

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

Sukhchain Singh,

s/o Ajit Singh,

Sonam Mohalla, Ward No. 11, Fatehgarh Churian,

Tehsil Batala, District Gurdaspur.

Versus

Public Information Officer,

o/o Executive Officer,

Municipal Council, Fatehgarh Churian.

Public Information Officer,

o/o Sub Divisional Magistrate, Batala,

District Gurdaspur.

First Appellate Authority,

o/o Sub Divisional Magistrate, Batala,

District Gurdaspur.

Appeal Case No. 2776 of 2019

ORDER:

(To be read in continuity with earlier orders on 28.8.19, 26.9.19, 8.11.19, 9.1.2020, and 20.2.2020)

1. The RTI application is dated **12.4.19** vide which the appellant has sought information as enumerated in his RTI application. First appeal was filed with the First Appellate Authority (FAA) on **13.7.19**, and second appeal was filed in the Commission on **31.7.19** under Section 19 of the Right to Information Act, 2005. The case was last heard on **20.2.2020**.

2. Final decision in this case was reserved on 20.2.2020 at the hearing on 20.2.2020 the respondent PIO-cum-E.O, M.C., Fatehgarh Churian was represented by Ramesh Kumar, Inspector, who submitted a reply which has no bearing/resemblance with the information sought in the RTI application. This was despite show cause notice issued to the PIO, E.O., M.C., Fatehgarh Churian on 9.1.2020. In the interim in an email dated: 14.6.2021, the appellant has once again pointed out that the respondent PIO has failed to provide the requested information. This is despite triple directions from this Commission.

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

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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;

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 PIO-cum-Executive Officer, Bhupinder Singh, Municipal Council, Fatehgarh Churian, 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.

A penalty of Rupees Ten Thousand (Rs. 10,000/-) is hereby imposed upon the PIO-cum-Executive Officer, Bhupinder Singh, Municipal Council, Fatehgarh Churian, 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."** PIO-cum-Executive Officer, Bhupinder Singh, Municipal Council, Fatehgarh Churian, 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.

3. IMPORTANT! All documents / information supplied to appellants / complainants must mandatorily be attested as under. Documents / copies not attested as stipulated will not be accepted and will be regarded as an attempt to delay / deny the information.

Information supplied under the RTI Act, 2005

Signature of the PIO

Name of the PIO

Name of the Public Authority

Date

4. Next hearing on 30.9.2021 at 11.00 am through Video Conference at D.C. Office, Gurdaspur.

Sd/-

(ASIT JOLLY)

State Information Commissioner, Punjab.

Chandigarh

23.6.2021

Cc: Deputy Director Urban,
Local Body, Dharam Singh Market,
District Amritsar, For information and further necessary action.