



Shri Sushil Kumar, (98145 00575)

R/o H. No. 1410, Phase-I, Urban Estate,
Dugri Road, Ludhiana-141013

....Appellant

Versus

Public Information Officer,
O/o Station House Officer (SHO),
Police Station Shimlapuri, Ludhiana.

Public Information Officer
O/o Commissioner of Police,
Ludhiana.

.....Respondent

First Appellate Authority,
O/o Commissioner of Police,
Ludhiana.

APPEAL CASE NO. 5147 OF 2021

Date of RTI Application	Date of Reply, if any of PIO	Date of First Appeal made, if any	Date of Order, if any of FAA	Date of Appeal/ Complaint Filed in Commission
26.02.2021	--	03.02.2021	--	10.11.2021

Present: Appellant:Absent

Respondent: Sh. Sandeep Wadhera (ACP),
Sh. Jagpal Singh (SI, Add. SHO), 9814856931
Sh. Ramesh Kumar (ASI)
Sh. Harbhal Singh (ASI), 7814845150

ORDER (Fourth Hearing):

(To be read in continuity of previous orders of the Commission in this case)

1. The growing trend of abusing the provisions of Right to Information Act, 2005 **(Act of 2005)** which was brought into force with the objective of providing greater and more effective access to information is something which is becoming a cause of concern for this Commission which is entrusted with the duty of furthering the objects of the Act of 2005.
2. The present case is also another example where in order to advance his own personal interests and to pressurise the State machinery and

Government Authorities the Appellant has been filing repeated RTI Applications and taking the said matters to first and second appeals respectively.

3. The aforesaid fact is apparent from the serious revelations which have been made in the detailed reply filed by the Public Relations Officer cum Joint Commissioner of Police (HQ), Ludhiana before this Commission in the present cases. While stating that the Appellant has been demanded the same information again and again, the Respondent has stated in its reply that whatever information is available with them and can be shared with the Appellant has already been shared with him in harmony with the provisions of the Act of 2005.
4. However what has shook the conscious of this Commission is the actual intention of the Appellant behind filing all these repeated RTI Applications before the respective Public Authorities. It has come on record that the Appellant has been arrayed as an accused in a 'rape case' registered against him and one Kiran Sharma by way of FIR No. 76, dated 31.05.2019 u/s. 276, 120-B of the Indian Penal Code, 1860 at Police Station Shimla Puri, Ludhiana.
5. It has also come on record by way of the Reply filed by the Respondent that the Appellant had developed illicit relations with the aforesaid Kiran Sharma and also her daughter, who in turn had recorded a video of the Appellant in a compromising position with another girl, on basis of which the aforesaid FIR has been registered against him. It has also been stated that the said video forms part of the Challan which has been filed in the

Trial Court. Further a pen-drive containing the said video has also been furnished as a part of the record before this Commission also.

6. Thereafter the Appellant has submitted 111 Applications to the Police Station Shimlapuri, Ludhiana. Inquiry was conducted upon these applications and it was found that the Appellant, his wife Neena Gupta and his companion Kiran Sharma and Ajay Sharma were in the practise of filing application before the Police with the sole purpose of false information to the Police so as to harass and humiliate Police Authorities merely in order to wreck vengeance against them.
7. It has been further submitted by the Respondent that the Appellant has been filing similar RTI Applications again and again on his and his family's behalf. He has even failed to cooperate with the PIOs and has even used unparliamentary language against the Government Officials advancing public duties and functions.
8. Finally a prayer has been made by the Respondent to dismiss the RTI Applications filed by the Appellant and pass orders for debarring/disqualifying the Appellant from seeking any information under the Act of 2005 or for filing any Application thereunder.
9. The present case along with the bunch of connected matters was kept for final hearing on 13.12.2022 with due notice of the same to both the parties. However despite of sufficient notice, yet the Appellant failed to appear before this Commission on the aforesaid date of hearing. However the Appellant sent an e-mail on the Official e-mail ID of this Commission wherein rather than answering to the aforesaid issues raised by the

Respondents in their reply the Appellant made totally evasive and innocuous statements. Furthermore he has made certain uncalled and stigmatic remarks against this Commission and its Commissioners, which are not only highly deprecated and contemptuous.

10.in view of the blatant abuse of process of the RTI Act at the hands of the present Appellant, the same ought to be furnished by him. Reliance can be placed upon the Judgment passed by the Hon'ble Delhi High Court in the case titled as **Rajni Maindiratta vs. PIO, Director of Education, WP (c) No. 7911 of 2015** wherein it was held as follows:

"8. Even otherwise, this is a rare instance where the Authority constituted under the RTI Act to oversee the working and implementation of the said Act, namely the CIC, has itself found a person to be abusing the process of the RTI and the machinery created thereunder. The petitioner has not controverted, the factual aspect of making a number of RTI queries and preferring as many as 20 appeals to the CIC. Similarly, the petitioner has not been able to explain the reason, for which the information spanning over several decades, was sought. Though undoubtedly, the reason for seeking the information is not required to be disclosed but when it is found that the process of the law is being abused, the same become relevant. Neither the authorities created under the RTI Act nor the Courts are helpless if witness the provisions of law being abused and owe a duty to immediately put a stop thereto."

11.It is further pertinent to mention herein that the Hon'ble High Court of Madras in the matter of **Public Information Officer, Registrar**

(Administration) vs. B. Bharathi., W.P. No. 26781/2013 dated 17.09.2014 has also given its opinion about such vexatious litigation crippling the public authorities and held as follows:

"... The action of the second respondent in sending numerous complaints and representations and then following the same with the RTI applications;

...that it cannot be the way to redress his grievance; that he cannot overload a public authority and divert its resources disproportionately while seeking information and that the dispensation of information should not occupy the majority of time and resource of any public authority, as it would be against the larger public interest..."

12.Reference can also be made to the decision dated 12.06.2019 taken by the Central Information Commission in the case of **Amar Kumar Jha vs. Indian Army (File No : CIC/MODEF/A/2017/123387)** wherein it was held as follows:

'In view of the foregoing observations, Commission advices the Appellant to desist from misusing the provisions of RTI Act and wasting the time of the Commission and the public authorities. The repetitive filing of Appeals without any merit may compel the Commission to reject any further Appeals or Complaints filed by the Appellant.'

In view of the aforesaid observation(s) in various orders concerning the RTI Applications filed by the Appellant seeking information on repetitive matters, Commission strongly denounces this approach resulting

in misusing the channel of RTI Act. The Appellant appears to be doing so despite the express knowledge of the fact that he is pursuing a matter of no larger public interest, rather concerning only his perceived personal grievance. It is appalling to note that the public authority is being unabashedly harassed by filing umpteen vexatious RTI Applications. It is also not clear as to what kind of information will satisfy the Appellant as it appears he is merely intending to compel the public authorities into addressing his grievances. This being the ulterior motive is manifest from the bare perusal of the queries of these RTI Applications.

The larger issue then here is the repetitive nature of these RTI Applications and the motivated attempt at putting the public authority as well as the Commission to test.

13.In view of the facts and circumstances of the present case and precedents cited above this Commission has decided to **adjourn sine die all the three second appeal cases i.e., 5146 of 2021, 5147 of 2021 and 3484 of 2022 which are pending before this bench.** Further in the peculiar facts and circumstances of the case the Respondent Authorities are being advised to deploy a Special Investigating Team (SIT) to investigate into the acts of the Appellant whereby he has been making frivolous Applications before the Police Authorities as well as this Commission in order to settle personal scores. The Investigation Team shall comprise of one IPS Officer, one ADCP and One Female Officer (not less than the rank of Inspector). Needless to say, a compliance report be submitted by the aforesaid SIT before this Commission by 31.01.2023, on the basis of which this

Commission will proceed further with deciding the present matter on merits.

Chandigarh
13.12.2022

(Maninder Singh Patti)
State Information Commissioner, Punjab