



Sh. Raj Kumar Magu,
H NO-1253, Sector-17,
Faridabad.

... Appellant

Versus

Public Information Officer,
O/o Police Commissioner,
Amritsar.

First Appellate Authority,
O/o DGP,
Pb, Punjab Police Headquarter,
Sector-9, Chandigarh.

...Respondent

Appeal Case No. 552 of 2021

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

ORDER:

The appellant through an RTI application dated 21.01.2020 has sought information regarding the copy of FIR No.0002 dated 04.01.2019 registered under Dowry Prohibition Act 1961 in the women police station, D-division, Lahori Gate – copy of day to day proceedings, power of attorney, all investigations, reports and other information as enumerated in the RTI application concerning the office of Police Commissioner, Amritsar. The appellant was not provided the information after which the appellant filed first appeal before the First Appellate Authority on 05.09.2020 which disposed of the appeal on 29.09.2020 with the decision that since the challan has been presented in the court of Sh.Simranjit Singh, JMIC Amritsar, the information be got from them.

The case was last heard on 07.07.2021 through video conferencing at DAC Amritsar. As per appellant, the information was not provided by the PIO. The respondent present pleaded that since the challan has already been presented in the court, the appellant may get the information from the court. The Commission also received a reply of the PIO on 18.05.2021 which was taken on the file of the Commission.

Since in this case, investigation was complete, and the challan had been presented, the reply of the DCP Amritsar was not sustainable in the eyes of the laws and the copies of statements and other information can be given to the applicant once the enquiry/investigation is complete and the challan has been presented in the court of law and there would be no requirement for the applicant or the Commission to ask the Judicial Courts. Further CIC New Delhi had held on the same terms in case of CIC/SA/A/2015/000136 Arun Sharma vs Tis Hazari Court wherein the Ld CIC had held that as and when the challan is presented, the police authorities can be asked to supply the documents.

Hence the PIO was directed to provide all the information to the appellant relating to this RTI application within 15 days and send a compliance report to the Commission.

Hearing dated 09.09.2021

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that in compliance with the order of the Commission, the complete information as available in the record has been supplied to the appellant vide letter dated 25.08.2021 with a copy to the Commission. The Commission has received a letter dated 25.08.2021 along with annexures, which have been taken on the file of the Commission.

The appellant is absent and vide email has informed that the information is not as per the RTI application.

Having gone through the RTI application and the copy of the information received from the PIO, I hereby direct the PIO to file an affidavit that the information that has been supplied is true, complete and no other information relating to this RTI application is available in the record. The affidavit should be on a stamp paper duly signed by the PIO and to be provided within 15 days of the receipt of the order.

With the above order, the case is **disposed of and closed**. However, the commission makes it clear that if the affidavit is not provided, the appellant is free to come to the Commission again.

Chandigarh
Dated : 09.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Harbir Singh,
Principal (Retd),
307, Charan Bagh,
Patiala.

... Complainant

Versus

Public Information Officer,
O/o Shiromani Gurudwara Parbhandhak Committee,
Amritsar.

...Respondent

Complaint Case No. 2729 of 2009

Present: None for the Appellant
Sh.Simarjit Singh-PIO for the Respondent

ORDER:

The complainant through RTI application dated 23.07.2009 sought information pertaining to the proceedings of the selection committee constituted for selection for the post of Director(Education) SGPC which had met on 25.09.2009. The information was not provided by the PIO within the statutory period, the complainant filed a complaint in the Commission and a notice was issued to the PIO O/o SGPC Amritsar who appeared on 22.10.2009 and submitted that the information will be furnished to the complainant within a period of 10 days. Thereafter, the PIO moved an application dated 02.11.2009 that the SGPC is not covered under the purview of the RTI Act since it is not financed by the Government.

On the date of hearing on 04.12.2009, it was concluded that the information sought in the present case does not pertain to any religious affairs, but relates to the selection process of the teachers recruited by the Directorate of Education, SGPC, there were no reasons to withhold the information and the PIO was directed to supply the information within a period of 15 days.

On the next date of hearing 22.12.2009, the respondent SGPC moved an application for review/recall/ modification of order dated 04.12.2009 which was decided and dismissed vide order dated 27.01.2009 and the PIO was directed to ensure that the information is supplied to the complainant as per order dated 04.12.2009.

On the date of hearing on 03.03.2010, since the PIO did not comply with the order of the Commission, a show-cause notice was issued to the PIO for non-supply of information and for violation of the order of the Commission.

On the date of the next hearing on 15.03.2010, Sh.I.P.S. Kohli, advocate along with Sh. Simarjit Singh, GPA-cum-PIO appeared on behalf of the respondent and submitted a copy of the order passed by Hon'ble Shri K.Kannan of Hon'ble Punjab and Haryana High Court in CWP No.4082/2010, whereby an interim order for stay was granted by the High court. Since the stay was granted and the case was pending in the High Court, the case was adjourned Sine-die on 27.08.2014.

Complaint Case No. 2729 of 2009

Now the Hon'ble High Court in its order dated 04.07.2019 has passed the following order:

“..... The court does not find any illegality in the impugned order passed by the Commission calling for interference. There being no merit in these writ petitions, the same, therefore, stand dismissed.”

Given the above, since the writ petition filed by the respondent in the High Court for quashing of the order dated 14.09.2009 passed by the Commission stands dismissed by the Hon'ble High Court, the order of the Commission dated 04.12.2009 still stands to be complied with by the PIO-SGPC, Amritsar.

However, I am of the view that since the RTI application dates back to 2009, the complainant if still interested in the information, is directed to file a suitable reply and appear before the Commission on the next date of hearing to pursue his case.

The case is adjourned. To come up for further hearing on **04.01.2022** at 11.00 AM through video conference facility available in the office of Deputy Commissioner, Amritsar.

Chandigarh
Dated: 09.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Ms. Kulvir Kaur D/o Sh Rajpal Singh,
VPO Seer Wali,
Tehsil & Distt Sri Mukatsar Sahib,
Via Sadiq.

... Complainant

Versus

Public Information Officer,
O/o The Director (Education),
Shiromani Gurudwara Parbhandhak Committee,
6-Kalgidhar Niwas,
Sector-27-B, Chandigarh.

...Respondent

Complaint Case No. 2666 of 2009

Present: Sh. Amrit Singh, Advocate for the Appellant
Sh.Simarjit Singh-PIO for the Respondent

ORDER:

The complainant Ms Kulvir Kaur through an RTI application dated 27.06.2009 address to Director (Education) SGPC Chandigarh sought information on issues relating to the criteria for selection of candidates for the post of computer science teachers in the interviews held on 01.06.2009 and reasons for non-selection. Having failed to get the information, she approached the State Information Commission. Notice was issued to the PIO for his appearance before the Commission on 19.10.2009. Sh. Prabhjot Singh, clerk appeared on the date of hearing submitted a written reply vide letter dated 24.10.2009 that the SGPC being a religious body manage the affairs of Sikh Community through a board/trust and is not covered under the purview of RTI Act since it is not financed by the Government. He quoted the decision of the Central Information Commission in the case of the Army Wives Welfare Association in support of his arguments.

On the date of hearing on 04.12.2009, it was concluded that the information sought in the present case does not pertain to any religious affairs, but relates to the selection process of the teachers recruited by the Directorate of Education, SGPC, there was no reason to withhold the information and the PIO was directed to supply the information within a period of 15 days.

On the next date of hearing 22.12.2009, the respondent SGPC moved an application for review/recall/ modification of order dated 04.12.2009 which was decided and dismissed vide order dated 27.01.2010 and the PIO was directed to ensure that the information is supplied to the complainant as per order dated 04.12.2009.

On the date of hearing on 03.03.2010, since the PIO did not comply with the order of the Commission, a **show-cause notice** was issued to the PIO for non-supply of information and for violation of the order of the Commission.

On the date of the next hearing on 15.03.2010, Sh.I.P.S. Kohli, advocate along with Sh. Simarjit Singh, GPA-cum-PIO appeared on behalf of the respondent and submitted a copy of the order passed by Hon'ble Shri K.Kannan of Hon'ble Punjab and Haryana High Court in CWP No.4082/2010, whereby an interim order for stay was granted by the High court. Since the stay was granted and the case was pending in the High Court, the case was adjourned Sine-die on 27.08.2014.

Complaint Case No. 2666 of 2009

Now the Hon'ble High Court in its order dated 04.07.2019 has passed the following order:

“..... The court does not find any illegality in the impugned order passed by the Commission calling for interference. There being no merit in these writ petitions, the same, therefore, stand dismissed.”

Given the above, since the writ petition filed by the respondent in the High Court for quashing of the order dated 14.09.2009 passed by the Commission stands dismissed by the Hon'ble High Court, the order of the Commission dated 04.12.2009 still stands to be complied with by the PIO-SGPC, Amritsar.

The PIO is directed to comply with the order of the Commission dated 04.12.2009 and supply the information to the complainant within 15 days of the receipt of the order and send a compliance report to the commission.

With the above order, the case is **disposed of and closed**. However, the commission makes it clear that if the information is not supplied as per order, the complainant is free to come to the commission again.

Chandigarh
Dated: 09.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh Rajwinder Singh, S/o Sh Kuldeep Singh,
#26, Nagar Nigam Colony,
O/s Gillwali Gate, Amritsar.

... Complainant

Versus

Public Information Officer,
O/o DCP,
Near Cantonment,
Amritsar.

...Respondent

Complaint Case No. 343 of 2021

PRESENT: Sh.Rajwinder Singh as the Complainant
Sh.Surinder Singh, ASI for the Respondent

ORDER:

The complainant through the RTI application dated 28.12.2020 has sought information on 07 points regarding complaint No.UID 1852879 dated 17.08.2020 from Jeewanjot Kaur w/o Rajwinder Singh which was enquired by ASI Malkiat Singh, Ciber cell(Thana B Division Amritsar) in August/Sept.2020 – details of information to be provided with total pages – a copy of complaint –a copy of documents attached with the complaint – a copy of enquiry report – statement of witnesses and other information as enumerated in the RTI application concerning the office of DCP Amritsar. The complainant was not satisfied with the information provided by the PIO vide letter dated 13.01.2021 after which the complainant filed a complaint in the Commission on 17.03.2021.

The case has come up for hearing today through video conferencing at DAC Amritsar. The respondent present pleaded that the information as available in the record has already been supplied to the complainant vide letter dated 13.01.2021 and 13.02.2021 with a copy to the Commission and no further information is available in the record.

The appellant is not satisfied and wants an inspection of the record.

The PIO is directed to allow inspection of the record for verification of the information already provided on 13.01.2021.

Since this is a complaint case and information was supplied within time, there is no cause for further interference in the above matter.

Hence, the case is **disposed of and closed.**

Chandigarh
Dated: 09.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh P.C Sahotra,
H No-160, Sector-21,
Panchkula.

... Complainant

Versus

Public Information Officer,
O/o CDPO,
Amritsar, Urban-2,
Old Children Ward Opposite Company Bagh,
Amritsar.

...Respondent

Complaint Case No. 346 of 2021

PRESENT: Sh.P.C.Sahotra as the Complainant
Mrs.Meena Devi, PIO-cum-CDPO Amritsar for the Respondent

ORDER:

The complainant through RTI application dated 10.12.2019 has sought information regarding a copy of the report submitted to the court on 04.09.2019 relating to summons dated 24.07.2019 issued by the court to CDPO on the petition filed by Savita Kumari in the court of Ambika Sharma, JMIC Amritsar and other information as enumerated in the RTI application concerning the office of CDPO Amritsar Urban-2. The complainant was not satisfied with the reply of the PIO dated 06.01.2020 vide which the PIO denied the information u/s 8(1)(h) after which the complainant filed a complaint in the Commission on 18.03.2021.

The case has come up for hearing today through video conferencing at DAC Amritsar. The appellant claims that the PIO has not provided the information. The appellant further pleaded that since in the reply, the respondent had not mentioned the particulars of First Appellate Authority as stated in section 7(8)(iii) of the RTI Act, the appellant was left with no other option but to come to the commission.

Considering the above, I am admitting this as an appeal case.

The Commission has received a reply from the PIO on 16.08.2021 which has been taken on the file of the Commission. The operational part of the reply is in point 5 of the PIO's reply where the PIO has relied on u/s 8(1)(b). Section 8(1)(b) of the RTI Act to deny the information since the sought report was prepared in compliance of the directions of Court of JMIC Ms. Ambika Sharma, Amritsar and is now part of the judicial file.

Section 8 of the RTI Act pertains to the exemptions from disclosure of information and section 8(1)(b) states 'Information that has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court.

Complaint Case No. 346 of 2021

Having considered the reason for not providing the information, I am of the considered view that there is nothing on the file that alludes that this information is forbidden to be published by any court or tribunal, or disclosure of it will constitute any contempt of court. Secondly, the information that is being sought is from the PIO of the CDPO office and not from the judicial file of JMJC Amritsar, which is clearly under the preview of the RTI Act.

Given the above, I am rejecting the plea of the PIO.

The appellant be provided with the sought information within 15 days of the receipt of the order.

With the above order, the case is **disposed of and closed**. However, the Commission makes it clear that if the information is not supplied as per the order, the complainant is free to come to the commission again.

Chandigarh
Dated: 09.09.2021

Sd/-
(Khushwant Singh)
State Information Commissioner