



Sh.Tejinder Singh,
R/o Village Bholpaur, P.O Ramgarh,
Chandigarh Road, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o SDM,
Dharamkot.

First Appellate Authority,
O/o DC,
Moga

...Respondent

Appeal Case No. 263 of 2019

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 22.11.2017 has sought information regarding licenses issued from August 2017 to Nov.22, and other information concerning the office of SDM Dharamkot. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 07.01.2018 which took no decision on the appeal.

The case was first heard by Sh.A.S.Chanduraian, State Information Commissioner on 13.03.2019. Sh.Varinder Kumar, Data Entry Operator appeared on behalf of the respondent and pleaded that the information has been provided to the appellant on 27.12.2017. The appellant was not satisfied.

The case has come up for hearing today. Both the parties are absent. The appellant is directed to communicate the PIO if there is any discrepancies in the information and the PIO is directed to respond the discrepancies appropriately and provide the information. The information be provided within 10 days once the communication is received from the appellant.

With the above order, the case is **disposed off and closed.**

Chandigarh
Dated:29.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Manjit Singh, S/o Sh Gurcharan Singh,
Village Mane Majra, Tehsil chamkaur Sahib,
Distt Ropar.

... Appellant

Versus

Public Information Officer,
O/o The Director, Vigilance Bureau,
Vigilance Bhawan, Sec-68, Mohali.

First Appellate Authority,
O/o The Director, Vigilance Bureau,
Vigilance Bhawan, Sec-68, Mohali.

...Respondent

Appeal Case No. 290 of 2019

PRESENT: None for the Appellant
Sh.Rajesh Kumar, Inspector Vigilance Bureau for the Respondent

ORDER:

The appellant through RTI application dated 05.10.2018 has sought information regarding enquiry report on the appellant's complaint filed against Sh.Mandeep Singh, IAS and Sh.Karamjit Singh for misplacing the and other information concerning the office of Director Vigilance Bureau Punjab. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 13.11.2018 which took no decision on the appeal.

The case was first heard by Sh.A.S.Chanduraian, State Information Commissioner on 13.03.2019. Sh.Jaswant Singh, ASI and Sh.Anil Rattan Constable appeared on behalf of the respondent. Having gone through the letter received in the Commission on 06.03.2019 via diary No.4958, it was observed that the PIO sent a reply to the appellant vide letter No.9732 dated 05.03.2019 stating that since the enquiry is under process, the information cannot be provided and is exempted under section 8(1)(g) and 8(1)(h) of the RTI Act. The appellant expressed his dissatisfaction over the same.

The case has come up for hearing today. The respondent present pleaded that since the enquiry is pending, the information cannot be provided. The First Appellate Authority has also disposed off the appeal upholding the PIO's decision.

Having gone through the record, I uphold the decision of the First Appellate Authority and direct the PIO to provide the information once the enquiry is complete.

With the above observation and order, the case is **disposed off and closed.**

Chandigarh
Dated:29.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Jasbir Singh, S/o Sh Harbans Singh,
Village Jalal Khera, P.O Sular,
Distt Patiala.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Patiala.

First Appellate Authority,
O/o SSP,
Patiala

...Respondent

Appeal Case No. 316 of 2019

PRESENT: None for the Appellant
Sh.Hakam Singh ASI for the Respondent

ORDER:

The appellant through RTI application dated 10.10.2018 has sought information regarding funds allotted by the office of DGP Punjab Police Chandigarh to the Committee constituted for beautification of Patra Police Station alongwith details of appropriation of funds and other information concerning the office of SSP Patiala . The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 12.11.2018 which took no decision on the appeal.

The case was first heard by Sh.A.S.Chanduraian, State Information Commissioner on 13.03.2019. Sh.Ajit Singh ASI and Sh.Sukhbahal Singh Head Constable appeared on behalf of the respondent and submitted a reply dated 12.03.2019 stating that the information has been provided to the appellant and a copy of the information was again handed over to the appellant during the hearing. The appellant was asked to point out the discrepancies, if any and the PIO was directed to remove the same or file a written reply to the written submission to be filed by the appellant.

The case has come up for hearing today. The respondent present pleaded that the available information has been provided to the appellant. The respondent has also brought remaining information. The appellant is absent.

I have gone through the reply of the PIO and find that the operating part of the RTI application has been attended to and the information has been provided to the best possible extent. A copy of the information brought by the respondent is being enclosed with the order for the appellant.

No further course of action is required. The case is **disposed off and closed.**

Chandigarh
Dated:29.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Bhupinder Singh, S/o Sh Gurjail Singh,
Village Bahmna Basti,
Tehsil Samana, Distt Patiala.

... Appellant

Versus

Public Information Officer,
O/o DC,
Patiala.

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

...Respondent

Appeal Case No. 411 of 2019

PRESENT: Sh.Bhupinder Singh as the Appellant
Sh.Chamandeep Singh, Tax inspector O/o BDPO Samana for the
Respondent

ORDER:

The appellant through RTI application dated 04.09.2018 has sought information regarding allotment of plot for kbristhan on Khasra No.92 to 114 and 208 and construction of rest house on khasra no.115 by PWD in village an other information and other information concerning the office of DC Patiala. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 30.10.2018 which took no decision on the appeal.

The case was first heard by Sh.A.S.Chanduraian, State Information Commissioner on 13.03.2019. None on behalf of the respondent was present.

The case has come up for hearing today. Having gone through the record, it is observed that the appellant had filed RTI application with DC office Patiala which forwarded it to the office of DDPO Samana and DDPO further forwarded the RTI application to the BDPO Samana. The respondent present from the office of BDPO Samana pleaded that the information does not pertain to them.

I hereby send the case back to the Deputy Commissioner, Patiala to ascertain the department under whose custody this particular information exists and direct them to look at the RTI application and provide the information as per the RTI Act.

To come up for further hearing on **04.11.2019 at 11.00 AM.**

Chandigarh
Dated:29.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Bhupinder Singh, S/o Sh Gurjail Singh,
Village Bahmna Basti,
Tehsil Samana, Distt Patiala.

... Appellant

Versus

Public Information Officer,
O/o DC,
Patiala.

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

...Respondent

Appeal Case No. 414 of 2019

PRESENT: Sh.Bhupinder Singh as the Appellant
Sh.Purshotam Dass, Jr Assistant O/o Asstt.Registrar, Cooperative Deptt.
for the Respondent

ORDER:

The appellant through RTI application dated 24.09.2018 has sought information regarding resolution dated 15.09.2009 sent to managing committee Samana for action against loan defaulters of Housefed and other information concerning the office of DC Patiala. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 30.10.2018 which took no decision on the appeal.

The case was first heard by Sh.A.S.Chanduraian, State Information Commissioner on 13.03.2019. None on behalf of the respondent was present.

The case has come up for hearing today. The respondent present pleaded that the information has been provided to the appellant. The appellant is not satisfied and stated that the PIO has not provided the status on the resolution dated 15.09.2009.

The PIO is directed to relook at the RTI application and provide the status report on the resolution which was passed on at a later date in the year 2009. The information be provided within 10 days.

The case is adjourned. To come up for compliance on **04.11.2019 at 11.00 AM.**

Chandigarh
Dated:29.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Manjit Singh, S/o Sh Sohan Singh,
H No-388/3, Bahera Road,
Patiala.

... Appellant

Versus

Public Information Officer,
O/o SSP,
Patiala.

First Appellate Authority,
O/o DGP, HQ (P.P) Sector-9,
Chandigarh.

...Respondent

Appeal Case No. 431 of 2019

PRESENT: None for the Appellant]
Sh.Hakam Singh, ASI for the Respondent

ORDER:

The appellant through RTI application dated 08.10.2018 has sought information 8 points regarding office of Master Store Keeper and stores in District Patiala and other information concerning the office of SSP Patiala. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 09.11.2018 which took no decision on the appeal.

The case was first heard by Sh.A.S.Chanduraian, State Information Commissioner on 13.03.2019. Sh.Ajeet Singh, ASI and Sh.Sukhbahal Singh HC was present on behalf of the respondent. The respondent present submitted reply of the PIO dated 12.03.2019 stating that the information has been provided to the appellant. The respondent also handed over a copy of the information to the appellant during the hearing. The appellant was not satisfied. The appellant was asked to file written submission for his grievances and the PIO was directed to remove the same or file a written reply.

The case has come up for hearing today. The respondent present pleaded that the reply to the RTI application has been sent to the appellant vide letter dated 12.03.2019 and a copy of the same is submitted to the Commission. The appellant is absent and vide email has sought exemption.

I have gone through the reply whereby the respondent has stated that as per enquiry from their AC-1 Branch, there is no such post or store of Master Store Keeper in this office and other offices in District Patiala. Thus, this RTI application becomes infructuous and invalid. A copy of the reply is being sent with the order for the appellant.

Since there is no post of Master Store Keeper as stated by the respondent, this RTI holds no merit, and hence the case is **disposed off and closed**.

Chandigarh
Dated:29.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Suresh Kumar, S/o Sh Jit Singh,
Village Bathoi Khurd,
P.O Karhali Sahib, Distt Patiala.

... Appellant

Versus

Public Information Officer,
O/o ADC, (Collector),
Mini Secretariat, Block-A,
Patiala.

First Appellate Authority,
O/o ADC, (Collector),
Mini Secretariat, Block-A,
Patiala.

...Respondent

Appeal Case No. 436 of 2019

PRESENT: None for the Appellant
None for the Respondent

ORDER:

The appellant through RTI application dated 25.09.2018 has sought information regarding action taken report on the complaint of the appellant filed with the office of DC Patiala which was forwarded to the office of ADC (Collector) by Tehsildar Patiala vide No.369/RC dated 11.09.2014 and other information concerning the office of ADC(Collector) Block –A Patiala. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 30.10.2019 which took no decision on the appeal.

The case was first heard by Sh.A.S.Chanduraian, State Information Commissioner on 13.03.2019. Sh.Rajinder Singh Ahlmed appeared on behalf of the respondent and submitted a letter dated 05.03.2019 of the PIO whereby the PIO asked the appellant to deposit the requisite fee and collect the required information.

The case has come up for hearing today. The respondent is absent. The appellant vide email has sought exemption. The appellant is directed to deposit the requisite fee and get the information. The PIO is directed to provide the information after the prescribed fee is deposited by the appellant.

With the above order, the case is **disposed off and closed.**

Chandigarh
Dated:29.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Hans Raj, S/o Sh Lal chand,
R/o Dani Dada, Nirania, Backside Chanvi,
Hanumangarh Road, Abohar, Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o Tehsildar, Abohar,
Distt Fazilka.

First Appellate Authority,
SDM,
Abohar, Distt Fazilka.

...Respondent

Appeal Case No. 1140 of 2018

PRESENT: None for the Appellant
Sh.Ashwani Kumar, Clerk O/o Tehsildar Abohar for the Respondent

ORDER:

The appellant through RTI application dated 07.12.2018 has sought information regarding mutation no., date and name of officer who granted approval of mutation in respect of khewat No.765 khatauni no.986 HB No.121, Abohar-1 entered in the jamabandi for the year 1965-66 in name of Amar Singh s/o Kahan Singh s/o Kora and other information concerning the office of Tehsildar Abohar. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 24.01.2019 which took no decision on the appeal.

The respondent present has submitted a letter of the PIO dated 19.07.2019 wherein the PIO has mentioned that the reply has been sent to the appellant vide letter dated 17.05.2019 and the appellant was asked to contact the concerned patwari and collect the required information by depositing the requisite fee.

Having gone through the record, the Commission observes that since the appellant has sought information under the RTI Act, the PIO is directed to raise fee under the RTI Act and provide the information as per the RTI application. The information be provided within 15 days after the requisite fee is deposited by the appellant.

To come up for compliance on **06.11.2019 at 11.00 AM.**

Chandigarh
Dated:29.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Hans Raj, S/o Sh Lal chand,
R/o Dani Dada, Nirania, Backside Chanvi,
Hanumangarh Road, Abohar, Distt Fazilka.

... Appellant

Versus

Public Information Officer,
O/o Tehsildar, Abohar,
Distt Fazilka.

First Appellate Authority,
SDM,
Abohar, Distt Fazilka.

...Respondent

Appeal Case No. 1141 of 2018

PRESENT: None for the Appellant
Sh.Ashwani Kumar, Clerk O/o Tehsildar Abohar for the Respondent

ORDER:

The appellant through RTI application dated 07.12.2018 has sought information regarding jamabandi for the year 1946-47 in respect of different khasra numbers in HB No.121 Abohar-1 as per RTI application and other information concerning the office of Tehsildar Abohar. The appellant was not provided the information after which he filed first appeal before the First Appellate Authority on 24.01.2019 which took no decision on the appeal.

The respondent present has submitted a letter of the PIO dated 19.07.2019 wherein the PIO has mentioned that the reply has been sent to the appellant vide letter dated 17.05.2019 and the appellant was asked to contact the concerned patwari and collect the required information by depositing the requisite fee.

Having gone through the record, the Commission observes that since the appellant has sought information under the RTI Act, the PIO is directed to raise fee under the RTI Act and provide the information as per the RTI application. The information be provided within 15 days after the requisite fee is deposited by the appellant.

To come up for compliance on **06.11.2019 at 11.00 AM.**

Chandigarh
Dated:29.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Ashwani Kumar, S/o sh Kashmiri Lal,
Phase-1, Civil Lines,
Fazilka.

... Appellant

Versus

Public Information Officer,
O/o PUDA,
Mohali.

First Appellate Authority,
O/o PUDA,
Mohali.

...Respondent

Appeal Case No. 1149 of 2018

PRESENT: None for the Appellant
Sh.Santosh Kumar Bains, PIO-GLADA Ludhiana, Sh.Sukhpal Singh, SDO-
BDA-Bathinda, Sh.Palwinder Singh O/o JDA-Jalandhar and Sh.Jai Pal-PIO,
PDA-Patiala for the Respondent

ORDER:

The appellant through RTI application dated 23.10.2018 has sought information on 10 points regarding reservation provided to different categories for allotment of plots/flats and other information concerning the office of PUDA Mohali. The appellant was not satisfied with the reply of the PIO dated 18.12.2018 after which he filed appeal before the First Appellate Authority on in the Commission on 20.12.2018 which took no decision on the appeal.

The respondents present pleaded that the PUDA had transferred the RTI application to all concerned authorities and the PIOs of the concerned authorities have sent the information to the appellant on the following dates:

- | | | |
|----------------------|---|------------------------------|
| - PIO-GLADA Ludhiana | - | Vide letter dated 22.07.2019 |
| - PIO-JDA Jalandhar | - | Vide letter dated 19.12.2018 |
| - PIO-BDA Bathinda | - | Vide letter dated 07.12.2018 |
| - PIO-PDA Patiala | - | Vide letter dated 31.01.2019 |

The appellant is absent. I have gone through the RTI application and the reply of the PIOs and find that all the points of the RTI application have been attended to appropriately and the information has been provided to the best possible extent except the information regarding point-2 for which the PIO-PUDA is directed to look into the matter and clarify that if there is any definition of development work required to be completed before handing over the possession of the plot to the allottee, the same be replied appropriately.

With the above observation and the order, the case is **disposed off and closed**.

Chandigarh
Dated:29.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Ramdhan Singh, S/o Sh Atma Singh,
Village Todarwal, P.O Babarpur,
Tehsil Nabha, Distt Patiala..

... Appellant

Versus

Public Information Officer,
O/o SSP,
Patiala.

First Appellate Authority,
O/o IGP, Zonal-1,
Patiala.

...Respondent

Appeal Case No.457 of 2019

PRESENT: Sh.AkashVerma representative for the Appellant
Sh.HakamSingh,ASI for the Respondent

ORDER:

The appellant through RTI application dated 31.07.2018 has sought information on 07 points regarding status of FIR filed by Sh.Baljit Singh, the brother of the appellant on the death of appellant's son after a dry branch of a tree fell on him and other information concerning the office of SSP Patiala. The appellant was not satisfied with the reply of the PIO dated 18.12.2018 after which he filed appeal before the First Appellate Authority on 06.09.2018 which took no decision on the appeal.

The case was first heard by Sh.A.S.Chanduraian, State Information Commissioner on 13.03.2019. Sh.Ajeet Singh, ASI and Sh.Sukhbahal Singh HC appeared on behalf of the respondent who submitted a reply of the PIO dated 12.03.2019 stating therein that the information has been supplied to the appellant. The respondent handed over a copy of the information to the appellant during the hearing. The appellant was not satisfied and stated that the PIO has supplied incomplete information. The appellant was directed to file written submission regarding his grievances and the PIO was directed to remove the same.

The case has come up for hearing today. The respondent present pleaded that the information has been provided to the appellant. Sh.Akash Verma representing the appellant claims that the information is incomplete.

Having gone through the RTI application and hearing both the parties, the following was concluded:

- | | |
|----------------------|---|
| - Points-1, 4, 6 & 7 | - Provided |
| - Point-3 | - PIO to provide investigation report |
| - Point-5 | - PIO to provide relevant document |
| - Point-2 | - The appellant has informed that the said tree was declared dangerous and an order was issued to cut the tree. The appellant to submit copy of that document. To be adjudicated on the next date of hearing. |

To come up for further hearing on **06.11.2019 at 11.00 AM.**

Chandigarh
Dated:29.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner



ShYadvinder Singh, S/o ShSimranjit Singh,
Distt Jail, Roopnagar.

... Appellant

Versus

Public Information Officer,
O/o commissioner of Plice ,
Ludhiana.

First Appellate Authority,
O/o commissioner of Plice ,
Ludhiana.

...Respondent

Appeal Case No. 156 of 2019

PRESENT: Sh.Yadvinder Singh, as the Appellant
Sh.Baldev Singh, ASI and Sh.Pawandev Singh, Sub-Inspector, O/o
Commissioner of Police (RTI Cell) for the Respondent

Order:

The appellant through RTI application dated 13.08.2018 sought copies of certain documents regarding case No.125/2014 registered at Police Station, Jamalpur. On receiving no information, the appellant filed first appeal before the First Appellate Authority on 12.11.2018 and subsequently approached the Commission vide second appeal on 03.01.2019.

The case was first heard on 26.02.2019 by Sh.S.S.Channy, Chief Information Commissioner. The respondent denied the information stating that the matter is under investigation and challan has been filed in the court which was handed over to the appellant. The respondent also handed over a copy of judgement of the court in their defense to the appellant. The appellant handed over copies of four judgements in his support to the representative of the respondent. Both the parties were directed to furnish their reply to each other with a copy to the Commission.

The case was again heard by Sh.S.S.Channy, Chief Information Commissioner on 02.04.2019. The appellant submitted a letter which was taken on the record and a copy was handed over to the respondent. The respondent however failed to submit their reply on the judgements handed over to him by the appellant on 26.02.2019. The respondent was directed to file appropriate reply on the judgement and the letter submitted by the appellant.

The case was last heard on 08.07.2019. The respondent pleaded that the accused is in the judicial custody via order of Sh.Arunveer Vashist, Addl. Session Judge, Ludhiana in a double murder case of killing two persons. The respondent further informed that the appellant was working as a reader with Sh.Manjinder Singh, SHO in Police Station Machhiwara. Sh.Yadvinder Singh alongwith two other accused Sh.Manjinder Singh and Sh.Sukhvir Singh went on a raid in a case under the police station Jamalpur where due to heated arguments between both the parties, these accused killed two persons. Sh.Manjinder Singh and Sh.Sukhvir Singh have been declared P.O by the Court of Sh.Arunveer Vashist, Addl. Session Judge, Ludhiana. The statement of the respondent was taken on the file.

The appellant was absent and vide email has sought exemption being in judicial custody. The case was adjourned.

Hearing dated 29.07.2019:

The case has come up for hearing today.

That in the present case, the appellant is a young under trial in a double murder case at Ludhiana, and is at present under custody at District Jail Rupnagar in FIR No. 125 dated 27.09.2014 u/s 302,148,149, 201 IPC PS Jamalpur, Ludhiana.

That he has further sought to obtain copies of *Rojnamncha* and all the *Ziminies* of the Police file in the said FIR for his defense in the court. Still further, as per the facts, which are coming out of the file and the pleadings, the challan in the present case has already been filled and thus the Investigations have been completed.

That the only point to be decided by the Commission, is that whether the Police *Ziminis*, copies of *Rojnamcha*, *DDR* can be provided to the accused or not, inspite of Section 8(1) (h) of the Act.

That the section (supra) has a two-fold connotation. Firstly, the Police can refuse in case it shall hamper the investigation and secondly that of prosecution of offenders. In the present case, the “first” aspect of the matter is no longer *Res Integra* since, admittedly the challan has already been presented and hence as far as the Police is concerned the investigation is complete.

That coming to the “second” aspect i.e it may hamper prosecution of offenders, it has been held by the courts now as well as our own Information Commission that depends on the facts and circumstances of each case.

That in the present case, the respondent has not pleaded or has substantiated in any manner as to how by supplying the entire *zimini* file to the accused the prosecution shall get hampered. They have taken a blanket plea of an absolute bar, which is not available to them under the Law. The Judgments cited by the Appellant are very much applicable to the facts and circumstances of the present case, and the judgment cited by the Respondent pertain to section 24 of the RTI which is a special provision under which only those organizations fall which have been notified so, and admittedly Punjab Police does not enjoy the protection of Section 24 of the RTI Act.

That it is relevant to mention it here that the Cr.PC creates a bar with regard to the giving of Police *Zimnis* to the accused or his pleader, section 172 (3) of the Cr.PC is reproduced herein below:

172 (3) Diary of proceeding in investigation

- 1. Every police officer making an investigation under this Chapter shall day by day enter his proceeding in the investigation in a diary, setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by Mm, and a statement of the circumstances ascertained through his investigation.*

1A. The statements of witnesses recorded during the course of investigation under section 161 shall be inserted in the case diary.

- 1B.** *The diary referred to in sub-section (1) shall be a volume and duly paginated.*
2. *Any Criminal Court may send for the police diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial.*
3. **Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but, if they are used by the police officer who made them to refresh his memory, or if the Court uses them for the purpose of contradicting such police officer, the provisions of section 161 or section 145, as the case may be, of the Indian Evidence Act, 1872 (1 of 1872), shall apply**

It is thus clear that as per the Code of Criminal Procedure, the Diary of the Police is not liable to be supplied to the accused unless the police or the court itself use them during trial, however, attention is further invited to section 22 of the RTI Act, which is a Non-Obstante Clause providing overriding powers to the RTI Act, Section 22 of the RTI act is reproduced herein below

22. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Official Secrets Act, 1923 (19 of 1923), and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act

It has been held by the Central Information Commission in **CIC/001578** dated **09.04.2012** titled as **Mohan Lal vs Delhi Police** that section 22 has overriding effect over the CrPc Section 172 (3), further our own Hon'ble Commission has held in **Smt Jagvinder Kaur vs SSP Bathinda in CC no. 3209 of 2009** that section 22 of the Act, overrides Section 172 (3) of the CrPc. Hence it can be safely presumed that Section 22 of the RTI can override the provisions of Section 172 (3) of the Code of Criminal Procedure.

That the "second" part of Section 8 (1) (h) of the Act is subjective and depends upon the facts and circumstances of each case.

Hence, given the circumstances of this particular case, I am of the view that the disclosure of information rather than hampering prosecution may help the appellant to defend himself and in proving his innocence. This is reason enough to allow disclosure of the information, and I hereby direct the PIO to provide all ziminies and all other information as sought in the RTI application within 10 days of receipt of this order. Police to ensure that the same set of papers are provided that were referred to by the court during a hearing earlier.

To come up for further hearing on **13.08.2019 at 11.00 AM.**

Chandigarh
Dated:29.07.2019

Sd/-
(Khushwant Singh)
State Information Commissioner