

MINUTES OF THIRD MEETING OF FULL COMMISSION HELD ON 08.02.2010 AT 12.30 P.M. IN THE OFFICE ROOM OF CHIEF INFORMATION COMMISSIONER PUNJAB, CHANIGARH.

PRESENT:

1. Sh. P.K.Verma, State Information Commissioner Punjab;
2. Sh.Surinder Singh, State Information Commissioner Punjab;
3. Sh.Kulbir Singh, State Information Commissioner Punjab;
4. Lt. Genl. (Retd) P.K.Grover, State Information Commissioner Punjab
5. Sh. P.P.S.Gill, State Information Commissioner Punjab;
6. Sh.Darbara Singh Kahlon, State Information Commissioner Punjab;
7. Mrs.Jaspal Kaur, State Information Commissioner Punjab.

Leave of absence was granted to SICs Mrs. Rupan Bajaj and Mrs. Ravi Singh.

Before taking up the formal agenda, the Commission was briefed regarding the proposed function to release Punjabi translation of the RTI Act by Hon'ble Chief Minister, Punjab on 11th February. The Commission also reviewed the disposal and pendency of Appeal and Complaint Cases. It was noted with satisfaction that during the year 2009, 5543 cases were disposed of by the Commission, against fresh institution of 5098 cases. At the close of the year on 31.12.09, only 1301 cases were pending for disposal. In the current year, in the month of January, 507 cases were disposed against fresh institution of 307 cases. The Commission observed that a close watch may be kept by all concerned on old cases, particularly those pending for more than 6 months.

Thereafter formal agenda items were taken up serial-wise:-

1. **Draft Annual Reports of the State Information Commission Punjab for the years 2007 and 2008:**

The draft of the Annual Reports of the Commission for the years 2007 and 2008 as finalized by the Sub-Committee of Sh. P.K. Verma and Sh. PPS Gill and placed on the table were perused by all present and discussed. On consideration of the draft reports, the Commission approved the same with the observation that the opening pages of the two reports are similar. Therefore, the opening pages of the report for the year 2008 may be suitably revised. The Commission requested Sh. P.K.Verma and Sh. PPS Gill, members of the sub-committee to undertake this exercise. The Commission also thanked Sh. Verma and Sh. Gill for the efforts put by them to finalise the draft reports.

It was also decided that CIC would contribute a 'Foreword' to the reports.

The Commission also decided that the two reports should be sent to the Government for further action at its end.

2. **Consideration of Final Draft of the "State Information Commission, Punjab (Management) Regulations 2010"**

The final draft of the State Information (Management Regulations) 2010, as approved by the sub-committee of the Commission was considered by the Commission and approved with minor amendments. The approved Management Regulations are enclosed at Annexure-1. The Commission further decided that these Regulations shall come into force w.e.f.01.04.2010. Due publicity may be given to these Regulations so that people become aware of the procedures, documentations etc. The Registry should also be suitably strengthened to cope with the additional work.

3. **Progress regarding Centrally Sponsored Schemes.**

The Secretary to the Commission apprised the Commission regarding receipt of funds from Government of India under the Centrally Sponsored Plan Schemes and expenditure incurred so far.

The Commission noted that Rs.3.50 lacs, out of a total of Rs.5.00 lacs, received by the SICP, a good part had been utilized for Seminars / mass contact awareness programmes pertaining to propagation of RTI Act, which were organized at the initiative of the Commission. Some more such seminars are scheduled to be held in February and March. It was decided that the balance amount should be utilized within the current financial year so that funds may be availed from Government of India. The CIC asked the SICs to participate in these Seminars / mass contact programmes in association with District Administrations and Educational institutions. The SICs may take initiative to organize these programmes as per their convenience.

The Commission was briefed about allocation of funds for e-enablement. The issue was discussed and it was decided that rather than placing funds amounting to Rs.10,72,240/- with Punjab Info Tech for purchase of computers, lap tops etc., it was decided that the issue should be considered by the committee for Monitoring & Systems under the chairmanship of Lt. Genl. (Retd.) P.K.Grover, SIC.

Sh Surinder Singh, SIC who has a technical background was opted as a member of this sub-committee. The Secretary to the Commission will be its member Secretary and in his absence, MFA may coordinate. The sub-committee shall examine the configuration of the proposed PCs / Lap Tops, and finalise the purchases, after observing due formalities. It was noted that direct purchase may work out cheaper and would also be able to provide post-purchase service direct to the Commission, rather than through a third party. It was also observed that private hardware companies were giving lot of incentives on purchase of hardware and software, which should be availed by the Commission, rather than Infotech Corporation. It was, therefore, decided to with-hold deposit of Rs.10,72,240/- to Info Tech Punjab and examine the issue for direct purchase. The Commission empowered the sub-committee to finalise the purchase at the earliest so that the utilization certificate could be sent to Govt. of India for availing the balance grant.

The CIC apprised that NIC had come forward to assist the Commission to establish video conferencing facility, the proposal for which is awaited. The video conferencing facility was proposed to be set up in Court Room NO.1 in the main office building. All present agreed that initially the video conferencing should be linked up with selected 4-5 Districts on experimental basis and after successful launch, it could be extended to cover all districts of the State.

4. Miscellaneous.

The issue of shortage of staff, quick turnover of the staff and their grievances were raised by SICs. The Commission was of the unanimous view that some concrete action was needed for creating additional posts for which a proposal is pending with the government, to make the salary structure attractive so that employees turnover is not quick for the contractual as well as for the outsourced staff of the Commission.

The earlier policy framed by the committee on Personnel & Training headed by Sh. P.K.Verma had recommended grant of 5% annual

increment on successful completion of one year, which had been discontinued on a reference from the government. It was decided to reconsider the issue and if need be to take a formal decision by the Commission in this regard. Sh. P.K.Verma, who had resigned from the Chairmanship of the sub-committee agreed to continue to chair the same with SIC, Sh.Kulbir Singh, as Co-Chairman of the committee on Personnel & Training. The sub-committee may go into these pending issues and put up a consolidated proposal for up-ward revision of salaries and incentive to both contractual as well as to outsourced employees of the Commission before the next meeting of the Full Commission.

The Commission noted that Sh. Grewal, Secretary to the Commission has been relieved of his charge, on completion of his deputation period of three years. The Commission noted with appreciation the services rendered by Sh. Grewal during the period he served with the Commission.

Meting ended with a vote of thanks to the chair.

The State Information Commission, Punjab (Management) Regulations, 2010

In exercise of the powers conferred by section 15(4) of the Right to information Act, 2005 (Act 22 of 2005) and all other provisions in the Act enabling in this behalf, Punjab State Information Commission hereby makes the following Regulations for management of the affairs of the State Information Commission so as to enable it to function effectively.

Chapter-1: Short Title and Commencement:-

- (i) These Regulations may be called “the Punjab Information Commission (Management) Regulations, 2010.
- (ii) They shall come into force with effect from 1st April, 2010.
- (iii) Appeals and Complaints which have already been filed before the date of commencement of these Regulations and have been found in order and are already registered before this date will be proceeded with as before and shall not abate for any infirmity therein but these regulations will be applicable for any prospective action even in regard to such pending Appeals and Complaints.

2. Definitions: - In these Regulations unless the context otherwise requires -

- (a) “Act” means the Right to Information Act, 2005 (Act 22 of 2005);
- (b) “Appellant” means an appellant u/s 19 of the Act and a
“Complainant” means a complainant u/s 18 of the Act.
- (c) “Commission” means the State Information Commission Punjab;
- (d) “Chief Information Commissioner” means the State Chief Information Commissioner appointed under the Act.
- (e) “SPIO”/”PIO” in case of the Punjab means an officer designated by a public authority under Section 5(1) of the Act and a State Assistant PIO means a State Assistant PIO so designated or notified under Section 5(2) of the Act.

- (f) “Decision” includes an order, direction or determination of an issue.
- (g) “First Appellate Authority” means an authority so appointed or notified by the public authority under the Act and includes a head of the office or the head of the public authority if no first appellate authority is appointed or notified.
- (h) “Information Commissioner” means a State Information Commissioner appointed under the Act.
 - (i) A single Bench means a bench constituted by Chief Information Commissioner or one Information Commissioner to hear Second Appeals or Complaints.
 - (ii) A Division Bench means a Bench constituted by Chief Information Commissioner or two Commissioners sitting together to hear second Appeals or Complaints.
 - (iii) Full Bench means a Bench constituted by Chief Information Commissioner or three or more Commissioners sitting together to hear Second Appeals/Complaints.
- (l) “Prescribed” means prescribed by or under the Act or under the Rules or Regulations.
- (j) “Records” mean the aggregate of papers relating to an Appeal or Complaint including pleadings, rejoinders, comments, proceedings, documentary or oral evidence, decision, orders and all other documents filed with or annexed to an Appeal or Complaint or submitted subsequently in connection with such Appeal or Complaint.
- (k) “Registry” means the Registry of the Commission comprising the Registrar(s), Additional Registrar(s), Joint Registrar(s), Deputy Registrar(s) or Assistant Registrar(s), who may be appointed from time to time in the Commission.

- (l) "Registrar" means the Registrar of the Commission and unless the context otherwise requires includes an Additional Registrar, a Joint Registrar, a Deputy Registrar or an Assistant Registrar.
- (m) "Regulation" means Regulation framed herein;
- (n) "Representative" means a person duly authorized by or on behalf of any of the parties to the proceedings or interveners and may include a Legal Practitioner.
- (o) "Respondent" includes an intervener or a third party or a party impleaded by the Commission.
- (p) "Rules" mean the Rules framed by the State Government under Section 27 of the Act; or by the competent authority under Section 28 of the Act.
- (q) "Section" means section of the Act;
- (r) Words and expressions used herein but not defined shall have the same meaning as defined in the Act.

CHAPTER-II: Officers of the Commission and their functions

- 3. **Appointment of Registrar:** - The Chief Information Commissioner may designate one or more of its officers in the Commission to function as Registrar(s) of the Commission. He may also designate other officers of the Commission to act as Additional Registrar(s), Joint Registrar(s), Deputy Registrar(s) or Assistant Registrar(s) and provide other staff that may be necessary to assist the Registrars in the performance of their duties and responsibilities.
- 4. **Powers and functions of the Registrar:-**
 - (i) The Registrar shall be the Chief Executive of the Commission on the judicial side. Any communication addressed to him will be deemed to be addressed to the Commission.

- (ii) The Registrar shall discharge his functions under the administrative control and superintendence of the Chief Information Commissioner.
- (iii) All records of the Commission shall be in the custody of the Registrar or person assigned this duty by him.
- (iv) The Official Seal of the Commission shall be kept in the custody of the Registrar or person assigned this duty by him.
- (v) Subject to any general or special directions of the Chief Information Commissioner, the Official Seal of the Commission shall be affixed to any order, summons or other process under the authority of the Registrar.
- (vi) The Official Seal of the Commission shall not be affixed to any certified copy issued by the Commission save under the authority of the Registrar.
- (vii) The office of the Registrar may receive all applications, Second Appeals / Complaints, counter statements, replies and other documents.
- (viii) The Registrar shall decide all questions arising out of the scrutiny of the Appeals and Complaints filed in the Registry before these are registered.
- (ix) The Registrar may require any application, Appeal, counter statement, replies presented to the Commission to be amended in accordance with these Regulations and direct any formal amendment of such records.
- (x) The Registrar shall sign the notice for date of hearing fixed by respective Bench for communication to both the parties.
- (xi) The Public Information Officer of the State Information Commission Punjab may, on payment of a fee prescribed for the purpose, grant leave to a party to the proceedings to inspect the record of the Commission under supervision and in presence of an officer of the Commission.
- (xii) Copies of documents authenticated or certified shall be provided to the parties to the proceedings only under the authority of the Registrar.
- (xiii) The Registrar shall communicate the decisions, orders or directions of the Commission to the concerned person/persons, and all such communications signed or authenticated by the Registrar or under his authority shall be deemed to be the communication from the Commission.

- (xiv) The Registrar shall exercise all such powers and discharge all such functions as are assigned to him by these Regulations or such duties as may be assigned by the Chief Information Commissioner from time to time.
- (xv) The Registrar shall assist all Information Commissioners in discharge of their functions.
- (xvi) The Registrar may with the approval of the Chief Information Commissioner delegate to a Joint Registrar, Deputy Registrar or Assistant Registrar any function required to be performed under these Regulations.
- (xvii) The Additional Registrar or Deputy Registrar or Assistant Registrar may be delegated the powers conferred on a Registrar with the approval of the Chief Information Commissioner and in such eventuality, they will exercise all the functions of the Registrar under his guidance.

Chapter III: Working Hours, sittings and vacations etc.

- 5. Subject to any order by the Chief Information Commission, the office of the Commission will be open on all working days notified by Government of Punjab from 9.00 AM to 5.00 PM with a lunch break of half an hour from 1.30 PM to 2.00 PM. However, to avoid inconvenience to parties to cases before the Commission, on sudden or impromptu declaration of any holiday by the State government, the Commission may hold court for hearing of cases already fixed for that date.
- 5. (i) Secretary of the Commission/In charge of section shall ensure punctuality of the staff of the Commission.
- 6. On the pattern of the Central Information Commission, the Punjab State Commission may observe summer vacations not exceeding 10 working days during summer months and a winter vacation of not more than 10 working days during the winter months, as notified by the Chief Information Commission. These vacations, as far as possible, may

coincide with the summer / winter vacations declared by the Punjab and Haryana High Court, to facilitate the legal practitioners. The office of the Commission will, however, remain open during summer / winter vacations, except on gazetted holidays. The Chief Information Commissioner may make appropriate arrangements to deal with matters of urgent nature during vacations, by designating one or more Benches as Vacation Bench and State Information Commissioners so designated will, by turn constitute, such Vacation Bench to hear Complaints / Appeals.

CHAPTER – IV: Registration, Abatement or Return of Appeal.

- 7. Appeal or Complaint etc. to be in writing:** - 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, Complaint or an application shall be presented in at least three sets in a paper-book form, in case of Second Appeals and two sets in case of Complaints.
- 8. Contents of Appeal or Complaint:-**
 - (1) 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, and Second Appeal under section 19(2) 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) Particulars of the decision or order, if any, including its number and the date it was pronounced, against which the 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 Central 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) 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.
- (2) 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.

9. Documents to accompany Appeal or Complaint:-

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;
- (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 matters under Appeal or Complaint have not been previously filed or pending or decided by any of the Commissioners;
- (vii) Copies with an index of the documents referred to in the Appeal or Complaint; and original application under Section 6 of RTI Act.

10. Service of copies of Appeal/Complaint

Before submitting an Appeal or Complaint to the Commission, the Appellant or the Complainant shall cause a copy of the Appeal or Complaint, as the case may be, to be served on the SPIO/PIO and the Appellate Authorities and shall submit a proof of such service to the Commission.

Provided that if a Complainant does not know the name, address and other particulars of the SPIO/PIO or of the First Appellate Authority and if he approaches the Commission under Section 18 of the Act, he shall cause a copy of his Complaint Petition to be served on the concerned Public Authority or the Head of the Office and proof of such service shall be annexed along with the Complaint Petition.

11. Presentation and scrutiny of Appeal or Complaint:-

- (i) The Registrar or an officer specially designated by CIC 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 verified by the Appellant or the Complainant, as the case may be;
 - (c) That the Appeal or the Complaint is in accordance with the Regulations.
- (ii) The Registrar or the officer designated for this purpose shall also ensure that the Appeal or the Complaint petition contains copies of all required documents such as
 - (a) RTI application
 - (b) Receipt of the RTI Application
 - (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.
- (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 verified and required number of copies are submitted;
 - (b) That all the documents annexed are duly paged and 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.

- (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 by him 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 time from the date of receipt of communication from the Registrar to rectify the defects.
- (ix) If the Appellant or Complainant fails to rectify the defects within the time allowed in clause above, the Appeal or Complaint shall not be entertained.

12. 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 file counter statement along with documents, 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.

13. 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.

14. 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.

15. 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 discretion be present in person or through his 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 case before the Commission and the person representing him may not be a legal practitioner.
- (v) If an Appellant or Complainant at his discretion decides not to be present either personally or through his 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*,

16. Date of hearing to be notified: - The Commission shall notify the parties the date and place of hearing of the Appeal or Complaint in such manner as the Chief Information Commissioner may by general or special order direct.

17. 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.

18. 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.

19. Abatement of an Appeal/Complaint:

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

CHAPTER-V: MISCELLANEOUS

20. Seal and Emblem:- The Official Seal and Emblem of the Commission shall be such as the Commission may specify.

21. Language of the Commission:-

- (i) An Appeal or a Complaint may be filed in Punjabi/Hindi/English language.
- (ii) The proceedings of the Commission may be conducted in Punjabi or in Hindi or in English.

R.I. Singh,

