



**Sh. Kunal Sehgal, (9915412163)**

S/o Sh. Ajay Sehgal,  
R/o 339, Chotti Baradari, Part-1,  
Near Medical College Jalandhar-144001

.....Appellant/Complainant

**Versus**

**Public Information Officer**

O/o Asst. Inspector General of Police (Security) Punjab,  
Sector-9, Chandigarh.

.....Respondent

**First Appellate Authority**

O/o Asst. Inspector General of Police (Security) Punjab,  
Sector-9, Chandigarh.

**Appeal Case No.92 of 2021**

RTI application filed on	:	13-08-2020
PIO replied on	:	14-08-2020
First appeal filed on	:	24-09-2020
First Appellate Authority order	:	13-10-2020
First Appellate Authority order	:	13-10-2020

Present: Appellant: Adv. Gautam Sehgal on behalf of applicant  
Respondent: Sh. Sarabjit Singh (DSP, APIO), 9501300146

**ORDER:**

1. This order may be read in the continuity of previous order dated 26.10.2021.
2. Both the parties are present and heard. During the hearing, Adv. Gautam Sehgal appeared on behalf of the appellant submitted that the sought information should be provided to him as it involves threat perception to the appellant and his his family from dangerous gangsters of Ferozepur- Punjab and after the orders of the Hon'ble Punjab and Haryana High Court a speaking order dated 06.01.2020 was passed by the SSP, Ferozepur and recommended to provide a gunmen on personal expenses to the appellant and his father. A copy of the speaking order dated 06.10.2020 submitted in the court, for the ready reference. Respondent, Sh. Sarabjit Singh stated that the information sought by the appellant could not be provided to him, as the security Wing of Punjab Police has been kept out of the purview u/s 24 of the RTI Act 2005.

Section 24 of the Right to Information Act, 2005 says:

**24. Act not to apply to certain organizations.—**

(1) Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government: Provided that the information pertaining to the allegations of corruption and human rights

violations shall not be excluded under this sub-section: Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the Central Information Commission, and notwithstanding anything contained in Section 7, such information shall be provided within forty-five days from the date of the receipt of request.

3. On this, appellant's representative Sh. Gautam Sehgal added that, in aforesaid situations, the exemption provided u/s 24 of the RTI Act cannot be fully claimed. He relied on the following decisions:

The decision of the **Hon'ble Punjab and Haryana High Court in Civil Writ Petition No. 12016 of 2016 in Shakti Singh Vs State Information Commission, Haryana** and others, and the relevant portion of the same is reproduced below:-

5. "The RTI Act has been legislated by the Parliament with the intent and purpose of ensuring maximum disclosure with minimum exemptions consistent with the constitutional provisions with effective mechanism for access to information and disclosure by authorities. This is a social welfare legislation and is a special law with a purpose to ensure smoother and greater access to information. The approach, therefore, has to be beneficial and not restricted and enlarging the principle of transparency, especially in public dealing. There are various statutes providing for restrictions and procedures despite that the Parliament being aware of the same proceeded to enact Section 22 in the RTI Act, which gives the RTI Act an overriding effect over the other statutes and law."

6. The questions which arise for consideration in this case are; Whether the provisions of Section 22 of the RTI Act has an overriding effect over the provisions of the other statutes?

In case there is no inconsistency between RTI Act and other Act/law and a procedure is prescribed under that Act/law but still a citizen chooses to apply under the RTI Act, can the information be denied on the ground of availability of alternative remedy?

**Section 22 of RTI Act reads as follows:-**

"22. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923 (19 of 1923), and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act."

And accordingly Hon'ble High Court allowed the CWP and remanded the case to the State Information Commission, Haryana for fresh decision.

**Observation:**

4. The Commission after considering the submission of the appellant and after thoroughly checking the decisions relied on by the appellant, is of the opinion that the basic contention of the appellant that blanket exemption u/s 24 of the RTI Act cannot be granted to the SECURITY WING OF PUNJAB POLICE is valid.

**Decision:**

5. Keeping in view the facts of the case and the submissions made by both the parties, it is evident that no satisfactory reply had been provided by the respondent in the matter, which is a grave violation of the provisions of the RTI Act, 2005. The Commission again directs the respondent PIO to provide a clear and specific information to the Appellant before the next date of hearing in accordance with the provisions of the RTI Act, 2005 and to present the case in person on the next date of hearing.

**NOTE:** The respondent PIO will be personally present on the next date of hearing and show why penalty should not be imposed upon him for not providing of the information which has been directed by this Hon'ble Commission vide order dated 11.05.2021 and 06.07.2021.

6. To come up on **22.12.2021** through personal hearing at PSIC Chandigarh, **1:15 PM**.

**Sd/-**

**Sd/-**

Chandigarh

(Amrit Partap Singh Sekhon)

(Maninder Singh Patti)

**Dated: 15.12.2021**

**State Information Commissioner, Pb**

**State Information Commissioner, Pb**