

PUNJAB STATE INFORMATION COMMISSION

Red Cross Bhawan, Near Rose Garden, Madhya Marg,
Sector: 16, Chandigarh.

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

Visit us @ www.infocommpunjab.com, Email-ID pcic20@punjabmail.gov.in

Shri Iqbal Singh Rasulpur,
General Secretary,
University human Rights Org. ,
VPO Rasulpur, Tehsil Jagraon,
District Ludhiana-142035
M 8872200515

-----Complainant

Vs.

Public Information Officer
O/o Additional Director General of Police, Punjab,
Chandigarh.

First Appellate Authority
O/o Additional Director General of Police, Punjab,
Chandigarh.

-----Respondents

Complaint Case No. 19 of 2017

Present:- Shri S.P. Singh, Advocate, on behalf of the complainant.

Ms. Sunita Singla, PIO-cum-Deputy District Attorney alongwith
Shri Raminder Singh, Superintendent of Police (IVC) on behalf of the
respondents.

ORDER

This case was disposed of and closed on 28.3.2018 on the assurance of Shri Ram Gopal, Head Constable, appearing on behalf of the respondents that copies of documents identified by the complainant shall be supplied to him on the spot. The case was again fixed for hearing on 14.11.2017 on the application of complainant dated 28.07.2017 that no information has been supplied to him by the respondents till 28.07.2017. On that date the respondents were directed to get the record inspected from complainant and supply documents on the spot after identification by the complainant. In case no information is available or cannot be supplied, then a speaking

Contd.....p/2

order be passed to this effect. This case was adjourned to 8.1.2018. On 8.1.2018, the respondent informed the Commission that the complainant has visited their office and inspected concerned record but he had not submitted any specific request while indicating the documents required by him, in the absence of which, they are unable to provide the information. One last opportunity was afforded to the complainant to submit a request to PIO asking for specific documents required by him, within 10 days and the case was adjourned to 08.02.2018.

2. On 08.02.2018, the complainant informed that out of 156 pages, identified by him, partial information has been provided to him on 2.2.2018. He further stated that in compliance to the previous order dated 08.01.2018 he has given deficiencies in writing to the respondents. The respondents were directed to furnish remaining information as per deficiencies pointed out by the complainant, if there was any problem in supplying the information, the respondents were directed to pass speaking order for not supplying the same. The case was adjourned to 21.03.2018.

3. On 21.03.2018, the respondents informed that requisite documents have already been supplied to the complainant. On this, the complainant stated that intelligence report alongwith annexures and corresponding papers, which he had already identified, had not been supplied to him. The respondents were directed to bring original file to facilitate the Commission to arrive at a logical conclusion and the case was adjourned to 26.04.2018, which was further postponed to 09.07.2018 due to administrative reasons.

4. On 09.07.2018, the respondent brought the original file and on perusal of the same and hearing both the parties vis-à-vis discussing the matter at length, the respondents were directed to submit a written submission as to what action has been taken on the intelligence report. The case was adjourned to 08.08.2018, which was further postponed to 13.09.2018 due to administrative reasons.

5. On 13.09.2018, the Ld. Counsel for the complainant submitted that the complainant wanted a copy of an inquiry report, which was available in the record of Intelligence Wing at the time of inspection. The representative of the respondents informed that inquiry report was received from the Intelligence Wing in the IVC Branch and was later sent back to them. Accordingly, PIO/Intelligence Wing was directed to bring the original file for the perusal of the Commission and to intimate the complainant as to whether the said Inquiry Report is available in their record and whether it can be shared with the appellant or not. In case it cannot be shared with the appellant then the reasons for the same be submitted in writing. The case was adjourned to 17.10.2018, which was further postponed to 21.11.2018 due to administrative reasons.

6. On 21.11.2018, none was present on behalf of Director of Police, Intelligence, Punjab. Viewing the absence of the respondent-PIO seriously, one last opportunity was afforded to the PIO/Director General of Police, Intelligence, Punjab, Sector 77, Mohali to bring the original file on the next date of hearing for the perusal of the Commission, failing which punitive action, under the provisions of the RTI Act, 2005 would be initiated against him. He was also directed to intimate as to whether the said inquiry report is available in their record or not and whether it can be shared with the appellant or not and in case it cannot be shared with the appellant then the reasons for the same be submitted. The case was adjourned to 20.12.2018, which was further postponed to 28.01.2019.

7. The representative of the complainant submits copies of brief synopsis to be placed on the record of the case file, which is taken on record of the case file. He states that compensation be awarded to the complainant and the respondent be penalized for not supplying the information within stipulated period as per the provisions of the RTI Act, 2005.

8. Today, Shri Raminder Singh, SP (IVC) has brought the original file for the perusal of the Commission. The respondent states that inquiry report as sought by the

Complaint Case No. 19 of 2017

-4-

complainant is not available in the file brought by him for perusal. He assures that he will locate the inquiry report and send it to the complainant within three days from today.

9. After hearing both the parties and going through the record available on the case file, it is revealed that the requisite information/response has been furnished to the complainant from time to time and no malafide on the part of the PIO is proved in delaying the information. Moreover, this is the complaint case, therefore, the attention of the complainant is drawn to the decision of the Hon'ble Supreme Court of India in its order dated 12.12.2011 in Civil Appeal Nos.10787-10788 of 2011 (arising out of SLP (C) No.32768-32769/2010), wherein it has held that while adjudicating a complaint case under Section 18 of the RTI Act, 2005, the Commissioners have no jurisdiction to pass an order providing for an access to the information. As per the above decision of the Hon'ble Supreme Court of India, the Information Commission has no jurisdiction to pass an order providing access to the information and award compensation to the complainant in a complaint case. In the complaint cases, only conduct of the PIO is to be observed. Hence, the request for award of compensation to the complainant cannot be acceded to. Since no malafide on the part of the PIO is proved in delaying the information, this is not a fit case for imposing penalty on the PIO. Now, as the complete information has been provided except Inquiry Report. Shri Raminder Singh, Superintendent of Police (IVC) has assured that the Inquiry Report will be furnished to the complainant within three days, the instant case is **disposed of** and **closed**. Copies of the order be sent to the parties.

Dated : 28.01.2019

(S.S. Channy)
Chief Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION

Red Cross Bhawan, Near Rose Garden, Madhya Marg,

Sector: 16, Chandigarh.

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

Visit us @ www.infocommpunjab.com, Email-ID pcic20@punjabmail.gov.in

Shri Navdeep Gupta,
Kothi No.455, Gillco Valley,
Kharar, District SAS Nagar-140301.

-----Complainant

Vs.

Public Information Officer
o/o Deputy Commissioner of Police,
Amritsar.

-----Respondent

Complaint Case No. 961 of 2017

Present:- None on behalf of the complainant.

Shri Deepak Bansal, APIO, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 21.11.2018 vide which the Additional Chief Secretary to Government of Punjab, Home Department was again directed to submit a certificate in the form of an affidavit on behalf of Home Department of the Punjab Government, as to whether any document pertaining to said matter is available in their Department as a whole or not.

2. In compliance to the previous order dated 21.11.2018, the representative of the respondents states that no information is available in their record. As per the directions of the Commission, for this purpose, he has brought original file for perusal of the Commission. showing the report received from various branches of Home Department stating that no application for seeking information is available in all the Branches of Home Department and they have already sent the undertaking to the Commission vide their letter dated 16.10.2018, the necessary contents of which are reproduced below:-

1. Please provide me information as to names and full address details of each 35 dead bodies including Bhai Amrik Singh.

Contd.....p/2

Complaint Case No. 961 of 2017

-2-

2. Please provide me information as to how many different FIRs were pending against these 35 persons (as a whole or as individual or in groups) as on June 3, 1984. Kindly supply me certified copies of all FIRs.
3. Please supply me information as to how many out of these 35 persons were declares as "Terrorist" as on June 3, 1984.
4. I may kindly be allowed to inspect all records related to above mention information and further I be allowed to have certified copies/CD of information as required by me after the inspection.

”ਇਹ ਕਿ ਉਕਤ ਨੁਕਤਿਆਂ ਸੰਬੰਧੀ ਵਿਭਾਗ ਦੀਆਂ ਵਖ-ਵਖ ਸ਼ਾਖਾਵਾਂ ਤੋਂ ਪ੍ਰਾਪਤ ਨਿਲ ਰਿਪੋਰਟ ਅਨੁਸਾਰ ਪ੍ਰਾਰਥੀ ਵਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਗ੍ਰਹਿ ਵਿਭਾਗ ਪਾਸ ਮੌਜੂਦ ਨਹੀਂ ਹੈ।”

3. After hearing the representative of respondents in details and going through the record available on case file, it is revealed that no application from the complainant for seeking information was received in the Home Department. Hence, no information was supplied to the complainant. It is found in the file that respondents have written to different Branches of Home Department that if any information is available in their office. In response to that all the Branches of the Home Department have sent in writing to the Home IV Branch that no application from the complainant for seeking information has been received and no information is available in their branches. The respondent-PIO is directed to send a copy of nil reports received from different branches of Home Department to the complainant. He assured that he will comply with this order and send reply received from different branches of Home Department to the complainant within seven days from today. On the assurance of the representative of the respondent, the present case is **disposed of** and **closed**. Copies of the order be sent to the parties.

Dated : 28.01.2019

(S.S. Channy)
Chief Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION

**Red Cross Bhawan, Near Rose Garden, Madhya Marg,
Sector: 16, Chandigarh.**

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

Visit us @ www.infocommpunjab.com, Email-ID pcic20@punjabmail.gov.in

Shri Gurdip Singh s/o Shri Chanan Singh
r/o #215, Ajit Nagar, Sultan Wind Road,
Sri Amritsar Sahib.

-----Appellant

Vs.

Public Information Officer
o/o Town Planner, Municipal Corporation,
Sri Amritsar Sahib.

FAA-Commissioner, Municipal Corporation,
Sri Amritsar Sahib.

-----Respondents

Appeal Case No. 1211 of 2017

Present:- Shri Gurjeet Singh, appellant, on behalf of the appellant.
Shri Jagdev Singh, Assistant Town Planner, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 21.11.2018 vide which it was informed that the said building had been inspected and it was found that less area as compared to the allotted area had been covered. Accordingly, the PIO was directed to send a written submission to the appellant, with a copy to the Commission, within a week, stating clearly as to whether there is any violation of Building Bye Laws in the construction of the said building and as to whether Building Plan has been got approved or not.

2. The respondent-PIO states that they have sent written submission through post, which was received in the Commission on 25.01.2019, the contents of which are reproduced below:-

- i) That as per RTI 2005. It is the duty of public authority to disclose to information to the public if it is available in the office record subject the exempted clauses prescribed u/s 8 of RTI Act. But it is not covered in the RTI Act to create any new information just for the purpose of discharging/answering the RTI Application.

Contd.....p/2

- ii) That no comment upon legality of any building as per building byelaws especially in the circumstance when the concerned file a is not under the control and access of the undersigned is just giving opinion upon the legality of a building, is not covered in the definition of information by visiting the site of the building which is in question in present appeal and to form a view/opinion and depart the same in current date is just like creating a new information. It is further submitted that no new information can be demanded at the time of appeal.
- iii) That to have o pinion on the legality of structure by visiting the site during appeal was not requested in RTI application which is in question in present appeal it is new information to have opinion of the undersigned by visiting the site. It also amounts to creating new information.
- iv) That with a view to make compliance of your kind directions it is submitted the said building appears to be old one appears to have certain violations. Please treat this response as compliance of your directions.
3. The representative of the appellant states that First Hearing in this case was held on 28.05.2017 and today is 18th hearing. He further states that after the lapse of 20 months, no information has been provided to him.
4. After hearing the parties and going through the record available on the case file, it is revealed that this has resulted in much avoidable inconvenience and hardship to the Appellant. He is, therefore, entitled to be compensated under Section 19(8)(b) of RTI Act 2005 for the loss and detriment suffered by him. In the circumstances, I am of the view that ends of justice would be met if a sum of Rs.5000/- **(Rupees Five Thousand Only)** is awarded to the Appellant as compensation. I order accordingly.
5. This amount shall be payable by the Respondent from the State exchequer within fifteen days from the receipt of this order under intimation to the Commission.

6. Looking at the lackadaisical and highly irresponsible attitude of the respondents, Sh. Jagdev Singh, Assistant Town Planner-cum-PIO is directed to show cause in the shape of an affidavit under Section 20(1) of the RTI Act, before the penalty is imposed as to:-

- (i) Why supply of information as per RTI request sent to him has been delayed.
- (ii) Why penalty be not imposed upon him for not supplying the information within time as prescribed under RTI Act 2005.

He may also make use of the next date of hearing for his personal hearing as well under the principles of natural justice.

7. It has been seen during all the hearings that PIO has taken only one stand that approval of building plans' record is maintained date-wise and not building-wise. It does not seem to be a plausible way of keeping the record. The reply furnished by the concerned PIO is also ridiculous stating that "with a view to make compliance of your kind directions, it is submitted that the said building appears to be old one, appears to have certain violations." This kind of reply cannot be accepted, keeping in view the provisions of the RTI Act, 2005 that due transparency and accountability is to be ensured. Accordingly, Smt. Sonali Giri, Commissioner, Municipal Corporation, Amritsar is directed to look into these aspects and explain the procedure for maintaining the record and as to how the information can be made available, when the information-seeker/owner of the property does not know the date of approval of building plan especially when it involves violations of bye-laws by other owners.

8. To come up on **5.3.2019** at **11.30 A.M.** for further proceedings. Copies of the order be sent to the parties **through registered post.**

Dated : 28.01.2019

(S.S. Channy)
Chief Information Commissioner
Punjab

CC:- Mrs. Sonali Giri, IAS,
Commissioner, Municipal Corporation,
Amritsar.

PUNJAB STATE INFORMATION COMMISSION

Red Cross Bhawan, Near Rose Garden, Madhya Marg,

Sector: 16, Chandigarh.

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

Visit us @ www.infocommpunjab.com, Email-ID pcic20@punjabmail.gov.in

Shri Kartar Singh, #555,
Agarsen Colony, Sirsa,
Haryana.

.....Complainant

Vs

Public Information Officer-cum-
Commissioner of Police,
Amritsar.

.....Respondent

Complaint Case No. 410 of 2018

Present:- Shri Kartar Singh, complainant, in person.

Shri Surinder Singh, RTI Incharge alongwith Shri Jaskaran Singh, ASI on behalf of the respondent-PIO.

ORDER

This order may be read with reference to the previous order dated 20.11.2018 vide which the complainant emphasized that he wanted a copy of the Inquiry Report and copy of Log Book of the concerned vehicle. Accordingly, the complainant was directed to send his observations, if any, on the reply of the PIO, to the PIO with a copy of the Commission and the respondent PIO was directed to supply complete information to the complainant, on receipt of the observations from him.

2. The representatives of the respondent-PIO places on record of the case file, a copy of reply/information, with a copy to the complainant, during the hearing.

3. The complainant is advised to go through the same and revert back to the authorities, in case of deficiencies in the information so supplied to him, during the hearing. On receipt of the deficiencies from the complainant, the respondents are directed to supply the information after removing the same before the next date of hearing, which is fixed for 5.3.2019.

4. To come up on **05.03.2019** at **11.30 A.M.**

Dated : 28.01.2019

(S.S. Channy)
Chief Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION

Red Cross Bhawan, Near Rose Garden, Madhya Marg,
Sector: 16, Chandigarh.

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

Visit us @ www.infocommpunjab.com, Email-ID pcic20@punjabmail.gov.in

Shri Gurdeep Singh Kahlon
r/o H.No.947 HIG, Jamalpur Colony,
Ludhiana.

.....Complainant

Vs

Public Information Officer
o/o Court of Hon'ble Judge Bhupinder Mittal,
Judicial Magistrate, Ludhiana.

.....Respondent.

Complaint Case No. 1027 of 2018

Present:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 20.11.2018 vide which the respondents were directed to supply the requisite information to the complainant before the next date of hearing and explain reasons for today's absence and delay in the supply of information.

2. During the hearing, which was held today, there is no intimation why the respondent-PIO nor any specific reply has been filed on the subject. No response to the order tantamount to disrespect for RTI proceedings which warrants invoking the penalty and compensation provisions under the RTI Act, 2005. Thus, this is a fit case for invoking penalty provisions for not complying with the orders. A show cause notice is hereby issued to the respondent-PIO to explain his conduct as to why the penalty should not be imposed to the complainant. He may send his explanation to the Commission for its perusal and may make use of next date of hearing for personal hearing before imposition of penalty and award of compensation. He should supply the information as early as possible as ordered already.

3. To come up on **05.03.2019 at 11.30 A.M.** for further proceedings.

Dated : 28.01.2019

(S.S. Channy)
Chief Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION

Red Cross Bhawan, Near Rose Garden, Madhya Marg,
Sector: 16, Chandigarh.

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

Visit us @ www.infocommpunjab.com, Email-ID pcic20@punjabmail.gov.in

Shri Gurdeep Singh Kahlon
r/o H.No.947 HIG, Jamalpur Colony,
Ludhiana.

..... Complainant

Vs

Public Information Officer
o/o Police Commissioner.
Ludhiana.

.....Respondent.

Complaint Case No. 1028 of 2018

Present:- None on behalf of the parties.

ORDER

This order may be read with reference to the previous order dated 20.11.2018 vide which the respondents were directed to supply the requisite information to the complainant before the next date of hearing and explain reasons for today's absence and delay in the supply of information.

2. Today, none is present on behalf of the appellant as well as the respondents, without any intimation. Viewing the callous and lackadaisical attitude of the PIO seriously, last opportunity is afforded to the PIO to comply with the orders of the Commission issued on 20.11.2018, failing which punitive action under the provisions of RTI Act, 2005 will be initiated against him.

4. To come up on **05.03.2019 at 11.30 A.M.** for further proceedings.

Dated : 28.01.2019

(S.S. Channy)
Chief Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION

Red Cross Bhawan, Near Rose Garden, Madhya Marg,
Sector: 16, Chandigarh.

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

Visit us @ www.infocommpunjab.com, Email-ID pcic20@punjabmail.gov.in

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

--Appellant.

Vs.

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

FAA-Commissioner of Police,
Ludhiana.

-----Respondents.

Appeal Case No. 3244 of 2017

Present:- None on behalf of the appellant.

Shri Navkiranjit Singh, Head Constable, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 20.11.2018 vide which the appellant was directed to send his observations, if any, on the provided information, to the PIO, with a copy to the Commission.

2. The appellant is absent but he has sent an e-mail stating that he may be exempted from appearance due to busy schedule. He further stated that he has received partial information and sent deficiencies to the PIO, which are yet to be removed, vide his letter dated 22.12.2018.

3. The representative of the respondents is directed to remove the deficiencies as informed by the complainant vide his letter dated 22.12.2018 before the next date of hearing.

4. To come up on **05.03.2019** at **11.30 A.M.**

Dated : 28.01.2019

(S.S. Channy)
Chief Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION

Red Cross Bhawan, Near Rose Garden, Madhya Marg,
Sector: 16, Chandigarh.

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

Visit us @ www.infocommpunjab.com, Email-ID pcic20@punjabmail.gov.in

Shri Ranjit Singh
s/o Shri Rachhpal Singh,
r/o H.No.153, Gali No.3,
Near Gurudwara Bhai Kanhaya Ji,
Sultanwind Road, Amritsar.

-----Appellant

Vs.

Public Information Officer
o/o Commissioner of Police,
Amritsar.

First Appellate Authority,
O/o Commissioner of Police,
Amritsar.

-----Respondents.

Appeal Case No. 3297 of 2017

Present:- Shri Vivek Bansal, Advocate, on behalf of the appellant.

Shri Surinder Singh, Incharge (RTI Branch) alongwith Ms. Harsimrat Kaur,
SHO, on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 20.11.2018 vide which the respondents were directed to disclose tower location of the mobile of the officer/official, to the appellant. In case, there is still an objection in providing the Tower Location then a speaking order be passed in this regard.

2. The representatives of the respondents place on record copy of speaking order dated 22.1.2019 on the case file, the contents of which are as under:-

ਅਪੀਲ ਕੇਸ ਨੰਬਰ 3297/2017 ਵਲੋਂ ਸ੍ਰੀ ਰਣਜੀਤ ਸਿੰਘ ਪੁੱਤਰ ਸ੍ਰੀ ਰਛਪਾਲ ਸਿੰਘ ਵਾਸੀ 153, ਗਲੀ ਨੰਬਰ 3, ਨੇੜੇ ਗੁਰੂਦੁਆਰਾ ਭਾਈ ਘਨਈਆ ਜੀ, ਸੁਲਤਾਨਵਿੰਡ ਰੋਡ, ਅੰਮ੍ਰਿਤਸਰ ਵਲੋਂ ਮਾਨਯੋਗ ਸ੍ਰੀ ਐਸ.ਐਸ. ਚੰਨੀ, ਚੀਫ ਸਟੇਟ ਇੰਨਫਰਮੇਸ਼ਨ ਕਮਿਸ਼ਨ, ਪੰਜਾਬ ਦੀ ਅਦਾਲਤ ਵਿਚ ਦਾਇਰ ਕੀਤਾ ਗਿਆ ਹੈ। ਜਿਸ ਵਿਚ ਉਸ ਵਲੋਂ ਦਿੱਤੀ ਦਰਖਾਸਤ ਨੰਬਰ 3344-ਪੀ.ਸੀ./ਸੀ.ਓ.ਪੀ ਮਿਤੀ 01.02.2016 ਦੇ ਸੰਬੰਧ ਵਿਚ ਇੰਸਪੈਕਟਰ ਪ੍ਰਵੇਸ਼ ਚੋਪੜਾ ਅਤੇ ਏ.ਐਸ.ਆਈ. ਸਤਨਾਮ ਸਿੰਘ ਦੇ ਮੋਬਾਇਲ ਨੰਬਰਾਂ ਦੀ ਪ੍ਰਾਪਤ ਕੀਤੀਆਂ ਗਈਆਂ ਮੋਬਾਇਲ ਲੋਕੇਸ਼ਨਾਂ ਲੈਣ ਦੀ ਮੰਗ ਕੀਤੀ ਗਈ ਹੈ। ਇਸ ਕੇਸ ਦੀ ਸੁਣਵਾਈ ਮਿਤੀ 20.11.2018 ਨੂੰ ਮਾਨਯੋਗ ਅਦਾਲਤ ਸ੍ਰੀ ਐਸ.ਐਸ.ਚੰਨੀ ਵਲੋਂ ਕਰਦੇ ਹੋਏ ਹੁਕਮ ਪਾਸ ਕੀਤਾ ਗਿਆ ਹੈ ਕਿ ਅਪੀਲ ਕਰਤਾ ਵਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਅਤਿ ਸੰਵੇਦਨਸ਼ੀਲ ਹੈ, ਅਗਰ ਪਬਲਿਕ ਸੂਚਨਾ ਅਫਸਰ ਮੋਬਾਇਲ ਲੋਕੇਸ਼ਨਾਂ ਬਾਰੇ ਸੂਚਨਾ ਨਹੀਂ ਦੇਣਾ ਚਾਹੁੰਦਾ ਹੈ ਤਾਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਨਾਂ ਦੇਣ ਬਾਰੇ ਸਪੀਕਿੰਗ ਆਰਡਰ ਪਾਸ ਕੀਤਾ ਜਾਵੇ। ਜੋ ਹੁਕਮ ਇਸ ਤਰ੍ਹਾਂ

Contd.....p/2

-2-

ਹੈ:- "Consequently, after considering the reply of respondent-PIO and hearing both the parties, it is observed that it would not be appropriate to supply the complete information, asked for by the applicant, as it is of very sensitive nature. Therefore, it is directed that only Tower Location be provided to the appellant, before the next date of hearing. In case, there is still an objection in providing the Tower Location, a speaking order be passed in this regard."

ਉਕਤ ਹੁਕਮਾਂ ਨੂੰ ਮੱਧੋਨਜ਼ਰ ਰਖਦੇ ਹੋਏ ਅਪੀਲ ਕਰਤਾ ਦਾ ਪਿਛੋਕੜ, ਚਾਲ ਚੱਲਣ ਬਾਰੇ ਸਪਸ਼ਟ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਰਣਜੀਤ ਸਿੰਘ ਦੇ ਖਿਲਾਫ ਵੱਖ ਵੱਖ ਥਾਣਿਆ ਵਿਚ ਹੇਠ ਲਿਖੇ ਸੰਗੀਨ ਮਾਮਲੇ ਦਰਜ ਹਨ।

1. ਮੁਕੱਦਮਾ ਨੰਬਰ 115 ਮਿਤੀ 13.08.2003 ਜੁਮ 21/61/85 ਐਨ ਡੀ ਪੀ ਐਸ ਐਕਟ ਥਾਣਾ ਬੀ ਡਵੀਜ਼ਨ ਅੰਮ੍ਰਿਤਸਰ (ਸਜ਼ਾ ਮਿਤੀ 15.12.2008)
2. ਮੁਕੱਦਮਾ ਨੰਬਰ 190 ਮਿਤੀ 24.09.2007 ਜੁਮ 452/333/148/149/342 ਭ. ਦ. ਥਾਣਾ ਬੀ ਡਵੀਜ਼ਨ ਅੰਮ੍ਰਿਤਸਰ (ਚਲਾਣ ਜ਼ੋਰੇ ਸਮਾਇਤ)
3. ਮੁਕੱਦਮਾ ਨੰਬਰ 139 ਮਿਤੀ 29.06.2009 ਜੁਮ 18/61/85 ਐਨ ਡੀ. ਪੀ.ਐਸ. ਐਕਟ ਥਾਣਾ ਬੀ ਡਵੀਜ਼ਨ ਅੰਮ੍ਰਿਤਸਰ (ਸਜ਼ਾ ਮਿਤੀ 12.11.2011)
4. ਮੁਕੱਦਮਾ ਨੰਬਰ 270 ਮਿਤੀ 30.05.2015 ਜੁਮ 336/148/149 ਭ.ਦ. 25/27/54/59 ਆਰਮਜ਼ ਐਕਟ, ਥਾਣਾ ਸੁਲਤਾਨਵਿੰਡ, ਅੰਮ੍ਰਿਤਸਰ।
5. ਮੁਕੱਦਮਾ ਨੰਬਰ 9 ਮਿਤੀ 16.01.2016 ਜੁਮ 307/148/149 ਭ.ਦ. ਥਾਣਾ ਸੁਲਤਾਨਵਿੰਡ, ਅੰਮ੍ਰਿਤਸਰ (ਜ਼ੋਰੇ ਸਮਾਇਤ ਅਦਾਲਤ)।
6. ਮੁਕੱਦਮਾ ਨੰਬਰ 72 ਮਿਤੀ 27.03.2015 ਜੁਮ 379/411 ਭ.ਦ. 22 ਐਨ.ਡੀ.ਪੀ.ਐਸ. ਐਕਟ ਥਾਣਾ ਸੁਲਤਾਨਵਿੰਡ ਅੰਮ੍ਰਿਤਸਰ ਦਰਜ ਹਨ। (ਜ਼ੋਰੇ ਸਮਾਇਤ ਅਦਾਲਤ)।

ਇਨ੍ਹਾਂ ਮੁਕੱਦਮਿਆਂ ਵਿਚੋਂ 2 ਕੇਸਾਂ ਵਿਚੋਂ ਅਪੀਲ ਕਰਤਾ ਨੂੰ ਸਜ਼ਾ ਹੋ ਚੁੱਕੀ ਹੈ ਅਤੇ ਕੁਝ ਕੇਸ ਅੰਡਰ ਟਰਾਇਲ ਚਲ ਰਹੇ ਹਨ। ਰਣਜੀਤ ਸਿੰਘ ਨਸ਼ੇ ਵੇਚਣ ਅਤੇ ਹੋਰ ਅਪਰਾਧਿਕ ਗਤੀ ਵਿਧੀਆ ਦਾ ਆਦੀ ਮੁਜ਼ਰਮ ਹੈ। ਇਸ ਵੇਲੇ ਮੋਬਾਇਲ ਲੋਕੇਸ਼ਨਾਂ ਬਾਰੇ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਵਿਚ ਕੁਝ ਆਲਾ ਪੁਲਿਸ ਕਰਮਚਾਰੀਆਂ ਦੇ ਰਿਸ਼ੇਤਾਰਾ ਅਤੇ ਕਾਲਾਂ ਪੁਲਿਸ ਮੁਖਬਰਾਂ ਦੀਆਂ ਵੀ ਹੋ ਸਕਦੀਆਂ ਹਨ। ਅਪੀਲ ਕਰਤਾ ਰਣਜੀਤ ਸਿੰਘ ਸੂਚਨਾ ਲੈ ਕੇ ਉਨ੍ਹਾਂ ਨੂੰ ਨਿਜੀ ਨੁਕਸਾਨ ਵੀ ਪਹੁੰਚਾ ਸਕਦਾ ਹੈ। ਕਿਉਂਕਿ ਉਹ ਨਸ਼ੇ ਦੀ ਤਸਕਰੀ ਅਤੇ ਹੋਰ ਅਪਰਾਧਿਕ ਗਤੀਵਿਧੀਆਂ ਕਰਨ ਦਾ ਆਦੀ ਹੈ। ਜਿਸ ਨੇ ਨਾਲ ਨੌਜਵਾਨਾਂ ਦੇ ਭਵਿੱਖ ਨੂੰ ਵੀ ਖਤਰਾ ਹੈ। ਇਸ ਲਈ ਇਹ ਸੂਚਨਾ, ਸੂਚਨਾ ਦੇ ਅਧਿਕਾਰ ਦੀ ਧਾਰਾ 8(1)(ਜੀ) ਅਨੁਸਾਰ ਦੇਣੀ ਵਾਜਬ ਨਹੀਂ ਹੋਵੇਗੀ। ਇਸ ਤੋਂ

Contd.....p/3

ਇਲਾਵਾ, ਇਸ ਮਾਣਯੋਗ ਅਦਾਲਤ ਵਿਚ ਇਸ ਦਫ਼ਤਰ ਵਲੋਂ ਪੱਤਰ ਨੰਬਰ 4602-ਸੀ.ਪੀ.ਸੀ. ਮਿਤੀ 11.09.2018 ਨਾਲ ਵਿਸਥਾਰ ਪੂਰਵਕ ਜ਼ਿਆਬ ਦਾਖਲ ਕੀਤਾ ਗਿਆ ਹੈ। ਅਪੀਲ ਕਰਤਾ ਰਣਜੀਤ ਸਿੰਘ ਵਲੋਂ ਪਹਿਲਾਂ ਇਸ ਸੂਚਨਾ ਨਾਲ ਸੰਬੰਧਤ ਕੇਸ ਮਾਣਯੋਗ ਅਦਾਲਤ ਸ੍ਰੀ ਯਸ਼ਵੀਰ ਮਹਾਜਨ, ਸਟੇਟ ਇਨਫਰਮੇਸ਼ਨ ਕਮਿਸ਼ਨਰ, ਪੰਜਾਬ ਦੀ ਅਦਾਲਤ ਵਿਚ ਕੀਤਾ ਗਿਆ ਸੀ। ਜੋ ਇਹ ਕੇਸ ਮਾਣਯੋਗ ਅਦਾਲਤ ਵਲੋਂ ਮਿਤੀ 17.08.2017 ਨੂੰ ਖਾਰਜ ਕੀਤਾ ਜਾ ਚੁੱਕਾ ਹੈ।

ਮੇਰੇ ਵਲੋਂ ਉਪਰੋਕਤ ਤਥਾਂ ਅਤੇ ਹਾਲਾਤਾਂ ਨੂੰ ਵਾਚਿਆ ਗਿਆ ਹੈ ਅਤੇ ਮੈਂ ਇਸ ਨਤੀਜੇ ਤੇ ਪਹੁੰਚਿਆ ਹਾਂ ਕਿ ਅਪੀਲ ਕਰਤਾ ਰਣਜੀਤ ਸਿੰਘ ਵਲੋਂ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਪਬਲਿਕ ਹਿਤ ਨੂੰ ਮੁਖ ਰਖਦੇ ਹੋਏ ਦਿਤੀ ਜਾਣੀ ਵਾਜ਼ਿਬ ਨਹੀਂ ਹੈ। ਇਸ ਲਈ ਸੂਚਨਾ ਦੇ ਅਧਿਕਾਰ ਐਕਟ ਦੀ ਧਾਰਾ 8(1)ਜੀ ਤਹਿਤ ਮੈਂ ਸੂਚਨਾ ਨਾਂ ਦੇਣ ਬਾਰੇ ਹੁਕਮ ਪਾਸ ਕਰਦਾ ਹਾਂ।

3. The counsel for the appellant states that they will be satisfied if the tower location of the concerned Mobile Number is provided to them.

4. Consequently, after going through the Speaking Order dated 22.01.2019, passed by the Commissioner of Police, Amritsar and hearing both the parties at length, it is observed that Tower Location of the concerned Mobile Number has no link with the exemption claimed under Section 8(1)(g) of the Right to Information Act, 2005 by the respondents for not providing the sought for information to the appellant. In case they have any apprehension, they may eclipse any other information, to which any sensitivity is attached. Accordingly, the respondents are directed to provide the Tower Location of the concerned Mobile Number on a specific date and time to the appellant, before the next date of hearing.

5. To come up on **05.03.2019** at **11.30 A.M.** for confirmation of compliance of orders.

Dated : 28.01.2019

(S.S. Channy)
Chief Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION

Red Cross Bhawan, Near Rose Garden, Madhya Marg,
Sector: 16, Chandigarh.

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

Visit us @ www.infocommpunjab.com, Email-ID pcic20@punjabmail.gov.in

Ms. Sarabjit Kaur
d/o S. Baljeet Singh
r/o Village Midha, Tehsil Malout,
District Sri Mukatsar Sahib.

..... Complainant

Vs

Public Information Officer
o/o Director General of Police, Punjab,
Sector 9, Chandigarh.

.....Respondent

COMPLAINT CASE No. 910 of 2018

Present:- Shri Sandeep Singh on behalf of the complainant.

Shri Surinder Singh, ASI alongwith Ms. Paramjit Kaur and Ms. Sarabjit Kaur, both Junior Assistants on behalf of the respondent-PIO.

ORDER

This order may be read with reference to the previous order dated 22.11.2018 vide which PIO/Senior Superintendent of Police, SAS Nagar was directed to supply the remaining information including a copy of an affidavit said to have been given/sent by complainant's father stating that the complainant is not interest in joining the job.

2. The complainant is absent but he has sent an e-mail stating that exemption from appearance be granted to her.
3. The representatives of the respondent-PIO state that they have sent the reply alongwith copy of affidavit given by father of the complainant to the representative of the respondents during the hearing.
4. On the request of the complainant, the case is adjourned to 05.03.2019 with the advice to revert back to the authorities in case of deficiencies in the information so provided. On receipt of the deficiencies from the complainant, the respondent-PIO is directed to remove the same before the next date of hearing.
5. To come up on **05.03.2019** at **11.30 A.M.**

Dated : 28.01.2019

(S.S. Channy)
Chief Information Commissioner
Punjab