

PUNJAB STATE INFORMATION COMMISSION
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Sh. Deepak Kurmi, S/o Sh Nathu Ram,
B-85, Thermal Colony, GNDTP,
Bathinda.

... Appellant

Versus

Public Information Officer,
O/o SDM, Batala,
Distt Gurdaspur.

First appellate Authority,
DC,
Gurdaspur.

...Respondent

Appeal Case No. 222 of 2019

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The case was last heard on 29.04.2019. The respondent present pleaded that the information has been provided to the appellant vide letter dated 24.04.2019 and a copy of the same is submitted to the Commission. The appellant was absent and vide email sought adjournment.

Having gone through the information, the Commission observed that the information has been provided on points 1 & 2 as per the RTI application. The PIO was directed to provide information on point-3. The appellant was given one more opportunity to point out the discrepancies, if any.

Hearing dated 22.05.2019:

The respondent is absent and vide email has sought adjournment stating that whole staff has been deputed for counting process of votes of Lok Sabha Election. The appellant is again absent and nor has sent any communication whether he has received the information or not. The PIO is directed to comply with the earlier order which still stands.

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

Chandigarh
Dated 22.05.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

Sh.Balvir Singh, S/o Sh.Joginder Singh,
R/o Village Saide Ki (Khoo.Mohar Singh Wala),
P/O DulchiKe, Tehsil &Distt.Ferozepur.

... Complainant

Versus

Public Information Officer,
O/o DDPO,
Ferozepur.

First Appellate Authority,
O/o DDPO,
Ferozepur.

...Respondent

Complaint Case No. 552 of 2018

Present: None for the Complainant
Sh.Paramjit Singh, PIO-cum-BDPO Ferozepur for the Respondent

ORDER:

The case was first heard on **20.08.2018**. The respondent was absent. The complainant pleaded that despite his first appeal and again a letter sent to the DC Ferozepur on 17.04.2018 as well as his personal visits to the office of BDPO twice, he has not been provided the information. The PIO was directed to provide the information to the complainant within 15 days and be present on the next date of hearing with valid explanation for not providing the information within the prescribed time under the RTI Act.

The case was again heard on **17.09.2018**. The appellant informed that he has not received the information. The PIO was absent. The PIO neither provided the information nor sent any explanation for delay in responding the RTI application. Due to non compliance of the orders of the Commission, the PIO was issued **show cause notice and the PIO** was directed to be present personally before the Commission alongwith written reply on an affidavit. The order is reproduced hereunder:

The case came up for hearing again on **05.11.2018**. The PIO was absent. The respondent present brought the information. The appellant was absent to point out the discrepancies, if any. The respondent was directed to send the information to the complainant through registered post and send compliance to the Commission.

The PIO did not file reply to the show cause notice issued on 17.09.2018. The PIO-BDPO was afforded one last opportunity to appear personally on the next date of hearing and reply to the show cause notice on an affidavit failing which the Commission will take action as per RTI Act.

The case was again heard on **11.12.2018**. The complainant informed that he has received the information on 09.11.2018 but the information is incomplete. The PIO was again absent and had not filed any reply to the show cause or any paper in his defense.

Keeping all facts in mind, the PIO, BDPO, Ferozepur was held guilty for not providing the information on time as prescribed under section 7, which is within 30 days of the receipt of the request, and for repeated and willful defiance of the Punjab State Information Commission's orders. A penalty of Rs.10,000/- was imposed upon the PIO, BDPO, Ferozepur under section 20 of the RTI Act, 2005 which was to be deposited in the Govt. Treasury.

Further, the PIO-BDPO, Ferozepur was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury. The PIO was also directed to contact the complainant and sort out the discrepancies in providing the information as sought under the RTI Act.

The case was further heard on **13.02.2019**. Sh.Paramjit Singh, PIO-BDPO, Ferozepur alongwith Sh.Kulwant Singh, Panchayat Secretary O/o BDPO appeared late and informed that the information has been provided to the complainant. The PIO further pleaded they will contact the complainant and sort out the discrepancies with the complainant if any. The respondent was directed to comply with the earlier order of the Commission which still stands and send a compliance report to the Commission.

The case was last heard on **03.04.2019**. The order is reproduced hereunder:

“The respondent present has pleaded that the information has been provided to the appellant. The appellant has also acknowledged the receipt of the information and shown his satisfaction.

However since the PIO did not file any reply to the show cause notice issued to the PIO on 17.09.2018 for delay in providing the information and for not appearing before the Commission despite providing ample opportunities, a penalty of Rs.10000/- was imposed upon the PIO-BDPO Ferozepur under section 20 of the RTI Act which was to be deposited in the Govt. Treasury. The PIO was also directed to duly inform the Commission of the compliance of the order by producing a copy of the challan justifying the deposition of the penalty in the Govt. Treasury. The PIO is again absent and has not shown compliance on two dates.

Keeping the above facts in mind, it is clear that the PIO-BDPO is flouting the spirit of the RTI Act continuously. The PIO has not only shown utter disregard for the Commission's repeated orders to provide the information but has shown willful stubbornness in replying to the show cause and not appearing before the Commission despite various orders. The Commission is constrained to issue warrants against the erring PIO-BDPO Ferozepur under section 18(3) of the RTI Act.

The respondent present has informed that Sh.Paramjit Singh, PIO-cum-BDPO Ferozepur has been transferred to the Head Quarter, at Vikas Bhawan, Sector 62, Mohali.

To secure an erring PIOs presence before the Commission, the Information Commissioner is empowered to issue warrants Under Section 18(3) of the RTI Act. A bailable Warrant of Sh.Paramjit Singh, PIO-cum-BDPO, Ferozepur is hereby issued through Senior Superintendent of Police, SAS Nagar, Mohali for his presence before the Commission on 22.05.2019.

The PIO is also directed to appear personally on the next date of hearing and submit proof of having deposited the amount of penalty in the Govt Treasury.”

Hearing dated 22.05.2019:

In the last order, to ensure the presence of Sh.Paramjit Singh, PIO-cum-BDPO Ferozepur, a bailable warrant under section 18(3) of the RTI Act was issued through SSP Mohali for his presence before the Commission on 22.05.2019.

The PIO is present and informed that after his transfer from Ferozepur to Head office, his salary has not yet been released and he is unable to deposit the amount of penalty immediately. The PIO however, ensured to deposit the same immediately after release of his salary.

The information stands provided. The PIO is given one more opportunity to comply with the earlier order of the Commission and submit proof of having deposited the amount of penalty in the Govt Treasury, at the next date of hearing.

The case is adjourned. To come up for compliance on **22.07.2019 at 11.00AM.**

Chandigarh
Dated: 22.05.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :1. The BDPO Ferozepur.
2. Director, Rural Development & Panchayat,
Vikas Bhawan, Sector 62, SAS Nagar, Mohali

Sh Ashok Kapoor,
8-C, Kitchlu Nagar,
Ludhiana.

... Appellant

Versus

Public Information Officer,
Police Station,
Village Ladowal, Ludhiana.

First Appellate Authority,
Commissioner of Police,
Ludhiana

...Respondent

Appeal Case No. 1286 of 2018

Present: Sh.Ashok Kapoor as Appellant.
Sh.Raj Kumar, ASI for the respondent

ORDER: The case was first heard on **13.06.2018**. Sh.Raj Kumar, ASI, Police Station, Ladowal was present on behalf of respondent-PIO who pleaded that the appellant may visit their office and inspect the available record and get the requisite information. The PIO was directed to provide the point-wise information to the appellant before the next date of hearing.

The case was again heard on **30.07.2018**. The appellant informed that he had visited the office of PIO and after inspecting the record, the PIO was apprised of the information required. The respondent has informed that he has brought the information. The PIO was directed to send the information to the appellant via Registered Post. The appellant was asked to go through the information and inform the deficiency, if any, to the PIO.

The case again came up for hearing on **25.10.2018** through video conference facility available in the office of the Deputy Commissioner, Ludhiana. The appellant informed that no information has been provided to him so far. The respondent was absent without intimation to the Commission and despite repeated orders of the Commission on 13.06.2018 and 30.07.2018, no information was provided. The PIO was **issued show cause notice** and he was directed to appear before the Commission along with the written replies on an affidavit.

The PIO was also directed to provide the information to the appellant within 10 days of the receipt of the orders of the Commission and send compliance report to the Commission.

The case was again heard on **03.12.2018**. The PIO, SHO Police Station, Ladowal, District Ludhiana was again absent. Sh.Jatinder Singh, ASI, a representative was present who did not know contents of the case. This was the fourth consecutive time that the PIO was absent and neither sent formal reply citing the reasons for exemption. The appellant informed that he has not been provided the information and pleaded strict action against the erring PIO.

Keeping all facts of the case, it was observed that the PIO was flouting the spirit of the RTI Act continuously and the PIO had not only shown utter disregard for the Commission's repeated orders to provide the information but had shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

To secure an erring PIO's presence before the commission, a bailable Warrant of SHO Police Station, Ladowal, District Ludhiana Under Section 18(3) of the RTI Act was issued through Commissioner of Police, Ludhiana for his presence before the Commission on 29.01.2019., which date was postponed to 13.02.2019. The PIO was also directed to provide the information within five days of receipt of this order.

The case again came up for hearing on **13.02.2019**. The appellant informed that he has not received the information.

Sh.Varinder Pal Singh, SHO, Ladowal appeared late and pleaded that the available information has been provided to the appellant. The respondent further pleaded that he has brought the information again and the discrepancy if any, found in the information, will be sorted out with the appellant. Since the case was adjourned, the respondent was directed to comply with the earlier order of the Commission and be present on the next date of hearing alongwith appropriate reply to the show cause.

The case was last heard on **03.04.2019**. The appellant claimed that no information has been provided by the PIO. The respondent present did not know the contents of the case and informed that the SHO Sh.Varinder Pal Singh has been promoted as DSP and now transferred and posted in Barnala.

The Commission observed that there had been an enormous delay in providing the information and the PIO was not complying with the order of the Commission. Since the appellant is same in this case and appeal cases No.1295/2018, 1296/2018, 1297/2018 & 1298/2018 and the information sought is similar with different dates, all five cases were clubbed together for the purpose of considering appropriate action against the PIO for the reasons cited above. The Commission held the then PIO-Police Station Ladowal guilty for not providing the information on time and for willful defiance of the order of the Commission and imposed a penalty of **Rs.25,000/-** upon Sh.Varinder Pal Singh, the then PIO-Police Station Ladowal, and PIO-Police Station Ladowal(Now promoted and transferred to Barnala) was directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan justifying the deposition of the penalty in the Govt Treasury.

A copy of the order was sent to the Senior Superintendent of Police Barnala with the directions to deduct the penalty amount from the salary of Sh.Varinder Pal Singh (the then PIO-Police Station Ladowal) which be deposited in the Govt Treasury and send a compliance report to the Commission. The new PIO was also directed to provide the information to the appellant as per the RTI Act and be present on the next date of hearing.

Hearing dated 22.05.2019:

The respondent present has brought the information and handed over to the appellant. The appellant is not satisfied and submitted a document stating that there is concealment of the information and the information has not been provided as per the record available. That there has been wide discrepancy between the information sought and the information being provided.

Keeping the above facts in mind, as well as the enormous delay in providing the correct information, the present PIO-Police Station, Ladowal is hereby directed to bring the original record pertaining to the RTI application, to the Commission at the next date of hearing.

Sh.Varinder Pal Singh, the then PIO-Police Station Ladowal appeared late and submitted a copy of the challan having deposited the amount of penalty in the Govt Treasury which is taken on the file of the Commission.

To come up for further hearing on **22.07.2019 at 11.00 AM.**

Chandigarh
Dated: 22.05.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

CC to :1. Sh.Varinder Pal Singh, DSP, Barnala
(Earlier PIO-Police Station, Ladowal)
2. Senior Superintendent of Police, Barnala.



Sh Ashok Kapoor,
8-C, Kitchlu Nagar,
Ludhiana

Appellant.

Versus

Public Information Officer,
Police Station, Ladowal ,
Ludhiana.

First Appellate Authority,
Commissioner of Police,
Ludhiana

...Respondent

Appeal Case No. 1295 of 2018

Present: Sh.Ashok Kapoor as Appellant.
Sh.Raj Kumar, ASI for the Respondent

ORDER: The case was first heard on **13.06.2018**. Sh.Raj Kumar, ASI, Police Station, Ladowal was present on behalf of respondent-PIO who pleaded that the appellant may visit their office and inspect the available record and get the requisite information. The PIO was directed to provide the point-wise information to the appellant before the next date of hearing.

The case was again heard on **30.07.2018**. The appellant informed that he had visited the office of PIO and after inspecting the record, the PIO was apprised of the information required. The respondent has informed that he has brought the information. The PIO was directed to send the information to the appellant via Registered Post. The appellant was asked to go through the information and inform the deficiency, if any, to the PIO.

The case was last heard on **25.10.2018** through video conference facility available in the office of the Deputy Commissioner, Ludhiana. The appellant informed that no information has been provided to him so far. The respondent was absent without intimation to the Commission and despite repeated orders of the Commission on 13.06.2018 and 30.07.2018, no information was provided. The PIO was **issued show cause notice** and he was directed to appear before the Commission along with the written replies on an affidavit.

The PIO was also directed to provide the information to the appellant within 10 days of the receipt of the orders of the Commission and send compliance report to the Commission.

The case was again heard on **03.12.2018**. The PIO, SHO Police Station, Ladowal, District Ludhiana was again absent. Sh.Jatinder Singh, ASI, a representative was present who did not know contents of the case. This was the fourth consecutive time that the PIO was absent and neither sent formal reply citing the reasons for exemption. The appellant informed that he has not been provided the information and pleaded strict action against the erring PIO.

Keeping all facts of the case, it was observed that the PIO was flouting the spirit of the RTI Act continuously and the PIO had not only shown utter disregard for the Commission's repeated orders to provide the information but had shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

To secure an erring PIO's presence before the commission, a bailable Warrant of SHO Police Station, Ladowal, District Ludhiana Under Section 18(3) of the RTI Act was issued through Commissioner of Police, Ludhiana for his presence before the Commission on 29.01.2019., which date was postponed to 13.02.2019. The PIO was also directed to provide the information within five days of receipt of this order.

The case again came up for hearing on **13.02.2019**. The appellant informed that he has not received the information.

Sh.Varinder Pal Singh, SHO, Ladowal appeared late and pleaded that the available information has been provided to the appellant. The respondent further pleaded that he has brought the information again and the discrepancy if any, found in the information, will be sorted out with the appellant. Since the case was adjourned, the respondent was directed to comply with the earlier order of the Commission and be present on the next date of hearing alongwith appropriate reply to the show cause.

The case was last heard on **03.04.2019**. The appellant claimed that no information has been provided by the PIO. The respondent present did not know the contents of the case and informed that the SHO Sh.Varinder Pal Singh has been promoted as DSP and now transferred and posted in Barnala.

The Commission observed that there had been an enormous delay in providing the information and the PIO was not complying with the order of the Commission. The Commission found it a fit case to invoke to section 20 of the RTI Act and impose a penalty on the PIO. However, since the appellant is the same in this case and appeal cases No.1286/2018, 1296/2018, 1297/2018 & 1298/2018 and the information sought is almost similar with different dates, all five cases were clubbed together for the purpose of considering appropriate action against the PIO for the reasons cited above and Sh.Varinder Pal Singh, the then PIO(now promoted and posted at Barnala) was penalized. The new PIO-Police Station, Ladowal was directed to provide the information to the appellant as per the RTI Act in this case and be present on the next date of hearing.

Hearing dated 22.05.2019:

The respondent present has brought the information and handed over to the appellant. The appellant is not satisfied and submitted a document stating that there is concealment of the information and the information has not been provided as per the record available. That there has been wide discrepancy between the information sought and the information being provided. The present PIO-Police Station, Ladowal is hereby directed to bring the original record pertaining to the RTI application, to the Commission at the next date of hearing.

To come up for further hearing on **22.07.2019 at 11.00 AM**.

Chandigarh
Dated: 22.05.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Ashok Kapoor,
8-C, Kitchlu Nagar,
Ludhiana

Appellant.

Versus

Public Information Officer,
Police Station, Ladowal ,
Ludhiana.

First Appellate Authority,
Commissioner of Police,
Ludhiana

...Respondent

Appeal Case No. 1296 of 2018

Present: **Sh.Ashok Kapoor as Appellant.**
 Sh.Raj Kumar, ASI for the Respondent

ORDER: The case was first heard on **13.06.2018**. Sh.Raj Kumar, ASI, Police Station, Ladowal was present on behalf of respondent-PIO who pleaded that the appellant may visit their office and inspect the available record and get the requisite information. The PIO was directed to provide the point-wise information to the appellant before the next date of hearing.

The case was again heard on **30.07.2018**. The appellant informed that he had visited the office of PIO and after inspecting the record, the PIO was apprised of the information required. The respondent has informed that he has brought the information. The PIO was directed to send the information to the appellant via Registered Post. The appellant was asked to go through the information and inform the deficiency, if any, to the PIO.

The case was last heard on **25.10.2018** through video conference facility available in the office of the Deputy Commissioner, Ludhiana. The appellant informed that no information has been provided to him so far. The respondent was absent without intimation to the Commission and despite repeated orders of the Commission on 13.06.2018 and 30.07.2018, no information was provided. The PIO was **issued show cause notice** and he was directed to appear before the Commission along with the written replies on an affidavit.

The PIO was also directed to provide the information to the appellant within 10 days of the receipt of the orders of the Commission and send compliance report to the Commission.

The case was again heard on **03.12.2018**. The PIO, SHO Police Station, Ladowal, District Ludhiana was again absent. Sh.Jatinder Singh, ASI, a representative was present who did not know contents of the case. This was the fourth consecutive time that the PIO was absent and neither sent formal reply citing the reasons for exemption. The appellant informed that he has not been provided the information and pleaded strict action against the erring PIO.

Keeping all facts of the case, it was observed that the PIO was flouting the spirit of the RTI Act continuously and the PIO had not only shown utter disregard for the Commission's repeated orders to provide the information but had shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

To secure an erring PIO's presence before the commission, a bailable Warrant of SHO Police Station, Ladowal, District Ludhiana Under Section 18(3) of the RTI Act was issued through Commissioner of Police, Ludhiana for his presence before the Commission on 29.01.2019., which date was postponed to 13.02.2019. The PIO was also directed to provide the information within five days of receipt of this order.

The case was last heard on **13.02.2019**. The appellant informed that he has not received the information.

Sh.Varinder Pal Singh, SHO, Ladowal appeared late and pleaded that the available information has been provided to the appellant. The respondent further pleaded that he has brought the information again and the discrepancy if any, found in the information, will be sorted out with the appellant. Since the case was adjourned, the respondent was directed to comply with the earlier order of the Commission and be present on the next date of hearing alongwith appropriate reply to the show cause.

The case was last heard on **03.04.2019**. The appellant claimed that no information has been provided by the PIO. The respondent present did not know contents of the case and informed that the SHO Sh.Varinder Pal Singh has been promoted as DSP and now transferred and posted in Barnala.

The Commission observed that there had been an enormous delay in providing the information and the PIO was not complying with the order of the Commission. The Commission found it a fit case to invoke to section 20 of the RTI Act and impose a penalty on the PIO. However, since the appellant is the same in this case and appeal cases No.1286/2018, 1295/2018, 1297/2018 & 1298/2018 and the information sought is almost similar with different dates, all five cases were clubbed together for the purpose of considering appropriate action against the PIO for the reasons cited above and Sh.Varinder Pal Singh, the then PIO(now promoted and posted at Barnala) was penalized. The new PIO-Police Station, Ladowal was directed to provide the information to the appellant as per the RTI Act in this case and be present on the next date of hearing.

Hearing dated 22.05.2019:

The respondent present has brought the information and handed over to the appellant. The appellant is not satisfied and submitted a document stating that there is concealment of the information and the information has not been provided as per the record available. That there has been wide discrepancy between the information sought and the information being provided. The present PIO-Police Station, Ladowal is hereby directed to bring the original record pertaining to the RTI application, to the Commission at the next date of hearing.

To come up for further hearing on **22.07.2019 at 11.00 AM**.

Chandigarh
Dated: 22.05.2019

Sd/-
(Khushwant Singh)
State Information Commissioner

Sh Ashok Kapoor,
8-C, Kitchlu Nagar,
Ludhiana

Appellant.

Versus

Public Information Officer,
Police Station, Ladowal ,
Ludhiana.

First Appellate Authority,
Commissioner of Police,
Ludhiana

...Respondent

Appeal Case No. 1297 of 2018

Present: **Sh.Ashok Kapoor as Appellant.**
Sh.Raj Kumar, ASI for the Respondent

ORDER: The case was first heard on **13.06.2018**. Sh.Raj Kumar, ASI, Police Station, Ladowal was present on behalf of respondent-PIO who pleaded that the appellant may visit their office and inspect the available record and get the requisite information. The PIO was directed to provide the point-wise information to the appellant before the next date of hearing.

The case was again heard on **30.07.2018**. The appellant informed that he had visited the office of PIO and after inspecting the record, the PIO was apprised of the information required. The respondent has informed that he has brought the information. The PIO was directed to send the information to the appellant via Registered Post. The appellant was asked to go through the information and inform the deficiency, if any, to the PIO.

The case was last heard on **25.10.2018** through video conference facility available in the office of the Deputy Commissioner, Ludhiana. The appellant informed that no information has been provided to him so far. The respondent was absent without intimation to the Commission and despite repeated orders of the Commission on 13.06.2018 and 30.07.2018, no information was provided. The PIO was **issued show cause notice** and he was directed to appear before the Commission along with the written replies on an affidavit.

The PIO was also directed to provide the information to the appellant within 10 days of the receipt of the orders of the Commission and send compliance report to the Commission.

The case was again heard on **03.12.2018**. The PIO, SHO Police Station, Ladowal, District Ludhiana was again absent. Sh.Jatinder Singh, ASI, a representative was present who did not know contents of the case. This was the fourth consecutive time that the PIO was absent and neither sent formal reply citing the reasons for exemption. The appellant informed that he has not been provided the information and pleaded strict action against the erring PIO.

Keeping all facts of the case, it was observed that the PIO was flouting the spirit of the RTI Act continuously and the PIO had not only shown utter disregard for the Commission's repeated orders to provide the information but had shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

To secure an erring PIO's presence before the commission, a bailable Warrant of SHO Police Station, Ladowal, District Ludhiana Under Section 18(3) of the RTI Act was issued through Commissioner of Police, Ludhiana for his presence before the Commission on 29.01.2019., which date was postponed to 13.02.2019. The PIO was also directed to provide the information within five days of receipt of this order.

The case was last heard on **13.02.2019**. The appellant informed that he has not received the information.

Sh.Varinder Pal Singh, SHO, Ladowal appeared late and pleaded that the available information has been provided to the appellant. The respondent further pleaded that he has brought the information again and the discrepancy if any, found in the information, will be sorted out with the appellant.

Since the case was adjourned, the respondent was directed to comply with the earlier order of the Commission and be present on the next date of hearing alongwith appropriate reply to the show cause.

The case was last heard on **03.04.2019**. The appellant claimed that no information has been provided by the PIO. The respondent present did not know contents of the case and informed that the SHO Sh.Varinder Pal Singh has been promoted as DSP and now transferred and posted in Barnala.

The Commission observed that there had been an enormous delay in providing the information and the PIO was not complying with the order of the Commission. The Commission found it a fit case to invoke to section 20 of the RTI Act and imposed a penalty on the PIO. However, since the appellant is the same in this case and appeal cases No.1286/2018, 1295/2018, 1297/2018 & 1298/2018 and the information sought is almost similar with different dates, all five cases were clubbed together for the purpose of considering appropriate action against the PIO for the reasons cited above and Sh.Varinder Pal Singh, the then PIO(now promoted and posted at Barnala) was penalized. The new PIO-Police Station, Ladowal was directed to provide the information to the appellant as per the RTI Act in this case and be present on the next date of hearing.

Hearing dated 22.05.2019:

The respondent present has brought the information and handed over to the appellant. The appellant is not satisfied and submitted a document stating that there is concealment of the information and the information has not been provided as per the record available. That there has been wide discrepancy between the information sought and the information being provided. The present PIO-Police Station, Ladowal is hereby directed to bring the original record pertaining to the RTI application, to the Commission at the next date of hearing.

To come up for further hearing on **22.07.2019 at 11.00 AM**.

Sd/-

Chandigarh
Dated: 22.05.2019

(Khushwant Singh)
State Information Commissioner



Sh Ashok Kapoor,
8-C, Kitchlu Nagar,
Ludhiana

Appellant.

Versus

Public Information Officer,
Police Station, Ladowal ,
Ludhiana.

First Appellate Authority,
Commissioner of Police,
Ludhiana

...Respondent

Appeal Case No. 1298 of 2018

Present: **Sh.Ashok Kapoor as Appellant.**
 Sh.Raj Kumar, ASI for the Respondent

ORDER: The case was first heard on **13.06.2018**. Sh.Raj Kumar, ASI, Police Station, Ladowal was present on behalf of respondent-PIO who pleaded that the appellant may visit their office and inspect the available record and get the requisite information. The PIO was directed to provide the point-wise information to the appellant before the next date of hearing.

The case was again heard on **30.07.2018**. The appellant informed that he had visited the office of PIO and after inspecting the record, the PIO was apprised of the information required. The respondent has informed that he has brought the information. The PIO was directed to send the information to the appellant via Registered Post. The appellant was asked to go through the information and inform the deficiency, if any, to the PIO.

The case was last heard on **25.10.2018** through video conference facility available in the office of the Deputy Commissioner, Ludhiana. The appellant informed that no information has been provided to him so far. The respondent was absent without intimation to the Commission and despite repeated orders of the Commission on 13.06.2018 and 30.07.2018, no information was provided. The PIO was **issued show cause notice** and he was directed to appear before the Commission along with the written replies on an affidavit.

The PIO was also directed to provide the information to the appellant within 10 days of the receipt of the orders of the Commission and send compliance report to the Commission.

The case was again heard on **03.12.2018**. The PIO, SHO Police Station, Ladowal, District Ludhiana was again absent. Sh.Jatinder Singh, ASI, a representative was present who did not know contents of the case. This was the fourth consecutive time that the PIO was absent and neither sent formal reply citing the reasons for exemption. The appellant informed that he has not been provided the information and pleaded strict action against the erring PIO.

Keeping all facts of the case, it was observed that the PIO was flouting the spirit of the RTI Act continuously and the PIO had not only shown utter disregard for the Commission's repeated orders to provide the information but had shown willful stubbornness in not replying to the Show Cause and not appearing before the commission despite various orders.

To secure an erring PIO's presence before the commission, a bailable Warrant of SHO Police Station, Ladowal, District Ludhiana Under Section 18(3) of the RTI Act was issued through Commissioner of Police, Ludhiana for his presence before the Commission on 29.01.2019., which date was postponed to 13.02.2019. The PIO was also directed to provide the information within five days of receipt of this order.

The case was last heard on **13.02.2019**. The appellant informed that he has not received the information.

Sh.Varinder Pal Singh, SHO, Ladowal appeared late and pleaded that the available information has been provided to the appellant. The respondent further pleaded that he has brought the information again and the discrepancy if any, found in the information, will be sorted out with the appellant.

Since the case was adjourned, the respondent was directed to comply with the earlier order of the Commission and be present on the next date of hearing alongwith appropriate reply to the show cause.

The case was last heard on **03.04.2019**. The appellant claimed that no information has been provided by the PIO. The respondent present did not know contents of the case and informed that the SHO Sh.Varinder Pal Singh has been promoted as DSP and now transferred and posted in Barnala.

The Commission observed that there had been an enormous delay in providing the information and the PIO was not complying with the order of the Commission. The Commission found it a fit case to invoke to section 20 of the RTI Act and imposed a penalty on the PIO. However, since the appellant is the same in this case and appeal cases No.1286/2018, 1295/2018, 1297/2018 & 1298/2018 and the information sought is almost similar with different dates, all five cases were clubbed together for the purpose of considering appropriate action against the PIO for the reasons cited above and Sh.Varinder Pal Singh, the then PIO(now promoted and posted at Barnala) was penalized. The new PIO-Police Station, Ladowal was directed to provide the information to the appellant as per the RTI Act in this case and be present on the next date of hearing.

Hearing dated 22.05.2019:

The respondent present has brought the information and handed over to the appellant. The appellant is not satisfied and submitted a document stating that there is concealment of the information and the information has not been provided as per the record available. That there has been wide discrepancy between the information sought and the information being provided. The present PIO-Police Station, Ladowal is hereby directed to bring the original record pertaining to the RTI application, to the Commission at the next date of hearing.

To come up for further hearing on **22.07.2019 at 11.00 AM**.

Chandigarh
Dated: 22.05.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh S.P Goyal,
2-C, Sarabha Nagar, Gurudwara Road,
Ludhiana.

Appellant.

Versus

Public Information Officer
O/o District & Session Judge,
District Court, Ludhiana.

First Appellate Authority,
O/o District & Session Judge,
District Court, Ludhiana.

...Respondent

Appeal Case No. 3271 of 2018

Present: None for the Appellant
Sh. Om Parkash, Superintendent-cum-PIO O/o District & Session Judge,
District Court, Ludhiana.

Order:

The case was first heard on **28.01.2019**. The respondent present reiterated the decision of the PIO and the First Appellate Authority whereby the PIO denied the information stating that the information being related to judicial functions and duties of the Court is not to be disclosed as per Rule 4(1) of Punjab Subordinate Courts (Right To Information) Rules 2007 and is exempt u/s 8(1)(b) of the RTI Act.

The appellant was absent and vide email asked for hearing through Video Conferencing at DC Office, Ludhiana. The case was adjourned.

The case was again heard on **27.02.2019**. The Commission observed that the exemptions sought by the PIO in denying the information have not been supported with valid reasons. The Commission also observed that the First Appellate Authority has overlooked the section 22 of the RTI Act while upholding the decision of the PIO for point-1. The information has been rejected by citing rule 4(1) of Punjab Subordinate Courts (Right to Information) Rules 2007. **Section 22 of the RTI Act** expressly provides that the provisions of the **RTI Act** shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets **Act**, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than the **RTI Act**.

Regarding points 2 & 3 where the respondent had provided partial information and rejected the remaining information by citing that the matter of enquiry is pending, the Commission found that mere stating that the enquiry is pending is not a valid reason to deny the information. The respondent was directed to clarify that why providing of information will hamper the process of enquiry, and submit detailed reply on all three points before the next date of hearing.

The case was last heard on **24.04.2019**. The respondent present submitted detailed reply in compliance to the interim order which was taken on the file of the Commission. The case was adjourned for adjudication on **22.05.2019**.

Hearing dated 22.05.2019:

The appellant is absent, and vide an email has informed this court that the PIO has not provided the information.

In the last hearing, the PIO had submitted detailed a reply to the commission's observation about the provisions of Section 22 of the RTI Act. In the reply, the PIO had submitted on behalf of the Session Judge, the First Appellate Authority that section 22 will not come into operation, as the exemption has been sought under Rule 4(1) of Punjab Subordinate Courts(Right to Information) Rules 2007 under the ambit of section 8(1)(b) of the RTI Act read with section 4(1)(b) of the RTI Act 2005. Since aforesaid rule has been framed under section 8(1)(d) of RTI Act, 2005, therefore, said rule cannot be treated as inconsistent with each Section 22 of the RTI Act, 2005 rather both are to be read harmoniously and simultaneously and thus section 22 cannot have over-riding effect over Rule 4(1) of the Punjab Subordinate Courts(Right to Information)Rules 2007 framed under section 8(1)(b) of the RTI Act, 2005. The PIO has cited case P.C.Wadhwa Vs Central Information Commission and others, LPA No.1251 of 2009, decided on 29.11.2010, the Hon'ble High Court of Punjab and Haryana.

Regarding points 2& 3, the PIO had supplied partial information. The PIO in his reply has stated that since the appellant has sought copies of entire file, the appellant has already been intimated that since the enquiry is pending, nothing more was required to be supplied. The First Appellate Authority has also denied the information upholding the PIO's view.

I have considered the entire matter and find that the admissible information has been provided and the one which is with-held within the framework of rules, stands legally exempted. There is no infirmity in the impugned order of the First Appellate Authority which is hereby upheld and the case is closed

The case is **disposed off and closed.**

Chandigarh
Dated: 22.05.2019

Sd/-
(Khushwant Singh)
State Information Commissioner