

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864111, Visit us @ www.infocommpunjab.com,

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Sunil Kumar Joshi,
Flat No. 404, GH 43,
Sector-20, Panchkula - 134 165

Versus

Public Information Officer,
o/o Inspector General of Police, Security,
Punjab Police Headquarters, Sector 9, Chandigarh.
First Appellate Authority,
o/o ADGP, Security,
Punjab Police Headquarters, Sector 9, Chandigarh.

Appeal Case No. 2771 of 2019

PRESENT:

Sunil Kumar Joshi (Appellant)
Sarbhjeet Singh, (Respondent) 9501300140

ORDER

(To be read in continuity with the Order of 28.8.19)

1. The RTI application is dated **14.5.19** vide which the appellant has sought **information regarding visits by one Sanjay Garg (an alleged Proclaimed Offender) to the ADGPoffice (Punjab Police Headquarters) since September 2018**, as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (hereinafter FAA) on **26.6.19**, and second appeal was filed in the Commission on **26.7.19** under section 19 of the Right to Information Act, 2005 (hereinafter RTI Act.). This case was last heard on **28.08.19**, when a final decision was reserved to be issued in due course.

2. At the last hearing on 28.8.19, the respondent PIO, represented by Sub-Inspector Bhajan Singh, submitted the plea that the information requested by the appellant, cannot be provided since the Security Wing of the Punjab Police has been kept out of the purview of the RTI Act vide "Punjab Government Notification No. 2/27/05 IAR/191, dated 23.01.2006."

3. This Commission however, was of the view that since the information requested by the appellant pertains to a Proclaimed Offender's purported visits to the Punjab Police Headquarters in Chandigarh, the exemption sought by the Assistant Inspector General of Police, Security-cum-APIO (in his reply to the Commission on 8.8.19) may not be applicable in this instance.

4. So, exercising the Commission's authority under Section 22 of the RTI Act, 2005, which reads as under:

"The Provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any other law other than this Act."

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And Section 24(4) of the RTI Act, 2005:

"Nothing contained in this Act shall apply to such intelligence and security organisation being organisations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in case the information sought for is in respect to allegations of violation of human rights, the information shall only be provided after approval of the State Information Commission and, notwithstanding anything contained in Section 7, such information shall be provided within forty-five days from the date of the receipt of the request."

the respondent PIO was directed to positively bring the requested information (visitor book etc.) for the Commission's perusal on the next / second date of hearing on **27.9.19**. It was only after such perusal that the Commission would be able take an informed decision on whether such information ought to be released to the appellants or not.

5. On **27.9.19**, the respondent PIO, represented at the hearing by Deputy Superintendent of Police (Security) Sarabjeet Singh and Sub-Inspector Bhajan Singh, submitted the requested information to this Bench in a sealed cover. After perusing the contents of the sealed envelope, this Commission reserved its ruling.

6. In his second appeal, filed to this Commission on **26.7.19**, as well as his first appeal, filed to the FAA on **26.6.19**, the appellant Sunil Kumar Joshi appended copies of documents including, FIR No. 147 dated 9.6.09 which includes Sanjay Garg's name; SDJM Mohali's Order dated 10.9.10 declaring Sanjay Garg a Proclaimed Offender; and, Letter No. 31072/G/VRK dated 24.5.19 from the SSP Mohali confirming that the SDJM declared Sanjay Garg as a Proclaimed Offender, in support of his request for information regarding the aforesaid Sanjay Garg's visits to the ADGP office (Punjab Police Headquarters) in Chandigarh.

7. Both, in his second appeal and during the hearings at this Commission, the appellant has repeatedly contended that his RTI application is in public interest and that his motive is to "help the Police Department to bring the PO (Proclaimed Offender) to book."

8. The information submitted to this Commission by the respondents on **27.9.19**, includes four Visitor's Passes for entry to the Punjab Police Headquarters at Chandigarh (Sixth Floor, Crime Branch only). These were all issued to one **Sanjay Garg, son of Mangat Rai Garg, resident of House Number 1626 Sector 7-C Chandigarh**. However, a closer examination of the appeal and appendices submitted by the appellant make it evident that this is Not the individual about whom the information was sought. The proclaimed offender named in the SSP Mohali's Letter (No. 31072/G/VRK dated 24.5.19) to the appellant, about whose visits information was requested is: **Sanjay Garg, son of Kapur Chand, resident of 1236 Sector-68 Phase 11 Mohali.**

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9. Either the respondent PIO has not bothered to read the appellant's appeals to this Commission and peruse the appended documents, or he/she has attempted to withhold the information requested therein.

10. The respondent PIO is directed urgently examine the record pertaining to visits made by **Sanjay Garg, son of Kapur Chand, resident of 1236 Sector-68 Phase 11 Mohali**, to the Punjab Police Headquarters from September 2018 till date. He is then to submit a written reply furnishing the correct information by way of attested copies of any visitor's passes issued to the above mentioned individual. In the event that there is no record of any visitor's passes issued to **Sanjay Garg, son of Kapur Chand, resident of 1236 Sector-68 Phase 11 Mohali**, then the respondent PIO must state this in a duly notarised Affidavit to be submitted to the Commission at the next hearing of this appeal case.

11. **Next hearing at 11:00 am on 20.2.2020**

Sd/-
(ASIT JOLLY)
State Information Commissioner

Chandigarh.
28.1.2020