



Sh. Rakesh Kumar Gupta, Advocate
R/o 8/237, Jagraon Road,
Mandi Mullanpur, Distt. Ludhiana

Appellant

Versus

Public Information Officer,
O/o Senior Superintendent of Police (Rural),
Jagraon, District Ludhiana.

First Appellate Authority,
O/o Deputy Inspector General of Police,
Ludhiana Range, Near Old Courts
Ludhiana.

Respondents

Appeal Case No.2596/2019, 2598/2019, 2599/2019 & 2600/2019
(Life and Liberty)

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
06.07.2019	Nil	11.07.2019	Nil	15.07.2019

Present: Sh. Rakesh Kumar Gupta, appellant.
SI Jarnail Singh, APIO, O/o SSP (Rural), Jagraon.
ASI Harpreet Singh, RTI In charge, O/o SSP (Rural), Jagraon.

ORDER

The case has been heard through video conferencing.

The following order was passed on 02.08.2019:

"The appellant has filed the afore mentioned appeals to the Commission invoking the provisio to Section 7(1) of RTI Act under the clause of Life & Liberty, to provide him the information within 48 hours of filing the application. Having failed to procure response from the field formation, he has approached the Commission. As the information sought is the same, and the required action is to be initiated at the field level, these appeals shall be disposed with a single order.

It shall be pertinent to reproduce the information sought in these appeals:-

- Certified details of records of policy of Punjab Govt. and Punjab Police to provide security to RTI Activist, General person and Press Reporters against attack or death perception.*
- Certified details of records of policy of Punjab Govt. and Punjab Police to provide security to RTI Activist, General person and press reporters fatally attacked and survived with perception of another attack.*
- Certified details of records of policy of Punjab Govt. and Punjab Police to provide security to RTI Activist against harassment perception and actual perception.*



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- iv) *Certified record of consideration by the Police Department of advisory No.24012/39/Misc./2013-CSR.III, Govt. of India, Ministry of Home Affairs dt.14.06.2013.*
- v) *Certified record of police protection or any other type of protection given to the applicant who is a RTI Activist, Press Reporter and Advocate who was attacked on 1.6.2019 and a FIR No.90 against the accused U/S 307, 379B, 120B IPC was registered at P.S. Dakha and who is still facing death threat from the accused gang and their accomplices.*
- vi) *Since the information pertains to attack on RTI Activist and Journalists (complainant), the complainant is facing threat of life and liberty from the accused and the police itself, the same be provided within 48 hours from the receipt of this application as prescribed U/S 7(1) that states "where the information sought for concerns the life or liberty of a person, the same shall be provided within forty eight hours of the receipt of the request."*
- vii) *In case part of the information sought by the applicant pertains to some other PIO, the application be transferred to him U/s 6(3) of RTI Act, 2005.*
- viii) *Kindly provide an appointment to verify the original records pertaining to information sought after providing the information*

The Commission has heard the appellant. SI Jarnail Singh, APIO is present. It transpires from the discussion that the appellant apprehends threat to his life as he was assaulted by some miscreants and suffered severe injuries and had remained hospitalized for 17 days. He submits that he has taken it upon himself to expose a land Mafia operating in the area. The Mafia is out to eliminate him.

The respondents admit that an FIR no.90 dated 01.06.2019 has been registered at Police Station, Dakha. The assailants have been identified and Police claims to apprehend them soon. The Commission having considered the aforesaid facts, believes that he is entitled to the information in 48 hours. The respondents have failed to provide him the information despite seriousness of the issue.

The Commission directs the respondent-PIO to provide him the information



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within 48 hours from today positively. they shall take immediate steps to assess the threat perception to appellant and take immediate appropriate action under intimation to the Commission.”

The case has come up today.

The respondents have submitted a copy of a letter dated 04.08.2019 which suggests that the appellant has been supplied with the information asked for. The Commission has also perused a notification dated 11.01.2013 issued by the department of Home Affairs and Justice on the subject of providing security to the Whistle Blowers/RTI activists. Clause 3(a) of the notification reads as under:

“The Whistle Blowers/RTI activists/Complainants/Witnesses in cases who have a threat perception of danger to his/her life or liberty may approach the District Magistrate or the Commissioner of Police as the case may be. The concerned authority shall make an Enquiry into the threat perception within 48 hours of the receipt of the application and if it is found that the threat perception is genuine, he/she shall be provided security forthwith.”

As intimated by the DSP, Dakha, the Deputy Commissioner Ludhiana, who heads the committee, has been requested to assess the threat perception to the appellant so that the follow up action can be taken accordingly. The respondents are advised to act according to the dictate of aforesaid notification, since the appellant claims to be an RTI Activist and it is incumbent upon the respondents to ensure the safety of the citizens.

To come up on **14.08.2019 at 11.30 through video conferencing at Ludhiana.**

05.08.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**