**PUNJAB STATE INFORMATION COMMISSION**

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Shri Harish Chander

s/o late Shri Durga Dass, H.No. HL-405,

PHB Colony, Focal Point, Ludhiana. --------Complainant

**Vs.**

Public Information Officer

o/o Commissioner of Police, Ludhiana. -------Respondent

**Complaint Case No. 1044 of 2017**

Present: None for the complainant.

Shri Ramesh Kumar, Head Constable, on behalf of the respondent.

**ORDER**

The case was last heard on 14.11.2017, when the complainant was not present. The representative of the respondent informed that the complainant had

been intimated by the PIO-cum-DCP, Commissionerate, Ludhiana vide letter No. 150/RTI, dated 31.10.2017 that since the complaint was still under investigation with the E.O. Wing, Ludhiana, the sought information could not be provided under Section 8(1)(h) of the RTI Act, 2005. Accordingly, the PIO was directed to get the inquiry completed and file a status report on the next date of hearing. The case was adjourned for today.

2. Today, the representative respondent seeks some more time to enable them to supply the requisite information to the complainant, which is granted with the directions that complete information be supplied to the complainant before the next date of hearing.

3. To come up on **08.02.2018 at 11.30 A.M. for confirmation of compliance of orders.**

**Sd/-**

**Dated : 08.01.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

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Shri Sanjeev Goel

S/o Dr. Harbans Goyal

R/o H.No.91, Block-G, Shivalik Vihar,

Naya Gaon (Mohali). --------Complainant

**Vs.**

Public Information Officer

o/o the Director General of Police,

Punjab, Chandigarh.

Public Information Officer,

O/o Senior Superintendent of Police,

Mohali. -------Respondent

**Complaint Case No. 1028 of 2017**

Present: None for the complainant.

Shri Prem Masih, ASI(Crime) Wing), on behalf of the respondent.

**ORDER**

In this case, Shri Sanjeev Goel, vide his RTI application dated 09.06.2017, addressed to the PIO, sought a copy of complaint No. 1526/SO/DGP, dated 22.05.2017 alongwith copies of statements, Investigation Report and Action Taken Report. On receiving no information, he filed a complaint with the Commission vide letter dated 22.09.2017. Accordingly, a Notice of Hearing was issued to the parties for 14.11.2017.

2. On 14.11.2017, the representative of the respondent submitted a letter No. 3856-57/RTI-2, , dated 14.11.2017 from the APIO vide which it has been informed that the complainant has been informed vide letter No. 2766/RTI-2, dated 11.08.2017

Cotd……p/2

**CC - 1028 of 2017 -2-**

that his complaint is under consideration of S.S.P. Mohali. The respondent assured that

as and when a report was received from S.S.P. Mohali, the same would be supplied to the complainant. Accordingly, the PIO was directed to provide the requisite information to the complainant, before the next date of hearing. The case was adjourned for today.

3. Today, the representative of the respondent submits a letter No. 04-05/RTI/C.C., dated 02.01.2018 from AIGP Crime-cum-PIO, Punjab, Chandigarh, addressed to the SSP, Mohali with a copy endorsed to the Commission vide which it has been informed that the complaints filed by the complainant were sent to SSP Mohali by Grievance Cell of the office of DGP. It has been further informed that RTI application dated 09.06.2017 of the complainant, vide which he has sought information regarding said complaints, has been sent by AIGP, Punjab, Chandigarh to them and has been received on 14.12.2017, which has been transferred to SSP Mohali under Section 6(3) of the RTI Act, 2005. Accordingly, the PIO of the office of S.S.P. Mohali is impleaded as a necessary party in this case and he is directed to supply the requisite information to the complainant before the next date of hearing.

4. To come up on **08.02.2018 at 11.30 A.M. for further proceedings.**

**Sd/-**

**Dated : 08.01.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

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Shri Raj Singh s/o Shri Ishar Singh,

Village Todarwal, P.O. Babarpur,

Tehsil Nabha, Distt. Patiala. --------Complainant

**Vs.**

Public Information Officer

o/o Additional Director General of Police (Crime),

Police Headquarters,

Chandigarh.

First Appellate Authority,

O/o Additional Director General of Police (Crime),

Police Headquarters, Chandigarh. -------Respondents

**Complaint Case No. 1001 of 2017**

Present: Shri Raj Singh, complainant, in person.

Shri Gurmit Singh, ASI, on behalf of the respondents.

**ORDER**

In this case, Shri Raj Singh, complainant, vide his RTI application dated 14.05.2017, addressed to the PIO, sought certain information regarding an inquiry conducted by Ms. Amrita Brar, AIG(Crime) in September/October, 2016 in Case No. 1007/19/15/2014 of National Human Rights Commission New Delhi. On receiving no information, he filed an appeal with the First Appellate Authority vide letter dated 05.07.2017 and subsequently approached the Commission in Second Appeal vide letter dated 11.09.2017, which was received in the Commission on 14.09.2017. Accordingly, a Notice of Hearing was issued to the concerned parties for 14.11.2017.

Contd…….p/2

**CC - 1001 of 2017 -2-**

2. On 14.11.2017, the representative of the respondents submitted a letter No. 4111/Crime/C.B./-1(H.R.), dated 13.11.2017 from AIG Crime-cum-PIO, Punjab, Chandigarh enclosing a copy of provided information, vide which it has been informed that the requisite information has been sent to the complainant vide letter No. 2202/Crime/C.B.-1, dated 19.06.207. The complainant informed that he had not received the information as yet. Consequently, the respondent handed over one more copy of the information to the Complainant. Accordingly, the complainant was directed to send his observations/deficiencies, if any, in the provided information to the PIO within 10 days, with a copy to the Commission. The case was adjourned for today.

3. Today, the complainant informs that some documents including copy of Inquiry Report have been supplied but copy of his statement along with statements of witnesses and other documents have not been provided as yet. Consequently, after hearing both the parties, the PIO is directed to decide as to whether they are in a position to pass on the entire record or they have any reservation and in case any part of record cannot be supplied then a Speaking Order be passed spelling out clearly as to why the record cannot be supplied.

4. To come up on **08.02.2018 at 11.30 A.M. for further proceedings.**

**Sd/-**

**Dated : 08.01.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

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Shri Iqbal Singh Rasulpur, General Secretary,

University human Rights Org. ,

VPO Rasulpur, Tehsil Jagraon,

District Ludhiana-142035

M 8872200515 --------Complainant

**Vs.**

Public Information Officer

O/o Additional Director General of Police,

Internal Vigilance Cell, Punjab, Chandigarh.

First Appellate Authority

O/o Additional Director General of Police,

Internal Vigilance Cell, Punjab, Chandigarh. -------Respondents

**Complaint Case No. 19 of 2017**

Present: Shri Baljinder Singh, on behalf of the complainant.

Shri Balraj Singh Sidhu, S.P. , on behalf of the respondents.

**ORDER**

The case was last heard on 14.11.2017, when the respondent sought some more time to enable them to supply the requisite information to the appellant as some officials had been transferred. Consequently, after hearing both the parties and discussing the matter, the PIO was directed to get the record inspected by the appellant to identify the specific documents required by him and supply the same to him on the spot and in case any information was not available or could not be supplied , then a speaking order to this effect be passed. The case was adjourned for today.

Contd…….p/2

**CC - 19 of 2017 -2-**

2. Today, Shri Balraj Singh Sidhu, S.P. , appearing on behalf of the respondents, informs that the complainant has visited their office and inspected the record but has not submitted any specific request while indicating the documents required by him in the absence of which they are not in a position to provide any information.

3. Accordingly, one last opportunity is afforded to the complainant to submit a request to the PIO asking for specific documents required by him, within 10 days.

4. To come up on **08.02.2018 at 11.30 A.M. for further proceedings.**

**Sd/-**

**Dated : 08.01.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

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Sh. Prem Kumar Rattan,

S/o Sh. Ayodhya Parshad,

H.No.78/8, Park Road,

New Mandi, Dhuri, Distt:Sangrur. --------Appellant

**Vs.**

Public Information Officer,

O/o Chief Director (Vigilance Bureau),

Punjab, Chandigarh.

First Appellate Authority

O/o Chief Director (Vigilance Bureau),

Punjab, Chandigarh. -------Respondents

**Appeal Case No. 3876 of 2016**

Present: Shri Prem Rattan, Appellant, in person.

Shri Sukhjinder Singh, Senior Assistant . Shri Avtar Singh, Sub Inspector and Shri Darshan Lal, Sub Inspector, on behalf of the respondents.

**ORDER**

The case was last heard on 14.11.2017, when the respondent submitted that the appellant had not turned up for inspection of record till date. Accordingly, once again the appellant was directed to inspect the record in the office of the PIO to identify the specific documents required by him and the respondent was directed to supply the same to the appellant on the spot. It was further directed that in case any information was not available in record, then a written submission to this effect be provided to the appellant, with a copy to the Commission. The case was adjourned for today.

Contd……p/2

**AC - 3876 of 2016 -2-**

2. Today, the representative of the respondents informs that the record has been inspected by the appellant and specific documents have been identified by him. He further informs that the information has not been supplied to the appellant as he has not deposited the document charges. Since the appellant has not been asked to deposit documents charges within prescribed time frame, the PIO is directed to supply the requisite information to the appellant, free of cost. The respondent assures to comply with the orders of the Commission.

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

**Sd/-**

**Dated : 08.01.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

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Sh. Jasmeet Singh,

449, New Jawahar Nagar,

Jalandhar ………….Appellant

**Vs.**

Public Information Officer,

O/o Commissioner of Police,

Jalandhar

First Appellate Authority

O/Commissioner of Police,

Jalandhar -------Respondents

**Appeal Case No. 3915 of 2016**

Present:- None for the appellant.

Shri Ram Rattan, ASI, on behalf of the respondents.

**ORDER**

The case was last heard on 14.11.2017, when the appellant was not present. However, he informed on telephone that the information had been supplied to him but copies of statements had not been supplied so far. The respondent submits that Challan had been filed in the court and the appellant could obtain the copy of statements from the court. Consequently, after discussing the matter, it was directed that copies of statements of aggrieved party be supplied to the appellant and in case these could not be provided, then a Speaking Order to this effect be passed giving reasons for the same or a certificate be submitted stating that these are not available in the police file. The case was adjourned for today.

Contd……..p/2

**AC - 3915 of 2016 -2-**

2. Today, the respondent submits a letter No. 16 A-1/RTI, dated 05.01.2018 from DCP-cum-PIO, Jalandhar vide which it has been informed that the concerned original file has been submitted in the court alongwith Challan and the appellant can obtain the information from the Court. It has been further submitted by the PIO vide the said letter that as per Section 172(3) of C.R.P.C. *“Neither the accused nor agents shall be entitled to call for such diaries nor shall he or they be entitled to see them merely because they are referred to by the Court, but if they are used by the police officer who made them to refresh his memory, or if the court uses them for the purpose of contradicting such police officer, the provisions of Section 161 or Section 145, as the case may be, of the Indian Evidence Act, 1872(1 of 1972), shall apply”* In the end the PIO has requested that under Section 172(3) of C.R.P.C the appellant may be directed to obtain the information from the court.

3. Accordingly, a copy of letter No. 16 A-1/RTI, dated 05.01.2018 from DCP-cum-PIO, Jalandhar is sent to the appellant for furnishing his observations, if any, to the PIO, with a copy to the Commission.

4. To come up on **08.02.2018 at 11.30 A.M. for further proceedings.**

**Sd/-**

**Dated : 08.01.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

**Encl. A copy of letter No. 16 A-1/RTI,**

**dated 05.01.2018**

**STATE INFORMATION COMMISSION, PUNJAB**

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Shri Naresh Devgan Sharma,

Advocate, Chamber No.7022/2,

District Courts, Ludhiana. --------Appellant

**Vs.**

Public Information Officer

O/o Incharge, Police Post,

Kochhar Market, Ludhiana.

First Appellate Authority,

O/o Station House Officer,

Police Station, Division No.5,

Ludhiana. -------Respondents

**Appeal Case No. 1938 of 2017**

Present:- Shri Naresh Devgan Sharma, appellant, in person.

None for the respondents.

**ORDER**

The case was last heard on 19.09.2017, when the appellant was not present. However, vide a letter dated 19.09.2017 he informed that complete information had not been supplied to him as yet. None was present on behalf of the respondents without any intimation. Accordingly, one last opportunity was afforded to the PIO to supply complete information to the appellant before 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 for today.

2. Today again, none is present on behalf of the respondents without any

Contd……p/2

**AC - 1938 of 2017 -2-**

intimation. Viewing the callous and defying attitude of the respondent PIO seriously, a Show-Cause Notice is issued to Shri Kulwant Singh, ASI, Incharge, Police Post, Kochhar Market, Ludhiana to explain reasons through an affidavit 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, in exercise of the powers conferred by Section 19(8)(b) of the RTI Act, 2005, a compensation of Rs. 2000/- (Rupees two thousand only) is awarded to Shri Naresh Davgan Sharma, Appellant, for the loss and detriment suffered by him, to be paid by the Public Authority through a Bank Draft before the next date of hearing. The PIO is also directed to supply complete information to the appellant, before the next date of hearing.

3. To come up on **08.02.2018 at 11.30 A.M. for further proceedings.**

**Sd/-**

**Dated : 08.01.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

**CC: Shri Kulwant Singh, ASI,**

**Incharge, Police Post,**

**Kochhar Market, Ludhiana.**

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Shri Naresh Devgan Sharma,

Advocate, Chamber No.7022/2,

District Court, Ludhiana. --------Appellant

**Vs.**

Public Information Officer

o/o District and Sessions Judge,

Ludhiana.

First Appellate Authority,

O/o District and Sessions Judge,

Ludhiana. -------Respondents

**Appeal Case No. 2470 of 2017**

Present:- Shri Naresh Devgan Sharma, appellant, in person.

Shri Ramanjeet, Assistant Incharge(Inquiries)-cum-APIO, on behalf of the respondents.

**ORDER**

The case was last heard on 19.12.2017, when the appellant was not present. The representative of the respondents submitted that the requisite information/reply had been sent to the appellant within 48 hours and the First Appeal preferred by the appellant, had also been disposed of . Accordingly, one last opportunity was afforded to the appellant to send his observations, if any, on the provided information, to the PIO, with a copy to the Commission. The case was adjourned for today.

2. Today, the appellant denies the receipt of any information. Consequently,

Contd……p/2

**AC - 2470 of 2017 -2-**

the representative of the respondent hands over requisite information to the appellant in the court. Accordingly, the appellant is afforded last opportunity to furnish his observations, if any, on the provided information, failing which case will be decided on merit on the basis of documents placed on record.

3. To come up on **20.02.2018 at 11.30 A.M. for further proceedings.**

**Sd/-**

**Dated : 08.01.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

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Shri Naresh Devgan Sharma,

Advocate, Chamber No.7022/2,

District Court, Ludhiana. --------Appellant

**Vs.**

Public Information Officer

o/o District and Sessions Judge,

Ludhiana.

First Appellate Authority,

O/o District and Sessions Judge,

Ludhiana. -------Respondents

**Appeal Case No. 2471 of 2017**

Present:- Shri Naresh Devgan Sharma, appellant, in person.

Shri Ramanjeet, Assistant Incharge(Inquiries)-cum-APIO, on behalf of the respondents.

**ORDER**

The case was last heard on 19.12.2017, when the appellant was not present. The representative of the respondents submitted that the requisite information/reply had been sent to the appellant within 48 hours and the First Appeal preferred by the appellant, had also been disposed of . Accordingly, one last opportunity was afforded to the appellant to send his observations, if any, on the provided information, to the PIO, with a copy to the Commission. The case was adjourned for today.

2. Today, the appellant denies the receipt of any information. Consequently,

Contd……p/2

**AC - 2471 of 2017 -2-**

the representative of the respondent hands over requisite information to the appellant in the court. Accordingly, the appellant is afforded last opportunity to furnish his observations, if any, on the provided information, failing which case will be decided on merit on the basis of documents placed on record.

3. To come up on **20.02.2018 at 11.30 A.M. for further proceedings.**

**Sd/-**

**Dated : 08.01.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**