**PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Bhawan, Near Rose Garden, Madhya Marg,**

**Sector: 16, Chandigarh.**

**Tel. No.0172-2864100-01, Fax No.0172-2864110**

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Shri Rajesh Kumar Sharma

s/o Shri Mehar Chand Sharma,

H.No.446, Diamond Avenue,

Majitha Road, Amritsar. --------Appellant

**Vs.**

Public Information Officer

o/o Deputy Commissioner of Police,

Amritsar.

First Appellate Authority,

O/o Commissioner of Police,

Amritsar. -------Respondents

**Appeal Case No. 2628 of 2017**

Present:- None for the appellant.

Shri Surinder Singh, Dealing Hand, Incharge, RTI Cell , on behalf of the respondents.

**ORDER**

The case was last heard on 09.01.2018, when t he representative of the respondents informed that the inquiry in the matter was still in progress and was not complete as yet. He sought some more time to enable them to supply the requisite information to the appellant, which was granted with the directions that complete information be supplied to the appellant before the next date of hearing and it was made clear that no more adjournment would be given. The case was adjourned for today.

2. Today, the appellant is not present. The representative of the respondents

Contd……p/2

**AC - 2628 of 2017** **-2-**

submits a copy of letter No. 1081-COP, dated 12.03.2018, addressed to Chairman,

Oriental Bank of Commerce, Gurgaon from Commissioner of Police, Amritsar City vide which it has been informed that as per the report of ADCP/Investigation, Amritsar, it has been observed that complainant could not prove the allegations leveled in the complaint. The Inquiry Officer has recommended that the complaint may be sent to the Chairman, OBC at Gurgaon so that the allegation leveled in the complaint may be got verified through the expert authorities of the Bank and thereafter, on the recommendation of the expert committee of the Bank, action could be taken against the accused persons. Besides, Commissioner of Police, Amritsar City has sent Inquiry Report alongwith complaints running into 716 pages to the Chairman, OBC at Gurgaon for taking further necessary action.

3. Since no more action is required to be taken as of now, the case is **disposed of and closed.**

**Sd/-**

**Dated : 21.03.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

**PUNJAB STATE INFORMATION COMMISSION**

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Shri Iqbal Singh Rasulpur, General Secretary,

University human Rights Org. ,

VPO Rasulpur, Tehsil Jagraon,

District Ludhiana-142035. --------Complainant

Vs.

Public Information Officer

O/o Director General of Police, Punjab,

Sector: 9, Chandigarh.

First Appellate Authority

O/o Director General of Police, Punjab,

Sector: 9, Chandigarh.

Public Information Officer,

O/o Additional Chief Secretary Home,

(Home-4 Branch), Punjab Civil Secretariat,

Chandigarh. -------Respondents

**Complaint Case No. 21 of 2017**

Present:- Shri Iqbal Singh Rasulpur, complainant, in person.

Shri Inderjit Singh, Inspector, Director of Bureau of Investigation, on behalf of the respondents.

**ORDER**

The case was last heard on 08.02.2018, when the PIO of the office of Additional Chief Secretary Home(Hone-IV Branch) was impleaded as a necessary party in this case to make written submission explaining as to when the instructions of Government of India were received and what action was taken. It appeared that instructions of Government of India had not been forwarded to the said Commissions by the Home Department. Accordingly, it was directed that necessary action be taken so

Contd……p/2

**CC - 21 of 2017 -2-**

that requisite information could be supplied to the complainant without any further delay as violations of provisions of RTI Act, is not desirable. The case was adjourned for today.

2. Today, none is present on behalf of the Home Department to submit a report in the matter and take necessary action so that requisite information could be supplied to the appellant. Viewing the callous and defying attitude of the PIO seriously, one last opportunity is afforded to him to take necessary action and submit a report, in person, on the next date of hearing, failing which, **Bailable Warrant** will be issued against him.

3. A copy of the order is sent to Principal Secretary Home(Home-IV) Branch to ensure the compliance of the orders.

4. To come up **on 26.04.2018 at 11.30 A.M. for further proceedings.**

**Sd/-**

**Dated : 21.03.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

**CC: Principal Secretary Home, REGISTERED**

**(Home-4 Branch), Punjab Civil Secretariat-1,**

**Chandigarh.**

**Shri Rashmi Kumar,**

**Superintendent-cum-PIO, REGISTERED**

**Home-IV Branch, Punjab Civil Secretariat-1,**

**Chandigarh.**

**PUNJAB STATE INFORMATION COMMISSION**

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Shri Sanjeev Goyal

s/o Dr. Harbans Goyal

s/o late Shri Sohan Lal,

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

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

**Vs.**

Public Information Officer

o/o Director General of Police,

Punjab, Sector: 9, Chandigarh.

Public Information officer,

O/o Senior Superintendent of Police,

Mohali. -------Respondents

**Complaint Case No. 1028 of 2017**

Present:- None on behalf of the complainant.

Shri Parshotam Kumar, Head Constable and Shri Maninder Singh, Constable, on behalf of the respondents.

**ORDER**

The case was last heard on 08.02.2018, when the complainant was not present without any intimation. Also, none was present on behalf of the respondent No.2, without any intimation. Viewing the callous and lackadaisical attitude of the respondent No. 2 seriously, last opportunity was afforded to him to supply the information asked for by 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, Shri Maninder Singh, Constable, appearing on behalf of

Contd……p/2

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

Respondent No. 2 informs that the requisite information has already been supplied to the complainant. He further informs that the same information was sought by him earlier and that case was disposed of by Shri Yashvir Mahajan, SIC on 22.02.2018. He submits a copy of that order, which is taken on record.

3. The complainant is not present during three consecutive hearings without any intimation, which shows that he has received the information to his satisfaction.

4. Accordingly, the case is **disposed of and closed.**

**Sd/-**

**Dated : 21.03.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

**PUNJAB STATE INFORMATION COMMISSION**

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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 Jaswinder Singh, ASI and Smt. Meenu Bala, Clerk, on behalf of the respondents.

**ORDER**

The case was last heard on 08.02.2018, when the representative of the respondent-PIO handed over the requisite information to Shri Iqbal Singh, the representative of the complainant and the complainant was directed to revert back to the authorities in case of any deficiency. The case was adjourned for today.

2. Today, the complainant informs that the provided information is not legible and is unattested. Consequently, the representative of the respondent hands over legible and duly attested requisite documents to the complainant, who after perusing the same, expresses satisfaction.

3. Accordingly, the case is **disposed of and closed.**

**Sd/-**

**Dated : 21.03.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

**PUNJAB STATE INFORMATION COMMISSION**

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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, Punjab,

Chandigarh.

First Appellate Authority

O/o Additional Director General of Police, Punjab,

Chandigarh. -----Respondents

**Complaint Case No. 19 of 2017**

Present:- Shri Iqbal Singh Rasulpur complainant in person.

Shri Balraj Singh, AIG (IVC) and Shri Gurvinder Singh, Law Officer, on behalf of the respondent-PIO.

**ORDER**

The case was last heard on 08.02.2018, when the complainant informed that he had inspected the record and identified 156 pages but the respondent had provided partial information on 2.2.2018 but had not supplied copies of the entire identified documents. He further informed that he had furnished deficiencies in writing to the respondents. Accordingly, the respondent PIO was directed to furnish remaining information as per the deficiencies pointed out by the appellant, before the next date of

Contd…..p/2

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

hearing and in case any information cannot be supplied, then a Speaking Passing to this effect be passed. The case was adjourned for today.

2. Today, the representatives of the respondents informs that the requisite documents have already been supplied to the appellant. The appellant submits that the intelligence report alongwith annexures and corresponding papers, which he has already inspected and identified, have not been provided as yet. Consequently, after hearing both the parties and discussing the matter, it is directed that original file be brought on the next date of hearing to facilitate the Commission to arrive at a logical conclusion.

3. To come up on **26.4.2018 at 11.30 A.M. for further proceedings.**

**Sd/-**

**Dated : 21.03.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

**PUNJAB STATE INFORMATION COMMISSION**

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Shri Jasmeet Singh

s/o Shri Rajinder Singh,

H.No.449, New Jawahar Nagar, Jalandhar. --------Complainant

**Vs.**

Public Information Officer

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

**Complaint Case No. 512 of 2017**

Present:- None on behalf of the complainant.

Shri Basant Singh, ASI, on behalf of the respondent.

**ORDER**

This case was last heard on 08.02.2018, when none was present on behalf of the complainant. The representative of the respondent-PIO informed that they had filed cancellation report in the Court with the approval of Commissioner of Police, Jalandhar. Accordingly, the respondent-PIO was directed to send point-wise reply to the complainant to his RTI application and the complainant was advised to revert back to the authorities in case of any deficiency, before the next date of hearing. The case was adjourned for today.

2. Today, the representative of the respondents informs that cancellation report has been filed in the court and available documents have been supplied to the complainant but no observations have been received from him. Accordingly, one last opportunity is afforded to the appellant to furnish specific deficiencies, if any, in the provided information to the PIO, with a copy to the Commission, failing which case will be decided on merit, on the basis of documents placed on record.

3. To come up on **26.04.2018 at 11.30 A.M. for further proceedings.**

**Sd/-**

**Dated : 21.03.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

**PUNJAB STATE INFORMATION COMMISSION**

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Shri Gurdip Singh s/o Shri Chanan Singh

r/o #215, Ajit Nagar, Sultan Wind Road,

Sri Amritsar Sahib. --------Appellant

**Vs.**

Public Information Officer

o/o Town Planner, Municipal Corporation,

Sri Amritsar Sahib.

First Appellate Authority,

O/o Commissioner, Municipal Corporation,

Sri Amritsar Sahib. -------Respondents

**Appeal Case No. 1211 of 2017**

Present:- Shri Gurdip Singh, Complainant, in person.

Shri Gurvinder Singh, Clerk, on behalf of the respondents.

**ORDER**

The case was last heard on 08.02.2018, when in compliance to the previous order dated 27.12.2017, Shri Jagdev Singh, Assistant Town Planner-cum-PIO appeared and places on record written submissions, which were taken on record and a copy of the same was handed over to the representative of the appellant and the appellant was advised to revert back to the authorities, in case of any deficiency, with a copy to the Commission. The case was adjourned for today.

2. Today, the representative of the respondents informs that reply has already been sent to the appellant.

3. Two letters dated 20.02.2018 and 03.03.2018 have been received from

Contd……p/2

**AC - 1211 of 2017 -2-**

the appellant informing that only a copy of Schedule of Clauses has been sent to him on 12.03.2018 but no information regarding Points No. 1,2,3 and 4 and regarding sanction/non-sanction of Building Plan of Building No. 233 has been supplied to him since his submission of RTI application on 05.04.2016.

4. During hearing it is observed that the respondents have failed to provide requisite information or satisfactory reply to the appellant, who is an old man and he has been made to run around during this long period. I reckon that he needs to be compensated suitably. Therefore, in exercise of the powers conferred by Section 19(8)(b) of the RTI Act, 2005, a compensation of Rs. 5,000/- (Rupees five thousand only) is awarded to Shri Gurdip Singh, Appellant, to be paid by the Public Authority through a Bank Draft within 20 days.

5. Besides, the PIO is directed to send a reply to the letters dated 20.02.2018 and 03.03.2018 sent by the appellant and submit a status report on the next date of hearing.

6. To come up on **17.04.2018 at 11.30 A.M. through Video Conference Facility available in the office of Deputy Commissioner, Amritsar.**

**Sd/-**

**Dated : 21.03.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

**PUNJAB STATE INFORMATION COMMISSION**

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Shri Naresh Devgan Sharma,

Advocate, Chamber No.7022/2,

District Court Complex, Ludhiana. --------Appellant  **Vs.**

Public Information Officer

o/o Ld. Chief Judicial Magistrate, Ludhiana.

First Appellate Authority,

O/o Chief Judicial Magistrate, Ludhiana. -------Respondents

**Appeal Case No. 2155 of 2017**

Present:- Shri NareshDevgan Sharma, appellant, in person.

None on behalf of the respondents.

**ORDER**

In this case, during hearing on 27.12.2017, Shri Sanjay Kumar, Reader-cum-PIO, was not present without any intimation. Viewing his callous attitude seriously, he was directed to supply the requisite information to the appellant before the next date of hearing. He was also directed to explain reasons, in person, on the next date of hearing as to why a Show-Cause Notice should not be issued to him for imposition of penalty upon him and awarding suitable compensation to the appellant. The case was adjourned to 08.02.2018.

2. On 08.02.2018, the PIO was again not present without any intimation. Viewing the callous and defying attitude of the PIO seriously, a Show-Cause Notice was issued to Shri Sanjay Kumar, Reader-cum-PIO for imposition of penalty upon him for

the delay in the supply of information. Besides, a compensation of Rs. 2000/- was

Contd……p/2

**AC - 2155 of 2017 -2-**

awarded to the appellant for the loss and detriment suffered by him. The PIO was also

directed to supply complete information to the appellant, before the next date of hearing. The case was adjourned for today.

3. A letter No.116, dated 06.03.2018 has been received from Shri Sanjay Kumar, Reader-cum-PIO vide which point-wise reply has been furnished to the appellant.

4. A letter No. 70, dated 09.03.2018 has been received from the present PIO requesting that the hearing on 21.03.2018 may be held through Video Conferencing. It is not possible as this facility is not available today.

5. Today a letter dated 21.03.2018 has been received from Shri Sanjay Kumar, Examiner(the then PIO) requesting for adjournment the case as he is unable to attend hearing due to ill health.

6. Keeping in view the facts narrated above, the appellant is directed to send his observations on the reply sent by the PIO vide letter dated 06.03.2018. Shri Sanjay Kumar, Examiner, the then PIO, is directed to submit reply to the Show-Cause Notice issued to him and pay compensation amount of Rs. 2000/- to the appellant through Bank Draft, before the next date of hearing.

7. To come up on **17.04.2018 at 11.30 A.M. through Video Conference Facility available in the office of Deputy Commissioner, Amritsar.**

**Sd/-**

**Dated : 21.03.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

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Shri Navdeep Gupta,

Kothi No.455, Gillco Valley,

Kharar, District SAS Nagar-140301. --------Appellant

**Vs.**

Public Information Officer

o/o Deputy Commissioner of Police, Amritsar.

First Appellate Authority,

O/o Commissioner of Police, Amritsar. -------Respondents

**Appeal Case No. 2535 of 2017**

Present:- None on behalf of the complainant.

Smt. Rajwinder Kaur, SHO, Sadar Amritsar, on behalf of the respondents.

**ORDER**

In this case, during hearing on 27.12.2017, the appellant was not present. Shri Narinder Singh, Assistant Commissioner of Police(Central), Amritsar informed that the reply had already been provided to the complainant vide letter No. 5331-C.P.C., dated 24.10.2017 and no more information was available with them. Accordingly, the complainant was directed to send his observations, if any, on the provided information, to the PIO, with a copy to the Commission. The case was adjourned to 08.02.2018.

2. On 08.02.2018, the complainant was not present. However, he sent a letter received in the Commission on 22.1.2018 stating that:-

*"(i) That due to personal financial reasons, I cannot attend hearing of Honorable State Information Commission, Punjab.*

*(ii) That I request Honorable CIC to kindly consider page No.7of my second appeal wherein a document on the subject concerned is attached from Ministry of Home Affairs stating it is State Subject and I should apply there under Section 6(1) of RTI ACT, 2005.*

Contd…..p/2

**AC - 2535 of 2017 -2-**

*(iii) That in case PIO reply is appreciated by Honorable CIC, it will just leave me unnecessary maneuvers around different authorities and keep rotating between MHA and State of Punjab.*

*I have successfully pleaded my case before the Honorable CIC and request hereby that PIO either be directed to provide me complete information or to transfer my application to concerned public authority or action as deem it fit may kindly be taken."*

3. The representatives of the respondent-PIO informed that no information was available in their office. During hearing it was observed that ends of justice would be met if clear cut reply from Commissioner of Police, Amritsar be sent on the RTI application of the appellant. Accordingly, the PIO was directed to send his reply before the next date of hearing. The case was adjourned for today.

4. Today, the representative of the respondents submits a letter No. 1475/CPC, dated 20.03.2018 from DCP-cum-PIO, Amritsar City, with a copy endorsed to the appellant, vide which point-wise reply has been furnished stating that the relevant record is not available with them.

5. In these circumstances, the Commission has no alternative but to accept the plea of the respondents.

6. Accordingly, the case is **disposed of and closed.**

**Sd/-**

**Dated : 21.03.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

**PUNJAB STATE INFORMATION COMMISSION**

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Shri Navdeep Gupta,

Kothi No.455, Gillco Valley,

Kharar, District SAS Nagar-140301. --------Complainant. **Vs.**

Public Information Officer

o/o Deputy Commissioner, Amritsar. -------Respondents

**Complaint Case No. 967 of 2017**

Present:- None on behalf of the complainant.

Smt. Rajwinder Kaur, SHO , Police Station Kotwali, Amritsar and Shri Raman Kumar, ASI, on behalf of the respondent-PIO.

**ORDER**

In this case, during hearing on 27.12.2017, the complainant was advised to send his observations on the provided information to the PIO, with a copy to the Commission. The case was adjourned to 08.02.2018.

2. On 08.02.2018, the complainant was not present. However, he sent a letter received in the Commission on 18.1.2018 stating that:-

*"(i) That due to personal financial reasons, I cannot attend hearings of Honorable State Information Commission, Punjab.*

*(ii) That PIO states in his reply dated 24.01.2018 regarding information being 38 years old and hence cannot be supplied, which is clearly breach of public records. Kindly find attached copy of decision of Honorable Central Information Commission, New Delhi which was never challenged in any court of law to date.*

*I have successfully pleaded my case before the Honorable CIC and request hereby that PIO either be directed to provide my complete information or to action as deem fit may kindly be taken. "*

Contd…….p/2

**CC - 967 of 2017 -2-**

2. The complainant relied upon the order dated 5.9.2014 passed by Prof. M. Sridhar Acharyulu (Madabhushi Sridhar) Central Information Commissioner in case-Shri Om Parkash Vs. Land & Building Deptt, GNCD (CIC/DS/A/2013/001788-SA), the operative part of the order is as under:-

*"Unless proved that record was destroyed as per the prescribed rules of destruction/ retention policy, it is deemed that record continues to be held by public authority. Claim of file missing or not traceable has no legality as it is not recognized as exception by RTI Act. By practice ‘missing file’ cannot be read into as exception in addition to exceptions prescribed by RTI Act. It amounts to breach of Public Records Act, 1993 and punishable with imprisonment up to a term of five years or with fine or both. Public Authority has a duty to initiate action for this kind of loss of public record, in the form of ‘not traceable’ or ‘missing’. The Public Authority also has a duty to designate an officer as Records Officer and protect the records. A thorough search for the file, inquiry to find out public servant responsible, disciplinary action and action under Public Records Act, reconstruction of alternative file, relief to the person affected by the loss of file are the basic actions the Public Authority is legitimately expected to perform."*

3. After hearing the representatives of the respondent and going through the record available in the case file, the PIO was directed to conduct an inquiry for

Contd…….p/3

**CC - 967 of 2017 -3-**

loss/destroy/weed out of the record and fix responsibility. In case, the record has been destroyed/weeded out then a copy of orders of competent authority be provided to the complainant before the next date of hearing. The case was adjourned for today.

4. Today, the representatives of the respondents submit a complete report from DCP-cum-PIO, Amritsar City vide letter No. 1472/CPC, dated 20.03.2018, with a copy to the complainant, which is taken on record.

5. In the report, the PIO has submitted that they have done their level best to find out the record but could not locate any other relevant record pertaining to this case other than the FIR. They have also sought a report from Incharge, VRK Branch, according to which there is no record available with them relating to this case.

6. In these circumstances, there is no alternative left with the Commission but to accept the plea of the respondents. It is directed that a copy of report of Incharge VRK Branch be sent to the appellant along with this order.

7. Accordingly, the case is **disposed of and closed.**

**Sd/-**

**Dated : 21.03.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

Encl. A copy of report of

Incharge, VRK Branch

**PUNJAB STATE INFORMATION COMMISSION**

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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.,

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 on behalf of the respondents.

**ORDER**

This case has been heard on 16.08.2017, 19.09.2017, 18.12.2017, 08.01.2018 and 08.02.2018 so far but none has appeared on behalf of the respondents except 19.09.2017, when Shri Bhupinder Singh, Head Constable attended the hearing.

2. The information in this case has been sought under Section 7 of the RTI Act within 48 hours. Since no information was supplied to the appellant nor any reply was filed by the PIO, a Show-Cause Notice was issued to Shri Kulwant Chand, ASI, Incharge, Police Post, Kochhar Market, Ludhiana on 08.01.2018 and a compensation of Rs. 2000/- was awarded to the appellant for the loss and detriment suffered by him.

Contd…….p/2

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

3. Till today, no information has been supplied to the appellant. Neither reply to the Show-Cause Notice issued to Shri Kulwant Chand, ASI has been submitted by him nor compensation of Rs. 2000/- has been paid to the appellant.

4. Viewing the callous, lackadaisical and defying attitude of the PIO seriously, Commissioner of Police, Ludhiana is directed to look into the conduct and performance of Shri Kulwant Chand, ASI, Incharge, Police Post, Kochhar Market, Ludhiana and submit a report. Besides, disciplinary action for the lapse on his part in this case, be also initiated against him.

5. One last opportunity is afforded to Shri Kulwant Chand, ASI, Incharge, Police Post, Kochhar Market, Ludhiana to supply the requisite information to the appellant. He is also directed to submit reply to the Show-Cause Notice and pay compensation amount of Rs. 2000/- to the appellant through a Bank Draft, before the next date of hearing.

6. To come up on **26.04.2018 at 11.30 A.M. for further proceedings.**

**Sd/-**

**Dated : 21.03.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

**CC: Commissioner of Police, REGISTERED**

**Ludhiana.**

**Shri Kulwant Chand, REGISTERED**

**Incharge, Police Post,**

**Kochhar Market, Ludhiana.**

**PUNJAB STATE INFORMATION COMMISSION**

**Red Cross Bhawan, Near Rose Garden, Madhya Marg,**

**Sector: 16, Chandigarh.**

**Tel. No.0172-2864100-01, Fax No.0172-2864110**

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Shri Navdeep Gupta,

Kothi No.455, Gillco Valley,

Kharar, District SAS Nagar-140301. --------Complainant.  **Vs.**

Public Information Officer

o/o Deputy Commissioner,

Amritsar. -------Respondents

**Complaint Case No. 966 of 2017**

Present:- None on behalf of the complainant.

Shri Munish Sharma, Clerk, on behalf of the respondent-PIO.

**ORDER**

In this case, during hearing on 27.12.2017, the PIO was directed to submit a certificate on the next date of hearing to the effect that the sought information is not available in their office. It was also directed that this certificate should not come from DRO alone, rather it should be from the Deputy Commissioner as Public Authority or atleast from the head of the concerned Branch. The case was adjourned to 08.02.2018.

2. On 08.02.2018, in compliance to the previous order, the representative of the respondent-PIO submitted the following certificate:-

“s;dhe ehsk iKdk j? fe gqkoEh ;aqh Btdhg r[gsk tb'A nkoHNhHnkJh n?eN 2005 sfjs wzrh rJh ;{uBk ;zpzXh e'Jh th foekov fJ; ;akyak ftu T[gbpX Bjha j?. fi; ;zpzXh fJj ;{uBk gqkoEh B{z fJ; ;akyak tb'A w[jJhnK BjhA eotkJh ik ;edh.”

Contd……p/2

**CC - 966 of 2017 -2-**

3. A perusal of the above certificate, revealed that this certificate is again from the concerned Branch and not from the entire Deputy Commissioner's office. It was again directed that this certificate should be from the Deputy Commissioner as a Public Authority that information sought by the complainant is not available in the Deputy Commissioner's office. The case was adjourned for today.

4. Today, the representative of the respondent submits a letter No. M.A.2/R.C.-2/83, dated 14.03.2018 from Deputy Commissioner Amritsar enclosing therewith a certificate from him, which reads as under:-

“ s;dhe ehsk iKdk j? nghb e/; BzL 966 nkc 2017 ;pzXh gqkoEh ;aqh Btdhg r[gsk tZb' nkoHNhHnkJhH n?eN 2005 sfjs wzrh rJh ;{uBK ;pzXh e'Jh th foekov fJ; dcso ftZu T[pbpX BjhA j?. fi; ;pzXh fJj ;{uBK gqkoEh Bz{ fJ; dcso tZb' w[jJhnk BjhA eotkJh ik ;edh.

5. Accordingly, it is directed that a copy the certificate be sent to the complainant. The respondent assures to comply with the orders of the Commission.

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

**Sd/-**

**Dated : 21.03.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

**PUNJAB STATE INFORMATION COMMISSION**

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Shri Navdeep Gupta,

Kothi No.455, Gillco Valley,

Kharar, District SAS Nagar-140301. --------Complainant

**Vs.**

Public Information Officer

o/o Deputy Commissioner of Police, Amritsar. -------Respondent

**Complaint Case No. 961 of 2017**

Present:- None on behalf of the complainant.

Smt. Rajwinder Kaur, SHO, Police Station, Kotwali, Amritsar and Shri Parshotam Kumar, Head Constable, on behalf of the respondent.

**ORDER**

The case was last heard on 08.02.2018, when keeping in view the facts that no information is available with the PIO/Commissioner of Police, Amritsar it was considered appropriate that ends of justice would be met if reply from the Additional Chief Secretary to Government of Punjab, Departments of Home Affairs and Justice, Punjab Civil Secretariat, Chandigarh, Director General of Police, Punjab, Chandigarh and the Deputy Commissioner, Amritsar be obtained on the RTI application of the complainant. Accordingly, they were directed to send their reply before the next date of hearing. The case was adjourned for today.

2. Today, reply has been received from Deputy Commissioner Police-cum-PIO, Amritsar City vide letter No. 1465/CPC, dated 20.03.2018 vide which it has been informed that since Operation Blue Star was carried out by the Army on the orders of the Central Government, no record is available with them.

3. Besides, a Memo. No. 1241-1242/RTI-2, dated 16.03.2018, addressed to

Contd……p/2

**CC - 961 of 2017 -2-**

Additional Chief Secretary to Government of Punjab, Department of Home Affairs & Justice, (Home-4 Branch), Chandigarh, with a copy endorsed to the Commission, has been received from Director General of Police/Admn., Punjab Police Hqrs., Sector:9, Chandigarh vide which it has been proposed to Additional Chief Secretary to Government of Punjab, Department of Home Affairs & Justice that since the information required by the applicant is not available in the record of Commissioner of Police, Amritsar, a joint meeting of representatives from the office of Deputy Commissioner, Amritsar and Police Commissioner, Amritsar may be called so that requisite reply could be filed in the Station Information Commission, Punjab.

4. Accordingly, it is directed that an appropriate reply be filed with the Commission before the next date of hearing after holding the proposed meeting , if they so desire, so that requisite information could be supplied to the complainant without any further delay.

5. To come up on **26.04.2018 at 11.30 A.M. for further proceedings.**

**Sd/-**

**Dated : 21.03.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

**CC**

**Additional Chief Secretary to Government of Punjab, REGISTERED**

**Departments of Home Affairs and Justice,**

**Punjab Civil Secretariat-1, Chandigarh.**

**Director General of Police, Punjab, Sector 9, Chandigarh. REGISTERED Deputy Commissioner, Amritsar. REGISTERED**

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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 on behalf of the complainant.

Shri Ram Rattan, Shri Balwinder Singh, Shri Basant Singh, ASIs, on behalf of the respondent-PIO.

**ORDER**

This case was last heard on 08.02.2018, when the appellant was not present nor any observations, on the reply of the PIO, had been received from him. Accordingly, one last opportunity was afforded to him to send his observations to the PIO, with a copy to the Commission, before the next date of hearing. The case was adjourned for today.

2. A letter No. 167/RTI, dated 05.01.2018 has been received from DCP-cum-PIO, Jalandhar vide which it has been informed that the case is pending in the court and the Police File has also been submitted in the court along with the Challan,

Contd…….p/2

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

due to which the information cannot be provided under Section 8(1)(h) of the RTI Act. It

has been further requested that the appellant may be directed under Section 172(3) of

CRPC to obtain the information from the court, which reads as under:-

*“ 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 b, of the Indian Evidence Act, 1872(1 of 1872), shall apply.”*

3. Today, the appellant is not present. However, a letter dated 05.03.2018 has been received from him vide which he has informed that his case has been disposed of twice on 19.04.2017 and 19.07.2017 on the assurance given by the respondents but no information has been provided to him even after a period of 20 months. He has further informed that he applied again second time to seek copy of requisite statements from the court of Smt. Navjeet Pal Kaur, JMIC, Jalandhar on 19.02.2018 vide Challan No. 32998 but court rejected his application again on 26.02.2018 as per following orders:-

*“ The Demanded Doc i.e. statement of Jasmeet, Tarlok, Manmeet, Kamaljeet, Hardeep, Jarjinder can’t be given due to non exhibited document “*

Contd…….p/3

**AC - 3915 of 2016 -3-**

4. It is really a sad state of affairs on the part of the respondents that they

have been telling the appellant that the requisite documents cannot be furnished since

the matter is under investigation. They may be right to some extent that while parting with the requisite documents, it may adversely affect the findings in this case but when the inquiry was complete and it was finalized at the competent level and the case file was to be sent to the court, a copy of the police file should have been given to the appellant. It is a very serious lapse on the part of the respondents as a period of one and a half year has lapsed but the appellant could not have access to the requisite documents. I am of the considered view that such kind of lapse should not recur. It should be borne in mind that when the inquiry is complete and finalized at the level of the competent authority, then a copy of case file should have been given to the appellant to fight for his right. Now an exercise will have to be made by him to have the copies of statements from the court which will be a sheer wastage of time and money on the part of the appellant as well as the Commission, who has been hearing this case.

5. The respondents from the Police Department have given in writing that no papers are available with them which could have been provided to the appellant, During hearing, the appellant was advised to seek copies of requisite documents from the concerned court, if he so desires. A copy of letter sent by the respondent PIO is sent to the appellant for his information.

Contd…….p/4

**AC - 3915 of 2016 -4-**

6. As has been brought out in Para 3 of this order, the appellant approached the concerned court of Smt. Navjeet Pal Kaur, JMIC, Jalandhar on 19.02.2018 vide Challan No. 32998, who rejected his application on 26.02.2018 while passing the order that *“ the demanded doc cannot be given due to non exhibited document”.* This needs to be seen as to whether the documents were exhibited or not, and if not then why not?

7. It is a good case for **“CASE STUDY’**  to see –

(1) As to why documents were not provided to the appellant when the inquiry was complete and duly approved by the competent authority and the appellant was moving the Police Department and the Commission to have the copies of statements.

(2) Those documents were of course with the Police Department but he was denied access to them in a clandestine manner and these were silently passed on to the concerned court with the Challan and now even the court says these documents were not exhibited and cannot be supplied.

8. In the given scenario , I would ask the Commissioner of Police, Jalandhar to look into this case and see as to why it has happened in this specific case that the documents could not be provided to the appellant and also to ensure that in such cases once the inquiry is complete and duly approved by the competent authority, the

Contd…….p/5

**AC - 3915 of 2016 -5-**

documents are provided to the appellant before these are submitted in the court along the Challan, when the appellant is seeking the same while approaching the respondents and the Commission. He may look into it and issue necessary instructions. I would like to have a report in the matter in month’s time.

9. The case file is sent to Deputy Registrar, Punjab State Information Commission for putting up the file to the undersigned on receipt of a report from the Commissioner of Police, Jalandhar.

**Sd/-**

**Dated : 21.03.2018 ( S.S. Channy)**

**Chief Information Commissioner Punjab**

**CC: Commissioner of Police REGISTERED**

**Jalandhar.**

**Deputy Registrar,**

**PSIC, Chandigarh**

**alongwith case file**

Encl. A copy of letter No. 167/RTI, dated 05.01.2018