

# PUNJAB STATE INFORMATION COMMISSION

## OFFICE ORDER

In partial modification of office order dated 24.8.2012 issued vide endst. No. PSIC/Legal/Order/2012/10259, dated 24.8.2012, it is ordered that following procedure will be followed while filing/dealing with the work relating to Registration, Hearing, Abatement or Return of Appeal/Complaint cases in the Punjab State Information Commission:-

1. Every Appeal, Complaint, application, statement, rejoinder, reply or any other document filed before the Commission shall be typed or printed or hand written neatly and legibly and the language used therein shall be formal and civilized and should not be in any way indecent or abusive. The Appeal, or an application shall be presented in atleast three sets in a paper-book form, in case of Second Appeals and two sets in case of Complaints under section 18 of the Right to Information Act. An Appeal or complaint may be filed in Punjabi/Hindi/English Language.
2. **An Appeal or a Complaint to the Commission shall contain the following information, namely:-**
  - (i) name, address and other particulars of the Appellant or Complainant, as the case may be;
  - (ii) Address of the State Public Information Officer (SPIO) or the State Assistant Public Information Officer (SAPIO) or PIO against whom a Complaint is made under Section 18 of the Act or Second Appeal under section 19(3) of the Act and address of the First Appellate Authority before whom the First Appeal was preferred under Section 19(1) of the Act.
  - (iii) copy of the decision or order, if any, against which the Complaint/Appeal is preferred;
  - (iv) brief facts leading to the Appeal or the Complaint;
  - (v) if the Appeal or Complaint is preferred against refusal or deemed refusal of the information, the particulars of the application, including number and date and name and address of the State Public Information Officer to whom the

application was made and name and address of the First Appellate Authority before whom the Appeal was filed;

- (vi) prayer or relief sought;
- (vii) grounds for the prayer or relief;
- (viii) self verification by the Appellant or the Complainant, as the case may be;
- (ix) any other information which may be deemed as necessary and helpful for the Commission to decide the Appeal or Complaint. In case the Appellant / Complainant has alleged deficiency in the information supplied to him, he shall specify the exact deficiency.
- (x) copies of any communications with Public Authority / PIO made by the Complainant / Appellant and mentioned in his RTI application under Section 6 of the Act.

The contents of the Complaint shall be in the same form as prescribed for the Appeal with such changes as may be deemed necessary or appropriate.

**3. Every Appeal or Complaint made to the Commission shall be accompanied by self attested copies/photo copies of the following documents, namely:-**

- (i) The RTI application submitted before the SPIO/Assistant SPIO/PIO/APIO along with documentary proof as regards payment of fee under the RTI Act and postal proof of having sent the RTI application to the PIO ;
- (ii) The order, or decision or response, if any, from the SPIO/PIO to whom the application under the RTI Act was submitted.
- (iii) The First Appeal submitted before the First Appellate Authority with documentary proof of filing the First Appeal.
- (iv) The Orders or decision or response, if any, from the First Appellate Authority against which the Appeal or Complaint is being preferred;
- (v) The documents relied upon and referred to in the Appeal or Complaint;
- (vi) A certificate stating that the matter under Appeal or Complaint has not been previously filed or pending or decided by any of the Commissioners;
- (vii) Self attested copy of any I.D. proof i.e. Passport or Identity Card issued by a Govt. Deptt. or Voter Card issued by Election Commission of India or Pan Card

issued by Income Tax Deptt. or Adhar Card-Unique Identity Card of Govt. of India or Ration Card issued by Govt. Deptt. or Driving License .

- (viii) Copies with an index of the documents referred to in the Appeal or Complaint; and original application under Section 6 of RTI Act.

**4. Presentation and scrutiny of Appeal or Complaint:-**

- i) The Registrar or an officer specially designated by Chief Information Commissioner for this purpose shall receive any Second Appeal or Complaint Petition addressed to the Commission and ensure that
- (a) the Appeal or the Complaint, as the case may be, is submitted giving details as specified below (ii)
  - (b) that all its contents are duly self verified by the Appellant or the Complainant, as the case may be;
  - (c) that the Appeal or the Complaint is in accordance with this Office Order.
- ii) The Registrar or the officer designated for this purpose shall also ensure that the Appeal or the Complaint petition contains copies of all the required documents such as
- (a) RTI application or its self attested copy.
  - (b) Proof of the Application Under Section 6 of the Act having been sent to the PIO.
  - (c) Proof in regard to payment of fee/cost, if any;
  - (d) Decision/reply etc. from the SPIO, if any;
  - (e) Appeal to the 1st Appellate Authority;
  - (f) Decision of the 1st Appellate Authority, if any.
  - (g) Copies of all communications made with Public Authority / PIO, which have been referred to in the Appeal / Compliant petition, as the case may be.
  - (h) A certificate stating that the matter under Appeal or Complaint has not been previously filed or pending or decided by any of the Commissioners;

- i) Self attested copy of any I.D. proof i.e. Passport or Identity Card issued by a Govt. Deptt. or Voter Card issued by Election Commission of India or Pan Card issued by Income Tax Deptt. or Adhar Card-Unique Identity Card of Govt. of India or Ration Card issued by Govt. Deptt. or Driving License .
- (iii) The Registrar/DR/Assistant Registrar/designated officer as the case may be, shall scrutinize every Appeal/Complaint received and will ensure —
  - (a) That the Appeal or the Complaint petition is duly self verified and the required number of copies are submitted;
  - (b) That all the documents annexed are duly paged and self attested by the Appellant or the Complainant.
  - (c) That the copies of the documents filed and submitted are clear, distinct and legible;
- (iv) That the Registrar/DR/Assistant Registrar/designated Officer will return any such Appeal or the Complaint if it does not meet the requirement or conform to the standard as set out above and permit its resubmission in proper form, after removal of deficiencies
- (v) All Appeals and Complaints not returned as above and found in order shall be registered and a specific number will be allocated.
- (vi) The Registrar or any other officer authorized for this purpose shall endorse on every Appeal or Complaint, the date on which it is presented.
- (vii) The Appeals and Complaints shall bear separate serial numbers so that they can be easily identified under separate heads.
- (viii) If any Appeal or Complaint is found to be defective and the defect noticed is formal in nature, the Registrar/DR/AR/ or designated officer as the case may be, may allow the Appellant or Complainant to rectify the same in his presence or may allow time to rectify the defect. If the Appeal or Complaint has been received by post and found to be defective, the Registrar may communicate the defect(s) to the Appellant or Complainant and allow him to re-submit it after rectifying the defects.
- (ix) If the Appellant or Complainant fails to rectify the defects, the Appeal or Complaint shall not be entertained.

**5. Filing of Counter Statement by the State Public Information Officer or the First Appellate Authority:-**

After receipt of a copy of the Appeal or Complaint, the State Public Information Officer or the First Appellate Authority or the Public Authority shall be called upon to file counter statement along with documents within the time mentioned in the hearing notice, if any, pertaining to the case. A copy of the counter statement(s) so filed shall be served to the Appellant or Complainant by the SPIO, the First Appellate Authority or the Public Authority, as the case may be in advance.

**6. Posting of Appeal or Complaint before the Information Commissioner:-**

- (i) An Appeal or a Complaint, or a class or categories of Appeals or Complaints, shall be heard either by a Single Bench consisting of one designated Information Commissioner or a Division Bench of two designated Information Commissioners, or a Full Bench of three or more designated Information Commissioners, as decided by the Chief Information Commissioner by a special or general order issued for this purpose, from time to time.
- (ii) An Appeal or a Complaint or class or categories of Appeals or Complaints may be heard by a Bench either in person or through video conference facility. The proceedings of a Bench conducted through the video conference shall be valid.
- (iii) Where in the course of the hearing of an Appeal or Complaint or other proceeding before a Single Information Commissioner, the Commissioner considers that the matter should be dealt with by a Division or Full Bench, he shall refer the matter to the Chief Information Commissioner who may thereupon constitute such a Bench for the hearing and disposal of the matter, including the referring bench.
- (iv) Similarly, where during the course of the hearing of a matter before a Division Bench, the Bench considers that the matter should be dealt with by a Full Bench, or where a Full Bench considers that a matter should be dealt with by Full Commission, it shall refer the matter to the Chief Information Commissioner who may thereupon constitute such a Bench for the hearing and disposal of the matter, including the referring Bench.

## **7. Amendment or withdrawal of an Appeal or Complaint:**

A Bench may in its discretion allow a prayer for any amendment or withdrawal of an Appeal or Complaint during the course of its hearing if such a prayer is made by the Appellant or Complainant on an application made in writing. However, no such prayer may be entertained by the Commission after the matter has been finally heard or a decision or order has been pronounced by the Commission.

## **8. Personal presence of the Appellant or Complainant:-**

- (i) The Appellant or the Complainant, as the case may be, shall be informed of the date of hearing at least seven clear days before that date except in cases involving life or liberty, where a shorter notice may be given.
- (ii) The Appellant or the Complainant, as the case may be, may at his/her discretion be present in person or through his/her duly authorized representative at the time of hearing of the Appeal or Complaint by the Commission.
- (iii) Where the Commission is satisfied that circumstances exist due to which the Appellant or the Complainant is being prevented from attending the hearing of the Commission, the Commission may afford the Appellant or the Complainant, as the case may be, another opportunity of being heard before a final decision is taken or take any other appropriate action as it may deem fit.
- (iv) The Appellant or the Complainant, as the case may be, may seek the assistance of any authorized person while presenting his/her case before the Commission..
- (v) If an Appellant or Complainant at his/her discretion decides not to be present either personally or through his/her duly authorized representative during the hearing of an Appeal or Complaint before the Commission, the Commission may pronounce its decision or Order in the matter *ex parte*,
- vi) At present Video Conference facility is available at all the District Headquarters. However, this should be done only in the cases where both the information seeker and the respondent public authority are from the same district. If, however, any of the party to a case fixed for hearing through Video Conference requests for hearing in person at Chandigarh or if the Presiding Information Commissioner feels the need to hear the parties in person the case may be fixed for further hearing at Chandigarh in the office of the Commission.

**9. Date of hearing to be notified: -**

The Commission shall notify the parties the date, time, and place of hearing of Appeal or Complaint in any of the following modes, namely:-

- (a) Service by the party itself, or
- b) by hand delivery (dasti) through process server ; or
- (c) by registered post with acknowledgement due ; or
- (d) by electronic mail in case electronic address is available. or
- (e) In any manner as the Chief Information Commissioner may by general or special order direct.

**10. Issue of summons:**

Summons to the parties or to the witnesses for appearance or for production of documents or records or things shall be issued by the Registrar/ DR/AR under the authority of the Commission, and it shall be in such form as may be prescribed by the Commission.

**11. Communication of decisions and Orders:-**

- (i) Every decision or order of the Commission or any of its Benches shall be signed and dated by the Commissioner or Commissioners who have heard the Appeal or the Complaint or have decided the matter.
- (ii) Every decision/order of a Bench of Commission may either be pronounced in one of the sittings of the concerned Bench, or may be placed on its web site and may be communicated to the parties under authentication by the Registrar or any other officer authorized by the Commission in this regard.
- (iii) Every such decision or order, whenever pronounced by a duly constituted Bench of a Single Information Commissioner or by a Division Bench or by a Full Bench of three or more Information Commissioners, shall be deemed to be the decision or order by the Commission under the Act.

**12. Abatement of an Appeal/Complaint:**

The proceedings pending before the Commission shall abate on the death of the Appellant or Complainant.

The proceedings of the Commission may be conducted in Punjabi or in Hindi or in English.

Dated, Chandigarh,  
the 22.3.2018.

Chief Information Commissioner, Punjab,  
Chandigarh.

Endst. No.PSIC/Legal/Order/2018/

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Dated:

27/03/18

A copy of above is forwarded to:-

1. PS/ Hon'ble CIC for information of Hon'ble C.I.C.
2. All Ld. SICs.
3. Secretary of the Commission.
4. D.C.F.A.
5. System Administrator for uploading on the website of the Commission.

  
Secretary

State information Commission, Punjab,  
Chandigarh.

