



Sh. Iqbal Singh Rasulpur, General Secretary,
University Human Rights Organization,
VPO Rasulpur, Tehsil Jagraon,
District Ludhiana-142035.

Complainant

Versus

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

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

Respondents

Complaint Case No.19/2017

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
13.06.2016	Nil	Nil	Nil	27.12.2016

Present:

Complainant- Sh. Iqbal Singh Rasulpur.

Respondent- ASI Sh. Rajinder Singh, O/o Intelligence Bureau.

ORDER

This is a very long standing case. The complainant had sought the information vide his application dated 13.06.2016 from the PIO in the office of Addl. Director General of Police, Intelligence Vigilance Cell, Pb. Chandigarh. He had sought an inspection of a file containing an enquiry report of Deputy Superintendent of Police (CID), Ludhiana and thereafter provide him the certified copies of the documents identified by him. Having failed to procure the information, the complainant had filed a first appeal with the DGP, Pb. on 21.08.2016. Still having failed to lay his hands to the information, he filed the complaint with the Commission. Though, the title of this case refers it to a complaint, but for all intents and purposes, it is deemed as a Second Appeal.

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The perusal of the file suggests that the respondents in the protracted proceedings in this case have been assuring the Commission to provide the information and this forum has been affording them umpteen opportunities to do the needful.

Finally this matter has been committed to this bench on 01.05.2019. The case was finally disposed by the then Chief Information Commissioner vide his order dated 28.01.2019 treating it as a complaint and with observation that the Commission is not competent to arrange to provide him any further assistance with the information. However, on further representation of the complainant, his file was reopened and was referred to this office.

On issue of notice, Sh. Ram Singh, IPS, PIO-cum IGP (Administration Intelligence) has filed an affidavit. He has submitted that the officials of this department has been unaware of the provisions of the law and out of ignorance, they have already provided him sufficient information, whereas, they are exempted under Section 24 (4) of the RTI Act by virtue of a notification issued by the Government on 23.02.2006 that they have been kept out of the ambit of the provisions of the RTI Act being an important Security and Intelligence

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Wing of the State. The Commission understands that the information can only be revealed with reference to the organizations mentioned in the schedule in the event of an allegation of corruption or infringement of one's human rights and that too on the directions of the Information Commission.

In his detailed reply, the appellant has controverted the contentions made by the respondents. He has specifically mentioned that the enquiry report sent by the DC discloses inhuman treatment, illegal detention, torture by the Police and false implication in a murder case by the then SHO, PS City Jagraon to the appellant. The said SHO allegedly has been found guilty of his human right in the enquiry report and the same was sent to the ADGP (IVC), Punjab, for taking action.

In face of the above allegations, which clearly refer to the violation of human rights, the Commission is inclined to exercise its authority in the proviso to Section 24(4) of the RTI Act and directs the respondents to provide him the information sought within 30 days of the receipt of this order positively.

The next date of hearing shall be intimated in due course.

29.10.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**