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Sh. Rakesh Kumar Gupta,

8/237, Jagraon Road Mandi Mulllanpur

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Inspector General of Police (Intelligence Wing), Pb.

CID, Headquarters, Intelligence Building Sector -77, (Sohana)

S.A.S. Nagar, Punjab

First Appellate Authority

O/o Addl. Director General of Police, (Intelligence Wing),

CID, Headquarters, Intelligence Building Sector -77, (Sohana)

S.A.S. Nagar, Punjab Respondents

**APPEAL CASE NO.142/2018**

Date of RTI application :

Date of First Appeal :

Date of Order of FAA :

Date of 2nd Appeal/complaint :

**Present:** Sh. Rakesh Kumar Gupta, Appellant in person.

Sh. Amandeep Singh, Assistant, IG Office (Intelligence Wing), Mohali – for Respondents.

**ORDER**

This may be read in continuation of earlier order dated 13.02.2018. The respondents have filed a reply taking a plea that in terms of provision of Section 24 of the Act they are exempt from disclosure of information. A copy of the notification having been handed over to the appellant has also been taken on record. The appellant disputes its validity.

To come lup for arguments on **10.04.2018 at 11.30 AM.**

**Sd/-**

**13.03.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

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Sh. Rakesh Kumar Gupta,

8/237, Jagraon Road, Mandi Mullanpur,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Director General of Police,Punjab,

Punjab Police Headquarters, Sector-9,

Chandigarh

First Appellate Authority

O/o Director General of Police, Punjab,

Punjab Police Headquarters, Sector-9,

Chandigarh Respondents

**APPEAL CASE NO.144 /2018**

Date of RTI application : 22.12.2017

Date of First Appeal : 28.12.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 02.01.2018

**Present:** Sh. Rakesh Kumar Gupta, Appellant in person.

ASI Raghbir Singh, O/o SSP, Ludhiana ® - for Respondents.

**ORDER**

The respondents submit that they have since supplied him the information vide their memo dated 07.01.2018 to be followed by another communication dated 12.02.2018. The appellant finds the information thus sent to be deficient. He has sent a detailed communication pointing out the same. The respondents may like to comment on the same.

The matter shall be reheard on **10.04.2018 at 11.30 AM.**

**Sd/-**

**13.03.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

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Sh.Rakesh Kumar Gupta,

8/237, Jagraon Road, Mandi Mullanpur,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,(Rural)

Jagraon Distt. Ludhiana

First Appellate Authority

O/o Inspector General of Police,

Zonal –II, Ladhowali Road,

Jalandhar Respondents

**APPEAL CASE NO.145/2018**

Date of RTI application : 23.12.2017

Date of First Appeal : 28.12.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :02.01.2018

**Present:** Sh. Rakesh Kumar Gupta, Appellant in person.

ASI Raghbir Singh, O/o SSP, Ludhiana ® - for Respondents.

**ORDER**

The respondents submit that they have since supplied him the information vide their memo dated 07.01.2018 to be followed by another communication dated 12.02.2018. The appellant finds the information thus sent to be deficient. He has sent a detailed communication pointing out the same. The respondents may like to comment on the same.

The matter shall be reheard on **10.04.2018 at 11.30 AM.**

**Sd/-**

**13.03.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

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Sh.Rakesh Kumar Gupta,

8/237, Jagraon Road, Mandi Mullanpur,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Sub Divisional Magistrate (West),

Ludhiana

First Appellate Authority

O/o Deputy Commissioner,

Ludhiana Respondents

**APPEAL CASE NO.146 /2018**

Date of RTI application : 18.12.2017

Date of First Appeal : 22.12.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 02.01.2018

**Present:** Sh. Rakesh Kumar Gupta, Appellant in person.

None on behalf of the Respondents.

**ORDER**

The respondents are absent. The Commission takes strong exception to the apathy shown by them as neither anybody is present nor any written statement has been filed.

The matter shall be reheard on **10.04.2018 at 11.30 AM.**

**Sd/-**

**13.03.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

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Sh. Ramandeep Singh Ahluwalia,

Ward No.18, Street No.2, Kartar Nagar,

Near Mann Market, Amloh Road, Khanna,

Distt. Ludhiana Appellant

Versus

Public Information Officer,

O/o Assistant Commissioner,

Municipal Corporation, Patiala

First Appellate Authority,

O/o Commissioner,

Municipal Corporation,

Patiala. Respondents

**APPEAL CASE NO.885/2017**

**Date of RTI Application : 15.10.2016** **Date of First Appeal : 15.11.2016**

**Date of order of FAA : Nil**

**Date of Second Appeal : 13.03.2017**

**Present:** Sh. Ramandeep Singh Ahluwalia, Appellant in person.

1. Sh. Parwinder Singh, JE, MC Office, Patiala, and

2. Sh. Gurjot Singh, JE, MC Office, Patiala – for Respondents.

**ORDER**

The Commission has made the following observations on 26.12.2017:

*“This is a very old case. The appellant vide his RTI application dated 15.10.2016, has sought the following information:*

*1. Certified copy of pages of the register showing the details of the M.B. Books issued/allotted to which SO/JE or other officials from the period of 1.1.2012 till date of the Municipal Corporation, Patiala.*

*2. Certified copy of pages of the register showing the details of all the MB Books which were deposited after being completed by which SO/JE or other officials to whom it was allotted from the period of 1.1.2012 till date of the Municipal Corporation, Patiala.*

*3. Certified copy of the detail of all the MB Books which are in use/opened with which SO/JE or other officials on date of the Municipal Corporation, Patiala.*

*4. Certified copy of the detailed list in regards which MB Books are missing/non-traceable from past ten years and to whom those MB Books were allotted.*

*5. Official Email ID of the subjected public authority.*

*6. Certified copy of the name and designation of the APIO’s with their official contract numbers. Also supply the contact number of the Municipal Corporation, Patiala.*

*Contd…page…2*

*-2-*

**APPEAL CASE NO.885/2017**

*Vide their communication dated 15.11.2016 the respondents supplied him the information sans the Point Nos.3 and 4 which was supplied at a later date. The bone of contention has been Point No. 4 which related to the missing of a measurement book No.618. The respondents informed the appellant vide letter dated 27.11.2017 that M.B. No.618 was found to be missing and the higher authorities were informed of the same. The respondent says that he had taken charge of the M.C., Patiala on 03.06.2017 and the delay in providing the information of a particular point cannot be attributed to him. While accepting the plea of the respondents, the Commission feels that the loss of an M.B. is a serious issue and should not have been taken lightly. The Commissioner of the Municipal Corporation is desired to have the matter probed within a month and intimate as to what action has been taken for the loss of this vital record failing which the Commission shall be constrained to take a view that the aforesaid plea has been taken to suppress an information with malafide intent.”*

The case has come up today. Despite having afforded them an ample time no cogent action has been taken by the respondents. The Commissioner of the Municipal Corporation, Patiala who is the head of the Public Authority seemingly has shown a scant respect to the directions of this forum. It needs to be underlined that the Commission has afforded them sufficient time to look into the reason for having failed to take the appropriate action. In case of further neglect it shall be constrained to summon him and explain his conduct. A final opportunity is afforded to him to take a tangible action towards booking the ones responsible for the criminal culpability of the loss of the record before the next date of hearing. Be it noted that the show cause notice to the PIO has already Contd…page…3

-3-

**APPEAL CASE NO.885/2017**

been issued and in case no action is taken by the Public Authority onus of the dereliction under this Act shall also devolve on him as well the Commissioner of the Municipal Corporation.

To come up on **10.04.2018 at 11.30 AM.**

**Sd/-**

**13.03.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: The Commissioner, Municipal Corporation, Patiala, for n/a.**

**CC: Sh. M.M.Syal, PIO – cum – XEN (Hqrs.), Municipal Corporation, Patiala, for n/a.**

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Sh. Navdeep Gupta

Kothi No.455, Gillco Valley

Kharar Distt. S.A.S.Nagar Complainant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

S.A.S.Nagar. Respondent

**COMPLAINT CASE NO.1038/2017**

**Date of RTI Application : 26.07.2017**  **Date of First Appeal : -**

**Date of order of FAA : -**

**Date of Second Appeal/Complaint:23.09.2017**

**Present:** None on behalf of the Complainant.

Hawaldar Harvinder Singh, P.S.(City), Kharar – for Respondent.

**ORDER**

The following observations were made on 21.12.2017:

*“ASI Ravinder Singh appearing on behalf of the respondent submits that the application filed by the complainant is under scrutiny with the Dy. Superintendent of Police, Kharar. As and when the enquiry is completed the information shall be supplied to the complainant.*

*The complainant observes that by virtue of an order mandatory instructions have been passed by the Hon’ble Supreme Court of India to maintain a record of cognizable offences in the police stations which they are not complying.*

*Be that as it is, the respondent is directed to file a written reply on the notice issued by the Commission before the next date of hearing. They should arrange to supply the information to the complainant also quickly.”*

The complainant has not come present consecutively on subsequent hearings. Contd..page…2

-2-

**COMPLAINT CASE NO.1038/2017**

The respondent submits that no written application or representation on the subject has been received by them and accordingly they are not in a position to respond to it. The written submissions made by the complainant are very vague. The Commission is unable to make out the information he is seeking and help him in procuring it. The respondent mandatorily is obliged to maintain the record as entailed in the Penal Act and Police Rules and in the manner as mandated under RTI. The higher authorities in the department should ensure compliance of the aforesaid provisions and directions. In the absence of any specific dereliction of RTI Act the Commission is not in position to proceed further on the issue.

The complaint is **disposed.**

**Sd/-**

**13.03.2018 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Gulshan Rai

House No.C-202, Aastha Apartments,

Phase -2, Nabha-Pabhat Road,

Zirakpur -140603 Dist. S.A.S.Nagar. Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Municipal Council, Zirakpur

Distt. S.A.S. Nagar.

.

First Appellate Authority

O/o Executive Officer,

Municipal Council, Zirakpur

Distt. S.A.S. Nagar Respondents

**APPEAL CASE NO. 2868/2017**

Date of RTI application : 18.05.2017

Date of First Appeal : 29.06.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :16.10.2017

**Present:** Sh. Gulshan Rai, Appellant in person.

None on behalf of the Respondents.

**ORDER**

The Commission has made the following order on 01.02.2018:

*“The Commission has made the following observations on 04.01.2018:*

*“The following order was passed by this forum on 12.12.2017:*

*“Sh. Gursewak Singh, Jr. Assistant appearing on behalf of the respondents has brought along the information which has been handed over to the proxy of the appellant on spot. The appellant may like to go through it.”*

*“The appellant is not satisfied with the information provided. In fact he is specifically asking about the shops which have been constructed alongside the boundary wall of the Estate in Contd….page…2*

*-2-*

***APPEAL CASE NO. 2868/2017***

*question. The respondents are evasive on this issue. They are directed to give him candid information with a copy to the Commission failing which it shall be presumed that they are willfully denying the information and the penal consequences shall follow.”*

*“The appellant is present. None is present on behalf of the respondents. Nothing has been heard from them in writing also. The PIO is, thus, issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

*In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”*

A show cause notice was issued to the PIO for having failed to provide the information within the stipulated time. The respondents are absent. Nothing has been heard from them as well. Seemingly they have nothing to say on the matter. Obviously, they have rendered themselves liable for imposition of penalty as mentioned in the show cause notice. However, in the interest of principle of natural justice and to ensure that the aforesaid communications have reached him, a final opportunity is afforded to him to show cause as to why the penalty as has been mentioned

Contd….page…3

-3-

**APPEAL CASE NO. 2868/2017**

In the show cause notice, should not be imposed besides the recommendation of disciplinary action against him. Be it noted that no further opportunity shall be afforded to him.

To come up on **10.04.2018 at 11.30 AM.**

**Sd/-**

**13.03.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

**PS: Sh. Manvir Singh, PIO – cum – EO and Sh. Victor Sandhu, JE – cum – APIO, MC, Zirakpur appeared after the hearing was over. They explained that they could not reach in time following the visit of the Deputy Commissioner, SAS Nagar, at Dera Bassi today. However, Sh. Manvir Singh, PIO has submitted reply to the show cause notice issued to him on 01.02.2018.**

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Sh. Kamal Kumar Sharma

S/o Sh. Mangat Rai.

H.No.B-IV-992, Kucha Rura Mal,

Hindi Bazar, Ludhiana

Appellant

Versus

Public Information Officer,

O/o Inspector General of Police (Crime),Pb.

Punjab Police Headquarters, Sector-9,

Chandigarh

First Appellate Authority

O/o Director General of Police, Punjab

Punjab Police Headquarters, Sector-9,

Chandigarh Respondents

**APPEAL CASE NO.2550/2017**

Date of RTI application : 31.05.2017

Date of First Appeal : 08.06.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :06.09.2017

**Present:** Sh. Kamal Kumar Sharma, Appellant in person.

ASI Swaran Singh, O/o Commissioner of Police, Ludhiana – for Respondents.

**ORDER**

ASI Swaran Singh appearing on behalf of the respondents have brought along an enquiry report submitted by the DSP, a copy of which has been handed over on spot to the information seeker. He seemingly is satisfied with the information provided to him. No further action is called for.

The appeal is **disposed.**

**Sd/-**

**13.03.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

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Sh. Kul Shashi Parkash,

48/1,Ekta Vihar, Gangayal (Jammu) Complainant

Versus

Public Information Officer,

O/o Sub Registrar-cum- Tehsildar,

Mini Sectt. Patiala. Respondent

**COMPLAINT CASE NO.851/2017**

Date of RTI application : 06.02.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :23.08.2017

**Present: None.**

**ORDER**

The Commission had made the following observations on 28.12.2017:

*“The complainant is present. He is a senior citizen who has come all the way from Jammu. Probably it is in the knowledge of the respondent. Despite the fact that his application should have been dealt on priority they are maintaining a lackadaisical and defiant stance. Having failed to provide the information in a stipulated time the PIO in the office of the Sub Registrar, Patiala is liable to be penalized.*

*The PIO is, thus, issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.*

*Contd…page…2*

*-2-*

***COMPLAINT CASE NO.851/2017***

*In addition to the written reply, the PIO is also given an opportunity under Section 20(1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of*

*hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.”*

The respondents are absent on trot. The PIO despite having been issued a clear notice, have refused to file a written reply. Last opportunity is afforded to him to take cognizance of the show cause notice and present his cause. No further opportunity shall be afforded and the matter shall be decided on merit.

To come up on **01.05.2018 at 11.30 AM.**

**Sd/-**

**13.03.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

**CC: The Sub – Registrar – cum – Tehsildar, Mini Secretariat, Patiala, for n/a.**

**CC: The Deputy Commissioner, Patiala, for information and n/a.**

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Sh. Paramjit Singh

S/o Sh Roshan Singh,

Makkar Farm, Village Wadaala,

Jalandhar Appellant

Versus

Public Information Officer,

O/o Deputy Commissioner,

Jalandhar.

First Appellate Authority

O/o Deputy Commissioner,

Jalandhar Respondents

**APPEAL CASE NO.3199 /2017**

Date of RTI application : 10.07.2017

Date of First Appeal : 23.08.2017

Date of Order of FAA : 15.09.2017

Date of 2nd Appeal/complaint :17.11.2017

**Present: None.**

**ORDER**

None is present on behalf of the Parties.

The matter shall be reheard on **10.04.2018 at 11.30 AM.**

**Sd/-**

**13.03.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Mohinder Singh,

Booth No.49, Phase 5,

S.A.S. Nagar Appellant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

S.A.S.Nagar.

First Appellate Authority

O/o Inspector General of Police, Pb.

Zone -1, Patiala. Respondents

**APPEAL CASE NO.3225/2017**

Date of RTI application : 13.06.2017

Date of First Appeal : 07.08.2017

Date of Order of FAA : Reply 21.06.2017

Date of 2nd Appeal/complaint :13.11.2017

**Present:** None on behalf of the Appellant.

ASI Avtar Singh, P.S. (City), Kharar – for Respondents.

**ORDER**

None is present on behalf of the appellant.

ASI Avtar Singh appearing on behalf of the respondents says that the information has been provided. The matter is adjourned to **01.05.2018 at 11.30 AM** for confirmation of the appellant.

**Sd/-**

**13.03.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

**CC: The PIO, O/o SHO, P.S. (City), Kharar, for n/a.**

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Sh.Telu Ram Jain, (Sr. Citizen),

Modi Mill Colony, Gali No.2,

Nabha Distt. Patiala. Appellant

Versus

Public Information Officer,

O/o Deputy Director, Local Govt. Punjab,

Mini Sectt. Patiala.

First Appellate Authority

O/o Regional Deputy Director, Local Govt. Punjab,

Mini Sectt. Patiala Respondents

**APPEAL CASE NO.3271/2017**

Date of RTI application : 17.05.2017

Date of First Appeal : 22.06.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 14.11.2017

**Present:** None on behalf of the Appellant.

Sh. Ashwani Kumar, Clerk, O/o Dy. Director, Local Govt., Punjab, Patiala – for Respondents.

**ORDER**

The following order was passed by the Commission on 28.12.2017:

*“The appellant had sought information concerning the regularization of illegal colonies in the jurisdiction of the respondents. He has also sought the connected information there along. The respondents have communicated to the appellant that the information is huge and it shall divert their resources disproportionately.*

*The Commission finds that the information sought indeed is humungous and keeping in view the short-handedness of the respondents it is well nigh impossible to provide it.*

*The Commission directs that the appellant may visit the office of the respondents on a mutually agreed date and time which the respondents shall convey to him in writing and arrange an inspection and shall provide him the certified copies of the documents identified by him but not beyond 250 pages on payment of the fee that shall be leviable under rules.*

*Meanwhile, the respondents shall communicate to him the information concerning the number of colonies regularized and the amount of fee thus collected by them.”*

Contd…page…2

-2-

**APPEAL CASE NO.3271/2017**

The case has come up today. The appellant is not present.

Sh. Ashwani Kumar, Clerk, appearing on behalf of the respondents states that in compliance with the order of this forum the concerned record was got inspected by the appellant and the certified copies of the documents identified thereof were provided to him. The appellant has acknowledged its receipt to his satisfaction a copy of which has been produced by the respondents. As the sought for information stands provided the Commission does not feel any requirement of further intervention.

**Disposed.**

**Sd/-**

**13.03.2018 ( Yashvir Mahajan )**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Nirmal Singh, Naib Tehsildar (Retd),

House No.1100, Sector-69,

S.A.S. Nagar Appellant

Versus

Public Information Officer,

O/o Tehsildar,

Dera Bassi, Distt. S.A.S. Nagar.

First Appellate Authority

O/o Sub Divisional Magistrate,

Dera Bassi Distt.S.A.S.Nagar Respondents

**APPEAL CASE NO.2139 of 2017**

Date of RTI application : 10.05.2017

Date of First Appeal : 27.06.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint :03.08.2017

**Present:** None on behalf of the Appellant.

Sh. Pardeep Kumar, Registry Clerk, Tehsildar office, Dera Bassi – for Respondents.

**ORDER**

The following order was passed by this forum on 26.12.2017:

*“The following order was passed by the Commission on 30.11.2017:*

*“The following order was passed by this forum on 02.11.2017:*

*“Since the nature of information sought in the connecting appeals, the appellant and the respondents are the same, the single order shall dispose of the above appeals.*

*The appellant had sought a certified copy of the Stay Register relating to the year 2006 and 2007 wherein the entries of the stays issued by any competent Court are recorded. He has made specific reference of order passed in COCP 1762 of 2006 by the Honble Punjab & Haryana High Court, Chandigarh.*

*Sh. Karamjit Singh, Naib Tehsildar is present. He says that the relevant information has been given to the appellant. The appellant denies its receipt. He further submits that the copy of the Register commencing from 2011 only has been provided whereas he has sought the information concerning 2006 and 2007.*

*Contd…page…2*

*-2-*

***APPEAL CASE NO.2139 of 2017***

*The Commission takes serious exception to the conduct of the respondents and takes it as a case of willful denial of information. A final opportunity is afforded to Sh. Parveen Kumar, PIO – cum – Tehsildar, Dera Bassi to provide the sought for information along with his explanation for having failed to give the information in stipulated period.*

*Be it noted that the neglect or indifference shown to the this order shall invite serious consequences.”*

*“The case has come up today.*

*Sh. Parveen Kumar Singla, Tehsildar, Dera Bassi who is PIO in the Appeal Case   
No.2139/2017, is present. He has filed a written reply which has been taken on record. It further transpires that the PIO in AC: 2140 and 2141 of 2017 is different and relates to the office of Sub Divisional Magistrate, Dera Bassi. It shall be in the fitness of things to segregate the issue as the PIOs are different. The PIO in the office of Sub Divisional Magistrate is absent. Nothing has been heard from him also. It seems that the office of the SDM, Dera Bassi has more to hide than to reveal in the case. The Commission takes strong exception to their conduct. He is directed to file his written statement positively before the next date of hearing failing which the penal consequences shall follow.”*

*Sh. Parveen Kumar Singla has nothing to say on the matter. The Commission is inclined to take a serious view of the issue. Apparently, the stay register carrying the orders of the Hon’ble Court has been intentionally misplaced to facilitate the registration of sale deeds of the land the alienation of which was stayed by the orders of the Hon’ble Punjab & Haryana High Court. The issue cannot be taken lightly. Responsibility is desirable to be fixed not only for scandalous conduct Contd..page…3*

*-3-*

***APPEAL CASE NO.2139 of 2017***

*of the officials but to take the things to logical ends. Deputy Commissioner, Mohali should get an enquiry conducted into the same, fix the responsibility for the loss of the record in consideration and inform the Commission within two months from the receipt of this order.”*

The case has come up today. The appellant is not present.

Sh. Pardeep Kumar, Registry Clerk appearing on behalf of the respondents says that in compliance with the above order of the Commission, the Deputy Commissioner, SAS Nagar, has entrusted the enquiry to the Sub Divisional Magistrate, Kharar. So far no enquiry report has been submitted by him.

The matter shall be reheard on **10.04.2018 at 11.30 AM.**

**Sd/-**

**13.03.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: The Deputy Commissioner, SAS Nagar (Mohali) for n/a.**

**PUNJAB STATE INFORMATION COMMISSION**

**RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGRH**

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Sh. Roop Kishor Soni,

S/o Sh. Shiv Narayan Soni,

District Jail, Roopnagar -14001 Appellant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

S.A.S.Nagar

.

First Appellate Authority

O/o Inspector General of Police, Pb.

Zone-A, Patiala. Respondents

**APPEAL CASE NO.2912/2017**

Date of RTI application : 08.06.2017

Date of First Appeal : 10.07.2017

Date of Order of FAA : Reply 23.09.2017

Date of 2nd Appeal/complaint :17.10.2017

**Present: None.**

**ORDER**

The order was reserved on 06.02.2018.

It shall be useful to reproduce interim order passed by this forum on 16.01.2018 so as to apprise of the factual matrix of the case:

*“The appellant had sought the copies of the daily diary and the jimnies recorded in the investigation of FIR No.30 dated 11.06.2016 under Section 304 – B of IPC registered in Police Station, Mullanpur, SAS Nagar (Mohali).*

*The respondents are seeking exemption under Section 8(1) (h) of the   
Act to the effect that the revelation of the information sought shall hamper the investigation. It is also their plea that one of the accused is yet to be apprehended.*

*The appellant who is an accused in this case alleges that the investigation is not being done in a fair manner. The vital information about the psychic condition of his deceased wife who was under treatment in the PGI is not being made a part of the record. He is being denied bail*

*Contd..page..2*

*-2-*

***APPEAL CASE NO.2912/2017***

*due to the suppression of the information by the Investigation Officer.*

*The contention of the respondents cannot be taken at its face value until or unless they convince this forum as to how the revelation of information sought by him shall hinder or put a spanner into the investigation. In a communication sent by the SHO to the Sr. Superintendent of Police under diary No.1384/5A dated 26.06.2017, it has been admitted that all the accused in the case have been arrested. So much so even the challan in the case has also been submitted in the Court. Simultaneously, they take the plea that the ‘Takmeel Tafteesh’ in the case is still pending. There are perceptible chinks in their defence. Before a final call is taken on the issue the respondents are directed to inform the Commission in an ambiguous way as to how the revelation of the information sought by the appellant entitles them to claim an exemption under Section 8(1) (h) of the RTI Act.”*

On the last hearing held on 16.01.2018 the respondent ASI Satwinder Singh stated *that he had obtained legal opinion from District Attorney, Bathinda, who had opined that this information cannot be supplied in view of the provisions of Section 172 of the Cr.P.C. The respondent submitted that there is a specific bar imposed by Section 172(3) Cr. P.C. against supply of this information. The appellant on the other hand argued that Section 22 of the RTI Act overrides all other Acts for the time being in force. To the extent the provisions of Section 172 and 172(3) Cr. P.C. are contrary to the substantive provisions of the Right to Information Act, these Sections of Cr. P.C. shall stand superseded and will have no adverse effect on the request of an information seeker. He further argued that in the present case, ‘challan’ has been presented in the Court. Since investigation has been completed and trial is under process before the judicial court, discloser of information relating to case-diary (Zimni) could not possibly have any prejudicial effect on investigation or prosecution of the accused. The information, therefore, should not be denied under provisions of RTI Act.*

The issue in hand has been elaborately dealt with in the Commission in an order passed by the then Chief Information Commissioner on 16.11.2009 in Complaint Case No.3209 of *Contd..page..3*

*-3-*

***APPEAL CASE NO.2912/2017***

2009.

The facts are similar in the case in hand. In view of the overriding effect of Section 22 as mentioned above and the fact that the investigation has already been completed the information sought cannot be denied to the appellant specifically when he himself is defending a serious charge under Section 304 (b) and is under detention for over a year. The respondents are directed to provide him the information thus sought within fifteen days from the issue of the order positively under intimation to the Commission.

To come up on **05.04.2018 at 11.30 AM.**

**Sd/-**

**13.03.2018 (Yashvir Mahajan)**

**­ State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Ashwani Kumar

S/o Sh. Sat Parkash Sood,

R/o Ward No.2, Thana Road, Bhadson,

Tehsil Nabha, Distt. Patiala Appellant

Versus

Public Information Officer,

O/o Executive Officer,

Nagar Panchayat, Bhadson,

Teshil Nabha Distt. Patiala.

First Appellate Authority

O/o Regional Deputy Director,

Local Government, Pb.

Mini Secretariat, Patiala. Respondents

**APPEAL CASE NO.3108/2017**

Date of RTI application : 05.10.2016

Date of First Appeal : 17.11.2016

Date of Order of FAA : 14.07.2017

Date of 2nd Appeal/complaint :03.11.2017

**Present:** None on behalf of the Appellant.

Sh. Rajiv Bhatia, Accountant, Nagar Panchayat, Bhadson – for Respondents.

**ORDER**

The Commission had passed the following order on 19.12.2017:

*“It is a long standing case. The appellant seems to be pursuing the issue with the respondents from October, 2016 onwards. He has sought information on an alleged irregular NOC issued in favour of somebody for release of power connection. Some other concomitant information has also been sought. The respondent No. 1 is evasive without any tangible defence. So much so the directions issued by the First Appellate Authority have not elicited any response from him.*

*The Commission considers it as a willful denial of information in contravention of the provisions of Section 7(1) of the Act. The respondents are directed to provide him the complete information forthwith.*

Contd…page…2

-2-

**APPEAL CASE NO.3108/2017**

*Sh. Ashish Kumar, PIO – cum – Executive Officer, Nagar Panchayat, Bhadson is directed to appear in person on the next date of hearing and explain his conduct as to why the penalty should not be imposed upon him.”*

The appellant has been absent consecutively on the hearings. The respondents represented by Sh. Rajiv Bhatia, Accountant, Nagar Panchayat, Bhadson has produced before the Commission a copy of the policy letter issued by the Government in the Department of Local Government wherein it has been mentioned that the NOC from municipal body is not required for the release of a power connection - may it be for residential, industrial or commercial purposes. The corollary is that no such document was required and has been issued. The information thus sought for non-existent record obviously cannot be supplied.

**Disposed.**

**Sd/-**

**13.03.2018 ( Yashvir Mahajan )**

**State Information Commissioner**