

PUNJAB STATE INFORMATION COMMISSION

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

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Smt Karamjit Kaur W/o Sh. Gurcharan Singh
R/o Village –Bhagta Bhai Ka,
Tehsil –Phul, District –Bathinda.

.....Appellant

Vs

Public Information Officer,
O/o Block Development & Panchayat Officer,
Block – Bhagta Bhai Ka, Bathinda.

First Appellate Authority,
O/o District Development & Panchayat Officer,
Bathinda.

Public Information Officer
o/o Executive Officer,
Nagar Panchayat, Bhaika, District Bathinda.

..... Respondents

Appeal Case No. 4324 of 2019 (Video Conference Proceedings)

Present:- Shri Gurjeet Singh (M 95923441836) on the behalf of the appellant.
Sh. Gurdeep Singh, Clerk, Nagar Panchayat Bhagta Bhaika, M 9478163120
on behalf of the respondents.

ORDER

This order may be read with reference to the previous order dated 2.7.2020 vide which the respondents were directed to give an undertaking that that record is not maintained in the office ward wise as per the RTI request of the appellant especially ward no. 7 before the next date of hearing and the appellant was advised to inspect the record in case he wants to and the case was adjourned to 7.7.2020.

2. The representative of the respondents states that the appellant has not approached for the inspection of the record. However, he has given an undertaking that record is not maintained in the office ward wise as per the RTI request of the appellant especially ward no.7. He further requests to close the case.

3. The copy of the undertaking given by the representative of the respondents handed over to the representative of the appellant during the course of hearing and he shows his satisfaction.

4. According to the satisfaction of the representative of the appellant, no more cause of action is left in this case, hence, the case is disposed of and closed.

Dated: 7.7.2020

sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Nachatar Singh S/o Sh. Hamir Singh,
R/o Village –KuthaKheri,
Tehsil –Rajpura, (99886-54758)
District- Patiala.

.....Appellant

Vs

Shri Jai Bhagwan, (Regd.)
Panchayats Secretary
o/o Block Development & Panchayat Officer,
Block – Shambhu Kalan, Tehsil Rajpura,
District- Patiala.

First Appellate Authority,
O/o District Development & Panchayat Officer,
Mini Secretariat, Patiala.

..... Respondents

Appeal Case No. 243 of 2020

Present: Sh. Nachatar Singh, appellant.
Sh. Jai Bhagwan, Panchayat Secretary, on behalf of the respondents.

ORDER

This order may be read with the previous order dated 15.6.2020 vide which the show cause notice was issued to Shri Jai Bhagwan, Panchayat Secretary to impose penalty along with the directions to supply the complete information before the next date of hearing.

2. The appellant states that no information has been supplied to him so far.

3. The respondent-Public Information Officer is present but without having any record pertaining to the RTI application, and states that the case may be adjourned to the next date and he will supply the complete information before the next date of hearing. The respondent-Public Information Officer remained absent during the previous hearings on 13.2.2020, 3.3.2020, 18.3.2020 and 15.6.2020 that too without any intimation to the Commission.

4. The perusal of the file and the conduct of the respondent compelled the Commission to issue him a formal show cause notice on 15.6.2020 as to why action under Section 20(1) of the RTI Act 2005 should not be taken against him and he was also provided an opportunity to file his written reply and also may make use of opportunity of personal hearing under the principles of natural justice.

5. Since the responsibility to ensure timely transmission of the information to the appellant lies on Shri Jai Bhagwan, Panchayat, Secretary-cum-Public Information Officer, therefore, he is hereby held guilty for not providing the information on time as prescribed under Section 7 of the RTI Act, 2005, which is within 30 days of the receipt of the request for supply of information and for repeated and wilful defiance of the Punjab State Information Commission's orders.

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Appeal Case No. 243 of 2020

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6. Such kind of failure on the part of the respondent-Public Information Officer is totally unacceptable. It is pertinent to mention here that RTI Act has been enacted to ensure participative nature of management between the public & the public authorities and also to know as to what is happening behind the closed doors with regard to the governance affairs of the public authorities and their functioning.

7. After giving thoughtful consideration and due perusal of the facts of the case and the material available on record, I have come to the conclusion that he has failed to perform his duty as per the mandate of the RTI Act, which requires the public servants to ensure due transparency and accountability in its functioning. It has also come out that he has not only failed to perform his duties at his own level but also has shown his casual approach in complying with the explicit order of the Commission.

8. It has been further established from his conduct that he has failed to provide the information even after getting formal show cause notice from the Commission. This speaks volumes as to how much respect & regard he has in his mind to the provisions of the RTI Act, which mandates that all public authorities will ensure that the RTI Act, 2005 is duly implemented by them, whenever any citizen approaches the public authority to get any public information for which he has right to ask for as per the provisions of RTI Act. In view of the facts mentioned herein, I am of the considered view that Shri Jai Bhagwan, Panchayat Secretary shall be penalised for his negligence in discharge of his statutory duties prescribed under the RTI Act. All his failure make me believe that his sheer neglect to perform his duties will be met only after he is duly taken to task as per the provisions of the RTI Act i.e. Section 20(1), which provides that any delay on the part of the respondent-PIO/deemed PIOs beyond 30 days is to be penalized @ 250/- per day and to the maximum of Rs. 25000/-

9. Under these circumstances, I am left with no other option but to decide the question of imposition of penalty and quantum thereof upon Sh. Jai Bhagwan, Panchayat Secretary as per the provisions of the RTI Act i.e. Section 20(1) of the RTI Act, 2005. In this case the intervening period is too large, the respondent-PIO failed to comply with the orders of the Commission. Accordingly, a penalty of Rs.5000/- (Rupees Five thousand only) is imposed upon him.

10. The amount of penalty i.e. Rs. 5000/- (Rupees five thousand only) should be deducted from his salary in two instalments and be deposited in the Government treasury under head "0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to

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Appeal Case No. 243 of 2020

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Information Act. The Block Development and Panchayats Officer, Shambu Kalan Block, Patiala shall ensure that this amount of penalty is deducted from the salary of the above said defaulting official for the month of July, 2020 and August, 2020 and be deposited in the Treasury under the relevant head and sent a compliance report to the Commission on or before 15.8.2020 and 15.9.2020 respectively.

11. Further the Commission is of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant under Section 19(8)(b) of the RTI Act.

12. Shri Jai Bhagwan, Panchayat Secretary PIO o/o BDPO, Shambu Kalan is directed to pay an amount of Rs.5000/- (Rupees Five thousand only) via demand draft drawn through Government Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting the information in time. He is also directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

13. The Public Information Officer is also directed to intimate the appellant after taking appropriate action on the application dated 16.10.2019 for seeking information with a copy to the Commission before the next date of hearing.

14. The Block Development and Panchayats officer, Shambu Kalan, District Patiala is directed to send compliance report after paying Rs.5000/- as compensation to the appellant and send copies of challan after depositing Rs.5000/- in the Government treasury after deducting the same from the salary of Shri Jai Bhagwan for the month of July, 2020 and August, 2020 i.e. in two equal instalments.

16. To come up on 3.8.2020 at 11.30 A.M. at Chandigarh.

Dated: 7.7.2020
sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

CC

District Development and Panchayats Officer, (By name) (REGD.)
Administrative Complex,
Patiala

Block Development and Panchayats Officer (By name) (Regd.)
Block Shambu Kalan,
Tehsil Rajpura,
District Patiala.

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Sh. Balwinder Singh,
S/o Late Sh. Hari Ram,
R/o H. No. 42/2, (98889-47946)
Sector – 41- A, Chandigarh.

.....Complainant

Vs

Public Information Officer,
O/o Block Development & Panchayat Officer,
Block- Adampur,
District- Jalandhar.

.....Respondent

Complaint Case No. 176 of 2020

(Video Conference Proceeding)

Present:- Shri Balwinder Singh, complainant, at Chandigarh.
Shri Jai Kumar, Panchayats Secretary-cum-PIO (M 9780236749) on behalf of
the respondent.

ORDER

This order may be read with the previous order dated 26.6.2020 vide which the respondent-Public Information Officer was directed to give a written statement that no complaint of Smt. Gurmej Kaur has been received while taking the charge of the record from his predecessor. A copy of the self declaration be sent to the complainant through registered post with a copy to the Commission before the next date of hearing failing which the penalty provisions will be invoked. Also the Public Information Officer o/o The Financial Commissioner, Rural Development & Panchayat Department Punjab is impleaded as necessary party in this case to file the reply/supply the copy of complaints filed by Smt. Gurmej Kaur in the case being heard in the Court of Financial Commissioner to Govt. of Punjab, Department of Rural Development & Panchayat bearing Appeal No. 154 of 2017.

2. The complainant states that since the last hearing nothing has been received from the respondent. However, the representative of the respondent states that the copy of the complaint as received from the Sarpanch has already been sent to the Commission with a copy to the complainant, which is taken on record. He further states that nothing is left behind that could be provided to the complainant and requested for the closure of the case. Whereas the complainant denied the fact and states that he has not received any copy of complaint. Since, the copy of the same is already available in the record of the Commission, the same has been handed over to the complainant. After receipt of the same, the complainant shows his satisfaction but he made certain submissions, which is taken on record.

3. The other contention made by the complainant is that the respondent-Public Information Officer wilfully not provided the complaint related to Smt. Gurmej Kaur and earlier the Panchayat Secretary written that the record is not available although the same is available on record, whereas now the Sarpanch is providing the copy of the complaint. However, the respondent-Public Information Officer states that he has joined in 2019 and the old record was with the Sarpanch. On the version of the Sarpanch, the letter has been written to the complainant that the complaint filed by Smt. Gurmej Kaur was not available. The respondent-Public Information Officer further states that the original complaint was with the Vigilance Bureau which has now been received and the copy of the same has been sent to the complainant with a copy to the Commission. The other contention made by the complainant is that the respondent-Public Information Officer was directed to file the self declaration

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Complaint Case .No. 176 of 2020

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whereas the self declaration has been filed by the Sarpanch. In this regard, the respondent-Public Information Officer states that the old record of the Panchayat was with the Sarpanch that is why the self declaration was filed by the Sarpanch. The respondent further states that whatever the record was in his custody, he has provided the information that too within 30 days, as the RTI application of the complainant was 16.1.2020. The respondent-Public Information Officer further states that he has responded to the RTI application on 7.2.2020 vide letter No. 2 dated 7.2.2020 vide which the two pages of proceeding book of Panchayat dated 16.7.2011 has been provided i.e. the information related to point no.1. Furthermore he states that the information related to point No.2 i.e. the copy of complaint was not available in his record, that is why he has written that the same is not available. He further states that this case may be closed since the complete information has been supplied to the complainant.

4. After hearing both the parties and going through the submissions made by the complainant, the Commission is of the view that the complete information has been provided to the complainant as per his RTI application and no more action is required in this case. Hence, the case is disposed of and closed. However, the respondent-Public Information Officer is warned to be more careful in future while dealing with the RTI application.

Dated: 7.7.2020

sd/
(Suresh Arora)
Chief Information Commissioner,
Punjab.

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Sh. Malkit Singh, 9877441835,
S/o Sh. Niranjana Singh,
R/o VPO- Khanpur, Tehsil- Malerkotla,
District-Sangrur.

.....Appellant
Vs

Public Information Officer,
O/o Block Development and Panchayat Officer,
Malerkotla-I. District Sangrur.

First Appellate Authority,
O/o District Development and Panchayat Officer,
Mini Secretariat, Sangrur.

.....Respondents

Appeal Case No. 4275 of 2019 (Video Conference Proceedings)

Present:- Shri Malkit Singh, appellant.
Sh. Harjit Singh, Panchayat Secretary M-9781693700, on behalf of the respondents.

ORDER

This order may be read with the reference to the previous order dated 24.6.2020.

2. The appellant states that no information has been supplied to him so far. Whereas, the respondent-Public Information Officer states that he has brought 300 pages along with him to be provided to the appellant. The respondent-Public Information Officer handed over the same to the appellant during the course of hearing. On receipt of the same, the appellant states that earlier he has demanded Rs.5400.00 as the cost of 2700 pages but now he is providing just 300 pages. The appellant further states that he has been harassed by the respondent-Public Information Officer deliberately. Furthermore, the appellant requests to impose the penalty upon the respondent-Public Information Officer along with the request for compensation.

3. The respondent-Public Information Officer is present but he remained absent during the previous hearings on 6.2.2020, 27.2.2020 and 11.3.2020 that too without any intimation to the Commission. In addition, the respondent-Public Information Officer earlier demanded Rs.5400/- i.e. the cost of 2700 pages as necessary fee and now providing just 300 pages to the appellant, when asked for the clarification, no satisfactory reply has been given.

4. The perusal of the file and the conduct of the respondents by not supplying the information within time frame compelled the Commission to issue him formal show cause notice on 11.3.2020 as to why action under Section 20(1) of the RTI Act 2005 should not be taken against him and he was also provided an opportunity to file his written reply and also make use of opportunity of personal hearing under the principles of natural justice.

5. Since the responsibility to ensure timely transmission of the information to the appellant lies on Shri Harjit Singh, Panchayat Secretary Public Information Officer is hereby held guilty for not providing the information on time as prescribed under Section 7 of the RTI Act, 2005, which is within 30 days of the receipt of the request for supply of information and for repeated and wilful defiance of the Punjab State Information Commission's orders.

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Appeal Case No. 4275 of 2019

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6. Such kind of failure on the part of the respondent-Public Information Officer is totally unacceptable. It is pertinent to mention here that RTI Act has been enacted to ensure participative nature of management between the public & the public authorities and also to know as to what is happening behind the closed doors with regard to the governance affairs of the public authorities and their functioning.

7. After giving thoughtful consideration and due perusal of the facts of the case and the material available on record, I have come to the conclusion that he has failed to perform his duty as per the mandate of the RTI Act, which requires the public servants to ensure due transparency and accountability in its functioning. It has also come out that he has not only failed to perform his duties at his own level but also has shown his casual approach in complying with the explicit order of the Commission.

8. It has been further established from his conduct that he has failed to provide the information even after getting formal show cause notice from the Commission. This speaks volumes as to how much respect & regard he has in his mind to the provisions of the RTI Act, which mandates that all public authorities will ensure that the RTI Act, 2005 is duly implemented by them, whenever any citizen approaches the public authority to get any public information for which he has a right to ask for as per the provisions of RTI Act. In view of the facts mentioned herein, I am of the considered view that Shri Harjit Singh, Panchayat Secretary shall be penalised for his negligence in discharge of his statutory duties prescribed under the RTI Act. All his failure make me believe that his sheer neglect to perform his duties will be met only after he is duly taken to task as per the provisions of the RTI Act i.e. Section 20(1), which provides that any delay on the part of the respondent- Public Information Officer/deemed Public Information Officers beyond 30 days is to be penalized @ 250/- per day and to the maximum of Rs. 25000/-

9. Under these circumstances, I am left with no other option but to decide the question of imposition of penalty and quantum thereof upon Sh. Harjit Singh, Panchayat Secretary as per the provisions of the RTI Act i.e. Section 20(1) of the RTI Act, 2005. In this case the intervening period is too large, the respondent-PIO failed to comply with the orders of the Commission. Accordingly, a penalty of Rs.5000/- (Rupees Five thousand only) is imposed upon him.

10. The amount of penalty i.e. Rs. 5000/- (Rupees five thousand only) should be deducted from his salary in two instalments and be deposited in the Government treasury under head "0070-Other Administrative Services-60-Other Services-800-Other Receipts-86-Fees under the Right to

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Appeal Case No. 4275 of 2019

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Information Act. The Block Development and Panchayats Officer, Malerkotla-1, Sangrur shall ensure that this amount of penalty is deducted from the salary of the above said defaulting official for the month of July, 2020 and deposited in the Treasury under the relevant head and the compliance report be sent to the Commission on or before 15.8.2020 and 15.9.2020.

11. Further the Commission is of the view that since the appellant has had to suffer undue inconvenience to get the information, it is a fit case for awarding compensation to the appellant under Section 19(8)(b) of the RTI Act.

12. Shri Harjit Singh, Panchayat Secretary, respondent-Public Information Officer c/o Block Development and Panchayats Officer, Malerkotla-1, Sangrur is directed to pay an amount of Rs.5000/- (Rupees Five thousand only) via demand draft drawn through Government Treasury as compensation to the appellant for the loss and detriment suffered by him of having to file the appeals and not getting the information in time. He is also directed to duly inform the Commission of the compliance of the order and submit proof of having compensated the appellant.

13. The Block Development and Panchayats Officer, Malerkotla-1, Sangrur is also directed to send compliance report after paying Rs.5000/- as compensation to the appellant and send copies of challan after depositing Rs.5000/- in the Government Treasury after deducting the same from the salary of Shri Harjit Singh for the month of July, 2020 and August, 2020 i.e. in two equal instalment.

14. The appellant is advised to go through the information supplied by the respondent-Public Information Officer and revert back in case of any deficiency and the respondent-Public Information Officer is directed to remove the same, in case it is so received from the appellant, well before the next date of hearing.

15. To come up on 3.8.2020 at 11.30 A.M. to be heard through Video Conference Facility available in the office of the Deputy Commissioner, Sangrur.

sd/

Dated: 7.7.2020

(Suresh Arora)
Chief Information Commissioner,
Punjab.

CC

The Deputy Commissioner (By name) (REGD.)
District Administrative Complex
Sangrur

Sh. Narpinder Singh Grewal,
District Development and Panchayats Officer, (REGD.)
Administrative Complex,
District Sangrur.

Ms. Amandeep Kaur,
Block Development and Panchayats Officer, (REGD.)
Block Malerkotla-1,
District Sangrur.

Shri Harjit Singh, Panchayats Secretary (Regd.)
c/o Block Development and Panchayats Officer,
Malerkotla-1, District Sangrur.