

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 Sukhdev Raj Devgan,
#D-28. Ranjit Avenue, Amritsar-143001.

-----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. 406 of 2018

Present:- None for the appellant.
Shri Hira Singh, ASI, on behalf of the respondents.

ORDER

The case was last heard on 23.10.2018, when none was present on behalf of the respondents. However, a letter No. 5243/CPC, dated 22.10.2018 was received from DCP-cum-PIO, Amritsar City informing that none would be able to attend hearing on their behalf due to law and order problem in the city due to Train Accident. The appellant informed that he was not allowed to inspect the record and note down the page number of the documents he required. Viewing the indifferent attitude of the respondents seriously, it was directed that the appellant be allowed to inspect the relevant record to identify the specific documents required by him and supply duly attested copies of the same to him. The case was adjourned for today.

2. Today, the complainant is not present. However, a letter dated 24.11.2018 has been received from him through e-mail seeking exemption from attending the

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hearings. He has informed that he has visited the office of the respondent and they have shown him the receipt register of RTI applications but are reluctant to show him the dispatch register in the absence of which it is not possible to conclude as to how many applications are actually disposed off. Accordingly, the representative of the respondents is directed that the appellant be called in their office and be shown the dispatch registers also. The representative of the respondents assures to comply with the orders of the Commissions.

3. On the assurance given by the respondents, the case is **disposed of and closed.**

Dated : 26.11.2018

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Shri Ram Asra s/o Shri Pritam Singh
r/o VPO Mohanpur, Tehsil Khanna,
District Ludhiana.

-----Appellant

Vs.

Public Information Officer
o/o Deputy Commissioner, Ludhiana.

First Appellate Authority,
O/o Commissioner, Patiala Division, Patiala.

-----Respondents

Appeal Case No. 433 of 2018

Present: Shri Ram Asra, Appellant, in person.
Shri Karun Gupta, Tehsildar Khanna, on behalf of the respondents.

ORDER

The case was last heard on 23.10.2018, when none was present on behalf of the respondents without any intimation. The appellant informed that the information regarding 2 points was still pending. Viewing the absence of the respondents seriously, one last opportunity was afforded to the respondent PIO to supply the remaining information to the appellant and comply with the orders dated 25.06.2018 of the Commission 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 Karun Gupta, Tehsildar Khanna, appearing on behalf of the respondents, submits a letter No. 16770/P.B., dated 22.11.2018 from Additional Deputy Commissioner (G), Ludhiana vide which requisite information has been provided. He hands over a copy of this letter to the appellant. Accordingly, the appellant is directed to send his observations, if any, on the provided information to the PIO, with a copy to the Commission.

3. To come up on **30.01.2019 at 11.30 A.M. for further proceedings.**

Dated : 26.11.2018

**Sd/-
(S.S. Channy)
Chief Information Commissioner
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Shri Rakesh Kumar Gupta,
8./237, Jagraon Road, Mandi Mullanpur,
District: Ludhiana – 141101.

-----Appellant

Versus

Public Information Officer
O/o Senior Superintendent of Police,
Ludhiana(Rural) at JAGRAON.

First Appellate Authority,
O/o Inspector General of Police,
Zonal-II, Ladhewali Road, Jalandhar.

-----Respondents

Appeal Case No. 2833 of 2017

Present: Shri Rakesh Kumar Gupta, appellant, in person.

Shri Harprit Singh, ASI, office of SSP, Ludhiana(Rural), on behalf of the respondents.

ORDER

The case was last heard on 23.10.2018, when the appellant stated that he had sought the information from SSP, Ludhiana(Rural) Jagraon as the relevant record was not in the custody of the Police Station, Dakha. Shri Hakam Singh, ASI, Police Station, Dakha, appearing on behalf of the respondents informed that the relevant record was not in the custody of the Police Station. Accordingly, the PIO of the office of SSP, Ludhiana(Rural), Jagraon was directed to supply the requisite information to the appellant and file a status report on the next date of hearing. The case was adjourned for today.

2. Today, the representative of the respondents has brought the original

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record for the perusal of the Commission. He informs that complete available information has been supplied to the appellant and no more information as per the RTI application is available with them. The appellant states that he has furnished the deficiencies in the provided information. Accordingly, it is directed that point-wise reply in respect of discrepancies pointed out by the appellant, be furnished to him, with a copy to the Commission. It is also directed that a written submission be made on the next date of hearing from the PIO to the effect that available information has been supplied to the appellant and no more record relating to instant RTI application is available with them.

3. To come up on **30.01.2019 at 11.30 A.M. for further proceedings.**

Dates: 26-11-2018

**Sd/-
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Shri Rakesh Kumar Gupta,
8/237, Jagraon Road, Mandi Mullanpur,
District Ludhiana-141101.

-----Appellant

Vs.

Public Information Officer
O/o Assistant Inspector General of Police
(Community Policing Wing),
Punjab Police Complex, Mohali.

First Appellate Authority,
O/o Director General of Police, Punjab,
(Police Headquarters), Sector:9, Chandigarh.

Public Information Officer,
O/o Senior Superintendent of Police,
Ludhiana(Rural), Jagraon.

-----Respondents

Appeal Case No. 3377 of 2017

Present:- Shri Rakesh Kumar Gupta, Appellant, in person.
Shri Harprit Singh, ASI, office of SSP, Ludhiana(Rural), on behalf of the respondents.

ORDER

The case was last heard on 23.10.2018 when during hearing it was observed that the matter related to the office of SSP, Ludhiana(Rural), Jagraon. Accordingly, the PIO of the office of SSP, Ludhiana(Rural), Jagraon was impleaded as a necessary party in this case and he was directed to file a detailed reply on the next date of hearing. The case was adjourned for today.

2. Today, the appellant states that audio recording has not been provided to him as yet. It is observed that 181 Police Helpline has been working as a Public

Contd.....p/2

Authority under the control of Assistant Inspector General of Police (Community Policing Wing), Punjab Police Complex, Mohali and they are supposed to provide recording of calls in the shape of Audio Recording through Police Officers, who have been declared as Public Information Officer and First Appellate Authority. Therefore, it is directed that in the instant case requisite Audio Recording be procured and provided to the appellant or in the case of non-availability of the same, a Speaking Order be passed, before the next date of hearing.

3. To come up on **30.01.2019 at 11.30 A.M. for further proceedings.**

Dated : 26.11.2018

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Shri Tejinder Singh
r/o Village Bholapur,
P.O. Ramgarh, Chandigarh Road,
Ludhiana.

-----Appellant

Vs.

Public Information Officer
o/o Sub Registrar (West),
Ludhiana.

First Appellate Authority,
O/o Sub Divisional Magistrate (West),
Ludhiana.

-----Respondents

Appeal Case No. 3488 of 2017

Present:- Shri Tejinder Singh, Appellant, in person.
None on behalf of the respondents.

ORDER

The case was last heard on 23.10.2018, when the appellant was not present. None was present on behalf of the respondents during second consecutive hearing. Viewing the callous attitude of the PIO seriously, one last opportunity was afforded to him to supply the requisite information to 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, the appellant states that deficiencies in the provided information have already been sent to the PIO but complete information has not been provided to him as yet. None is present on behalf of the respondents without any intimation during

Contd.....p/2

third consecutive hearing. Viewing the callous and defying attitude of the PIO, seriously, a Show-Cause Notice is issued to Shri Ranjit Singh, Sub-Registrar, Ludhiana(West) to explain reasons as to why a penalty at the rate of Rs. 250/- per day, subject to a maximum of Rs. 25,000/- be not imposed upon him for the delay in the supply of information. An opportunity of personal hearing is also afforded to him on the next date of hearing before imposition of penalty, in the interest of natural justice.

3. Besides, in exercise of the powers conferred by Section 19(8)(b) of the RTI Act, 2005, a compensation of Rs. 2000/-(Rupees two thousand only) is awarded to Shri Tejinder Singh, Appellant, for the loss and detriment suffered by him, to be paid to him through a Bank Draft, before the next date of hearing.

4. To come up on **23.01.2019 at 11.30 A.M. for further proceedings.**

Dated : 26.11.2018

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

**CC: Shri Ranjit Singh,
Sub Registrar, Ludhiana(West),
Partap Singh Wala,
Hambran Road, Ludhiana.**

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Shri Ravjot Singh
s/o Shri Didar Singh,
H.No.386/10, Neemwala Chowk,
Brown Road, Ludhiana.

-----Appellant

Vs.

Public Information Officer-
Assistant Inspector General of Police (Crime), Punjab,
o/o Director General of Police, Punjab, Chandigarh.

First Appellate Authority,
O/o Assistant Inspector General of Police (Crime), Punjab,
o/o Director General of Police, Punjab, Chandigarh.

-----Respondents

Appeal Case No. 3428 of 2017

Present:- Shri Ravjot Singh, appellant, in person.
Shri Harinder Singh, Constable, on behalf of the respondents.

ORDER

The case was last heard on 23.10.2018, when the Counsel for the appellant informed that no information had been supplied to the appellant as yet. None was present on behalf of the respondents without any intimation. Consequently, after discussing the matter at length, the PIO was directed to file latest status report with regard to the orders of Hon'ble Punjab and Haryana High Court on the next date of hearing. He was also directed to bring original relevant record with him. The case was adjourned for today.

2. Today, the representative of the respondents submits a letter No.

Contd.....p/2

15170/C.R.-L.A.-4, dated 26.11.2018 from AIGP Crime-cum-PIO, office of Bureau of Investigation, Punjab, Chandigarh vide which it has been informed that the requisite information has already been provided to the appellant vide letter No. 2562/C.R.-L.A.-4, dated 14.03.2018. The respondent states that Director General of Police, Punjab, Chandigarh has issued instructions that in a matter multiple inquiries cannot be held. He further states the requisite information has already been supplied to the appellant. He hands over on one more copy of the information to the appellant.

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

Dated : 26.11.2018

**Sd/-
(S.S. Channy)
Chief Information Commissioner
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Shri Gurdeep Singh Kahlon
Ro 947, HIG, Jamalpur Colony,
Ludhiana.

-----Complainant

Vs

Public Information Officer,
o/o Assistant Registrar (Confidential)
o/o Registrar Vigilance,
Punjab and Haryana High Court,
Chandigarh.

-----Respondent

Complaint Case No. 883 of 2018

Present: Shri Gurdeep Singh Kahlon, complainant, in person.
Shri Charanjeet Singh, Senior Assistant, on behalf of the respondent PIO.

ORDER

In this case, Shri Gurdeep Singh Kahlon, complainant, vide his RTI application dated 16.08.2018, addressed to the PIO, sought Action Taken Report on his complaint dated 22.03.2018 against Shri Bhupinder Mittal, Judicial Magistrate, First Class, Ludhiana under Section 7(1) of the RTI Act, 2005.

2. The case was last heard on 18.09.2018, when a letter No. 1364/PIO/HC, dated 14.09.2018 was received from Shri Inder Singh, Joint Registrar(Rules-cum-PIO, through e-mail vide which reply had been submitted stating that the available information had been supplied to the complainant vide letter No. 1297/PIO/HC, dated 31.08.2018. The complainant submitted that he was asked to furnish an affidavit with regard to the allegations leveled by him in his complaint against Shri Bhupinder Mittal, Judicial Magistrate, First Class, Ludhiana and he had furnished the affidavit in support

Contd.....p/2

of his allegations against the Judicial Officer. He requested that he might be informed of the action taken. Accordingly, the PIO was advised to inform the Commission of the status of the affidavit submitted by the complainant by the next date of hearing. The case was adjourned to 23.10.2018.

3. On 23.10.2018, none was present on behalf of the complainant as well as the respondent without any intimation. Accordingly, one more opportunity was afforded to the PIO to submit Action Taken Report on the affidavit submitted by the complainant, on the next date of hearing. The case was adjourned for today.

4. Today, Shri Charanjeet Singh, Senior Assistant, appearing on behalf of the respondent PIO informs that reply has been sent to the Commission as well as to the complainant vide letter No. 1364-65/PIO/HC, dated 14.09.2018. He further states that the matter is still under consideration of the Inspecting Judge.

5. Since the status of the case has been revealed, the instant case is **disposed of and closed.**

Dated : 26.11.2018

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Smt. Gurminder Kaur
w/o Shri Gurpreet Singh,
R/O 10569, Haqikat Nagar,
Haibowal Kalan, Ludhiana.

-----Complainant

Vs

Public Information Officer,
o/o Station House Officer,
Police Station, Haibowal, Ludhiana.

-----Respondent

Complaint Case No. 749 of 2018

Present:- Shri Tejinder Singh, on behalf of the complainant .
Shri Davinder Singh, Head Constable, on behalf of the respondent.

ORDER

In this case, Smt. Gurminder Kaur, Complainant, vide her RTI application dated 27.06.2018, addressed to the PIO, sought Action Taken Report on her complaint dated 26.05.2018 against Shri Rajinder Singh S/o Shri; Mohinder Singh, resident of 10569, Haqikat Nagar, Haibowal Kalan, Ludhiana.

2. The case was last heard on 23.10.2018, when the Complainant was not present. None was present on behalf of the respondents during second consecutive hearing. Viewing the callous attitude of the PIO seriously, one last opportunity was afforded to him to supply the requisite information to 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.

3. Today, the representative of the complainant is directed to hand over a copy of RTI application to the representative of the respondents and the respondents are directed to supply complete information to the complainant before the next date of hearing.

4. To come up on **23.01.2019 at 11.30 A.M. for further proceedings.**

Dated : 26.11.2018

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Shri Gurinder Singh
s/o Shri Jatinder Singh,
St.No.1, Gurpreet Nagar, Ludhiana.

-----Appellant

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 Commissioner of Police, Ludhiana.

Public Information Officer-cum-
Station House Officer,
Police Station Kotwali,
Nabha, District: Patiala.

-----Respondents

Appeal Case No. 3391 of 2017

Present:- None for the appellant.

Shri Satwinder Singh, ASI, on behalf of the respondents.

ORDER

In this case, Shri Gurinder Singh, Appellant, vide an RTI application dated 28.08.2017, addressed to PIO, sought Action Taken Report on complaint No. RP 651722556, dated 24.07.2017 alongwith copies of statements of Shri Jagdeep Singh.

2. The case was last heard on 23.10.2018, when the appellant was not present. However, a letter dated 22.10.2018 was received from him through e-mail

Contd.....p/2

informing that he was unable to attend the hearing. He further informed that the requisite information had not been supplied to him as yet. The representative of the respondents informed that the Inquiry Report had not yet been approved by the competent authority. Accordingly, it was directed that after getting the Inquiry Report approved by the competent authority, the requisite information be supplied to the appellant, before the next date of hearing. The case was adjourned for today.

3. Today, the appellant is not present. However, a letter dated 25.11.2018 has been received from him through e-mail informing that he is not able to attend hearing due to ill health. He has further informed that no information has been provided to him by the PIO. He has requested to adjourn the case to a short date. Accordingly, the PIO is directed to supply the requisite information to the appellant before the next date of hearing after getting the Inquiry Report approved by the competent authority.

4. To come up on **30.01.2019 at 11.30 A.M. for confirmation of compliance of orders.**

Dated : 26.11.2018

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Shri I.S. Chopra,
3405, Sector 27-D,
Chandigarh-140019.

-----Appellant

Vs.

Public Information Officer
O/o Greater Mohali Area Development Authority,
Mohali.

First Appellate Authority,
O/o Greater Mohali Area Development Authority,
Mohali.

-----Respondents

Appeal Case No. 1422 of 2017

Present:- Shri I.S. Chopra, Appellant, in person.

Smt. Suman Bala, Assistant Estate Officer-cum-PIO, GMADA on behalf
of the respondents.

ORDER

In this case, during hearing on 26.03.2018, Smt. Suman Bala, Assistant Estate Officer-cum-PIO submitted an affidavit dated 26.03.2018 vide which reply to the Show-Cause Notice, issued to her, was furnished, which was taken on record. She had brought the original record and stated that the information had been supplied to the appellant except Point No. 7 i.e. Registration(Original) papers of 1471/80, which was not available as the relevant record was not traceable. Consequently, after hearing both the parties and discussing the matter, the PIO was directed to make more efforts to trace the missing record so that remaining information could be supplied to the

Contd.....p/2

appellant without any further delay. The case was adjourned to 03.05.2018, which was postponed to 25.06.2018 due to certain administrative reasons.

2. On 25.06.2018, Smt. Suman Bala, Assistant Estate Officer-cum-PIO, appearing on behalf of the respondents, reiterated that the relevant record in respect of Point No. 7 was not traceable. The appellant stated that this record was very old and might be available in the Policy Branch of PUDA. Accordingly, the respondent was directed to transfer the RTI application of the appellant to the PIO of the office of PUDA(Policy Branch). While impleading the PIO of the office of PUDA(Policy (Branch) as a necessary party in this case, he was directed to supply requisite information to the appellant, if available, otherwise submit a detailed reply, on the next date of hearing. The case was adjourned to 13.08.2018, which was further postponed to 23.10.2018, due to certain administrative reasons.

3. On 23.10.2018, Shri Shishu Pal Singh, Administrative Officer, appearing on behalf of the respondents informed that the relevant record was not available in the Policy Section. During hearing it was observed that the relevant record is very important and is of permanent nature and should be available in some Section of the Department as the appellant was having a copy of the documents with him. Therefore, it is not appropriate for the Public Authority to say that the relevant record is not available in different Sections of the Department. Hence, it was desired that Chief Administrator, PUDA/GMADA, Mohali should get the matter inquired into and get the missing record traced. Any guilty official also needs to be identified and suitably

punished. In case, the record is not found, the Public authority should file an affidavit in this regard. It should also be seen as to how the interest of the appellant can be taken care of, may be while reconstructing the file. A copy of the order was forwarded to Smt. Gurneet Tej, IAS, Chief Administrator, PUDA/GMADA, Mohali to ensure the compliance of the orders. The case was adjourned for today.

4. Today, the representatives of the respondents inform that Smt. Gurneet Tej, IAS, Chief Administrator, PUDA/GMADA, Mohali, is on leave. They further inform that the record has been searched but the relevant record has not found as yet. They further state that the relevant record may be available in the Section of Shri Mahesh Bansal, Estate Officer Housing. Accordingly, it is directed that a report be obtained from Shri Mahesh Bansal, Estate Officer Housing about the availability of the record and in case the missing record is not available, then an affidavit be submitted by the Public Authority i.e. Chief Administrator, PUDA/GMADA, Mohali to this effect, on the next date of hearing.

5. To come up on **30.01.2019 at 11.30 A.M. for further proceedings.**

Dated : 26.11.2018

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

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Shri Mukesh Kumar,
S/o Shri Krishan Lal,
H.No. 33229, Street – 08,
Partap Nagar, Bathinda.

-----Appellant

Vs

Public Information Officer
O/o Senior Superintendent of Police,
Bathinda.

First Appellate Authority
O/o Inspector General of Police,
Bathinda Zone, Bathinda.

-----Respondents

Appeal Case No. 1821 of 2016

Present: Shri Mukesh Kumar, Appellant, in person along with his Counsel Shri Sanjiv Gupta, Advocate.

Shri Sandeep Kumar Sharma, Constable Punjab Police(Third Party) along with his Counsel Shri Navneet Jindal, Advocate.

Shri Gurmeet Singh, ASI, office of SSP, Bathinda.

ORDER

In this case, Shri Mukesh Kumar, Appellant, vide his RTI application dated 16.01.2016 sought photo copy of Police Verification of Shri Sandeep Sharma S/o Shri Sat Pal Sharma, resident of Partap Nagar, Street No. 8, Bathinda employed as Constable in the Punjab Police. This case was allotted to Shri A. S. Chanduraian, S.I.C.

2. During hearing on 20.10.2016, the appellant was not present. The representatives of the respondents submitted that the information sought for by the appellant could not be supplied to him as it is 'third party' information under clause (j) of Section 8(1) of the RTI Act. Consequently, after examining the documents placed on

Contd.....p/2

record and observing that the information sought for by the appellant is personal information in nature, the case was disposed of and closed.

3. The order of the Commission dated 20.10.2016 was challenged in the Hon'ble Punjab and Haryana High Court by Shri Mukesh Kumar, Appellant, vide CWP No. 26089 of 2016 and Shri Rajan Gupta, Ld. Judge set-aside the order of the Commission vide his order dated 26.09.2017 and the matter was remitted to the same authority for decision afresh after affording an opportunity of hearing to the concerned parties.

4. Consequently, the case was heard by Shri A. S. Chanduraian, SIC on 27.12.2017 and the respondent PIO was directed to supply the certified copies of the available/giveable information to the applicant as per his queries raised by him in his RTI request, by the next date of hearing.

5. This order of the Commission dated 27.12.2017 was challenged by Shri Sandeep Sharma(Third Party) vide CWP No. 397 of 2018, whose information has been sought by Shri Mukesh Kumar, Appellant. Hon'ble Punjab & Haryana High has passed order on 10.09.2018, which inter-alia reads as under:-

“ The order dated 27.12.2017 is hereby set aside. The matter is remanded back to the State Information Commission, Punjab, for fresh decision. Parties are directed to appear before the State Information Commission, Punjab, on 01.10.2018.

Liberty is also granted to the parties to file their respective pleadings/objections within a period of two weeks from the date of

Contd.....p/3

appearance before the State Information Commission, which shall, thereafter, consider the respective contentions/claims/objections and pass a speaking order in accordance with law.

Writ petition stands disposed of accordingly.

Any observations made herein above by this Court on merits shall have no bearing upon the appeal to be decided by the Commission.”

6. It was decided that this case would be heard by the Bench of C.I.C.

As per above noted orders of Hon'ble Punjab & Haryana High Court, Shri Mukesh Kumar, Appellant and Shri Sandeep Kumar(third party) appeared before the Commission on 01.10.2018. None was present on behalf of the respondent PIO. Accordingly, all the three parties were directed to furnish their written submissions to the Commission within two weeks to enable the Commission to arrive at a logical conclusion. The case was adjourned to 30.10.2018.

7. On 30.10.2018, Shri Mukesh Kumar, appellant and Shri Sandeep Sharma(Third Party) stated that they had already made their written submissions. Counsel for the appellant stated the appellant wanted only copy of police verification in respect of the recruitment of Shri Sandeep Sharma(Third Party) as it was a public document. Counsel for Shri Sandeep Sharma(Third Party) stated that he had no objection if only copy of police verification was provided to the appellant but the identify of witnesses should not be disclosed. The representative of the office of Senior Superintendent of Police, Bathinda had not brought the original file. He had brought copies of the documents of the file, which were not at all legible. Therefore, the respondent of the office of Senior Superintendent of Police, Bathinda was directed to

Contd.....p/4

bring the original file for the perusal of the Commission to enable it to arrive at a logical conclusion. The case was adjourned for today.

8. Today, Shri Gurmeet Singh, ASI, office of SSP, Bathinda appearing on behalf of the respondents submits original file for the perusal of the Commission stating that this file only contains Police Verification Report, Statements of Witnesses and C.I.D. report and no other document is available in the file.

9. After perusing the original file and hearing both the parties, it is directed that Police Verification Report without disclosing the identify of the witnesses (Names, addresses etc.) be provided to the appellant. The respondent assures to comply with the orders of the Commission.

10. The Counsel for the appellant requests that copy of CID report may also be provided as it is part of Police Verification Report. During hearing it is observed that since CID report has not been asked for vide the said RTI application, it cannot be allowed to be provided. Accordingly, the appellant is advised to file a fresh RTI application with the concerned PIO for seeking CID report.

11. On the assurance given by the respondent of the office of SSP, Bathinda to supply a copy of Police Verification Report without disclosing the identify of the witnesses, to the appellant, the case is **disposed of and closed**.

Dated : 26.11.2018

**Sd/-
(S.S. Channy)
Chief Information Commissioner
Punjab**

PUNJAB STATE INFORMATION COMMISSION

Red Cross Bhawan, Near Rose Garden, Madhya Marg,

Sector: 16, Chandigarh.

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Shri Ajay Kumar Sehgal,
399 Choti Baradari, Part-1,
Near Medical College, Jalandhar City.

.....Appellant

Versus

Public Information Officer
O/o Commissioner of Police,
Arms Branch, Jalandhar.

First Appellate Authority,
O/o Commissioner of Police,
Arms Branch, Jalandhar.

....Respondents

Appeal Case No. 2909 of 2016

ORDER

Since the instant appeal case has dragged on for some time, it would be prudent to recapitulate the facts of the case in brief before pronouncing the decision.

In this case, Shri Ajay Kumar Sehgal, vide an RTI application dated 30.04.2016, addressed to PIO, sought following information/documents :-

- (1) Provide details of all the Firearm-Licenses for Non-Prohibited Bore (NPB) weapons, as granted by the Commissionerate of Police, Jalandhar for the period beginning from 01 January, 2013 upto 31 March, 2016. In this connection, information may be provided as it is and as is being maintained each Police Station-wise under the jurisdiction of the Commissionerate of Police, Jalandhar.
- (2) However, you may consider furnishing me the sought information on the proposed format. I suggest that this would be helpful to compile the information at your level.

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- (3) In addition to above, please allow inspection of original record/files etc., as are being maintained in the Arms-Branch of the Commissionerate of Police, Jalandhar concerning all the Licensees, to whom Firearms-Licence stand granted by the Commissionerate of Police, Jalandhar from dated 01 Jan, 2013 onwards upto 31 March, 2016.
- (4) Please also allow inspection of Master-Ledger i.e. Arms-Licensee Register(s) as is/are being maintained in the office of the Commissionerate of Police, Jalandhar concerning all the licensees, to whom a Firearms-Licence is granted during period 01 Jan, 2013 to 31 March, 2016.
- (5) Undersigned may be allowed the photocopies of the documents which are necessitated during inspection of the record.
- (6) If the information as being sought or a part thereof, is available in any electronic form, even then, it may be furnished in that electronic-form also.

2. Failing to get any information within 30 days as mandated under Section 7(1) of the RTI Act, 2005, he filed first appeal with the First Appellate Authority vide application dated 04.06.2016 under the provisions of Section 19(1) of the RTI Act, 2005 and subsequently approached the Commission in second appeal vide application dated 25.08.2016 under the provisions of Section 19(3) of the RTI Act, 2005, which was received in the Commission on 01.09.2016 and accordingly, a notice of hearing was issued to the parties on 04.10.2016 for 25.10.2016 through Video Conference Facility available in the office of the Deputy Commissioner Jalandhar.

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3. The case was heard on 25.10.2016 and 03.01.2017.

4. On 25.10.2016, the appellant stated that he filed an RTI application dated 30.04.2016 to the Department to provide the details concerning grant of all the Firearms-licenses for Non-Prohibited Bore(NPB) weapons, as granted by the Commissioner of Police, Jalandhar for the period beginning from 01 January, 2013 upto 31 March, 2016 as enumerated in his RTI application but the respondent-PIO had denied to provide the information taking a plea that it was exempted under Section 8(1)(j) of the RTI Act. He further stated that Former State Information Commissioner, Shri Chander Parkash had already passed the order in Complaint Case No. 344 of 2016, titled as Shri Narinder Sharma Vs. Deputy Director, Punjab, Police Academy, Phillaur directing the respondent to provide the information to the complainant by over-ruling the submission made by the respondent. Shri Balwinder Pal Singh, ACP, appearing on behalf of the respondents stated that reply to the Notice of the Commission had already been sent to the Commission vide letter dated 21.10.2016 mentioning therein that the information as sought by the appellant could not be provided as the details of individuals and particulars of the individuals would amount to invasion of privacy of an individual and personal security of those individuals and secondly this information pertained to arms related matter. Hence, the same had been denied in view of Section 8(i)(j) of the RTI Act, 2005. Accordingly, the appellant was advised to show the order of Former SIC, Shri Chander Parkash vide which he had directed the

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respondent to provide the information to the complainant on the next date of hearing with a copy to the respondent. The case was adjourned to 24.11.2016, which was further postponed to 21.12.2016, 29.12.2016 and then 03.01.2017, due to certain administrative reasons.

5. On 03.01.2017, the appellant informed that he had already filed his written submission vide letter dated 19.11.2016. Shri Daljit Singh, Inspector, appearing on behalf of the respondents informed that reply to the Notice of the Commission had been filed vide letter dated 21.10.2016. Since the replies had been filed by both the parties, the orders were reserved.

6. Consequently, file of Complaint Case No. 344 of 2016 has been procured from the record after putting in the efforts to trace it out in which the complainant Shri Narinder Sharma had sought following information:-

1. ਅਪਰਾਧਿਕ ਕੇਸਾਂ ਵਿਚ ਫੜੇ ਗਏ ਹਥਿਆਰ ਜੋ ਪੁਲਸ ਅਕੈਡਮੀ ਵਿਚ ਜਮ੍ਹਾਂ ਹੁੰਦੇ ਹਨ, ਉਨ੍ਹਾਂ ਨੂੰ ਅਲਾਟ/ਨਿਲਾਮ ਕਰਨ ਦਾ ਕੀ ਤਰੀਕਾ ਹੈ?
2. ਜਨਵਰੀ 2009 ਤੋਂ 30 ਨਵੰਬਰ 2015 ਵਿਚਕਾਰ ਅਜਿਹੇ ਕਿੰਨੇ ਹਥਿਆਰਾਂ ਦੀ ਅਲਾਟਮੈਂਟ/ਨਿਲਾਮੀ ਕੀਤੀ ਗਈ ਅਤੇ ਇਸ ਤੋਂ ਕਿੰਨੀ ਆਮਦਨ ਹੋਈ।
3. ਅਲਾਟਮੈਂਟ/ਨਿਲਾਮੀ ਦੇ ਦੌਰਾਨ ਜਿਹੜੇ ਹਥਿਆਰ ਕਿਸਾਨਾਂ ਨੂੰ ਮਿਲੇ, ਇਹ ਕਿਹੜੀ ਕੰਪਨੀ ਦੇ ਸਨ ਅਤੇ ਕਿੰਨੇ ਰੁਪਏ ਵਿਚ ਅਲਾਟ ਕੀਤੇ ਗਏ।
4. ਅਲਾਟ/ਨਿਲਾਮੀ ਦੀ ਪੂਰੀ ਸੂਚੀ ਮੁਹੱਈਆ ਕਰਵਾਈ ਜਾਵੇ।

A perusal of information sought in both the cases reveals that the sought for information in these two cases is not identical and therefore decision taken in one case cannot be imposed upon the other as every case is dealt with and decided on its own merits.

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7. In the instant case, Commissioner Police Jalandhar-cum-First Appellate Authority sent a reply to the appellant vide letter No. 38-A-CP/I/RTI, dated 06.07.2016 and on the same lines the Deputy Commissioner Police-cum-PIO, Jalandhar submitted reply to the Commission vide letter No. 19-A-1/RTI, dated 21.10.2016 vide which information has been denied to the appellant under Section 8(1)(j) of the RTI Act and Punjab Government Notification No. 2/27/05-1AR/191, dated 23.02.2006 and DGP Punjab Chandigarh No. 21190-289/Con-Eo, dated 16.05.2006. The Commissioner Police Jalandhar-cum-First Appellate Authority has submitted a report on the basis of which the information has been denied to the appellant, which reads as under:-

“ The detail of individuals and particulars of the individuals as the said information would amount to invasion of privacy of an individual and personal security of those individual. Secondly, this information pertains to arms related matter. Hence the same may be denied in view of Section 8(1)(j) of RTI Act, 2005.

Regarding this, reliance can be placed on the observation made by Hon'ble Supreme Court in the Judgement titled as Bihar Public Service Commission versus Saiyed Hussain Abbas Rizwi and other 2012(12) scale 525 relevant parts of Para No. 22 of the judgement is reproduced as under:

‘ Another very significant provision of the Act is 8(1)(j). In terms of

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this provision, information which relates to personal information, the disclosure of which has no relationship to any public activity of interest or which would cause unwarranted invasion of the privacy of the individual would fall within the exempted category, unless the authority concerned is satisfied that larger public interest justifies the disclosure of such information. ‘

It is, therefore, to be understood clearly that a statutory exemption must operate as a rule and only in exceptional cases would disclosure be permitted, that to, for reasons to be recorded demonstrating satisfaction to the best of larger public interest. It will not be in consonance with the spirit of these provisions, if in a mechanical manner, directions are passed by the appropriate authority to disclose information which may be protected in terms of the above provisions. All information which has come to the notice of or on record of a person holding fiduciary relationship with another and but for such capacity, such information would not be open to disclosure keeping the higher standards of integrity and confidentiality of such relationship. Such exemption would be available to such authority or department.

ਅਪੀਲਕਰਤਾ ਵਲੋਂ ਮੁਗੀ ਗਈ ਸੂਚਨ ਨਿਹਾਇਤ ਸੰਵੇਦਨਸ਼ੀਲ ਅਤੇ ਦੇਸ ਦੀ ਸੁਰਿਖਿਆ ਨਾਲ ਜੁੜੀ ਹੋਈ ਹੈ। ਅਪੀਲਕਰਤਾ ਪਤਾ ਨਹੀਂ ਕਿਸ ਮੰਤਵ ਨਾਲ ਅਸਲਾ ਬਰਾਂਚ ਦੀ ਇਸਪੈਕਸ਼ਨ ਕਰਨਾ

ਚਾਹੁੰਦਾ ਹੈ ਜੋ ਕਿਸੇ ਤਰ੍ਹਾਂ ਵੀ ਪਬਲਿਕ ਹਿਤਾਂ ਨਾਲ ਨਹੀਂ ਜੁੜੀ ਹੈ ਅਤੇ ਨਾ ਹੀ ਟੈਰੋਰਿਜ਼ਮ ਨਾਲ ਸਬੰਧਿਤ ਹੈ ਬਲਕਿ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਜੇਕਰ ਮੁਹੱਈਆ ਕਰਵਾ ਦਿੱਤੀ ਜਾਂਦੀ ਹੈ ਤਾਂ ਇਸ ਦਾ ਦੁਰਓਪਯੋਗ ਹੋ ਸਕਦਾ ਹੈ।

ਅਪੀਲਕਰਤਾ ਵਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ, ਸੂਚਨਾ ਅਧਿਕਾਰ ਐਕਟ ਦੀ ਧਾਰਾ 8(1)(ਜੇ) ਅਤੇ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਨੋਟੀਫਿਕੇਸ਼ਨ ਨੰਬਰ 2/27/05-IAR/191, dated 23rd February 2006 & DGP Punjab Chandigarh No. 21190-289/Con-Eo dated 16.05.06 ਦੇ ਪੁਆਇੰਟ 4(b) ਦੇ ਤਹਿਤ ਮੁਹੱਈਆ ਨਹੀਂ ਕਰਵਾਈ ਜਾ ਸਕਦੀ। ਇਸ ਸਬੰਧੀ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ ਪੁਲਿਸ -ਕਮ-ਲੋਕ ਸੂਚਨਾ ਅਧਿਕਾਰੀ ਵਲੋਂ ਕਾਨੂੰਨ ਅਨੁਸਾਰ ਅਪੀਲ ਕਰਤਾ ਨੂੰ ਪਹਿਲਾਂ ਸਹੀ ਸਹੀ ਜੁਆਬ ਦਫਤਰੀ ਪੱਤਰ ਨੰਬਰ 881-ਡੀ.ਆਰ.ਟੀ.ਆਈ., ਮਿਤੀ 04.06.2016 ਨਾਲ ਦਿੱਤਾ ਜਾ ਚੁੱਕਾ ਹੈ। ਇਸ ਲਈ ਅਪੀਲ ਕਰਤਾ ਵਲੋਂ ਕੀਤੀ ਅਪੀਲ ਦਾਖਤ ਦਫਤਰ ਕੀਤੀ ਜਾਂਦੀ ਹੈ।”

8. After going through the information sought for by the appellant and the submissions made by both the parties, I arrive at the conclusion that the appellant has failed to establish the public interest involved in seeking this sensitive information in this case. Thus I agree to the plea put forth by the respondents in denying the information to the appellant.

9. In view of the facts and circumstances narrated above, the case is **disposed of and closed.**

Sd/-

Dated : 26.11.2018

**(S.S. Channy)
Chief Information Commissioner
Punjab**