

PUNJAB STATE INFORMATION COMMISSION
Red Cross Building, Near Rose Garden,
Sector 16, Chandigarh.
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Helpline No. 0172-2864100



Sh. Sarvan Kumar, S/o ShriJamanDass,
R/o Street No. 2, Near Sri Ram Mandir,
Patiala Gate, Patiala

.....Appellant

..Vs

REGISTERED POST

Public Information Officer,
O/o SDM, Sangrur

First Appellate Authority
o/o DC, Sangrur

2) Public Information Officer,
O/o DC Sangrur

.....Respondent

AC No. 862 of 2020

Present : (i) Sh. Sarvan Kumar the appellant
(ii) For the respondent : Sh. Amnider Singh, Jr. Assistant (9855983377), Sh. Sinderpal, PIO (9877586324)

ORDER

This order may be read with reference to the previous order dated 19.01.2022.

2. The appellant Sh. Sarvan Kumar has given in writing that he does not want to pursue the matter any further. Therefore, he has requested for the withdrawal of the complaint. Accordingly, case is **disposed of and closed**. Copies of the order be sent to the parties.

Sd/-

Dated: 28.03.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Ujjagar Singh
S/o Late Sh. Bant Singh, R/o Street No. 1
Maan Colony, Daba, Ludhiana – 141014 (9878961815)

.....Appellant

..Vs

Public Information Officer,
O/o Joint Police Commissioner (Rural)
Ludhiana
First Appellate Authority-cum- Police Commissioner
Ludhiana

.....Respondent

AC No. 3316 of 2021

Present : (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Tarun Singh, APIO (9463202689)

ORDER

This order may be read with reference to the previous order dated 19.01.2022 vide which the respondent was directed to file an affidavit.

2. The appellant is absent today.
3. The respondent states that he has brought an affidavit as per directed by the Commission in the last hearing.
4. An affidavit submitted by the respondent is as under:

ਅਪੀਲ ਕੇਸ ਨੰਬਰ 3316/2021
ਹਲਫ਼ੀਆ ਬਿਆਨ

ਮੈਂ ਹਵਾਸ਼ਰਨ ਸਿੰਘ ਬਰਾੜ, ਪੀ.ਪੀ.ਐਸ, ਲੋਕ ਸੂਚਨਾ ਅਫ਼ਸਰ-ਕਮ, ਚੁਆਇੰਟ ਕਮਿਸ਼ਨਰ ਪੁਲਿਸ, ਇਹਾਈ, ਲੁਧਿਆਣਾ ਹੇਠ ਲਿਖਿਆ ਹਲਫ਼ੀਆ ਬਿਆਨ ਕਰਦਾ ਹਾਂ ਕਿ:-

1. ਇਹ ਕਿ ਅਪੀਲ ਕਰਤਾ ਵੱਲੋਂ ਮੇਰੇ ਪੱਤਰ ਮਿਤੀ 26-04-2021 ਵਿੱਚ ਦਰਖਾਸਤ ਯੂ.ਆਈ.ਐੱਸ ਨੰਬਰ 1910739 ਮਿਤੀ 30-10-2020 ਅਤੇ ਦਰਖਾਸਤ ਨੰਬਰ 2006362 ਮਿਤੀ 03-04-2021 ਬਾਰੇ ਲਈ ਨੰਬਰ 1 ਤੋਂ 3 ਤੱਕ ਸੂਚਨਾ ਦੀ ਮੰਗ ਕੀਤੀ ਸੀ।
2. ਇਹ ਕਿ ਅਪੀਲ ਕਰਤਾ ਵੱਲੋਂ ਮੇਰੀ ਗਈ ਪੁਆਇੰਟ ਵਾਇਜ਼ ਸੂਚਨਾ ਅਪੀਲ ਕਰਤਾ ਨੂੰ ਮਿਤੀ 13-02-2022 ਨੂੰ ਚਸਿਟਰਡ ਡਾਕ ਰਾਹੀਂ ਭੇਜੀ ਗਈ ਸੀ, ਜਿਸ ਸਬੰਧੀ ਭਾਰੀਕ ਪੇਸ਼ੀ 19-01-2022 ਨੂੰ ਮਾਨਯੋਗ ਰਾਜ ਸੂਚਨਾ ਕਮਿਸ਼ਨ ਜੀ ਵੱਲੋਂ ਕੀਤੇ ਹੁਕਮ ਦੀ ਪਾਲਣਾ ਕਰਦੇ ਹੋਏ ਪੁਆਇੰਟ ਨੰਬਰ 03 ਵਿੱਚ ਦਰਖਾਸਤ ਯੂ.ਆਈ.ਐੱਸ ਨੰਬਰ 1910739 ਮਿਤੀ 30-10-2020 ਅਤੇ ਦਰਖਾਸਤ ਨੰਬਰ 2006362 ਮਿਤੀ 03-04-2021 ਅਨੁਸਾਰ ਦਰਜ ਦਰਖਾਸਤ ਪ੍ਰਤੀ ਜੋ ਵਿਅਕਤੀ, ਔਰਤਾ ਅਤੇ ਅਧਿਕਾਰੀਆਂ ਨੂੰ ਪ੍ਰਵਾਨੇ/ ਨੋਟਿਸ ਜਾਰੀ ਕੀਤੇ ਗਏ ਹਨ, ਬਾਰੇ ਮੇਰੀ ਗਈ ਸੂਚਨਾ ਸਬੰਧੀ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਦਰਖਾਸਤ ਰਿਕਾਰਡ ਨੂੰ ਵਾਇਜ਼ਾ ਗਿਆ, ਜੋ ਦਰਖਾਸਤ ਰਿਕਾਰਡ ਅਨੁਸਾਰ ਵਿਅਕਤੀ, ਔਰਤਾ ਅਤੇ ਅਧਿਕਾਰੀਆਂ ਨੂੰ ਪ੍ਰਵਾਨੇ/ ਨੋਟਿਸ ਜਾਰੀ ਨਹੀਂ ਕੀਤੇ ਗਏ, ਜਿਸ ਕਰਕੇ ਦਰਖਾਸਤ ਰਿਕਾਰਡ ਵਿੱਚ ਪ੍ਰਵਾਨੇ/ਨੋਟਿਸ ਨਹੀਂ ਨਹੀਂ ਹਨ, ਜੋ ਸੂਚਨਾ ਰਿਕਾਰਡ ਵਿੱਚ ਉਪਲੱਬਧ ਸੀ, ਅਪੀਲ ਕਰਤਾ ਨੂੰ ਮੁਹੱਈਆ ਕਰਵਾਈ ਜਾ ਚੁੱਕੀ ਹੈ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਅਪੀਲ ਕਰਤਾ ਵੱਲੋਂ ਮੇਰੀ ਗਈ ਸੂਚਨਾ ਰਿਕਾਰਡ ਵਿੱਚ ਉਪਲੱਬਧ ਨਹੀਂ ਹੈ ਜੀ।

ਮੈਂ ਗੁਰਦੀਤ ਸਿੰਘ ਸਿੱਧਾ ਹੈ ਕਿ ਉਕਤ ਹਲਫ਼ੀਆ ਬਿਆਨ ਵਿੱਚ ਦਿੱਤੇ ਗਏ ਤੱਥ ਰਿਕਾਰਡ ਪ੍ਰਤਾਪਕ ਮਹੀ ਵਾ ਦਰੁਸਤ ਹਨ। ਇਸ ਵਿੱਚ ਭੁੱਲ ਦੀ ਲੋਕਾਇਆ ਫੁਪਾਇਆ ਨਹੀਂ ਗਿਆ ਜੀ।

ੴ ਬਿਆਨ ਕਰਤਾ

Certified that the affidavit SPAJGPA has been read over & explained to the deponent/ executant who seemed correctly to understand the same at the time making above there of

NOTARY
17/5
Rajinder Singh
Ludhiana (Pb.)
Regd. No.
29155
GOVT. OF INDIA

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AC No. 3316 of 2021

5. Copy of the same is taken on record. Respondent is directed to send original affidavit to the appellant.
6. With these directions, the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated: 28.03.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Tejinder Singh Bhattal, (Er.)
S/o Sh. Bikram Singh, House No. 98,
Sunil Park, PO Rajguru Nagar, Opposite MBD Mail,
Distt. Ludhiana – 141012 (9646011622)

.....Appellant

Vs

Public Information Officer,
O/o Principal Secretary,
Department of Finance, Punjab
Chandigarh
First Appellate Authority,
O/o Principal Secretary,
Department of Finance, Punjab
Chandigarh

.....Respondent

AC.No. 2077 of 2021

Present : (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Sandeep Singh, Sr. Assistant (7696689741)

ORDER

This order may be read with reference to the previous order dated 19.01.2022.

2. The appellant is absent today. He has sent an email mentioning therein that he has received the information. He has prayed that the case may be disposed of accordingly.

3. In view of the foregoing, no cause of action is left, hence the appeal case filed by the appellant is **disposed of** accordingly. Copies of the order be sent to the parties.

Sd/-

Dated: 28.03.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Lajpat Garg (9814230616)
S/o Sh Harbans Lal, B-13/287,
Roman Street, Jaito,
Distt Faridkot

.....Appellant

..Vs

Public Information Officer,
O/o Secretary, Vigilance Department,
Mini Sectt. Sector-9, Chandigarh
First Appellate Authority
O/o Addl. Chief Secretary, Vigilance Department, Punjab
Vigilance Bhawan, Sector 68, SAS Nagar

.....Respondent

AC No. 1701 of 2020

Present : (i) None is present on behalf of the appellant
(ii) For the respondent : Sh. Manoj Kumar , APIO (9878853807) Smt. Ranjit Kaur , PIO-cum-Suptd (9988309344)

ORDER

This order may be read with reference to the previous order dated 19.01.2022.

2. Today the appellant is absent. He has sent a letter that he is unable to attend the hearing, hence he has sought another date.

3. The respondent -PIO has filed her reply on oath paper i.e. *"That in continuation of earlier affidavit dated 12.05.2021 , it is submitted that the information sought by the applicant/appellant Sh. Lajpat Rai Garg S/o Sh. Harbans Lal, Resident of B-13/287, Roman Street Jaito, Distt. Faridkot has already been provided to him and that no further information is remained to be supplied to him as per office record."*

4. I have gone through the affidavit and found satisfactory. ***Copy of an affidavit as submitted by the respondent be sent to the appellant alongwith these orders.***

5. In view of the foregoing, no cause of action is left, hence the appeal case filed by the appellant is disposed of and closed. Copy of the order be sent to the parties.

Sd/-

Dated: 28.03.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Sh. Jarnail Singh, S/o Sh. Hari Singh
R/o Village Gobindgarh, PO Jugiana
(946324577)

.....Appellant

..Vs

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

First Appellate Authority ,
O/o Director General of Punjab,
Punjab Police Headquarter
Sector 9, Chandigarh

.....Respondent

AC No. 4249 of 2021

Present : (i) Sh. Jarnail Singh the appellant
(ii) For the respondent: Sh. Tarsem Singh, ASI-cum-APIO (9463202689), o/o CP. Ludhiana, Sh. Parshotam Kumar , ASI (9419131510), o/o DGP, Punjab, Sh. Maninder Singh, HC (9463952430) , o/o DGP Punjab, Sh. Sanjiv Abrol, ASI – cum-APIO, o/o PAP Batalian and Sh. Ravinder, DSP-cum-APIO (9872550585), o/o PAP Batalian

ORDER

This order may be read with reference to the previous order dated 17.01.2022 vide which the appellant was absent.

2. Today the appellant states that no information has been given to him so far.
3. The respondent o/o PIO, Commandant, 13th Batalian states that they have brought complete reply today in the Commission. Copy of the same is handed over to the appellant.

The appellant has gone through the same and states that he is satisfied with the same.

4. In view of the foregoing, no cause of action is left, hence the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated: 28.03.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Smt Jasbir Kaur Arora,
 3439, MIG, Phase- II
 Urban Estate, Ludhiana - 141013

.....Appellant

..Vs

Public Information Officer,
 O/o DEO(SE) Ludhiana
First Appellate Authority,
 O/o DEO(SE) Ludhiana

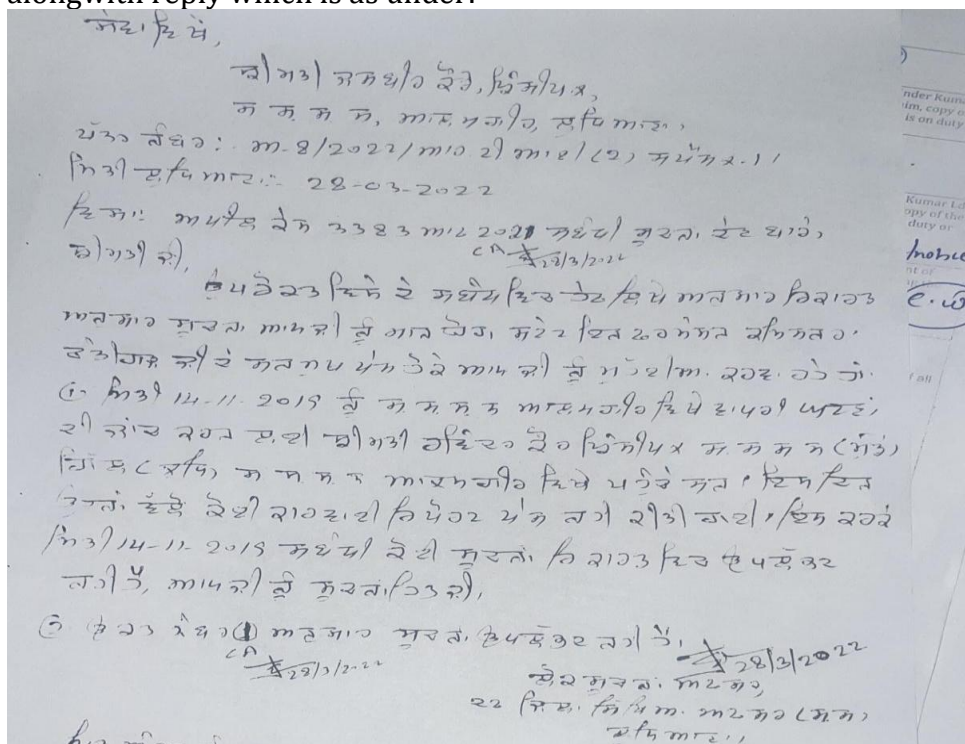
.....Respondent

AC No. 3383 of 2021

Present:- (i) Smt. Jasbir Kaur Arora (in the Commission)
 (ii) For the respondent : Sh. Jiwan Singh, Sr. Assistant O/o DEO (SE) Ludhiana
 (9417897293) and Sh. Charanjit Singh (8872200166)

ORDER

- This order may be read with reference to the previous order dated 19.01.2022.
- The appellant states that no information has been given to him so far.
 - The respondent states that they have brought complete information today alongwith reply which is as under:-



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AC No. 3383 of 2021

The respondent has also filed affidavit in response to the show cause notice issued.

4. Copy of the information is handed over to the appellant alongwith copy of affidavit as submitted by the respondent. I have gone through the affidavit of the Respondent and agree with it resultantly, the proceedings under Section 20 of the RTI are dropped.

5. In view of the foregoing , no cause of action is left, hence the appeal case filed by the appellant is **disposed of and closed**. Copy of the order be sent to the parties.

Sd/-

Dated: 28.03.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

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Kiran Sharma, W/o Late Sh Jagdish Sharma,
Street no 42, Preet Nagar, Shimlapuri, Ludhiana
(7973081420)

.....Appellant

..Vs

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

First Appellate Authority
O/o Commissioner of Police,
Ludhiana

2.Public Information Officer,
O/o Commissioner of Police,
Ludhiana

.....Respondent

AC No. 4238 of 2021

Present: (i) Sh. Sushil Kumar, on behalf of the Appellant.
(ii) For the respondent : Sh Tarsem Singh, APIO O/o Commissioner of Police, Ldh, Sh Parshotam Kumar, ASI O/o DGP, Pb and Sh Maninder Singh, HC, O/o DGP, Pb

ORDER

This order may be read with reference to the previous order dated 17.01.2022 vide which PIO O/o C.P Ludhiana was impleaded as Respondent no.2.

2. The brief facts of the case is that the Appellant has sought certain information under the Right to Information Act of 2005(hereinafter referred to as the Act) dated 13.02.2021. Being aggrieved by the fact that the concerned Authority has not furnished her the complete information as sought by her under the present Application, the present Second Appeal had been filed before this Commission. Before stating anything further, it would be significant to reproduce the contents of the RTI applications itself, which are as follows:-

3. Since, the information being sought for by the Appellant in the aforesaid Application was not furnished to her, therefore she filed the First Appeal before the Office of Director General of Punjab.



AC No. 4238 of 2021

6. Today, Sh Sushil Kumar is appearing on behalf of the Appellant. The Appellant has filed her authority letter by e-mail authorizing Sh Sushil Kumar to appear on her behalf. Further, the Appellant has also filed her submissions through the e-mail. Copy of the same is taken on record. Sh Sushil Kumar-representative for the Appellant, states that they have not received any information so far.
7. Sh Tarsem Singh, ASI is appearing on behalf of Respondent no.2 states that the information demanded by the Appellant has been provided to her. Further, he also states if the Appellant is not satisfied with the information provided, she may inspect the record in their office and obtain the information.
8. They have also filed a copy of the reply/information sent to the Appellant as under:-

ਉਪਰੋਕਤ ਵਿਸ਼ਾ ਦੇ ਸਬੰਧ ਆਪ ਨੂੰ ਲਿਖਿਆ ਜਾਦਾ ਹੈ ਕਿ ਆਪ ਵੱਲੋਂ ਮੰਗ ਪੱਤਰ ਮਿਤੀ 13-02-2021 ਵਿੱਚ ਮਿਤੀ 06-02-2021, 07-02-2021 ਅਤੇ 08-02-2021 ਨੂੰ ਮਾਨਯੋਗ ਡੀ.ਜੀ.ਪੀ ਪੰਜਾਬ ਪੁਲਿਸ ਚੰਡੀਗੜ੍ਹ ਨੂੰ ਈ.ਮੇਲ ਰਾਹੀਂ ਭੇਜਿਆ ਦਰਖਾਸਤ ਸਬੰਧੀ ਲੜੀ ਨੰਬਰ 01 ਤੋਂ 05 ਤੱਕ ਸੂਚਨਾ ਦੀ ਮੰਗ ਕੀਤੀ ਹੈ।

ਜਿਸ ਸਬੰਧੀ ਸ਼ਿਕਾਇਤ ਸ਼ਾਖਾਂ ਪਾਸੋਂ ਰਿਪੋਰਟ ਹਾਸਲ ਕੀਤੀ ਗਈ, ਜਿਹਨਾਂ ਦੀ ਰਿਪੋਰਟ ਮੁਤਾਬਕ ਮਿਤੀ 06-02-2021, 07-02-2021 ਅਤੇ 08-02-2021 ਕੀਤੀ ਸ਼ਿਕਾਇਤ ਜਿਸਨੂੰ ਆਤਰ ਕਮਿਸ਼ਨਰ ਪੁਲਿਸ ਲੁਧਿਆਣਾ ਦੀ ਸ਼ਿਕਾਇਤ ਸ਼ਾਖਾ ਦਾ ਯੂ.ਆਈ.ਡੀ.ਨੰਬਰ 1976540 ਮਿਤੀ 18-02-2021, ਦਰਖਾਸਤ ਨੰਬਰ 1990191 ਅਤੇ ਦਰਖਾਸਤ ਨੰਬਰ 1990196 ਮਿਤੀ 11-03-2021 ਲੱਗਾ ਹੈ, ਮੁਤਾਬਕ ਰਿਕਾਰਡ ਇਹ ਦਰਖਾਸਤ ਪਤਰਾਲ ਅਧੀਨ ਹੋਣ ਸਬੰਧੀ ਆਪ ਨੂੰ ਪੁਆਇੰਟ ਵਾਇਜ਼ ਜਵਾਬ ਪੱਤਰ ਨੰਬਰ 294/ਐਫ.ਏ/ਆਰ.ਟੀ.ਆਈ ਮਿਤੀ 06-10-2021 ਰਾਹੀਂ ਭੇਜਿਆ ਗਿਆ ਸੀ, ਜਿਸ ਦੀ ਕਾਪੀ ਨੱਥੀ ਹੈ।

ਆਪ ਵੱਲੋਂ ਮਾਨਯੋਗ ਰਾਜ ਸੂਚਨਾ ਕਮਿਸ਼ਨ ਜੀ ਪਾਸ ਦਾਇਰ ਕੀਤਾ ਉਕਤ ਅਪੀਲ ਕੇਸ ਮੌਜੂਦ ਹੋਣ ਪਰ ਸ਼ਿਕਾਇਤ ਸ਼ਾਖਾਂ ਪਾਸੋਂ ਦੁਬਾਰਾ ਰਿਪੋਰਟ ਹਾਸਲ ਕੀਤੀ ਗਈ, ਜਿਹਨਾਂ ਦੀ ਰਿਪੋਰਟ ਮੁਤਾਬਕ ਯੂ.ਆਈ.ਡੀ.ਨੰਬਰ 1976540 ਮਿਤੀ 18-02-2021, ਦਰਖਾਸਤ ਨੰਬਰ 1990191 ਅਤੇ ਦਰਖਾਸਤ ਨੰਬਰ 1990196 ਮਿਤੀ 11-03-2021 ਦਰਖਾਸਤ ਸੀਨ ਐਂਡ ਵਾਇਲ (Seen & File) ਕੀਤੀਆ ਜਾ ਚੁੱਕੀਆ ਹਨ, ਜਿਸ ਦਾ ਰਿਕਾਰਡ ਸ਼ਿਕਾਇਤ ਸ਼ਾਖਾਂ ਪਾਸੋਂ ਹਾਸਲ ਕੀਤਾ ਗਿਆ ਹੈ। ਜਿਸ ਸਬੰਧੀ ਆਪ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਦਾ ਹੈ, ਕਿ ਦਫਤਰ ਕਮਿਸ਼ਨਰ ਪੁਲਿਸ ਲੁਧਿਆਣਾ ਦੀ ਆਰ.ਟੀ.ਆਈ ਬਰਾਬ ਵਿਖੇ ਹਜ਼ਰ ਆ ਕੇ ਰਿਕਾਰਡ ਦੀ ਇੰਸਪੈਕਸ਼ਨ ਕਰਕੇ ਲੜੀਈ ਸੂਚਨਾ ਹਾਸਲ ਕਰ ਸਕਦੇ ਹੋ।

ਨੱਥੀ ਪੇਜ:- ਉਕਤ ਅਨੁਸਾਰ



AC No. 4238 of 2021

9. Sh Sushil Kumar, representative for the Appellant states that they have not received any information so far. Further, as he was not satisfied, during the course of hearing, he was directed to inspect the record in the O/o Respondent no.2 but he denied the same outrightly stating that the appellant had demanded information from PIO O/o DGP, Punjab and that they should only provide him the information. The undersigned tried to reason with him that the information is lying with PIO O/o Commissioner of Police, Ludhiana and hence, they have been impleaded as Respondent no.2 and they have to provide information but all the efforts went in vain and the representative for the Appellant, started arguing on the same. However, the Appellant may take note that Section 6(3) of the RTI Act 2005 provides that:

*“6(3) Where an application is made to a public authority requesting for an information,-
(i) which is held by another public authority; or
(ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer.”*

10. Further, the Appellant started shouting and passed insinuating remarks. He also used insinuating language against the undersigned, inspite of several warnings. This attitude of the appellant is beyond tolerance and does not behave like a civilized person. The language he has used was couched in a very indecent manner.



AC No. 4238 of 2021

11. In P. Jayasankar v Chief Secretary to Govt of Tamilnadu and Gunasellan, IPS decided by Madras High Court on 18.02.2013, which was held that “no information seeker can be allowed to insinuate or defame the Commissioners in the guise of prosecuting their cases. Under such circumstances, when power is vested on the Commissioner and the Commission had proceeded against the information seeker, who had abused the Commissioner in the course of his proceedings, it will be open to the said authority to disqualify a particular information seeker by passing a speaking order.

12. In a similar case, the State Information Commission Tamil Nadu was forced to blacklist a petitioner from seeking any further information from the Commission and with a direction that the petitions made by the petitioner should not be entertained. This extreme decision was taken as the information seeker had misbehaved during the hearing and had made defamatory and insinuating remarks. Consequently, High Court of Madras in WP 3778 of 2013 had upheld the decision of the State Information Commission and observed:

“Henceforth no information seeker can be allowed to insinuate or defame the Commissioner in the guise of prosecuting their cases”

13. It is observed that the appellant has repeatedly filed the RTI application on the same matter with slightly changes. An RTI applicant has no right to ask same question/s or substantially same question/s even with slightly altered sentences



AC No. 4238 of 2021

Some applicants including this applicant are trying to use the words and letters literally, and advancing vexatious argument that because there is nothing specific against it, in law, they can ask for same copy of document any number of times. They are slightly changing the sentences while seeking same information or additional or supplementary information.

14. These persons do more harm to the RTI than blackmailers. Public authorities have to totally engage answers to the purposeless, repeated applications filed by armchair email applicants like the appellant in this case. Their ultimate purpose is to harass the public authorities which result in prevention of proper use of RTI by genuine persons.

15. It is the bounden duty of this Commission to ensure that the provisions of the RTI Act are not used as a tool in the hands of a busy-body like the present appellant. This would defeat the very objective with which the RTI Act was brought into force. This Commission is of the considered opinion that there is a necessity to take penal action against those who misuse the provisions of the RTI Act merely for advancing their personal interest. In fact the Hon'ble Delhi High Court in ***ShailSahni v. Sanjeev Kumar [W.P. (C) 845/2014]*** has observed that :

“10. Consequently, this Court deems it appropriate to refuse to exercise its writ jurisdiction. Accordingly, present petition is dismissed. *This Court is also of the view that misuse of the RTI Act has to be appropriately dealt with, otherwise the public would lose faith and confidence in this ‘sunshine Act’ . A beneficent Statue, when made a tool for mischief and abuse must be checked in accordance with law.*”



AC No. 4238 of 2021

16. The vulnerability of this benevolent statute to such misuse cannot be allowed to perpetuate once Commission has taken cognizance of the intent of the RTI Applicant. The menace caused by vexatious/frivolous litigants is well recognized and if similar obstruction is faced by *quasi-judicial* bodies particularly with respect to statutes like the RTI Act, which is premised on bringing transparency and accountability in government functioning for the larger good of the public, it is only axiomatic that such misuse ought to be curbed.

17. Thus in view of the discussion contained in the forgoing paragraphs of this Judgment the commission is of the view that the present applicant deserves to be debarred from seeking any information under the RTI Act or file any First Appeal or Second Appeal under the same. By doing so the Commission seeks to strike a fine balance between the interests of genuine information seekers, while keeping the menace of frivolous RTI Applicants under check.

18. The Commission advises the appellant, who is presumed to know the law, to be sane enough to see reason in not abusing the RTI and behave like a responsible citizen.

19. Accordingly the present Second Appeal being devoid of merits , are hereby dismissed.

Sd/-

Dated : 28.03.2022

(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab

PUNJAB STATE INFORMATION COMMISSION
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Helpline No. 0172-2864100



Smt Kiran Sharma, W/o Late Sh Jagdish Sharma,
Street no 42, Preet Nagar, Shimlapuri, Ludhiana
(7973081420)

.....Appellant

..Vs

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

First Appellate Authority
O/o Commissioner of Police,
Ludhiana

2.Public Information Officer,
O/o Commissioner of Police,
Ludhiana

.....Respondent

AC No. 4218 of 2021

Present: (i) Sh. Sushil Kumar, on behalf of the Appellant.
(ii) **For the respondent** : Sh Tarsem Singh, APIO O/o Commissioner of Police, Ldh, Sh Parshotam Kumar, ASI O/o DGP, Pb and Sh Maninder Singh, HC, O/o DGP, Pb

ORDER

This order may be read with reference to the previous order dated 17.01.2022 vide which PIO O/o C.P Ludhiana was impleaded as Respondent no.2.

2. The Appellant has sought certain information under the Right to Information Act of 2005(hereinafter referred to as the Act) dated 28.06.2021. Being aggrieved by the fact that the concerned Authority has not furnished her the complete information as sought by her under the present Application, the present Second Appeal had been filed before this Commission. Before stating anything further, it would be significant to reproduce the contents of the RTI applications itself, which are as follows:-

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AC No. 4218 of 2021

[illegible][illegible]



AC No. 4218 of 2021

3. Since, the information being sought for by the Appellant in the aforesaid Application was not furnished to her, therefore she filed the First Appeal before the Office of Director General of Punjab on 27.07.2021. Thereafter, the application of the Appellant has been transferred to the office of Deputy Commissioner of Police, Ludhiana on 09.07.2021 within stipulated time as prescribed under the RTI Act.
4. Being aggrieved by the non-receipt of the information the Appellant sought to file the present Second Appeal before this Commission, which was taken up for hearing on 17.01.2022.
5. On the first hearing dated, 17.01.2022, the Respondent appeared on behalf of PIO O/o DGP, Punjab stated that the information is lying with PIO O/o Commissioner of Police, Ludhiana. Hence, PIO O/o Commissioner of Police, Ludhiana was impleaded as Respondent no.2.
6. Today, Sh Sushil kumar is appearing on behalf of the Appellant. The Appellant has filed her authority letter by e-mail authorizing Sh Sushil Kumar to appear on her behalf. Further, the Appellant has also filed her submissions through e-mail. Copy of the same is taken on record. Sh Sushil Kumar-representative for the Appellant, states that they have not received any information so far.
7. The perusal of the file shows that Respondent no.1 has sent their reply as under:-



AC No. 4218 of 2021

2. ਉਪਰੋਕਤ ਕੇਸ ਸਬੰਧੀ ਪ੍ਰਾਰਥਣ ਵਾਲੇ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਸਬੰਧੀ ਆਪ ਜੀ ਨੂੰ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਸੂਚਿਤ ਕੀਤਾ ਹੈ:

ਲੜੀ ਨੰ.	ਰਾਹੀਂ ਈ-ਮੇਲ ਪ੍ਰਾਪਤ	ਕੇਸ ਦਾ ਰਾਹੀਂ ਈ-ਮੇਲ ਪੱਤਰ ਨੰਬਰ ਅਤੇ ਮਿਤੀ	ਮਿਤੀ
1.	kiransharma2592001@gmail.com m.dt. 30.03.2020	ਸਾਝ ਯੂ ਆਈ ਡੀ ਨੰਬਰ 1776630, ਮਿਤੀ 31.03.2020 CP/LDH	ਰਿਪੋਰਟ ਲੇਖਤ
2.	kiransharma2592001@gmail.com m.dt. 21.05.2020	ਸਾਝ ਯੂ ਆਈ ਡੀ ਨੰਬਰ 1781843, ਮਿਤੀ 21.05.2020 CP/LDH	ਰਿਪੋਰਟ ਲੇਖਤ
3.	kiransharma2592001@gmail.com m.dt. 10.07.2020	ਈ ਮੇਲ ਨੰਬਰ 3654/ਜੀ.ਸੀ.-3/ਡੀ ਜੀ ਪੀ., ਮਿਤੀ 10.07.2020 CP/LDH	ਰਿਪੋਰਟ ਲੇਖਤ
4.	kiransharma2592001@gmail.com m.dt. 03.03.2021	ਈ ਮੇਲ ਨੰਬਰ 1661/ਜੀ.ਸੀ.-4/ਡੀ ਜੀ ਪੀ., ਮਿਤੀ 03.03.2021 CP/LDH	ਰਿਪੋਰਟ ਲੇਖਤ
5.	kiransharma2592001@gmail.com m.dt. 22.01.2020	ਸਾਝ ਯੂ ਆਈ ਡੀ ਨੰਬਰ 1735112, ਮਿਤੀ 22.01.2020 CP/LDH	ਰਿਪੋਰਟ ਲੇਖਤ

ਉਕਤ ਮਾਮਲੇ ਸਬੰਧੀ ਦਰਖਾਸਤੀ ਵਾਲੇ ਮਿਤੀ 01.05.2021 ਨੂੰ ਕੀਤੀ ਈ-ਮੇਲ ਦੀ ਸਾਝ ਯੂ ਆਈ ਡੀ ਨੰਬਰ 1735112 ਮਿਤੀ 22.03.2020 ਦੇ ਹਵਾਲੇ ਵਿੱਚ ਕਮਿਸ਼ਨਰ ਪੁਲਿਸ/ਲੁਧਿਆਣਾ ਨੂੰ ਅਗਲੇਰੀ ਯੋਗ ਕਾਰਵਾਈ ਕਰਨ ਹਿਤ ਕੀਤੀ ਗਈ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਦਰਖਾਸਤੀ ਦੀਆਂ ਦੋ ਸਭ ਪੱਤਰ ਸਾਝ ਯੂ ਆਈ ਡੀ ਜੀ ਪ੍ਰਿਥਾ ਦਾ ਹਵਾਲੇ ਰਾਹੀਂ ਕੁਲ 54 ਦਰਖਾਸਤਾਂ ਸਬੰਧਤ ਪੁਲਿਸ ਜਿਲ੍ਹਾ ਲੁਧਿਆਣਾ ਨੂੰ ਅਗਲੇਰੀ ਯੋਗ ਕਾਰਵਾਈ ਹਿਤ ਕੇਜੀਆ ਹਨ, ਜਿਹਨਾਂ ਦੀ ਰਿਪੋਰਟ ਅਜੇ ਲੇਖਤ ਹੈ। ਇਹ ਵੀ ਵਰਤਣ ਯੋਗ ਹੈ ਕਿ ਉਕਤ ਦਰਖਾਸਤੀ ਇਸ ਦਫਤਰ ਨੂੰ ਬਾਰ-ਬਾਰ ਮੁਕਦਮਾ ਨੰਬਰ-76 ਮਿਤੀ 31.05.2019, ਥਾਣਾ ਨਿਲਾਪੁਰੀ/ਲੁਧਿਆਣਾ ਦੇ ਸਬੰਧ ਵਿੱਚ ਪੁਲਿਸ ਅਫਸਰਾਂ ਦੇ ਖਿਲਾਫ ਸ਼ਿਕਾਇਤ ਈ-ਮੇਲ ਰਾਹੀਂ ਕੇਜੀ ਰਹੀ ਹੈ। ਦਰਖਾਸਤੀ ਵਾਲੇ ਮਿਤੀ 23.06.2021 ਨੂੰ ਕੀਤੀ ਗਈ ਈ-ਮੇਲ ਦਾ ਸਬੰਧ ਵੀ ਪੁਲਿਸ ਕੇਜੀਆ ਸ਼ਿਕਾਇਤ ਨਾਲ ਹੈ। ਜਿਸ ਕਰਕੇ ਇਹ ਦਰਖਾਸਤ ਵੀ ਪਹਿਲਾਂ ਹੀ ਉਕਤ ਈ-ਮੇਲ ਦੇ ਹਵਾਲੇ ਵਿੱਚ ਕਮਿਸ਼ਨਰ ਪੁਲਿਸ/ਲੁਧਿਆਣਾ ਨੂੰ ਅਗਲੇਰੀ ਯੋਗ ਕਾਰਵਾਈ ਹਿਤ ਕੇਜੀ ਰਹੀ ਹੈ, ਜਿਹਨਾਂ ਦੀ ਰਿਪੋਰਟ ਅਜੇ ਤੱਕ ਇਸ ਦਫਤਰ ਵਿੱਚ ਪ੍ਰਾਪਤ ਨਹੀਂ ਹੋਈ ਹੈ।

3. ਇਸ ਲਈ ਬੰਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਉਕਤ ਕੇਸ ਦਾ ਸਬੰਧ ਕਮਿਸ਼ਨਰ ਪੁਲਿਸ/ਲੁਧਿਆਣਾ ਕਮ ਅਪੀਲੀ ਪ੍ਰਾਪਿਕਾਰੀ ਜੀ ਨਾਲ ਹੋਣ ਕਰਕੇ ਉਕਤ ਕੇਸ ਸਬੰਧੀ ਸੂਚਨਾ ਕਮਿਸ਼ਨਰ ਪੁਲਿਸ/ਲੁਧਿਆਣਾ ਨੂੰ ਅਪੀਲੀ ਪ੍ਰਾਪਿਕਾਰੀ ਜੀ ਵਲੋਂ ਹੀ ਮੁਹੱਈਆ ਕਰਵਾਈ ਜਾਣੀ ਬਣਦੀ ਹੈ ਜੀ।

8. Sh Tarsem Singh, ASI appearing on behalf of Respondent no.2 states that the information demanded by the Appellant has been provided to her. Further, he also states that, if the Appellant is not satisfied with the information provided, she may inspect the record in their office and obtain the information.

9. They have also filed a copy of the reply/information sent to the Appellant as under:-

ਉਪਰੋਕਤ ਵਿਸ਼ਾ ਦੇ ਸਬੰਧ ਆਪ ਨੂੰ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਆਪ ਵੱਲੋਂ ਮੰਗ ਪੱਤਰ ਵਿੱਚ ਮਿਤੀ 23-06-2021 ਨੂੰ ਈ.ਮੇਲ ਰਾਹੀਂ ਮਾਨਯੋਗ ਸੀ.ਐਮ ਪੰਜਾਬ ਅਤੇ ਡੀ.ਜੀ.ਪੀ ਸਾਹਿਬ ਨੂੰ ਭੇਜੀ ਦਰਖਾਸਤ ਬਾਰੇ ਲੜੀ ਨੰਬਰ 01 ਤੋਂ 11 ਤੱਕ ਸੂਚਨਾ ਦੀ ਮੰਗ ਕੀਤੀ ਹੈ। ਜਿਸ ਦੇ ਸਬੰਧ ਵਿੱਚ ਦਫਤਰ ਕਮਿਸ਼ਨਰ ਪੁਲਿਸ ਲੁਧਿਆਣਾ ਦੀ ਸ਼ਿਕਾਇਤ ਸ਼ਾਖਾ ਪਾਸੋਂ ਰਿਪੋਰਟ ਹਾਸਲ ਕੀਤੀ ਗਈ, ਜਿਹਨਾਂ ਦੀ ਰਿਪੋਰਟ ਮੁਤਾਬਕ ਮਿਤੀ 23-06-2021 ਨੂੰ ਭੇਜੇ ਪੱਤਰ ਜਿਸਨੂੰ ਸ਼ਿਕਾਇਤ ਸ਼ਾਖਾ ਦਾ ਯੂ.ਆਈ.ਨੰਬਰ 2074661 ਮਿਤੀ 07-07-2021 ਲੱਗਾ ਹੈ, ਜੋ ਮੁਤਾਬਕ ਰਿਕਾਰਡ ਦਰਖਾਸਤ Joint/CP/Rural, ਲੁਧਿਆਣਾ ਪਾਸ ਪੜਤਾਲ ਅਧੀਨ ਹੋਣ ਸਬੰਧੀ ਆਪ ਨੂੰ ਪੱਤਰ ਨੰਬਰ 81/6(3)/ਆਰ.ਟੀ.ਆਈ ਮਿਤੀ 03-08-2021 ਰਾਹੀਂ ਸੂਚਿਤ ਕੀਤਾ ਗਿਆ ਸੀ।

ਆਪ ਵੱਲੋਂ ਮਾਨਯੋਗ ਰਾਜ ਸੂਚਨਾ ਕਮਿਸ਼ਨ ਜੀ ਪਾਸ ਦਾਇਰ ਕੀਤਾ ਉਕਤ ਅਪੀਲ ਕੇਸ ਮੌਜੂਦ ਹੋਣ ਪਰ ਸ਼ਿਕਾਇਤ ਸ਼ਾਖਾ ਪਾਸੋਂ ਦੁਬਾਰਾ ਰਿਪੋਰਟ ਹਾਸਲ ਕੀਤੀ ਗਈ, ਜਿਹਨਾਂ ਦੀ ਰਿਪੋਰਟ ਮੁਤਾਬਕ ਦਰਖਾਸਤ ਯੂ.ਆਈ.ਨੰਬਰ 2074661 ਮਿਤੀ 07-07-2021 ਸੀਨ ਐਂਡ ਫਾਇਲ (Seen & File) ਕੀਤੀ ਜਾ ਚੁੱਕੀ ਹੈ, ਜਿਸ ਦਾ ਰਿਕਾਰਡ ਸ਼ਿਕਾਇਤ ਸ਼ਾਖਾ ਪਾਸੋਂ ਹਾਸਲ ਕੀਤਾ ਗਿਆ ਹੈ।

ਜਿਸ ਸਬੰਧੀ ਮਾਨਯੋਗ ਰਾਜ ਸੂਚਨਾ ਕਮਿਸ਼ਨਰ ਜੀ ਵੱਲੋਂ ਕੀਤੇ ਹੁਕਮਾਂ ਦੀ ਪਾਲਣਾ ਕਰਦੇ ਹੋਏ ਆਪ ਵੱਲੋਂ ਮੰਗ ਪੱਤਰ ਵਿੱਚ ਮਿਤੀ 23-06-2021 ਨੂੰ ਭੇਜੇ ਪੱਤਰ ਸਬੰਧੀ ਪੁਆਇੰਟ ਨੰਬਰ 01 ਤੋਂ 11 ਤੱਕ ਮੰਗੀ ਸੂਚਨਾ ਦਰਖਾਸਤ ਯੂ.ਆਈ.ਨੰਬਰ 2074661 ਮਿਤੀ 07-07-2021 ਦੀਆਂ ਤਸਦੀਕ ਸੁਦਾ ਕਾਪੀਆਂ ਨੱਥੀ ਕਰਕੇ ਭੇਜੀਆਂ ਜਾਦੀਆਂ ਹਨ।



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10. Sh Sushil Kumar, representative for the Appellant states that they have not received any information so far. Further, as he was not satisfied, during the course of hearing, he was directed to inspect the record in the O/o Respondent no.2 but he denied the same outrightly stating that he had demanded information from PIO O/o DGP, Punjab and that they should only provide him the information. The undersigned tried to reason with him that the information is lying with PIO O/o Commissioner of Police, Ludhiana and hence, they have been impleaded as Respondent no.2 and they have to provide information but all the efforts went in vain and the representative for the Appellant, started arguing on the same. However, the Appellant may take note that Section 6(3) of the RTI Act 2005 provides that:

"6(3) Where an application is made to a public authority requesting for an information,-

(i) which is held by another public authority; or

(ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer."

11. Further, the Appellant started shouting and passed insinuating remarks. He also used insinuating language against the undersigned, inspite of several warnings. This attitude of the appellant is beyond tolerance and does not behave like a civilized person. The language he has used was couched in a very indecent manner.

12. In P. Jayasankar v Chief Secretary to Govt of Tamilnadu and Gunasellan, IPS decided by Madras High Court on 18.02.2013, which was held that "no information seeker can be allowed to insinuate or defame the Commissioners in the guise of prosecuting their cases. Under such circumstances, when power is vested on the Commissioner and the Commission had proceeded against the information seeker, who had abused the



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Commissioner in the course of his proceedings, it will be open to the said authority to disqualify a particular information seeker by passing a speaking order.

13. In a similar case, the State Information Commission Tamil Nadu was forced to blacklist a petitioner from seeking any further information from the Commission and with a direction that the petitions made by the petitioner should not be entertained. This extreme decision was taken as the information seeker had misbehaved during the hearing and had made defamatory and insinuating remarks. Consequently, High Court of Madras in WP 3778 of 2013 had upheld the decision of the State Information Commission and observed:

“Henceforth no information seeker can be allowed to insinuate or defame the Commissioner in the guise of prosecuting their cases”

14. It is observed that the appellant has repeatedly filed the RTI application on the same matter with slightly changes. An RTI applicant has no right to ask same question/s or substantially same question/s even with slightly altered sentences. Some applicants including this applicant are trying to use the words and letters literally, and advancing vexatious argument that because there is nothing specific against it, in law, they can ask for same copy of document any number of times. They are slightly changing the sentences while seeking same information or additional or supplementary information.

15. These persons do more harm to the RTI than blackmailers. Public authorities have to totally engage answers to the purposeless, repeated applications filed by armchair email



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applicants like the appellant in this case. Their ultimate purpose is to harass the public authorities which result in prevention of proper use of RTI by genuine persons.

16. It is the bounden duty of this Commission to ensure that the provisions of the RTI Act are not used as a tool in the hands of a busy-body like the present appellant. This would defeat the very objective with which the RTI Act was brought into force. This Commission

is of the considered opinion that there is a necessity to take penal action against those who misuse the provisions of the RTI Act merely for advancing their personal interest. In fact the Hon'ble Delhi High Court in ***ShailSahni v. Sanjeev Kumar [W.P. (C) 845/2014]*** has observed that :

“10. Consequently, this Court deems it appropriate to refuse to exercise its writ jurisdiction. Accordingly, present petition is dismissed. *This Court is also of the view that misuse of the RTI Act has to be appropriately dealt with, otherwise the public would lose faith and confidence in this “sunshine Act”. A beneficent Statue, when made a tool for mischief and abuse must be checked in accordance with law.*”

17. The vulnerability of this benevolent statute to such misuse cannot be allowed to perpetuate once Commission has taken cognizance of the intent of the RTI Applicant. The menace caused by vexatious/frivolous litigants is well recognized and if similar obstruction is faced by *quasi-judicial* bodies particularly with respect to statutes like the RTI Act, which is premised on bringing transparency and accountability in government functioning for the larger good of the public, it is only axiomatic that such misuse ought to be curbed.

18. Thus in view of the discussion contained in the forgoing paragraphs of this Judgment the commission is of the view that the present applicant deserves to be debarred from seeking any information under the RTI Act or file any First Appeal or Second Appeal under the same. By doing so the Commission seeks to strike a fine balance between the

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interests of genuine information seekers, while keeping the menace of frivolous RTI Applicants under check.

19. The Commission advises the appellant, who is presumed to know the law, to be sane enough to see reason in not abusing the RTI and behave like a responsible citizen.

20. Accordingly the present Second Appeal being devoid of merits , are hereby dismissed.

Dated : 28.03.2022

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner
Punjab