**PUNJAB STATE INFORMATION COMMISSION**

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

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**Email:psic22@punjabmail.gov.in**

Sh. Manjit Singh,

S/o Sh. Gurtej Singh,

Village Chauke, Tehsil Phul,

District Bathinda Appellant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

District S.A.S Nagar

First Appellant Authority,

O/o Senior Superintendent of Police,

District S.A.S Nagar Respondents

**APPEAL CASE NO.1196/2018**

Date of RTI application: 28.11.2017

Date of First Appeal : 29.12.2017

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint: 02.02.2018

**Present: Sh. Manjit Singh, Appellant along with others.**

**Constable Naresh Kumar, PS: Phase 8, Mohali – for Respondents.**

**ORDER**

The following order was made by this forum on 13.06.2018:

*“The appellant along with others are seeking documents connected with the investigations having been conducted into an FIR No.33 dated 13.03.2014 registered in the Police Station, Phase – 8, Mohali wherein some irregularities and malpractices have been alleged in the recruitment of Physical Instructors way back in the year 2012.*

*ASI Bhupinder Singh appearing on behalf of the respondents has submitted a reply wherein a plea has been taken that all the documents have been submitted with the challan filed before the Judicial Magistrate. The respondents are required to file an affidavit to the effect that no document concerning the application is available with them. In the situation they shall forward the original application to the concerned Judicial Authority under Section 6(3) of the Act for appropriate decision.”*

The case has come up today. The Commission observes with anguish that the directions of the Commission are being contemptuously ignored by the PIO in the office of the Sr. Superintendent of Police, Mohali. The Commission considers it as an attempt to demean the authority of the statutory body by habitually ignoring its directions and willfully denying the information in violation of provisions of Section (7) (1) of the RTI Act.

Sh. Kuldeep Singh Chahal, IPS, PIO– cum -Sr. Superintendent of Police, Mohali, is Contd….page…2

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**APPEAL CASE NO.1196/2018**

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 himfor 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.

To come up on **16.08.2018 at 11.30 AM.**

**Sd/-**

**17.07.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Mohammad Aslam,

Punjab Waqf Board,

First Floor, Sector 22B,

Chandigarh. Appellant

Versus

Public Information Officer,

O/o Chief Executive Officer,

Punjab Waqf Board,

SCO-1062-63, Sector 22B,

Chandigarh.

First Appellate Authority,

O/o Chairman,

Punjab Waqf Board,

SCO-1062-63, Sector 22B,

Chandigarh. Respondents

**Appeal Case No.1627/2018**

Date of RTI application: 20.11.2017

Date of First Appeal : 17.01.2018

Date of Order of FAA or Reply: Nil

Date of 2nd Appeal/complaint: 08.05.2018

**Present: Sh. Mohammad Aslam, Appellant in person.**

**Sh. Latif Ahmed, PIO – cum – Chief Executive Officer, Pb. Wakf Board, Chd. – for Respondents.**

**Order**

On the request of the Parties the matter is adjourned to be heard on **23.08.2018 at 11.30 AM.**

**Sd/-**

**17.07.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Harbans Singh

S/o Sh. Mahinder Singh R/o House No.40,

Aggarsain Colony, Near Greenland School, Bareta Kainchian

Bareta Tehsil Budhlada Distt. Mansa. Appellant

Versus

Public Information Officer

O/o Director,

Vigilance Bureau, Punjab,

SCO No.60-61, Sector-17-D, Chandigarh

First Appellate Authority

O/o Director,

Vigilance Bureau, Punjab,

SCO No.60-61, Sector-17-D, Chandigarh Respondents

**APPEAL CASE NO.162 /2018**

Date of RTI application :05.08.2017

Date of First Appeal :24.11.2017

Date of order of FAA :Reply 05.09.2017

Date of 2nd Appeal/complainant: 26.12.2017

**Present:** Sh. Harbans Singh, Appellant in person.

1. SI Avtar Singh, RTI Incharge, Pb. Vigilance Bureau, Chandigarh.
2. Constable Anil Rattan, Pb. Vigilance Bureau, Chandigarh,
3. Sh. Harbans Singh, Superintendent, DFO Office, Bathinda,
4. Sh. Karnail Singh, Sr. Assistant, O/o Chief Conservator of Forests & Wild Life, Pb. – for Respondents.

**ORDER**

The following order was passed by the Commission on 26.06.2018:

*“Constable Anil Kumar and Sh. Satnam Singh are present on behalf of the respondents. They have filed a written reply as well. They state that the enquiry into a complaint made by the appellant has been conducted by the Sr. Superintendent of Police (Vigilance), Ferozepur, the report of which has been sent to the concerned department for appropriate administrative action. The documents relating to the issue in hand have already been sent across to the appellant The case is adjourned to be heard on 23.05.2018 at 11.30 AM through video conference at Mansa. Meanwhile the appellant may like to respond to the submissions made by the respondents.”*

*“The case has again come up today. The appellant has been heard in person. It has been admitted by the Punjab Vigilance Bureau that a misappropriation of funds has been detected in the enquiry conducted by the Vigilance Department. They have forwarded the enquiry report along Contd..page…2*

*-2-*

***APPEAL CASE NO.162 /2018***

*with the connected documents to the Administrative Department for departmental action.*

*This forum is constrained to observe that the malfeasance of funds should have been addressed under the Prevention of Corruption Act. The Chief Director, Punjab Vigilance Bureau may like to look into it.*

*Meanwhile, the PIO in the office of the Chief Conservator of Forests & Wild Life, Punjab, Forest Bhawan, Mohali is impleaded as a necessary party. He is directed to send the certified copies of the complete file to the appellant under intimation to the Commission.”*

*“The case has come up today. The issue is serious. The Commission had in no uncertain terms observed that a criminal case should have been filed by the Vigilance Bureau against the delinquent officials having concluded a misappropriation of funds in their report. Notwithstanding it, the Chief Conservator of Forests was impleaded as a necessary party and was desired to provide the information available with him.*

*None is present on his behalf. No communication has been received also. The Commission takes serious note of it. The PIO in the office of the Chief Conservator of Forests is hereby directed to appear in person along with the original record on the next date of hearing positively failing which, his presence shall be enforced by the exercise of authority as vested in Section 18 of the RTI Act.”*

The case has again come up today. Sh. Karnail Singh, Senior Assistant appearing on behalf of the PIO, O/o Chief Conservator of Forests & Wild Life, Punjab, states that no document related to the application under consideration as on day has reached them from the office of the Principal Secretary to Govt., Punjab, Department of Forests & Wild Life, so far. We have been shown a copy of the letter from the Joint Director, Vigilance to the address of the Principal Secretary to Govt., Punjab, Department of Forests and Wild Life, Pb., wherein they have enclosed a copy of the enquiry

Contd…page…3

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***APPEAL CASE NO.162 /2018***

conducted into a complaint of misappropriation made by the appellant along with the supporting documents. It has become necessary at this stage to implead the PIO in the office of the Additional Chief Secretary to Govt., Punjab, Department of Forests & Wild Life, as a necessary party. He is directed to file a written statement and provide all the documents thus having been transmitted to them by the Punjab Vigilance Bureau, within a fortnight on receipt of the order positively in case they have no reservation under law. Be it noted that the information has already been badly delayed. Any insouciance shall be viewed seriously.

To come up on **23.08.2018 at 11.30 AM.**

***Sd/-***

**17.07.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: PIO – cum – Superintendent, Forests Branch, Punjab Civil Sectt., 2, Sector 9, Chandigarh, for n/a.**

**CC: PIO, O/o Chief Conservator of Forests & Wild Life, Punjab, Forest Bhawan, Mohali, for n/a.**

**CC: The Additional Chief Secretary to Govt., Punjab, Department of Forests & Wild Life, Punjab Civil Secretariat – 1, Chandigarh for information and n/a.**

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Smt. Jasmine Sandhawalia,

#10, Aman Nagar,

Opposite Excise and Taxation Office,

Kapurthala. Complainant

Versus

Public Information Officer,

O/o Home Secretary,

Punjab Government,

Punjab Civil Secretariat,

Chandigarh. Respondent

**Complaint Case No.397/2018**

**­­­­­­­­­­­­­­­­**

Date of RTI application: 10.02.2018

Date of First Appeal : Nil

Date of Order of FAA : 14.03.2018(Reply)

Date of 2nd Appeal/complaint: 02.02.2018

**Present: Smt. Jasmine Sandhawalia - Complainant.**

**Sh. Parminder Kumar, Home Department, Judicial – 1 Br., Pb. Civil Sectt., Chandigarh – for Respondent.**

.

**ORDER**

The following observations were made by this forum on 13.06.2018:

*“Heard.*

*The complainant had filed an application with the respondent seeking an information relating to the status of the acquisition of land belonging to her for the purpose of establishment of a Housing Complex for the Judicial Officers in Kapurthala. She submits that the information available with the Registry of Hon’ble Punjab & Haryana High Court, Chandigarh, relating to the issue has since been furnished to her. However, the Respondent is withholding it to the detriment of her interest.*

*The reply submitted by the respondent is vague and leads us nowhere. They are desired to file a written reply with reference to the points raised by the complainant in her original application.”*

The case has come up today. Sh. Parminder Kumar, Senior Assistant, proxy for the respondent is present. He has submitted a reply wherein it has been stated that the original Contd….page…2

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**Complaint Case No.397/2018**

­­­­­­­­­­­­­­­­application of the complainant was forwarded to the Deputy Commissioner, Kapurthala, under Section 6(3) of the RTI Act who had supplied the information to her vide his communication dated 22.05.2018. She admits having received a couple of letters from the Deputy Commissioner, Kapurthala. However, she mentions that she has not been informed of the status of the acquisition of land in the government. The respondents should apprise her about the status as it figures in record in case it does not attract any of the exemptions enunciated in Section 8 and 9 of the RTI Act.

To come up on **23.08.2018 at 11.30 AM.**

**Sd/-**

**17.07.2018 (Yashvir Mahajan)**

**State Information Commissioner**

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Sh. Harjeet Singh Kochhar

R/o Kothi No. 484, Phase 9

S.A.S Nagar, Punjab Appellant

Versus

Public Information Officer

O/o Senior Superintendent of Police

District Administrative Complex, Sector 76,

S.A.S Nagar, Punjab

First Appellate Authority

O/o Inspector General of Police

Zone 1, Patiala, Punjab Respondents

**APPEAL CASE NO.952/2018**

Date of RTI application: 21.11.2017

Date of First Appeal : 29.12.2017

Date of Order of FAA: Reply 18.01.2018

Date of 2nd Appeal/complaint 14.03.2018

**Present: Sh. Harjeet Singh Kochhar, Appellant in person.**

**ASI Jatinder Kumar, PS: Phase 11, Mohali – for Respondents.**

**ORDER**

The respondents have submitted a reply, a copy of which has been handed over to the appellant in the Court. The appellant may like to file a rejoinder in case he desires so.

The matter shall be taken up for arguments on **16.08.2018 at 11.30 AM.**

**Sd/-**

**17.07.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Smt. Harbans Kaur,

Wife of Sh. Gurmeet Singh,

Village Tangori,

Tehsil & Distt. S.A.S Nagar …Appellant

Versus

Public Information Officer,

O/o Commissioner,

Municipal Corporation,

Municipal Bhawan, Sector-68,

S.A.S Nagar.

First Appellate Authority,

O/o Commissioner,

Municipal Corporation,

Municipal Bhawan, Sector-68,

S.A.S Nagar. …Respondents

**APPEAL CASE NO.855/2018**

Date of RTI application: 23.06.2017

Date of First Appeal : 01.09.2017

Date of Order of FAA: Reply 10.10.2017

Date of 2nd Appeal/complaint 06.03.2018

**Present: Smt. Harbans Kaur - Appellant.**

1. **Sh. Sarbjeet Singh, PIO – cum – Assistant Commissioner, MC, Mohali and**
2. **Sh. Gurpreet Singh, Draftsman, MC Office, Mohali - for respondents.**

**ORDER**

The following order was made on 12.06.2018:

*“The appellant is present. She is seeking the building plan of a property figuring in the municipal record as House No.92, Phase – 1, Village Mohali. The respondents vide their letter dated 31.05.2018 has denied the information at the instance of the owner of the property taking a plea under Section 8(1) (j) of the Act. The respondents say that she is a legally wedded wife of the owner of the property.*

*The Commission feels that such a plea is not admissible to them when the information is sought by the consort of a property owner who is entitled to know about its particulars. Their plea is overruled. The respondents are directed to provide her certified copy of the document asked for before the next date of hearing positively.”*

The case has come up today. The respondents have filed a memo intimating that the information with reference to the application has been furnished to the appellant. No malafide has been attributed to the delay in providing the information.

**Disposed.**

**Sd/-**

**17.07.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Prem Chand Bansal,

Flat No 102, Tower B-6,

Surya Towers, VIP Road, Zirakpur,

S.A.S Nagar Complainant

Versus

Public Information Officer,

O/o Naib Tehsildar,

Sub Tehsil Zirakpur

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

**COMPLAINT CASE NO.319/2018**

Date of RTI application: 18.01.2018

Date of First Appeal : Nil

Date of Order of FAA: Nil

Date of 2nd Appeal/complaint 05.03.2018

**Present: Sh. Prem Chand Bansal, Complainant in person.**

**None on behalf of the respondent.**

**ORDER**

The respondent is absent. Nothing has been heard also in writing. He has not complied with the directions passed by the Commission. The Tehsildar in the office of the Sub Tehsil, Zirakpur is hereby directed to come present on the next date of hearing failing which his presence shall be ensured with exercise of authority as vested in it under Section 18 of the RTI Act.

To come up on **23.08.2018 at 11.30 AM.**

**Sd/-**

**17.07.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: The Tehsildar, Sub Tehsil, Zirakpur, District SAS Nagar (Mohali) for n/a.**

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Sh. Prabhjot Singh Nagra Advocate,

Chamber No.315, Distt. Courts,

Fatehgarh Sahib.

Appellant

Versus

Public Information Officer,

O/o Director General of Police (Railways),

Patiala.

First Appellate Authority

O/o Secretary to Govt. of Punjab,

Department of Home Affairs, Punjab,

Punjab Civil Sectt.-2, Sector-9,

Chandigarh. Respondents

**APPEAL CASE NO.97/2018**

Date of RTI application : 05.06.2017

Date of First Appeal : 14.08.2017

Date of Order of FAA : Reply 09.08.2017

Date of 2nd Appeal/complaint :22.11.2017

**Present: Adv. Prabhjot Singh Nagra, Appellant in person.**

1. **ASI Rajinder Singh, O/o AIG, GRP, Patiala,**
2. **ASI Jodh Singh, O/o AIG, GRP, Patiala – for Respondents.**

**ORDER**

The facts can be gauged from the orders passed on 10.05.2018 which are reproduced hereunder:

*“The appellant is not present.*

*ASI Rajinder Singh is present on behalf of the Respondents. The respondents have filed a reply. The appellant was asked to submit a proof of identity enabling them to take action under RTI Act. On his failure to do so the information was not supplied to him.*

*The Commission finds that he has filed a proof of identity in the shape of self certified copy of Aadhaar card in his appeal filed before the Commission. The written statement filed by the respondents has been endorsed to the appellant. He is advised to file a rejoinder to the same so that appropriate call can be taken on his appeal before the next date of hearing.”*

*“The chronology of filing the application and appeals has been mentioned above. It shall be seen that it is a long standing application pending provision of the information.*

*The respondents are absent. The appellant rebuts the submissions made by the respondents vide their memo dated 06.02.2018. The appellant had sought the details of the relief, Contd….page…2*

*-2-*

***APPEAL CASE NO.97 /2018***

*financial or otherwise payable to the next of kin of one Sh. Kabal Singh an employee of the respondents who had expired during the currency of his service. We have been told that his dismissal following a conviction has to be revoked on his acquittal by the Hon’ble Punjab & Haryana High Court, Chandigarh. His family is entitled to the gratuitous relief and a compassionate employment.*

*Be that as it is the appellant who is representing the family of the deceased isentitled to know the details of the information sought by him in original application. The respondents are directed to provide him information forthwith under intimation to the Commission.*

*ASI Rajinder Singh appearing on behalf of the respondents requests for a short adjournment to comply with the order passed earlier on 10.05.2018. The request is acceded.”*

The case has come up today for hearing. The respondents have submitted a reply vide their memo No.25717/RTI Br. dated 13.07.2018 to the address of the Commission with a copy to the appellant. It contains the information which has been sought by the appellant. The appellant is satisfied with the same. The information having been transmitted to the satisfaction of the appellant no cause of action remains. There does not seem any malafide on the part of the respondents. The delay is condoned. The appeal is **disposed.**

**Sd/-**

**17.07.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**PUNJAB STATE INFORMATION COMMISSION**

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Sh. Raj Kumar Sethi,

#71-D, Rajguru Nagar,

Ludhiana Appellant

Versus

Public Information Officer

O/o Executive Officer,

Nagar Improvement Trust, Ludhiana

First Appellate Authority

O/o Addl. Chief Secretary to Govt. of Punjab,

Department of Local Govt. Plot No.3, Sector-35-A,

Sathanik Sarkar Bhawan, Chandigarh. Respondents

**APPEAL CASE NO.105/2018**

Date of RTI application :14.09.2017

Date of First Appeal :03.11.2017

Date of order of FAA : Reply 04.10.2017

Date of 2nd Appeal/complainant:23.12.2017

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

**1. Sh. Jasbir Singh, PIO – cum – Supdt., LG 2 Br., Local Govt. Deptt.,**

**2. Sh. Abhisek, Sr. Assistant, LG 2 Br., Local Govt. Deptt. and,**

**3. Sh. Harpal Singh, Sr. Assistant, Trust Service Cell, O/o DLG, Pb. – for Respondents.**

**ORDER**

The appellant has sent an e.mail informing his inability to attend the hearing due to a bereavement in the family. The request is accepted.

The matter shall be reheard on **23.08.2018 at 11.30 AM.**

**Sd/-**

**17.07.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: The PIO – cum – Superintendent, Trust Service Cell, O/o Director of Local Government, Punjab, Sathanik Sarkar Bhawan, Plot No. 3 A, Sector 35 A, Chandigarh, for n/a.**

**CC: Sh. Jasbir Singh Dhanoa, PIO – cum – Superintendent, LG 2 Br., Department of Local Govt., Punjab, Sathanik Sarkar Bhawan, Plot No. 3 A, Sector 35 A, Chandigarh.**

**CC: The Director of Local Govt., Punjab, Sathanik Sarkar Bhawan, Plot No. 3 A, Sec.35 A, Chandigarh, for n/a.**

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Sh. Harnek Singh Bharhi,

H.E 155, Phase 1,

S.A.S Nagar Complainant

Versus

Public Information Officer,

Cum Sub Divisional Magistrate,

Khamano,

Distt. Fatehgarh Sahib Respondent

**COMPLAINT CASE NO.318/2018**

Date of RTI application: 01.11.2017

Date of First Appeal : Nil

Date of Order of FAA: 28.12.2017

Date of 2nd Appeal/complaint 09.01.2018

**Present: Sh. Harnek Singh Bharhi, Complainant in person.**

**Sh. Rajesh Kumar, Superintendent, SDM Office, Fatehgarh Sahib – for Respondent.**

**ORDER**

The following order was made by this forum on 14.06.2018:

*“Heard.*

*The information sought is very simple. The complainant is only asking the details of the shamlat land acquired and the compensation dispensed by the respondents to the respective panchayats for the expansion of the road – NH 95 by the National Highway Authority of India.*

*The plea taken by the respondent is that the information has been sought in a format in which it is not being maintained and cannot be provided. their stance is not acceptable. The Commission understands that this is an important information and its volume shall not disproportionately divert their resources. Section 7(9) of the Act enjoins upon the Public Authority to provide the information in the form it has been asked unless its provision disproportionately diverts their resources or it shall be detrimental to the safety of the record. This is not the case. Their defence is rejected. They are directed to provide the information as asked for forthwith under intimation to the Commission for the expansion of the road - NH 95 by the National Highway Authority of India along with the compensation granted to the rightful claimants in the jurisdiction of the respondent. The plea taken by the respondent is that the information in the form asked for cannot be provided. Their stance is not acceptable. The Commission understands that this is an important contd…page…2*

*-2-*

***COMPLAINT CASE NO.318/2018***

*information and is not in volume that it should disproportionately divert their resources. Section 7 (9) of the Act enjoins upon the Public Authority to provide the information in a form to the extent possible until or unless it results in diversion of their resources disproportionately or impairs its safety. This is not the case. Their defence is rejected. They are directed to provide the information forthwith under intimation to the Commission.”*

*“An express direction was given to the respondent to intimate to the complainant about the details of the panchayat land having been acquired for the expansion of the National Highway along with the compensation involved. The respondent in a written communication has denied the acquisition of any land of the aforesaid nature in their jurisdiction. The complainant reiterates that the panchayat land of village Jattana Ucha, Jattana Niwan and other villages has been acquired. The contentions made by the parties are at variance with each other. The truth has to be ascertained. The Land Acquisition Collector is hereby directed to bring along the original record relating to the issue of notification under Section 4 and 6 of the Land Acquisition Act along with the Award announced by him. Be it noted that any laxity shall entail serious consequences.”*

The case has come up today. Sh. Rajesh Kumar, Superintendent of the office of SDM, Fatehgarh Sahib, reiterates that according to the report of the Tehsildar no land within the jurisdiction of Tehsil of Khamanon has been acquired for the expansion of the National Highway. The complainant, on the other hand, insists that the same has been acquired and the compensation against the same has been paid in the villages already mentioned above. The respondents are once again directed to look into the record and file a fresh report on the same.

The matter shall be reheard on **16.08.2018 at 11.30 AM.**

**Sd/-**

**17.07.2018 (Yashvir Mahajan)**

**State Information Commissioner**

**CC: The Sub Divisional Magistrate, Fatehgarh Sahib.**

**PUNJAB STATE INFORMATION COMMISSION**

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

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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**

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

**Sh. Amandeep Singh, Intelligence Assistant, O/o DGP (Intelligence), Punjab, Sector 77, Mohali – for Respondents.**

**ORDER**

The order was reserved on 19.06.2018.

The appellant had sought following information from the respondents vide his application dated 18.12.2017:

1. *“Certified Details of name and address of the CID/Intelligence who was posted at Booth No. 9 and 10 of Ward No. 9 in Municipal Elections of Mullanpur Dakha, Distt. Ludhiana (Punjab) in which votes were casted on 17.12.2017.*
2. *Certified copies report sent by the CID/Intelligence officials regarding the elections and poll.*
3. *Since the information pertains to expose booth capturing and poll rigging by the ruling party, 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.”*
4. *In case part of the information sought by the applicant pertains to some other PIO, the application be transferred to that PIO as per sub section (ii) of Section 6 (3) of RTI Act, 2005.*

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1. *Kindly provide an appointment to verify the original record pertaining to information sought after information is provided.”*

The respondents vide their letter dated 30.01.2018 intimated to him that the Intelligence Wing of the State Government is covered under Section 24 of the RTI Act vide Notification No.2/27/05-1 A.R/191 dated 23.02.2006 stand issued in this regard. Its provisions as such are not attracted qua them. They further observed that the information did not concern the life & liberty of any person. Hence the information was not required to be given within 24 hours as well.

This viewpoint has been taken in the first appeal also by the respondents. Aggrieved with the same the appellant filed second appeal with the Commission on 02.01.2018. In the written statement filed by the respondents on 09.02.2018, the respondents stated that the Intelligence Wing of the Government plays a vital role in maintaining the law & order in the State. It functions on the basis of secret enquiries and source reports and its disclosure can be detrimental to the safety of some individuals and disturbance of law & order. The officials are deputed on secret/under-cover duties and the revelation of their particulars can create needless complications for the safety and security of the people in the State.

While referring to the observations of the Commission made in its interim orders about the allegation of corruption and violation of human rights, the respondents submitted that no such instance had come to their notice. The Commissioner of Police of Ludhiana has reiterated it in his written reply also. They have finally pleaded for the dismissal of the appeal.

In the rejoinder filed, appellant has invoked an order of the Hon’ble Punjab & Haryana High Court passed in Civil Writ Petition No.22229 of 2011 (in Harinder Singh Vs. State Information Commission, Punjab and others). He specifically highlighted the observations of the Court as under:

*“As mentioned above, the expression pertaining to allegation of corruption cannot be exhaustively defined. The Act is to step-in-aid to establish the society governed by law in which corruption has no place. The Act envisages a transparent public office. Therefore, even in organizations which are exempt from the provisions of the Act,*

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*in terms of the notification issued under Section 24(4) of the Act, still information which relates to corruption or the information which excludes the allegation of corruption would be relevant information and cannot be denied for the reasons that the organization is exempted under the Act.”*

He quoted another order passed by the Hon’ble Punjab & Haryana High Court and a couple of other orders passed by various authorities wherein the decisions have been taken to the effect that the information concerning the organizations covered under Section 24 of the Notification are liable to be disclosed if it relates to the allegations of corruption and human right violations.

The Commission has gone through the facts brought on record and heard the parties in contention. It is indisputable that the Intelligence Wing of the State Police is notified under Section 24 and the provisions of the Act are not attracted in this case unless the information pertains to the allegations of corruption and human right violations. The appellant has admitted in his original application that he is the husband of an independent candidate who was in fray for the election of a Municipal Councillors for the Ward relating to which the information is being sought. His main grouse is that some bogus polling by impersonation of some dead persons and non-resident Indians who were not available on the day of polling were resorted and some lumpen elements ruled the roost. The respondents have denied such allegations after seeking the field reports from the Commissioner of Police, Ludhiana. No such complaint was reported in writing by any person as well as the polling staff.

No allegation of corruption has been made and there is no requirement to dwell on the same. In the absence of any tangible evidence the Commission is not inclined to accept the view that there has been a violation of human rights. The Municipal Election Rules have a provision for appeal against the mal-practices in the conduct of elections if there had been any. The appellant had the option to challenge it by way of an election petition. The Commission accepts the plea of the respondents that the Intelligence Wing of the State Government has a subtle and discreet operation

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and the revelation of the reports sent by them can jeopardize the security and safety of some individuals and can be detrimental to the maintenance of law & order.

The impugned order is upheld. The appeal is **dismissed.**

**Sd/-**

**17.07.2018** **(Yashvir Mahajan)**

**State Information Commissioner**

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