant, vide his RTI application dated 28.06.2017, addressed to the PIO, sought certain information under Section 7(1) of the RTI Act, 2005 including certified copies of complaints, FIR, DDR, Bad Character report, Habitual criminal report, History sheet of Shri Baljeet Singh S/o Shri Mewa Singh resident of Village Salempur, PO: Noorpur Bet, Police Station Ladhowal, District: Ludhiana. On receiving no information, he filed an appeal with the First Appellate Authority vide letter dated 09.09.2017 and subsequently approached the Commission vide letter dated 11.10.2017, which was received in the Commission on 12.10.2017. Accordingly, a Notice of Hearing was issued to the concerned parties for 25.10.2017,

Contd…….p/2

**AC - 2839 of 2017 -2-**

which was postponed to 01.11.2017 and then for today due to certain administrative reasons.

2. Today, the appellant informs that no information has been supplied to him so far. None is present on behalf of the respondents without any intimation. However, a letter No. 134/RTI, dated 24.10.2017 has been received from PIO-cum-Deputy Commissioner Police, Commissionerate, Ludhiana vide which it has been informed that RTI application of the appellant and the First Appeal filed with the First Appellate Authority have not been received in their office as per record. The appellant submits that he has sent the application and the First Appeal by registered post. Accordingly, copies of RTI application and First Appeal, received in the Commission, are sent herewith to the Public Authority for deciding the same on merit and intimating the action taken to the appellant so that he could take further action, if he so desires. Besides, the PIO is directed to conduct an inquiry to look into the reasons for missing of the applications, which have been sent to the them by the appellant by registered post.

3. In these circumstances, the instant case is **disposed of and closed.**

 **Sd/-**

**Dated : 20.12.2017 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

Encl. Copies of RTI application and

 First Appeal

**PUNJAB STATE INFORMATION COMMISSION**

 **Red Cross Bhawan, Near Rose Garden, Madhya Marg,**

**Sector: 16, Chandigarh.**

 **Tel. No.0172-2864100-01, Fax No.0172-2864110**

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Shri Rakesh Kumar Gupta,

r/o 8/237, Jagraon Road,

Mandi Mullanpur, District Ludhiana. ……..Appellant

 **Vs.**

Public Information Officer

o/o Station House Officer,

Police Station, Ladhowal,

District Ludhiana-141101.

First Appellate Authority,

O/o Commissioner of Police,

Ludhiana. -------Respondents

**Appeal Case No. 2837 of 2017**

Present: Shri Rakesh Kumar Gupta, Appellant, in person.

 None for the respondents.

**ORDER**

 In this case, Shri Rakesh Kumar Gupta, Appellant, vide his RTI application dated 28.06.2017, addressed to the PIO, sought certain information under Section 7(1) of the RTI Act, 2005 including certified copies of complaints, FIR, DDR, Bad Character report, Habitual criminal report, History sheet of Shri Baljeet Singh S/o Shri Mewa Singh resident of Village Salempur, PO: Noorpur Bet, Police Station Ladhowal, District: Ludhiana. On receiving no information, he filed an appeal with the First Appellate Authority vide letter dated 09.09.2017 and subsequently approached the Commission vide letter dated 11.10.2017, which was received in the Commission on 12.10.2017.

Contd…….p/2

**AC - 2837 of 2017 -2-**

Accordingly, a Notice of Hearing was issued to the parties for 25.10.2017, which was postponed to 01.11.2017 and then for today due to certain administrative reasons.

2. Today, the appellant informs that no information has been supplied to him so far. None is present on behalf of the respondents without any intimation. Viewing the absence of the respondents and non-supply of information to the appellant, seriously, the PIO is directed to supply the requisite information to the appellant before the next date of hearing and explain the factual position of the case, in person, on the next date of hearing.

3. To come up on **30.01.2018 at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dated : 20.12.2017 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

**STATE INFORMATION COMMISSION, PUNJAB**

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Sh. Rajinder Singh Banger,

House No. 1667, Sector 4,

Panchkula – 134109. ……….. Appellant

**Versus**

Public Information Officer,

O/o Head of the Department, Chemical Branch

Thapar University, Patiala

First Appellate Authority,

O/o Registrar, Thapar University,

P.O.B., No. 32, Bhadson Road, Patiala – 147004. …….....Respondent

**Appeal Case No. 3661 of 2016**

Present: None for the appellant.

Shri Rajat Khanna, Counsel for the respondents.

**ORDER**

Today Shri Rajat Khanna, Counsel for the respondents, submits a letter dated 25.09.2017 from the appellant vide which he has requested the Commission to allow him to withdraw his case in the interest of justice

2. Accordingly, the case is **disposed of and closed.**

  **Sd/- Sd/- Sd/-**

 **(Pawan Kumar Singla) (Yashvir Mahajan) (S.S. Channy)**

 **S.I.C. S.I.C. C.I.C.**

**Dated : 20.12.2017**

CC:- PS/CIC for kind information of Hon'ble CIC

 PS/Hon'ble SIC(Y) for the kind information of Hon'ble SIC (Y)

 PS/Hon'ble (PKS) for the kind information of Hon'ble SIC (PKS)

**STATE INFORMATION COMMISSION, PUNJAB**

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Shri Naresh Kumar Gupta, Activist,

R/o Dod Mohalla, Jaitu,

District: Faridkot. ………. Appellant

**Versus**

Public Information Officer,

O/o Civil Judge(Senior Division), Faridkot.

First Appellate Authority,

O/o Civil Judge(Senior Division), Faridkot. ….....Respondents

**Appeal Cases No. 409 and 415 of 2015**

Present: None for the appellant.

 Ms. Rinku Sharma, COC-cum-PIO, on behalf of the respondents.

**ORDER**

 It shall be prudent to reproduce the observations of Full Bench made on 12.07.2017 so as to take the things in clear perspective. The same are reproduced here under:-

*“Since the appellant and the respondents are same and the nature of information, asked for, is identical, both the cases are clubbed together and shall be disposed of by a single order.*

 *(2) On an order passed by the Bench of this Commission on 06.09.2015, Hon’ble Punjab and Haryana High Court has passed following directions:-*

*‘ The order passed by the State Information Commission, Punjab, issuing a direction to the Public Information Officer for seeking direction is without*

Contd……p/2

**AC - 409 and 415 of 2015 -2-**

*jurisdiction. It was open to the State Information Commission to consider the objections of the appellant in the light of provisions of Section 8(1)(b) of the Right*

*to Information Act and to pass any appropriate order considering objectively the*

*information; which had been sought for by respondent No. 2 taking into consideration the relevant provisions of law.*

 *Petition is allowed. The order dated June 9, 2015 is hereby set aside to the extent whereby direction has been given to take directions from the Administrative Judge regarding providing/not providing the information. The jurisdiction vested in the State Information Commission enables it to pass any final order without the above said directions.*

 *The parties are directed to appear before the State Information Commission, Punjab within a period of one month and get the matter adjudicated in accordance with law.’*

*(3) The case has came up for hearing today before this Bench. The respondents had denied the information to the appellant while taking a plea of exemption under Section 8(1)(b) of the RTI Act, whereas we found that such a plea was not available to them. They had failed to produce any order to prohibit the release of the said information by any competent Judicial Court. It transpired that the information sought for was quite lengthy and exhaustive. Its supply was likely to affect the resources of the Public Authority disproportionately. We, therefore, deemed it appropriate to direct the respondents to allow inspection of record to the appellant, to identify the documents required by him and supply the certified copies of admissible documents on the payment of fee as prescribed under the Rules of Hon’ble High Court, under intimation to the Commission.”*

2. The case came up on 23.08.2017 for further consideration. Smt. Viney Kapoor Mehra, SIC, was not well. Therefore , in her place Dr. Pawan Kumar Singla, SIC, was associated for hearing.

Contd……p/3

**AC - 409 and 415 of 2015 -3-**

3. Instead of complying with the orders of the Commission towards inspection of record and identifying the documents he needed, the appellant questioned the legality of constitution of a Larger Bench. He stated that such

instructions had been issued by the Department of Personnel, Government of India, in this regard without being specific. The Commission observed that his contention was without substance. The Central Information Commission(Management) Regulations, 2007 are being followed by the State Information Commission Punjab to conduct its affairs. They are very much relevant and are in vogue in other State Information Commissions of the country as well. No competent court so far has set aside the above Regulations. The contention of the appellant on the above score, as such, was hereby rejected.

4. The appellant expressed his reservations on the inspection of the documents and insisted for the information to be provided in the shape of its certified copies only. Taking the holistic view of the entire gamut of the case, it was directed that respondents should provide him admissible information on payments of the cost of information, which should be intimated to him immediately after computing the same on the rates prescribed in Punjab and Haryana High Court Rules. The case was adjourned to 13.09.2017, which was postponed to 13.09.2017, further to 25.10.2017 and then for today due to certain administrative reasons.

5. Today, Ms. Rinku Sharma, COC-cum-PIO, appearing on behalf of the

Contd……p/4

**AC - 409 and 415 of 2015 -4-**

respondents, submits that the information sought by the appellant is ready and the appellant has been asked vide letter No. 455, dated 11.09.2017 and letter No. 486, dated 27.09.2017 and also telephonically to collect the information by depositing Rs. 364/- as document charges but he has not turned up to collect the information. Accordingly, the appellant is directed to obtain the information from the PIO after depositing the document charges, if he so desires.

6. Accordingly, the cases are **disposed of and closed.**

 **Sd/- Sd/- Sd/-**

 **(Viney Kapoor Mehra) (Yashvir Mahajan) (S.S. Channy)**

 **S.I.C. S.I.C. C.I.C.**

**Dated : 20.12.2017**

CC:

 PS/CIC for kind information of Hon'ble CIC

 PS/Hon'ble SIC(Y) for the kind information of Hon'ble SIC (Y)

 PS/Hon'ble (VKM) for the kind information of Hon'ble SIC (VKM)