

PUNJAB STATE INFORMATION COMMISSION

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

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Sh. Nanak Singh Nishter 9848353105 **(Registered)**
15-3-137, Gowliguda Chaman,
Hydrabad.

....Appellant

Vs

Public Information Officer
o/o Principal Secretary to H.E. Governor of Punjab,
Punjab Raj Bhawan,
Chandigarh.

...Respondents

Complaint Case No. 972 of 2020

ORDER

This order may be read with reference to the previous order dated 26.5.2021 vide

which the orders in this case was reserved to be pronounced.

2. The appellant has sought the following information:-

"1. I would like to submit that, while Dr. M. Chenna Reddy was the Governor of Punjab he sent his report about the political and law and Order situation of Punjab to the Government of India probably in Feb/March in the year 1983, containing approximately 83 pages. This may be the only report sent by the then Governor Dr. M. Chenna Reddy to the Government of India."

3. The appellant sought the information from the Public Information Officer o/o the Principal Secretary to Governor, Punjab vide RTI application dated 30.5.2015 and a complaint case was registered in the Commission as per the RTI application of the complainant dated 9.12.2020 and the date of hearing was fixed for 23.2.2021.

4. Due to technical problem of connectivity, the case could not be heard on 23.2.2021. However, the respondent-Public Information Officer sent the reply vide letter No. 673 dated 15.2.2021, therefore a copy of the submissions made by the respondent-Public Information Officer was sent to the appellant and the case was adjourned for 1.4.2021 but due to administrative reasons the case was further adjourned for 23.4.2021 and then for 26.5.2021.

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5. During the hearing on 26.5.2021 none is present on behalf of the complainant nor he has filed any rejoinder. However, the respondent-Public Information Officer remained present on the said date and stated that the reply has already been filed by him in this case vide letter No. 673 dated 15.2.2021.

6. Due to none submissions of any rejoinder by the complainant in this case on the submissions made by the respondent-Public Information Officer, the orders in this case was reserved to decide the case on merit as the appellant also requested to exempt from personal appearance.

7. The reply filed by the respondent-Public Information Officer is reproduced below:-

That the above case has been fixed for hearing on 23-02-2021 at 12:30 PM.

1. That the applicant has sought information as a copy of the Law & Order Report sent to Government of India probably in Feb/March 1983 by H. Excellency Dr. M. Chenna Reddy then the Governor of Punjab, about the situation of the State. And the applicant also submitted that earlier in 2013 and 2014, applicant had sought the above mentioned information and the same was denied by this office on the basis that such a case is pending for orders in SLP No. 33124 of 2011 in Supreme Court.

2. That applicant vide letter dated 30.05.2015 sought information under RTI Act 2005 which is reproduced as under:-

"I would like to submit that, while M. Chenna Reddy was the Governor of Punjab, he sent his report about the political and Law and Order situation of Punjab to Government of India, probably in Feb/March in the year 1983, containing approximately 83 pages. This may be the only report sent by the then Governor Dr. M. Cheena Reddy to the Government of India." I request you to send me the required information and oblige.

3. That information sought by applicant is approximately 37 years old and as per office record, there is no such information available with the office. But monthly reports on political, Law and Order and other

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developments are sent every month to Govt. of India and these reports for the month of Feb. and March 1983, are available as per records.

4. That the final orders in SLP (C) Nos. 33124/2011 are reproduced as under:-

"1. It is submitted at Bar that nothing further survives in these matters. As the matters have become infructuous, information would serve no purpose. The special leave petitions are accordingly dismissed as having become infructuous. Pending applications stand disposed of.

2. Since the matters have become infructuous, the impugned judgment is not to be enforced and not be treated as precedent for any other case. Question of law is kept open."

5. That information sought by the applicant is not available with this office but as far as monthly reports are concerned, it contain confidential matter of the state which if made public can be a hindrance to law and order situation of the State. Also, orders in SLP(C) 33124/2011 clearly mentions that Question of Law is kept open.

6. That, in view of paras above, information sought by applicant is not available with the office and monthly reports for the month of February and March 1983 cannot be supplied in the light of final orders in SLP (C) No. 33124/2011 and also under provisions of Rule 8(1)(a),(e),(g) and Rule 8(3) of Right to Information Act 2005. It is therefore requested to dispose of the complaint case.

8. It is also a fact on record that the complainant case No. 1596 of 2014 was registered on the request of the complainant and the said case was disposed of by the Commission on 9th December, 2014.

9. Keeping in view the specific reply filed by the respondent-Public Information Officer and non submissions of rejoinder by the complainant, the Commission does not see any infirmity to contradict with the reply given by the respondent-Public Information Officer. Therefore, 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: 7.6.2021

(Suresh Arora)
Chief Information Commissioner,
Punjab.