



Sh.Madan Lal, S/o Sh. Om Parkash,
Jain Niwas, MCB Zone-2,
H NO-10803 Street No-18,
Parinda Road 18, Guru Teg Bahadur Nagar,
Bathinda.

....Appellant.

Public Information Officer,
O/o MC,
Bathinda.

First Appellate Authority,
O/o Commissioner, MC,
Bathinda.

...Respondent

Appeal Case No. 1804 of 2020

PRESENT: Sh.Madan Lal as the appellant
Sh.Rahul Gautam, Sr.Assistant for the Respondent

ORDER:

The appellate through RTI application dated 03.03.2020 has sought information regarding copies of documents received from Madaan Nursing Home on the basis of which the birth date i.e. 03.10.1991 of the applicant was recorded in the birth record register of the MC at No.4061 dated 08.10.1991, from the office of MC Bathinda. The appellant was not satisfied with the information provided by the PIO vide letter dated 12.05.2020 after which the appellant filed first appeal before the First Appellate Authority on 18.05.2020 which took no decision on the appeal.

The case last came up for hearing on 03.02.2021 through video conferencing at DAC Bathinda. The appellant claimed that the PIO has not provided the information that has been sought in the RTI Act.

The respondent present pleaded that the record is not available since it is 30 years old.

The PIO was directed to give this in writing on an affidavit that the record is not available along with the reasons for non-traceability of the asked record.

On the date of the last hearing on **24.05.2021**, the appellant claimed that the PIO has not provided the information.

The respondent was absent. The commission received a reply of the PIO on 01.03.2021 which was taken on the file of the Commission.

In the reply, the PIO stated that the information has been provided to the appellant and no further information is available in their record.

The reply of the PIO was varying and mismatched with the order of the Commission since in the earlier order, the PIO was directed to give in writing on an affidavit that the record is not available along with the reasons for non-traceability of the asked record.

The PIO was directed to file a suitable reply on an affidavit and appear personally before the Commission on the next date of hearing.

Hearing dated 21.09.2021:

As per the appellant, the PIO has not supplied any affidavit as per the order of the Commission. The respondent has brought the affidavit and handed it over to the appellant.

The appellant stated that the PIO has only mentioned in the affidavit that the record is not available whereas the Commission has directed the PIO to give in writing that the record is not traceable along with the reasons for non-traceability of the asked record.

Hearing both the parties and after going through the interim order of 24.05.2021, I agree with the contention of the appellant and direct the PIO to provide a revised affidavit mentioning therein that the record relating to this RTI application is not traceable. The affidavit be provided within 15 days of the receipt of the order with a copy to the Commission.

With the above order, the case is **disposed of and closed**. However, the commission makes it clear that if the affidavit is not received, the appellant is free to come to the Commission again.

Chandigarh
Dated:21.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Gurinder Singh, S/o Sh.Harmek Singh,
R/o Bhagta Bhaika, Tehsil Phul,
Distt. Bathinda.

...Appellant.

Versus

Public Information Officer,
O/o SSP,
Bathinda.

First Appellate Authority,
O/o IGP, Bathinda Range,
Bathinda.

...Respondent

Appeal Case No. 2070 of 2020

PRESENT: Sh.Gurinder Singh as the appellant
Sh.Ashok Kumar, DSP-Bhucho Mandi for the Respondent

ORDER:

The appellate through RTI application dated 09.01.2020 has sought information regarding logbook of public vehicle No.Pb-03-AP-8204 from 01.10.2018 to 30.04.2019 from the office of SSP Bathinda. The appellant was denied the information by the PIO vide letter dated 04.03.2020 stating that the said vehicle being the Govt vehicle allotted to Police Station Nakhan is being used for secret duties and for investigation of complicated cases and disclosure of information may hamper the investigation, after which the appellant filed first appeal before the First Appellate Authority on 17.02.2020 which disposed off the appeal on 29.05.2020 upholding the decision of the PIO. On not being satisfied with the decision of the First Appellate Authority, the appellant filed 2nd appeal in the Commission.

The case first came up for hearing on 03.02.2021 through video conferencing at DAC Bathinda.

Having gone through the reply, the Commission observed that the PIO-SSP had denied the sought information blanketly and the first appellant has upheld the PIO's decision without invoking or using the support of the exemptions provided under Section 8 of the RTI.

The PIO was directed to file a suitable reply again. The PIO was also directed to send a sample of the logbook in a sealed cover to the Commission.

On the date of last hearing on **24.05.2021**, the respondent reiterated his earlier view that the vehicle being the Govt vehicle allotted to Police Station Nakhan is being used for secret duties and for investigation of complicated cases and disclosure of information may hamper the investigation.

The Commission again received a reply from the PIO along with a sample of the logbook, which was taken on the file of the Commission. The case was adjourned.

Hearing dated 21.09.2021:

The case has come up for hearing today through video conferencing at DAC Bathinda. The respondent present has reiterated his earlier plea that the vehicle being the Govt vehicle allotted to Police Station Nakhon is being used for secret duties and for investigation of complicated cases and disclosure of information may hamper the investigation.

The appellant pleaded that the information that he has sought cannot hamper any investigation since the logbook is covered under section 2(f) of the RTI Act. Further, the PIO can apply section 10(1)(a) and provide part of the record after severance of the record containing information which the PIO feels is part of their secret record.

I am in agreement with the appellant's contention and direct the PIO to apply section 10(1)(a) and provide access to that part of the information in a logbook that is not exempt from disclosure. The information be provided within one month from the date of receipt of the order.

With the above order, the case is **disposed of and closed**. However, the commission makes it clear that if the information is not received, the appellant is free to come to the Commission again.

Chandigarh
Dated:21.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Gurinder Singh, S/o ShHarmek Singh,
R/o BhagtaBhaika, Tehsil Phul,
DisttBathinda.

...Appellant.

Versus

Public Information Officer,
O/o SSP,
Bathinda.

First Appellate Authority,
O/o IGP, Bathihnda Range,
Bathinda.

...Respondent

Appeal Case No. 2071of 2020

PRESENT: Sh.Gurinder Singh as the appellant
Sh.Ashok Kumar,DSP-Bhucho Mandi for the Respondent

ORDER:

The appellate through RTI application dated 18.01.2020 has sought information regarding logbook of public vehicle No.Pb-03W-5989 from 01.10.2018 to 30.10.2019 from the office of SSP Bathinda. The appellant was not provided with the information after the appellant filed first appeal before the First Appellate Authority on 17.02.2020 which disposed of the appeal 29.05.2020 with the decision that the information cannot be provided since the vehicle was being used by the officers for enquiries of some complicated cases and the disclosure of information may hamper the investigation. On not being satisfied with the decision of the First Appellate Authority, the appellant filed 2nd appeal in the Commission.

The case first came up for hearing on 03.02.2021 through video conferencing at DAC Bathinda.

Having gone through the reply, the Commission observed that the PIO-SSP had denied the sought information blanketly and the first appellant has upheld the PIO's decision without invoking or using the support of the exemptions provided under Section 8 of the RTI.

The PIO was directed to file a suitable reply again. The PIO was also directed to send a sample of the logbook in a sealed cover to the Commission.

On the date of the last hearing on **24.05.2021**, the respondent present reiterated his earlier view that the vehicle being the Govt vehicle allotted to Police Station Nakhani is being used for policing and investigation of complicated cases, and disclosure of information may hamper investigations as well as reveal information, which will be detrimental to policing.

The Commission received a reply from the PIO along with a sample of the logbook which was taken on the file of the Commission.

The case was adjourned.

Hearing dated 21.09.2021:

The case has come up for hearing today through video conferencing at DAC Bathinda. The respondent present has reiterated his earlier plea that the vehicle being the Govt vehicle allotted to Police Station Nakhai is being used for secret duties and for investigation of complicated cases and disclosure of information may hamper the investigation.

The appellant pleaded that the information cannot be denied since the logbook is covered under section 2(f) of the RTI Act. Further, the PIO can apply section 10(1)(a) and provide part of the record after severance of the record containing information which the PIO feels is part of their secret record.

I am in agreement with the appellant's contention and direct the PIO to apply section 10(1)(a) and provide access to that part of the information in a logbook that is not exempt from disclosure. The information be provided within one month from the date of receipt of the order.

With the above order, the case is **disposed of and closed**. However, the commission makes it clear that if the information is not received, the appellant is free to come to the Commission again.

Chandigarh
Dated: 21.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Gurinder Singh, S/o Sh.Harneek Singh,
R/o Bhagta Bhaika,
Tehsil Phul, Distt. Bathinda.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Bathinda.

First Appellate Authority,
O/o IGP,
Bathinda Range, Bathinda.

...Respondent

Appeal Case No. 2076 of 2020

PRESENT: Sh.Gurinder Singh as the Appellant
Sh.Ashok Kumar, DSP –Bhucho Mandi for the Respondent

ORDER:

The appellant through the RTI application dated 09.01.2020 has sought information regarding the logbook of vehicle No.Pb-12-AG-0414 from 01.10.2018 to 30.04.2019 from the office of SSP Bathinda. The appellant was not provided with the information after which the appellant filed the first appeal before the first appellate authority on 13.02.2020 which disposed of the appeal on 29.05.2020 with the decision that the information cannot be provided since the vehicle was being used by the officers for enquiries of some complicated cases and the disclosure of information may hamper the investigation.

The case first came up for hearing on 10.02.2021 through video conferencing at DAC Bathinda. The Commission received a reply from the PIO on 09.02.2021 which was taken on the file of the Commission.

Having gone through the reply, the Commission observed that the PIO-SSP has denied the sought information blanketly and the first appellant has upheld the PIO's decision without invoking or using the support of the exemptions provided under Section 8 of the RTI.

The PIO was directed to file a suitable reply again.

On the date of the last hearing on **24.05.2021**, the respondent present reiterated the earlier view that the vehicle being a police vehicle allotted to Police Station Nakhn is being used for policing and investigation of complicated cases, and disclosure of information may hamper investigations as well as reveal information, which will be detrimental to policing.

The Commission again received a reply from the PIO along with a sample of the logbook which was taken on the file of the Commission.

Having gone through the sample of logbook and hearing both the parties, the appellant was directed to specify a particular date and time of the vehicle used.

Hearing dated 21.09.2021:

The case has come up for hearing today through video conferencing at DAC Bathinda. The respondent present has reiterated his earlier plea that the vehicle being the Govt vehicle allotted to Police Station Nakhon is being used for secret duties and for investigation of complicated cases and disclosure of information may hamper certain investigations.

The appellant pleaded that the information that he has sought cannot hamper any investigation since the logbook is covered under section 2(f) of the RTI Act. Further, the PIO can apply section 10(1)(a) and provide part of the record after severance of the record containing information which the PIO feels is part of their secret record.

I am in agreement with the appellant's contention and direct the PIO to apply section 10(1)(a) and provide access to that part of the information in a logbook that is not exempt from disclosure.

The information be provided within one month from the date of receipt of the order. With the above order, the case is **disposed of and closed**. However, the commission makes it clear that if the information is not received, the appellant is free to come to the Commission again.

Chandigarh
Dated:21.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Lajpat Rai, S/o Sh. Harbans Lal,
H No-B-3/287, Romana Street,
Jaito, Distt. Faridkot.

... Complainant

Versus

Public Information Officer,
O/o EO, MC,
Jaito, District Faridkot.

... Respondent

Complaint Case No. 638 of 2020

PRESENT: Sh. Lajpat Rai as the Complainant
None for the Respondent

ORDER:

The complainant through RTI application dated 27.07.2020 has sought information on 7 points regarding letter No.550 dated 16.04.2004 alongwith map, reply, quotations, EO approval and other information as enumerated in the RTI application concerning the office of EO-MC Jaito, District Faridkot. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 09.09.2020.

The case last came up for hearing on 31.05.2021. The appellant claimed that the PIO has not provided the information.

The respondent was absent.

The RTI application of the complainant was not legible. The appellant was directed to send a legible typed copy of RTI application for me to pursue this case further.

Hearing dated 21.09.2021:

The case has come up for hearing today through video conferencing at DAC Faridkot. The appellant has sent legible copy of RTI application which has been taken on the file of the Commission.

The respondent is absent on 2nd consecutive hearing nor is represented.

The PIO vide letter dated 16.09.2021 sent through email has informed that the information has been provided to the complainant on 09.02.2021 and a copy of the same being sent to the Commission.

The complainant informed that he has not received the information.

A copy of information is being sent to the complainant alongwith the order.

Since it is a complainant case and the complainant has come to the Commission without going to the First Appellate Authority, if the complainant is not satisfied with the information, he should go to the First Appellate Authority.

The case is remanded back to the First Appellate Authority with the direction to consider this as an appeal case and dispose of the same within a period of 30 days as per the RTI Act.

With the above order, the case is **disposed of and closed.**

Sd/-

Chandigarh
Dated :21.09.2021

(Khushwant Singh)
State Information Commissioner



Sh. Lajpat Rai, S/o Sh.HarbasLal,
H No-B-3/287, Romana Street,
Jaito, Distt.Faridkot.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Faridkot.

First Appellate Authority,
O/o SSP,
Faridkot.

...Respondent

Appeal Case No. 2565 of 2020

PRESENT: Sh.Lajpat Rai as the Complainant
Sh.Ramesh Kumar, ASI-Incharge RTI Branch O/o SSP Faridkot for the
Respondent

ORDER:

The appellant through RTI application dated 25.05.2018 has sought information regarding complaint No.301-PC-9/18 dated 04/18 – complaint No.1796/1797-PC-9/17 dt.22.12.2017 – case no.29/2018 PS Jaito as enumerated in the RTI application concerning the office of SSP Faridkot.. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 31.07.2018 which took no decision on the appeal.

The case last came up for hearing on 31.05.2021. The respondent present pleaded that the information has already been provided to the appellant vide letter dated 12.02.2021.

As per appellant, the information was incomplete. Having gone through the RTI application and hearing both the parties, the following was concluded:

Point-1	As per respondent the record is misplaced and not traceable	-	The PIO is directed to trace out the record and provide the information to the appellant. If the record is not traced, to conduct an enquiry by constituting a Committee and submit complete enquiry report which establishes that the record is misplaced/destroyed and responsibility has been fixed for the person under whose custody the record found missing.
Point-2	As per respondent, the information has been provided	The appellant has received the information	Information provided

Point-3	As per respondent enquiry is pending and information cannot be provided	-	Merely stating that the enquiry is pending is not the correct way to deny the information. The PIO is directed to justify the usage of exemptions in section 8 and give it in writing that why disclosure of information will hamper the investigation. process and pass a speaking order.
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Hearing dated 21.09.2021

The case has come up for hearing today through video conferencing at DAC Faridkot. As per respondents, complete information as per order has been provided to the appellant vide letter dated 10.06.2021.

The appellant has received the information and is satisfied.

Since the information has been provided, no further course of action is required. The case is **disposed of and closed**.

Chandigarh
Dated :21.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner