

PUNJAB STATE INFORMATION COMMISSION

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

Ph: 0172-2864111, Visit us @ www.infocommpunjab.com,
Email: psic21@punjabmail.gov.in



REGISTERED

Manjit Singh,

388/3, Bahera Road,
Patiala.

Versus

Public Information Officer,

o/o Station House Officer,
PS Division 4, Ludhiana.

Public Information Officer,

o/o Commissioner of Police, Ludhiana.

First Appellate Authority,

o/o Director General of Police, Punjab,
Sector-9, Chandigarh.

Appeal Case No. 415 of 2021

PRESENT:

Manjit Singh (Appellant) 76962-82813
(Respondent) Absent

ORDER:

(To be read in continuity with earlier orders on 18.5.2021, 11.8.2021, 26.10.2021, 23.11.2021, 30.11.2021, 20.6.2022, and 23.8.2022)

1. The RTI application is dated **12.9.2020** vide which the appellant has sought information **regarding Police Station Division No. 4, Ludhiana, 1.1.2020 to 31.8.2020**, as enumerated in his RTI application. First Appeal was filed with the First Appellate Authority (FAA) on **12.10.2020** and Second Appeal was filed in the Commission on **11.1.2021** under Section 19 of the Right to Information Act, 2005. The case was last heard by Full Bench on **23.8.2022**.

2. The respondent PIO is absent without intimation. At the last hearing on 23.8.2022, a penalty of Rs. 10,000.00 was imposed upon the respondent PIO, who was also given another opportunity to supply certified copies of the requested information, to the appellant. The respondent PIO has failed to comply and also remains absent from today's hearing.

3. In view of the above, the Commission deems it fit to enhance the penalty imposed upon the respondent PIO to Rs. 25,000.00.

Order: Keeping all the facts of the case in mind, this is a fit case to invoke Section 20 of RTI Act and impose a penalty on the respondent PIO Section 20(1), which reads as under:

"Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub Section (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of 250/- Rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed Twenty Five Thousand Rupees;

Contd....2

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Appeal Case No. 415 of 2021

*Provided that the Central Public Officer or the State Public Information Officer, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed on him;
Provided further that the burden of proving that he acted reasonably and diligently shall be on the Central Information Officer, as the case may be."*

The onus and responsibility lie on the PIO to ensure the transmission of the complete information to the appellant. The concerned **PIO, SHO, PS Division 4, Ludhiana**, is hereby held guilty for not providing the information on time as prescribed under Section 7, which is within 30 days of the receipt of the request and for repeated and willful defiance of the Punjab State Information Commission's orders.

An enhanced penalty of Rupees Twenty-five Thousand (Rs. 25,000.00) is hereby imposed upon **the concerned PIO, SHO, PS Division 4, Ludhiana**, which be deducted from his salary and deposited in the Punjab Government Treasury under head "0070-Other Administrative Services-60-other Services-800-Other Receipts-86-Fees Under the Right to Information Act." The **concerned PIO, SHO, PS Division 4, Ludhiana**, is directed to duly inform the Commission of the compliance of the orders by producing a copy of the challan **at the next hearing of this Appeal Case**. Copies of this Order be sent to the parties through registered post.

5. The respondent PIO is further directed to supply duly attested copies of the requested information to the appellant with a copy to this Commission within 20 days of receipt of this Order. The respondent PIO is further directed to be present in person of this Appeal Case. Failure to comply, will compel the Commission to ensure his/her presence through service of a **Bailable Warrant**.

6. **Next hearing on 9.1.2023 at 2.00 pm at Punjab State Information Commission, Red Cross Building, Madhya Marg, Sector 16, Chandigarh. All parties to be present in person.**

Sd/-
(Amrit Partap Singh Sekhon)
State Information Commissioner,
Punjab

Sd/-
(Lt. Gen. Ajae Kumar Sharma)
State Information Commissioner,
Punjab

Sd/-
(Asit Jolly)
State Information Commissioner,
Punjab

Chandigarh
5.12.2022

- Cc:**
1. Commissioner of Police, Ludhiana, for further necessary action.
 2. DGP, Punjab, Sector 9, Chandigarh, for further necessary action.
 3. PS/Hon'ble SIC Lt. Gen. Ajae Kumar Sharma.
 4. PS/Hon'ble SIC Amrit Partap Singh Sekhon.