

PUNJAB STATE INFORMATION COMMISSION

Red Cross Building, Near Rose Garden,

Sector 16, Chandigarh.

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Whatsapp No. 62848-20189 Cisco Webex: 158 708 3455



Sh. Jaswant Sarpal 9465477771

H.No. 2220/2 gali Arian,

I/S Maha Singh Gate,

District Amritsar

....Appellant

vs

Public Information Officer
o/o Deputy Commissioner,
District Amritsar

First Appellate Authority
o/o Deputy Commissioner,
District Amritsar

....Respondents

Appeal Case No. 3654 of 2020

ORDER

This order may be read with reference to the previous order dated 31 August 2021 by which the case was 'RESERVED' to be pronounced.

2. The appellant has sought the following information in this case.

"Matter related to the affidavit of public information officer cum DCP Amritsar dated 16 March 2020 attested by the Notary Shri Satish Kumar Anand Advocate number RN797098/2 JUDL(I).... Provision under the law of the country which empowers the above-mentioned notary to attest the affidavit (i) without stamps (ii) without proper name, address and designation of the witness (iii) without entering the affidavit in the register of record (iv) As per rule and law of the country the above mention affidavit is authentic and correct in the eyes of law."

3. The appellant has sent the copy of an affidavit, along with his RTI application, given by Shri Jagmohan Singh PPS Deputy Commissioner of Police Amritsar City filed by him in a separate appeal case number 4193/2019 in the case of Shri Jaswant Sarpal Versus Deputy Commissioner of Police, Amritsar, to the Punjab State Information Commission. The appellant has sought information in the present case as to whether the affidavit attested by the notary is authentic and correct or not from the Public Information Officer o/o the Deputy Commissioner, District Amritsar

4. Since the RTI application was filed to the Public Information Officer o/o the Deputy Commissioner, District Amritsar but the said authority transferred the RTI application of the appellant to the Public Information Officer o/o the Deputy Commissioner of Police, Amritsar

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under Section 6(3) of the RTI Act, 2005 and the representative of the respondent Public Information Officer o/o the Deputy Commissioner of Police, Amritsar appeared before the Commission and submitted that the information pertaining to the RTI application of the appellant has already been supplied as available in the office. The representative of the respondents o/o the Deputy Commissioner of Police, Amritsar City informed that the remaining information is to be supplied by the Public Information Officer o/o the Deputy Commissioner, District Amritsar. The representative of the respondent-Public Information Officer o/o the Deputy Commissioner of Police, Amritsar City also sent the written submissions in this case which is reproduced below:-

1. ਐਫੀਡੇਵਿਟ ਦੇ ਹੇਠਾਂ ਐਫੀਡੇਵਿਟ ਕਰਤਾ ਦੀ ਮੋਹਰ ਨਹੀਂ ਲਗਾਈ ਜਾਵੀ।
2. ਮੇਰੇ ਵੱਲੋਂ ਦਿੱਤੇ ਗਏ ਐਫੀਡੇਵਿਟ ਮੇਰੇ ਦਫ਼ਤਰ ਦੇ ਏ.ਐਸ.ਆਈ ਰਣਧੀਰ ਸਿੰਘ ਨੰਬਰ 2370 ਵੱਲੋਂ ਨੋਟਰੀ ਪਬਲਿਕ ਵੱਲੋਂ ਤਸਦੀਕ ਕਰਾਇਆ ਗਿਆ ਹੈ।
3. ਮੇਰੇ ਵੱਲੋਂ ਐਫੀਡੇਵਿਟ ਮਾਣਯੋਗ ਸ੍ਰੀ ਆਸ਼ਿਤ ਜੋਲੀ ਸਟੇਟ ਸੂਚਨਾ ਕਮਿਸ਼ਨ ਦੇ ਹੁਕਮ ਮੁਤਾਬਿਕ ਅਪੀਲ ਕੇਸ ਨੰਬਰ 4193/2019 ਵਿੱਚ ਦਿੱਤਾ ਗਿਆ ਹੈ।
4. ਮੇਰੇ ਵੱਲੋਂ ਐਫੀਡੇਵਿਟ ਬਿੱਲਕੁਲ ਕਾਨੂੰਨ ਅਨੁਸਾਰ ਸਹੀ ਦਿੱਤਾ ਗਿਆ ਹੈ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਅਪੀਲ ਕਰਤਾ ਸ੍ਰੀ ਜਸਵੰਤ ਸਰਪਾਲ ਵੱਲੋਂ ਨੋਟਰੀ ਸ੍ਰੀ ਸਤੀਸ਼ ਕੁਮਾਰ ਨਾਲ ਸਬੰਧਤ ਸੂਚਨਾ ਦੀ ਮੰਗ ਕੀਤੀ ਗਈ। ਜੇ ਨੋਟਰੀ ਇਸ ਦਫ਼ਤਰ ਦੇ ਅਧੀਨ ਨਹੀਂ ਹੈ। ਇਸ ਲਈ ਇਸ ਦਫ਼ਤਰ ਵੱਲੋਂ ਨੋਟਰੀ ਬਾਰੇ ਸੂਚਨਾ ਨਹੀਂ ਦਿੱਤੀ ਜਾ ਸਕਦੀ।

Accordingly, the Public Information Officer o/o the Deputy Commissioner, District Amritsar was directed to file the reply in this case and the reply submitted by the respondent-Public Information Officer in this case vide letter number 5233-34 dated 10 August 2021 is reproduced below:-

- ਨੁਕਤਾ ਨੰਬਰ 1. ਅਦਾਲਤ ਵਿੱਚ ਪੇਸ਼ ਹੋਣ ਵਾਲੇ ਹਲਫੀਆ ਬਿਆਨ ਨੂੰ ਬਿਨਾ ਸਟੈਂਪ ਤਸਦੀਕ ਕਰਨ ਸਬੰਧੀ ਹਦਾਇਤਾਂ ਦੀ ਕਾਪੀ ਨਾਲ ਸ਼ਾਮਲ ਹੈ।
- ਨੁਕਤਾ ਨੰਬਰ 2. ਨੋਟਰੀ ਪਬਲਿਕ ਦੇ ਕੰਮ ਸਬੰਧੀ ਦ ਨੋਟਰੀਜ਼ ਐਕਟ 1952 ਅਤੇ ਨੋਟਰੀਜ਼ ਰੂਲਜ਼ 1956 ਦੀ ਕਾਪੀ ਨਾਲ ਨੋਬੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ।
- ਨੁਕਤਾ ਨੰਬਰ 3. ਨੋਟਰੀ ਪਬਲਿਕ ਦੇ ਕੰਮ ਸਬੰਧੀ ਦ ਨੋਟਰੀਜ਼ ਐਕਟ 1952 ਅਤੇ ਨੋਟਰੀਜ਼ ਰੂਲਜ਼ 1956 ਦੀ ਕਾਪੀ ਨਾਲ ਨੋਬੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ।
- ਨੁਕਤਾ ਨੰਬਰ 4. ਹਲਫੀਆ ਬਿਆਨ ਦੀ ਕਾਨੂੰਨ ਅਨੁਸਾਰ ਪ੍ਰਮਾਣਿਕਤਾ ਸਬੰਧਤ ਅਦਾਲਤ ਵੱਲੋਂ ਵਿਚਾਰੀ ਜਾਂਦੀ ਹੈ।

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4. It is appropriate to mention that the "Information" means as per the provisions of the RTI Act, 2005, any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, report, papers, samples, models data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

5. Furthermore, it is relevant to mention Section 2 (j) of the RTI Act, 2005 which is as follows:-

"right to information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

(i) inspection of work, documents, records;

(ii) taking notes, extracts or certified copies of documents or records;

(iii) taking certified samples of material;

(iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

As per the provisions of the RTI act only the information as per records and available with the public authority concerned can be made available, as is evident from the above provisions of the RTI Act, 2005.

6. That Appeal Case No. 4193/2019 is still pending for adjudication with the bench of Shri Asit Jolly, State Information Commissioner, Punjab, in which the respondent-Public Information Office-cum-Deputy Commissioner of Police, Amritsar city has filed the affidavit.

7. That the appellant has levelled baseless allegations against the Commission for a biased decision, as per his submissions made by him on 31st August, 2021 but no documentary evidence has been placed on record by the appellant. Therefore, the appellant is advised to refrain from making baseless allegations against the Commission.

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8. As far as the authenticity of the affidavit is concerned, in case the appellant is not satisfied with the same, then he has to contest it before the respective Bench where his Appeal Case No. 4193 of 2019 is under hearing. Therefore, the Commission is of the view that no further directions can be given to the respondent public authority as the information has been provided as available on record.

9. Keeping in view the above, the Commission observes that no further action is required to be taken in this case. Hence, the case is disposed of and closed.

SD

Dated: 28.9.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.