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18.1.2019

Dated:

To,

1. Chief Secretary, Government of Punjab, Punjab Civil Secretariat, Chandigarh.
2. Chief Secretary, Government of Haryana, Haryana Civil Secretariat, Chandigarh.
3. Advisor to Administrator, Union Territory, Chandigarh Administration, Sector 9, Chandigarh.

Subject: Demand Notice for maintaining all the official records through computerization and digitalization.

By e-mail

Dear Sirs,

I hereby serve the following demand notice on you:-

1. That as you must be aware, the Right to Information Act, 2005 was enacted, inter-alia, for the purpose of promoting transparency and accountability in the working of every public authority. Section 4 of The Right to Information Act, 2005 lays down as under:-

“4. Obligations of public authorities.-(1) Every public authority shall –

(a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated.”

2. That although a period of more than 13 years has elapsed since the aforesaid revolutionary statute came into force, yet none of you have taken any worthwhile steps for maintenance of records of the ministries in accordance with the aforesaid provisions contained in Section 4 (1) (a) of the RTI Act, 2005, although the mandate of the aforesaid statutory provision was that all records which are appropriate to be computerized, would be so computerized within a reasonable time period. Further mandate of the aforesaid provision was that after computerization, such records should be connected through a network all over the country on different systems so that easy access such records be facilitated. However, it appears that you have not so far taken any steps to implement the aforesaid provisions.

3. That it hardly needs be stated that in the absence of computerization and digitalization of records of the Ministries, the unscrupulous officers/officials in the Government succeed in destroying and removing the records. A glaring instance of the same is that in the State of Punjab, 35 files pertaining to disciplinary action etc. and also pertaining to information sought under the RTI Act were misplaced were misplaced by certain

officers/officials. In these circumstances, I had filed CWP No. 2696 of 2013 (H.C. Arora Vs. State of Punjab and others) by way of a PIL in the Hon'ble High Court of Punjab and Haryana at Chandigarh which resulted into registration of an FIR against an Under-Secretary of the Personnel Department, Sh. Yograj Sharma, who was eventually convicted and sentenced to 3 years' imprisonment by a Chandigarh Court. The aforesaid attempt on the part of the concerned officer to misplace the records would not have succeeded in case the entire record of the concerned ministry had been computerized and digitalized. Thus, it hardly needs be emphasized that computerization and digitalization of records succeeds to a large extent in curbing corruption by unscrupulous elements within the administration. It also needs be stated that it took a very long time for the Punjab Government to re-construct the 35 missing files, and even after filing the PIL under reference by me, eventually the Hon'ble High Court had vide order dated 5.7.2013, directed the State of Punjab to complete the process of re-construction of all the files within a period of 2 months.

4. That it is further pertinent to submit that in the Hon'ble High Court of Punjab and Haryana also, a fire incident had taken place on 30.1.2011, in the Record Room, and huge records pertaining to civil disputes, insurance claims, matrimonial disputes and motor accident claims etc. had been destroyed. As per further investigation, it was noticed that around 75% of the total record of the Civil Revision Branch had been destroyed. The "First Appeal against the Orders" Section of the Civil Revision Branch lost all its record. It was in these circumstances that the then Hon'ble Chief Justice, Ranjan Gogoi, had ordered the re-construction of files, which took a long time for such re-construction, and his Lordship further ordered the scanning of the entire records and maintaining the records through computerization. Such incidents can take place anywhere and in case it does happen in any of the Ministries in future, the entire responsibility would be of the Government/ Administration. Thus, the need to maintain the entire records of the ministries/administration through

scanning/computerization and digitalization is the need of the hour. Otherwise too, as has been stated above, it is the mandate of Section 4 (1) (a) of the RTI Act, 2005, for all of you to maintain all records, duly catalogued and indexed for facilitating easy access and to computerize such records.

I would therefore, call upon you to take immediate steps for maintaining entire records in accordance with the mandate contained in Section 4 (1) (a) of the RTI Act, 2005, and to complete such process of computerization and connect the records through a network all over the country through different systems. In case, I do not receive any positive response from you in this regard, within a period of 2 months from the date of receipt of this notice, which is being sent through e-mail, in that event, I shall be left with no other alternative except to approach the Hon'ble High Court of Punjab and Haryana at Chandigarh by filing a Public Interest Litigation (PIL) for seeking the redressal of my aforesaid legitimate grievance, in public interest.

Meanwhile, please acknowledge receipt of this notice.

Thanking you.

Yours sincerely,

(H.C. ARORA)

ADVOCATE