



Sh Pankaj Mittal,
22009/B, Street NO-12/1,
Power House Road,
Bathinda.

... Complainant

Versus

Public Information Officer,
O/o SSP,
Faridkot.

...Respondent

Complaint Case No. 607 of 2020

PRESENT: Sh.Pankaj Mittal as the Complainant
Sh.Lakhwinder Singh, SI-MTO-CPO Pb and Sh.Amandeep Singh Inspector
(Vigilance) Bathinda for the Respondent

ORDER:

The complainant through RTI application dated 25.05.2020 has sought information regarding logbook of vehicle No.PB-03T-6492 from the office of DGP Punjab which transferred the same to AIG-cum-PIO-Vigilance Bureau, Punjab Mohali vide letter dated 16.06.2020 under section 6(3) of the RTI Act. The office of Joint Director Admn-cum-PIO Vigilance Bureau further referred the same vide letter dated 30.06.2020 to the office of SSP –Vigilance Bureau Bathinda. The SSP VB-Bathinda further transferred the same on 08.07.2020 to the office of SSP Faridkot u/s 6(3) of the RTI Act. The complainant was not provided with the information after which the complainant filed a complaint in the Commission on 02.09.2020.

The case first came up for hearing 19.01.2021 through video conferencing at DAC Sri Muktsar Sahib. The respondent present pleaded that the vehicle for which the appellant has sought information was allotted to Sh.Bhupinder Singh, PPS-Flying Squad Bathinda and after calling the report of Sh.Bhupinder Singh, they have sent a reply to the complainant vide letter dated 02.09.2020 with a copy to the Commission.

The Commission has received a letter from the PIO-cum-SSP Faridkot stating that the information has already been provided to the appellant vide letter dated 02.09.2020.

Having gone through the letter, the Commission observed that the PIO has sent only the reply of Sh.Bhupinder Singh whereby Sh.Bhupinder Singh has stated that the said vehicle was used by him during his posting as DSP(Vigilance Bureau Bathinda) and on 17.01.2017, the said vehicle was deposited with MTO, CPO Punjab, Chandigarh and that the information relating to the logbook of the vehicle be obtained from SSP, Vigilance Bureau, Bathinda.

Keeping the above, the PIO-SSP(Vigilance Bureau), Bathinda was impleaded in the case and directed to ascertain that under whose custody the logbook of the vehicle exists and file a suitable reply at the next date of hearing.

On the date of hearing on **01.06.2021**, the respondent present from the office of SSP(Vigilance) Bathinda pleaded that the information is not available in their office since the vehicle was directly allotted to Sh.Bhupinder Singh, PPC by the office of Director General Police Punjab Chandigarh. According to the, as per the statement of Sh. Bhupinder Singh, the said vehicle along with a logbook was deposited by him with MTO-CPO on 17.01.2017. The PIO had sent a reply dated 16.02.2021 which was taken on the file of the Commission.

In the reply, the PIO also mentioned that the appellant had earlier filed an appeal case No.330 of 2020 for seeking some information including logbook of Vehicle No. 03T-6492 which was disposed of by Preety Chawla, State Information Commissioner on 25.11.2020 accepting the plea that the available information had been provided, and since the information relating to logbook of said vehicle is not available in their record, it cannot be provided.

For now, the question is under whose custody the logbook lies. As per reply of the PIO, Sh.Bhupinder Singh, PPS in whose name the vehicle was allotted, had deposited the vehicle along with a log book with MTO-PCO Punjab on 17.01.2017.

The PIO-MTO, CPO O/o DGP –Punjab, Chandigarh was impleaded in the case and directed to file a suitable reply under whose custody the information lies.

Hearing dated 22.09.2021

This case be read in continuation with the earlier orders.

Decision

At the last hearing this bench was trying to ascertain that in whose custody was the sought information as various departments of the police clubbed with this case failed to trace the sought logbook of vehicle number No.PB-03T-6492 for dated 19.08.2015, 20.08.2015 & 21.08.2015.

Sh.Lakhwinder Singh, SI-MTO/CPO O/o DGP Pb Chandigarh is present and has submitted a reply which has been taken on the file of the Commission. In the reply, the PIO-MTO/CPO has mentioned that the log book was not deposited by the concerned SP when the vehicle was handed over to the MTO/CPO. According to Sh. Lakhwinder Singh, as per official norms, the log book is never taken into the custody by the MTO/CPO and always remains in the custody of the district authorities for which a reply has been submitted by the PIO.

In the reply of the PIO, a copy of the documents and the items deposited by the gunman of the concerned officer is also attached and the log book is not part of the deposited items. As per the PIO, this is in line with the convention that when vehicles are handed over, the log book remains with the concerned District headquarter from which the officer is transferred or retired and not deposited with MTO/CPO.

Sh.Amandeep Singh is present from the office SSP Vigilance Bathinda, and has again relied on the reply of Sh.Bhupinder Singh, PPS in whose name the vehicle was allotted. In the said letter Sh. Bhupinder Singh has mentioned that he deposited the vehicle along with the log book with MTO-PCO Punjab on 17.01.2017.

From the facts that have been presented before this bench, it is clear that the said logbook is neither available with the MTO/CPO office of DGP, Punjab, nor with SSP Vigilance Bathinda for dated 19.08.2018, 20.08.2015 & 21.08.2015.

Since this is a complaint under section 18 and the role of the commission in a complaint case is to inquire into any matter where it feels the PIO has refused to accept his or her application or refused access to information within the limited specified under the act, I do not see any mala fide intent by the PIO in this case to stall the information. In this particular case the application was treated within the rules, but the information could not be provided because the sought information was untraceable, for which an enquiry was launched by this bench to arrive at conclusion regarding the various provisions of section 18.

It is concluded that the sought record is untraceable and there is no further interference required by the commission.

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However, since there is prima facie evidence that a log book has gone missing, the matter of the untraceable log book of vehicle number PB-03T-6492 from the period (19.08.2015, 20.08.2015 & 21.08.2015) is being referred to the Director General of Police, Pb, Chandigarh to inquire into the matter and trace the record, and if it is indeed missing, to proceed as per the rules of the police department. This direction is being given under Section 18 (2) of the RTI Act, which empowers the commission to inquire into the matter where it feels that there are reasonable grounds to initiate an inquiry.

All the replies that have been submitted by the various departments are being sent along this order to the appellant for his further perusal.

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

Chandigarh
Dated 22.09.2021

Sd/-
Khushwant Singh
State Information Commissioner

- CC to : 1. PIO-SSP(Vigilance Bureau),
Bathinda Range, Bathinda.
2. PIO-MTO-CPO, Pb
O/o Director General of Police, Pb
Chandigarh.
3. Director General of Police, Pb
Chandigarh.



Sh. Narpinder Singh, S/o Sh.Kulwant Singh,
1361, Phase-10-A,
Mohali.

... Complainant

Versus

Public Information Officer,
O/o SDM, Talwandi Sabo,
Distt.Bathinda..

...Respondent

Complaint Case No. 729 of 2020

Present: None for the Appellant
Mrs.Parkash Kaur-PIO and Ms.Sujata, PIO-Principal,Sri dashmesh
Sr.Secondary School,Talwandi Sabo for the Respondent

ORDER:

The complainant through RTI application dated 08.08.2020 has sought information regarding Sri Dashmesh Senior Secondary School Tanwandi Sabo – copies of quotation & bills for the coolers purchased in 2017-18 – school fee slip with full description of charges from parents for the year 2017-18, 2018-19, 2019-20 – small classes contract/agreement – books approved for teachers/DC-cum-Chairman and books recommended for children – attendance of principal, teaching staff and other information as enumerated in the RTI application, concerning the office of SDM Talwandi Sabo. The complainant was not provided the information after which the complainant filed a complaint in the Commission on 05.10.2020.

The case first came up for hearing on 03.03.2021 through video conferencing at DAC Bathinda. Both the parties were absent.

Having gone through the file, the Commission observed that there has been an enormous delay of more than seven months in attending to the RTI application and even issue of notice by the Commission, the respondent has not appeared. The PIO was issued a **show cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

The PIO was again directed to provide information to the appellant within 10 days of the receipt of this order.

On the date of last hearing on **15.06.2021**, Ms.Pooja, Principal-Sri Dashmesh Sr.Secondary School, Talwandi Sabo appeared and informed that the information has already been provided to the appellant on 30.04.2021. The respondent further informed that the RTI application was transferred by the SDM office to them and the reply was sent to the complainant on 06.10.2020.

The PIO-SDM Office Talwandi Sabo who was issued show cause notice on 03.03.2021 for not attending to the RTI application within the prescribed time, was absent nor had sent any reply to the show cause notice.

The PIO-SDM, Talwandi Sabo was given one last opportunity to file reply to the show cause notice on an affidavit otherwise the Commission will be constrained to act against the PIO as per provisions of section 20 of the RTI Act.

Hearing dated 22.09.2021:

The case has come up for hearing today through video conferencing at DAC Bathinda. Smt.Parkash Kaur PIO-SDM Talwandi Sabo and Ms.Sujata Principal,Sri dashmesh Sr.Secondary School,Talwandi Sabo are present and informed that the information has already been supplied to the complainant.

The Commission has also received a reply from the PIO-SDM Talwandi Sabo which has been taken on the file of the Commission. In the reply, the PIO has mentioned that she joined as PIO on 19.02.2021 in the office of SDM and earlier Smt.Ramneet Kaur was the PIO who was handling the RTI applications. On the receipt of order of the Commission dated 15.06.2021, the status of the RTI application was enquired from PIO-cum-Principal Sri Dashmesh Sr.Secondary School,Talwandi Sabo who informed that the information has already been provided to the complainant vide letter dated 06.10.2020.

Ms.Pooja, PIO-cum- Principal,Sri Dashmesh Sr.Secondary School,Talwandi Sabo informed that she received the RTI application only on 08.09.2020 since the schools were closed during that days due to Covid epidemic and the information was provided to the complainant on 06.10.2020.

Having gone through the reply, I accept the plea of the PIO and condone the delay. The show cause is dropped.

The complainant is absent on 3rd consecutive hearing nor is represented. The information stands provided.

No further course of action is required. The case is **disposed of and closed**.

Chandigarh
Dated 22.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Narinderpal Singh, S/o Sh. Amrik Singh,
R/o Presently Residing,
Police Line Quarter NO-1, (New),
Faridkot.

...Appellant.

Public Information Officer,
O/o DC,
Bathinda.

First Appellate Authority,
DC,
Bathinda.

...Respondent

Appeal Case No. 1866 of 2020

PRESENT: Sh.Narinder Pal Singh as the appellant
Sh.Shamsher Singh, Clerk O/c DC Bathinda for the Respondent

ORDER:

The appellate through an RTI application dated 09.01.2020 has sought information regarding documents submitted by Sh.Tehal Singh alias Bhupinder Singh s/o Arjan Singh for transfer of 12 bore gun No.47983 (License No.1266/Bathinda) in his name in 1993-1994 from the office of DC Bathinda. The appellant was not satisfied with the reply of the PIO dated 05.02.2020 after which the appellant filed first appeal before the First Appellate Authority on 24.02.2020 which took no decision on the appeal.

The case first came up for hearing on 03.02.2021 through video conferencing at DAC Bathinda. The appellant claimed that the PIO has denied the information stating that the information is 3rd party.

The case was adjourned.

On the date of last hearing on **24.05.2021**, the respondent present pleaded that since the information is 3rd party information and the 3rd party has not given its consent to disclose the information, it cannot be provided.

The respondent was directed to file a suitable reply that whether the provisions of section 11 were followed as described in the RTI Act.

The case was adjourned.

Hearing dated 22.09.2021:

The case has come up for hearing today through video conferencing at DAC Bathinda. The respondent present reiterated their earlier plea that the information being 3rd party cannot be provided.

The appellant informed that Sh.Arjun Singh was his grandfather in whose name the gun license was issued which was thereafter transferred in the name of his uncle , Sh.Tehal Singh .

Now the appellant wants to know on what basis the gun was transferred in the name of Sh.Tehal Singh.

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Conclusion

The information that is sought is clearly not held in confidentiality nor in any fiduciary capacity by the public authority, but is merely information that is routinely collected by the said public authority (in this case DC Bathinda) to issue an arms license. The appellant to get a license or permit provides the requested documents voluntarily and hands them over to a public authority without considering it as an invasion into privacy and it is incorrect on the PIO to apply section 11 of the RTI and deny the information to the appellant.

Given the above observation the sought information be provided within fifteen days , barring the Aadhar Card and Pan Card.

Case disposed of and closed.

**Chandigarh
Dated:22.09.2021**

**Sd/-
(Khushwant Singh)
State Information Commissioner**