

PUNJAB STATE INFORMATION COMMISSION
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Shri Rakesh Kumar Gupta, Advocate
8/237, Jagraon Road, Mandi Mullanpur,
District Ludhiana.

.....Appellant
Vs

Public Information Officer
o/o The Chief Secretary, Govt. of Punjab,
6th Floor, Punjab Civil Secretariat-1,
Sector 1, Chandigarh.

First Appellate Authority
o/o The Chief Secretary, Govt. of Punjab,
6th Floor, Punjab Civil Secretariat-1,
Sector 1, Chandigarh.

.....Respondents.

Appeal Case No.2600 of 2019
(Life and Liberty)

Present:- None on behalf of Appellant.

Shri Kuldeep Singh, APIO on behalf of the respondents.

ORDER

At the outset, the representative of the respondents submits copy of letter dated 18.7.2019 issued by the Department of General Administration and stated that the RTI request of dated 6.7.2019 was received on 16.7.2019 and the same was transferred under section 6(3) of RTI Act, 2005 to the Department of Home Affairs and Justice as well as the Department of Governance Reforms. The APIO submitted copy of another letter dated 30.7.2019 which has been written to concerned department for further necessary action.

2. The Appellant has sought for the following information in this case:-

- i. Certified details of records of policy of Punjab Govt. to provide security to RTI Activist, General person and Press reporters against attack or death perception.
- ii. Certified details of records of policy of Punjab Govt. to provide security to RTI Activist, General person and Press reporters fatally attacked and survived with perception of another attack.
- iii. Certified details of records of policy of Punjab Govt. to provide security to RTI Activist against harassment perception and actual perception.
- iv. Certified record of direction given the police department regarding advisory No. 24012/39/Misc/2013-CSR-III, Govt. of India, Ministry of Home affairs Dt. 14.6.2013.
- v. Certified record of physical attacks of RTI activists and journalist in Punjab in this decade. Record of both be given separately.
- vi. Certified copy of action taken on representation given by Prem Lata Gupta w/o applicant through Email on 2.7.2019 (from email ID: rakeshmlp@gmail.com)
- vii. Certified record of police protection or any other type of protection given/advised to the applicant who is a RTI activist, Press Reporter and Advocate who was attacked on 1.6.2019 and a FIR No. 90 against the accused u/s 307, 379B, 120B IPC was registered at PS Dakha and who is still facing death threat from the accused gang and their accomplices.

He has further stated in his RTI application that the information pertains to attack on RTI Activist and Journalist (complainant) and that he is facing threat of life and liberty from the accused and the police itself, the same be provided within 48 hours from the receipt of this application as prescribed u/s 7(1) that states "where the information sought for concerns the life or liberty of a person the same shall be provided within forty-eight hours of the receipt of the request.

Accordingly, in view of the submissions made by the Appellant, the case is being heard under Life and Liberty clause of the RTI Act, 2005.

3. The Appellant could not come and an email dated 30-07-2019 has been received from him, the prayer contents of which are reproduced below:-

"Sir, I tried my best to remain present for today's hearing but failed due to health problem and recourses as there was none to accompany me for today. I can appear before this court tomorrow. It is therefore requested that the adjournment of the appeal cases be given for tomorrow. This will help me not only in appearing before this Hon'ble bench but also enable the PIO to procure required information. Moreover, in case needed be, I am available on my Phone No. 98149-24851 and can give my version telephonically."

4. From the documents available in the case file, it transpires that the office of Chief Secretary, Punjab has transferred the request of the Appellant under Rule 6(3) of the RTI Act to the concerned departments, and the major portion of information sought by the Appellant is closely related to the Department of Home Affairs and Justice. As per the allocation of the departments in the Commission, this department has not been allocated to this bench.

5. In view of the above position this case file is returned to the Deputy Registrar of the Commission for re-allocation of this case to the concerned bench with the approval of competent authority.

6. Copy of these orders be sent to the concerned parties.

Dated, Chandigarh
The 30th July, 2019

(Suresh Arora)
Chief Information Commissioner,
Punjab