**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 Rajesh Gupta, President,

Social Reformers, Chamber No.5033,

Lawyers Chamber Complex,

District Courts, Ludhiana. ----------Complainant

 **Vs.**

Public Information Officer

O/o President, Lodhi Club-cum-

Deputy Commissioner, Ludhiana.

First Appellate Authority,

O/o President, Lodhi Club-cum-

Deputy Commissioner, Ludhiana. -------Respondents

**Complaint Case No. 1099 of 2017**

Present: None for the complainant.

Smt. Rattandeep Kaur, Junior Assistant, office of Deputy Commissioner, Ludhiana and Shri Ajay Kumar, Accounts Manager, Lodhi Club, Ludhiana, on behalf of the respondents.

**ORDER**

 Shri Rajesh Gupta, Appellant, vide an RTI application dated 12.06.2017, addressed to PIO, sought certified copies of Audit Report of Lodhi Club, Ludhiana for the Financial Years 2014-2015, 2015-2016 and 2016-2017. On receiving no information, he filed a complaint with the Commission vide letter dated 10.10.2017. Accordingly, a Notice of Hearing was issued to the concerned parties for 03.01.2018.

2. On 03.01.2018, Shri Resham Singh, Superintendent, appearing on behalf of the respondents, submitted a detailed reply from DRO-cum-PIO, Ludhiana vide letter No. 03/8292/PIO/RTI, dated 01.01.2018, which was taken on record. It was

stated by the PIO that the complainant has been informed vide letter No.

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2926/8292/PIO/RTI, dated 28.06.2017 and letter No. 3280/8292/PIO/RTI, dated 03.08.2017 that Lodhi Club is a private body which does not fall under the jurisdiction of Deputy Commissioner Ludhiana and the matter regarding declaring Lodhi Club as a Public Authority is pending in the Hon’ble Punjab and Haryana High Court and no orders have been passed by the Hon’ble Court as yet.

3. It was checked from the record that Lodhi Club has not been declared as a Public Authority by the Commission as yet and no case is pending in the Hon’ble Punjab and Haryana to declare Lodhi Club as a Public Authority. Accordingly, a copy of the reply filed by the respondent was handed over to the complainant to file a rejoinder, if he so desired. Besides, the complainant was directed to submit documentary evidence to prove that Lodhi Club is a Public Authority as per the judgement of Hon’ble Supreme Court of India in case titled Thalappalam Service Cooperative Bank Ltd. and others versus State of Kerala and others in Civil Appeal 9017 of 2013 arising out of SLP© No. 24290 of 12. The case was adjourned to 21.02.2018.

4. On 21.02.2018, the complainant was not present. However, a letter dated 19.02.2018 was received from him informing that he was unable to attend hearing due to some important family work. The representative of the respondents informed that no rejoinder had been filed by the complainant. Consequently, after

discussing the matter at length, the PIO was directed to verify the facts and submit response from the Lodhi Club, on the next date of hearing. Besides, one last

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opportunity was afforded to the complainant to submit documentary evidence to prove that Lodhi Club is a public authority under RTI Act as onus lies on him as per the above quoted judgement of Hon’ble Supreme Court of India. The case was adjourned for today.

5. A letter No. LC/GS/110729, dated 29.03.208 has been received from Shri Jagmohan Krishasn Jain, General Secretary, Lodhi Club, Ludhiana vide which it has been submitted that Lodhi Club is a Social Club and is registered under the Societies Act vide Registration No. 556, dated 27.07.1994. It has been further submitted that land of 12508.44 Sq. Yards was allotted to Ludhiana Aviation Club by Improvement Trust, Ludhiana , out of which 11000 Sq. Yards is being used by Lodhi Club for which the Lodhi Club pays the Annual Grant of 5% of the total billing/receipts, whichever is higher.

6. On the last date of hearing, one last opportunity was afforded to the complainant to submit documentary evidence to prove that Lodhi Club is a public authority under RTI Act as onus lies on him as per the above quoted judgement of Hon’ble Supreme Court of India but he is not present today without any intimation nor any documentary evidence has been submitted by him, which shows that he has nothing to say in the matter.

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

 **Sd/-**

**Dates: 03-04-2018 (S. S. Channy)**

 **Chief Information Commissioner**

 **Punjab**

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Shri Rakesh Kumar Gupta,

8/237, Jagraon Road, Mandi Mullanpur,

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

 **Vs.**

Public Information Officer

o/o Deputy Superintendent of Police, Dakha,

Mullanpur Dakha, Distt. Ludhiana

First Appellate Authority,

O/o Senior Superintendent of Police,

Ludhiana Rural at Jagraon. -------Respondents

**Appeal Case No. 2974 of 2017**

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

Shri Nirmal Singh, ASI, Police Station Dakha, on behalf of the respondents.

**ORDER**

 The case was last heard on 21.02.2018, when the representative of the respondents handed over information to the appellant, who was directed to send his observations/deficiencies, if any, in the provided information to the PIO, with a copy to the Commission. The case was adjourned for today.

2. Today, the representative of the respondents states that reply has been sent to the appellant that copies of registers cannot be supplied as a security measure. Consequently, after hearing both the parties and discussing the matter at length, it is directed that receipt registers and dispatch registers be got inspected by the appellant

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**AC - 2974 of 2017 -2-**

to identify the documents required by him and supply the same to him on the spot. Besides, it is also directed that an affidavit be submitted within 10 days to the effect that all the documents have been submitted in the court along with Challan and no other documents are available.

3. To come up on **09.05.2018 at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dated : 03.04.2018 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

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Shri Rakesh Kumar Gupta,

8/237, Jagraon Road, Mandi Mullanpur,

District Ludhana. ------------Appellant

 **Vs.**

Public Information Officer

o/o Director General of Police, Punjab (HQRS),

Chandigarh.

First Appellate Authority,

O/o Director General of Police, Punjab (Hqrs),

Chandigarh. -------Respondents

**Appeal Case No. 2973 of 2017**

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

Smt. Reetika Sharma, Senior Assistant, on behalf of the respondents.

**ORDER**

 The case was last heard on 21.02.2018, when during hearing it was observed that as a matter of policy, the guidelines/ instructions fixing entitlement of A.C./Room Heaters etc. for various officers are supposed to be in the office of DGP only. Accordingly, it was directed that the requisite instructions be provided to the appellant and in case these are not available or have not been issued by the DGP, then an affidavit to this effect be submitted on the next date of hearing. The case was adjourned for today.

2. Today, the representative of the respondents submits a letter No. 1616/P-3, dated 02.04.2018 from AIG/Provisioning-cum-APIO, Provisioning Wing, Punjab,

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**AC - 2973 of 2017 -2-**

Chandigarh vide which it has been informed that no such instructions are available nor any such instructions have been issued by the office of Director General of Police, Punjab, Chandigarh. A duly attested affidavit dated 02.04.2018 from Shri Ashish Choudhary, IPS, DIGP, Provisioning, Punjab, Chandigarh, to this effect, has been enclosed with this letter, which is taken on record. Accordingly, it is directed that a copy of this letter be provided to the appellant. The respondent assures to comply with the orders of the Commission.

3. On the assurance given by the respondent, the case is **disposed of and closed.**

 **Sd/-**

**Dated : 03.04.2018 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

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Smt. Manjit Kaur

w/o S. Balwinder Singh, H.No.83-A,

Gali No.4, Anteryami Colony,

Amritsar. ------------Appellant

 **Vs.**

Public Information Officer

o/o Tehsildar, Amritsar-1,

First Appellate Authority,

O/o Sub Divisional Magistrate,

Amritsar-1, District Courts,

Amritsar. -------Respondents

**Appeal Case No. 3139 of 2017**

Present: None for the appellant.

 Shri Kartar Singh, Patwari, on behalf of the respondents.

**ORDER**

 The case was last heard on 21.02.2018, when the representative of the respondents informed that the appellant was asked to collect the information but she did not turn up. Accordingly, the PIO was directed to send the information to the appellant by registered post and ask the appellant to inspect the record, if she so desired. The appellant was directed to send her observations, if any, on the information which would be sent to her by the PIO in due course of time. The case was adjourned for today.

2. Today, the representative of the respondents informs that in compliance

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**AC - 3139 of 2017 -2-**

of the orders of the Commission issued on the last date of hearing, requisite information has been sent to the appellant by Tehsildar, Amritsar-1 by registered post on 28.03.2018. None is present on behalf of the appellant. Accordingly, one last opportunity is afforded to the appellant to send her observations, if any, on the provided information to the PIO, with a copy to the Commission.

3. To come up on **09.05.2018** **at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dated : 03.04.2018 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

4. After the hearing in over and the representative of the respondents has left, Shri Amarjit Singh appears before the Commission on behalf of the appellant. Accordingly, he is apprised of the proceedings taken place during the hearing of the case.

 **Sd/-**

**Dated : 03.04.2018 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

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Shri Narinder Pal Singh

s/o Late S. Ajit Singh,

 H.No.11851,Street No.3,

 S.A.S. Nagar, Ludhiana-141003. -----------Appellant

 **Vs.**

Public Information Officer

O/o Commissioner of Police, Ludhiana.

First Appellate Authority,

O/o Commissioner of Police, Ludhiana.

Public Information Officer,

O/o Station House Officer,

Police Station, Shimlapuri, Ludhiana. -------Respondents

**Appeal Case No. 2977 of 2017**

Present: Shri Narinder Pal Singh, appellant, in person.

None on behalf of the respondents.

**ORDER**

 In this case, Shri Narinder Pal Singh, Appellant, vide RTI application dated 06.06.2017, addressed to the PIO, sought a; copy of application dated 05.04.2016 sent to I.O., Police Station Shimla Puri, Ludhiana vide endorsement No. 107-5D, dated 05.04.2016. On receiving no information, he filed an appeal with the First Appellate Authority vide letter dated 22.07.2017 and subsequently approached the Commission in Second Appeal vide letter dated 24.10.2017, which was received in the Commission on 26.10.2017. Accordingly, a Notice of Hearing was issued to the concerned parties for 15.01.2018.

2. On 15.01.2018, the respondent submitted a letter No. 119-120/RTI, dated

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09.01.2018 from PIO-cum-DCP, Commissionerate, Ludhiana, addressed to SHO, Police Station, Shimlapuri, Ludhiana, with a copy endorsed to the Commission vide which the SHO has been directed to supply the requisite information to the appellant and attend the hearing in the Commission. Vide the said letter it has also been informed that the SHO has also been directed by First Appellate Authority-cum-Commissioner Police, Ludhiana vide letter No. 166/FA-RTI, dated 03.08.2017 and letter No. 166/FA-RTI, dated 30.11.2017 to supply the requisite information to the appellant. None was present on behalf of the SHO, without any intimation. Viewing the callous and defying attitude of Shri Mohammad Jamil, SHO, Police Station, Shimlapuri, Ludhiana, seriously, he was directed to supply the requisite information to the appellant within 15 days, with a copy to the Commission and explain the delay, in person, on the next date of hearing, failing which punitive action under the provisions of RTI Act, 2005 would be initiated against him. The case was adjourned to 21.02.2018.

3. On 21.02.2018, the appellant was not present. However two letters dated 12.02.2018 and 20.02.2018 were received from him informing that he was unable to attend hearing as he had to appear in a court at Ludhiana.

4. Despite the orders of the Commission passed on the last date of hearing, i.e. 15.01.2018, Shri Mohammad Jamil, SHO, Police Station, Shimlapuri, Ludhiana, was not present. Accordingly, one last opportunity was afforded to him to supply requisite

information to the appellant and explain the reasons for delay, in person, on the next date of hearing. He was also directed to file a detailed reply in the Commission, failing

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**AC - 2977 of 2017 -3-**

which action under the provisions of the RTI Act, 2005 would be initiated ex-parte. The case was adjourned for today.

5. Today again, Shri Mohammad Jamil, SHO, Police Station, Shimlapuri, Ludhiana, is not present. However, a telephonic message has been received from the respondents expressing their inability to attend hearing due to law and order situation because of Bharat Bandh Call on 02.04.2018.

6. The appellant informs that no information has been supplied to him as yet. It is viewed seriously that despite the orders of the Commission, no information has been supplied to the appellant as yet nor any reply explaining reasons for delay in the supply of information has been submitted so far. Therefore, a Show-Cause Notice is issued to Shri Mohammad Jamil, S.H.O., Police Station, Shimlapuri, Ludhiana to explain reasons as to why a penalty at the rate of Rs. 250/- per day, subject to a maximum of Rs. 25,000/- be not imposed upon him for the delay in the supply of information. Besides, an opportunity of personal hearing is afforded to him on the next date of hearing in the interest of natural justice. He is again directed to supply the requisite information to the appellant before the next date of hearing.

7. To come up on **09.05.2018 at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dated : 03.04.2018 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

**CC: Shri Mohammad Jamil, REGISTERED**

 **S.H.O., Police Station,**

 **Shimlapuri, Ludhiana.**

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Shri Ashok Kumar,

#105, New Punjab Mata Nagar,

Pakhowal Road, Ludhiana-141013 ---------Appellant

 **Vs.**

Public Information Officer

O/o Commissioner of Police,

Ludhiana.

First Appellate Authority,

O/o Commissioner of Police,

Ludhiana. -------Respondents

**Appeal Case No. 3157 of 2017**

Present: Shri Ashok Kumar, Appellant, in person.

 None on behalf of the respondents.

**ORDER**

 Shri Ashok Kumar, Appellant vide an RTI application dated 09.08.2017, addressed to PIO, sought copy of Investigation Report in respect of applications No. CR-729517, dated 13.05.2015; CR-1034454, dated 21.12.2016; CR-1052522, dated 20.02.2017 and CR-1062666, dated 21.03.2017 On receiving no information he filed an appeal with the First Appellate Authority vide letter dated 15.09.2017 and subsequently approached the Commission in Second Appeal vide letter dated 06.11.2017. Accordingly, a Notice of Hearing was issued to the concerned parties for 15.01.2018.

2. On 15.01.2018, the representative of the respondents submitted a detailed reply vide letter No. 2938/RTI, dated 12.01.2018 from PIO-cum-DCP, Commissionerate, Ludhiana, stating therein that the matter was still under

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investigation. Accordingly, the respondent was directed to provide a copy of this letter to the appellant and the appellant was directed to send his observations, if any, on this letter, to the PIO, with a copy to the Commission. The case was adjourned to 21.02.2018.

3. On 21.02.2018, the appellant submitted a letter dated 21.02.2018 stating therein that no Look Out Notice has been issued against the accused Manav Sharma as yet, who has been declared as proclaimed offender by the court. Accordingly, the PIO was directed to pass a Speaking Order with regard to issuance of Look Out Notice against Manav Sharma. A copy of the order was forwarded to Deputy Commissioner of Police, Ludhiana to ensure the compliance of the orders. The case was adjourned for today.

4. Today, none is present on behalf of the respondents. However, a telephonic message has been received from the respondents expressing inability to attend the hearing due to law and order situation because of Bharat Bandh Call on 02.04.2018. Accordingly, the PIO is again directed to pass a Speaking Order with regard to issuance of Look Out Notice against Manav Sharma.

5. To come up on **09.05.2018** **at 11.30 A.M. for further proceedings.**

 **Sd/-**

**Dated : 03.04.2018 ( S.S. Channy)**

 **Chief Information Commissioner Punjab**

**CC: Deputy Commissioner of Police, REGISTERED**

 **Ludhiana.**