

PUNJAB STATE INFORMATION COMMISSION

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Sh. Hardeep Singh,
s/o Sh. Tarsem Lal,
Village Nurpur,
Tehsil Banga,
District Shaheed Bhagat Singh Nagar

....Appellant

Vs

Public Information Officer,
o/o Panchayat Secretary,
Gram Panchayat
Vill Nurpur, Block Aur,
Tehsil Banga, Distt Shaheed Bhagat Singh Nagar

First Appellate Authority,
o/o Block Development and Panchayats Officer,
Block Aur, Tehsil Banga,
Distt Shaheed Bhagat Singh Nagar

....Respondents

Appeal Cases No. 2964, 2965, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975,
2976, 2977, 2979, 2980, 2981, 2982, 2983, 2984, 2985, 2986 and 2987 of 2019

ORDER

This order was reserved on 26.11.2019 and is pronounced today i.e. 29.11.2019.

2. The appellant filed 24 number of requests to sought five point information relating to the Public Information Officer o/o Panchayat Secretary, Gram Panchayat Village Nurpur, Block Aur, Tehsil Banga District Shaheed Bhagat Singh Nagar separately. After getting non satisfactory reply from the Public Information Officer, he filed first appeal in all the cases with the First Appellate Authority and subsequently, due to non satisfactory reply from the respondent-Public Information Officer/First Appellate Authority, he filed 2nd appeal in all the cases in the Commisison.

3. Primarily, the information sought by the appellant pertains to Four Plots bearing Serial No. 1 to 4, owned by the Gram Panchayat Nurpur from the year 2012 to 2018 which is as follows:-

1. ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਨੂਰਪੁਰ ਵਲੋਂ ਪੰਚਾਇਤੀ ਖੇਤੀਬਾੜੀ ਜਮੀਨ ਦੇ ਪਲਾਟ ਸਬੰਧੀ ਬੋਲੀ ਸਮੇਂ ਮੌਕੇ ਪਰ ਜੋ ਪਟਾਨਾਮਾ ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਵਲੋਂ ਲਿਖਿਆ ਗਿਆ ਹੈ। ਉਸ ਦੀਆਂ ਤਸਦੀਕਸ਼ੁਦਾ ਫੋਟੋ ਕਾਪੀਆਂ।
2. ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਨੂਰਪੁਰ ਵਲੋਂ ਪੰਚਾਇਤੀ ਖੇਤੀਬਾੜੀ ਜਮੀਨ ਦੇ ਪਲਾਟ ਸਬੰਧੀ ਬੋਲੀ ਸਮੇਂ ਮੌਕੇ ਪਰ ਜੋ ਪਟਾ ਰਜਿਸਟਰ ਅਤੇ ਪਟਾ ਇਕਰਾਰਨਾਮਾ ਰਜਿਸਟਰ ਵਿੱਚ ਐਂਟਰੀ ਕੀਤੀ ਹੈ। ਉਸ ਦੀਆਂ ਤਸਦੀਕਸ਼ੁਦਾ ਫੋਟੋ ਕਾਪੀਆਂ ਦਿੱਤੀਆਂ ਜਾਣ ਜੀ।
3. ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਨੂਰਪੁਰ ਵਲੋਂ ਪੰਚਾਇਤੀ ਖੇਤੀਬਾੜੀ ਜਮੀਨ ਦੇ ਪਲਾਟ ਸਬੰਧੀ ਬੋਲੀ ਸਮੇਂ ਮੌਕੇ ਪਰ ਸ਼ਾਮਲਾਟ ਰਜਿਸਟਰ ਵਿੱਚ ਐਂਟਰੀ ਦਰਜੀ ਕੀਤੀ ਗਈ ਹੈ। ਉਸ ਦੀਆਂ ਤਸਦੀਕਸ਼ੁਦਾ ਫੋਟੋ ਕਾਪੀਆਂ ਦਿੱਤੀਆਂ ਜਾਣ ਜੀ।

4. ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਨੂਰਪੁਰ ਵਲੋਂ ਪੰਚਾਇਤੀ ਖੇਤੀਬਾੜੀ ਜਮੀਨ ਦੇ ਪਲਾਟ ਸਬੰਧੀ ਬੋਲੀ ਸਮੇਂ ਮੌਕੇ ਪਰ ਜੋ ਪਲਾਟ ਸਬੰਧੀ ਠੇਕੇ ਦੀ ਰਕਮ ਵਸੂਲ ਕਰਕੇ ਰਸੀਦ ਕੱਟੀ ਗਈ ਹੈ। ਉਸ ਦੀਆਂ ਤਸਦੀਕਸ਼ੁਦਾ ਫੋਟੋ ਕਾਪੀਆਂ ਦਿੱਤੀਆਂ ਜਾਣ ਜੀ।

5. ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਨੂਰਪੁਰ ਵਲੋਂ ਪੰਚਾਇਤੀ ਖੇਤੀਬਾੜੀ ਜਮੀਨ ਦੇ ਪਲਾਟ ਸਬੰਧੀ ਬੋਲੀ ਸਮੇਂ ਮੌਕੇ ਪਰ ਜੋ ਵਿਡੀਊਗ੍ਰਾਫੀ ਕਰਵਾਈ ਗਈ ਹੈ, ਉਸ ਵਿਡੀਊਗ੍ਰਾਫੀ ਦੀ ਰਿਕਾਰਡਿੰਗ ਰਾਹੀਂ DVD ਜਾ ਸੀ.ਡੀ.ਰਾਹੀਂ ਦਿੱਤੀ ਜਾਵੇ ਜੀ।

4. Accordingly, notice was served upon the respondent parties for 17.9.2019, when the appellant as well as the representative of the respondents were present. Primarily, it came to light that the appellant and the respondents were same, the nature of information sought was also similar, and it was decided that the matter shall be disposed of with a single order in the aforementioned cases.

5. The appellant submitted that he has filed 24 number of cases pertaining to Gram Panchayat Village Nurpur related to different plots of panchayat land but in none of the appeal, the complete information has been provided by the respondents. He further stated that information relating to point no. 4 has been provided in cases no. 1 to 18 only and receipt in remaining 19 to 24 number of cases is missing. During the hearing the representative of the respondents stated that an FIR has been lodged against Shri Hardep Singh regarding fraud in the income of panchayat. The representative of the respondents stated that as far as the receipts related to point no. 4 from 19 to 24 number of cases is concerned, he is having the complete record, the copy of which will be provided to the appellant just after the hearing and the applicant was satisfied from the information so provided relating to Point No. 4 i.e. the receipt of income at the time of auction. Accordingly, the directions were issued to the respondents that either the copy of complete record pertaining to the RTI application of the appellant as available in the respondent's office be provided to the appellant else provide an affidavit in this regard and the case was fixed for further proceedings for 7.10.2019.

6. In compliance to the orders of the Commission on 17.9.2019, during the hearing on 7.10.2019 the representative of the respondents brought to the notice that the respondents provided the copies of proceeding register, charge lists i.e. whatever record available in the respondent's office relating to Point No. 1,2,3 and 5 along with an original affidavit with regard to the information by the Sarpanch that whatever the existing record of the Panchayat he has provided the copies of all the documents to the appellant and he further stated that the record which is not available with the Panchayat like PATANAMA register etc. cannot be prepared and according to the record available with the Panchayat complete record has been provided to the appellant but the appellant stated that according to affidavit given by the Gram Panchayat, it was mentioned that no information is available in the record available with them and accordingly, the directions were issued to the respondents to provide information to the appellant in all 24 cases as per the provisions of the RTI Act, 2005, and the case was listed for further proceedings on 26.11.2019.

7. On 26.11.2019, the appellant stated that he has not received the complete information from the respondents and the respondents are knowingly harassing him by not providing the information. However, the representative of the respondents again brought the affidavit from Shri Rajesh Chadha, Block Development and Panchayats Officer, Aur, District Shaheed Bhagat Singh Nagar mentioning all the appeals and stated that

"ਮੌਜੂਦਾ ਗਰਾਮ ਪੰਚਾਇਤ ਵਲੋਂ ਹਲਫੀਆ ਬਿਆਨ ਦਿੱਤਾ ਗਿਆ ਸੀ ਕਿ ਜੋ ਰਿਕਾਰਡ ਪੰਚਾਇਤ ਪਾਸ ਉਪਲਬੱਧ ਨਹੀਂ ਹੈ, ਉਸ ਦਾ ਰਿਕਾਰਡ ਜਿਵੇਂ ਕਿ ਪਟਾਨਾਮਾ ਰਜਿਸਟਰ ਜਾਂ ਹੋਰ ਰਿਕਾਰਡ ਇਸ ਸਮੇਂ ਤਿਆਰ ਨਹੀਂ ਕਰਵਾਇਆ ਜਾ ਸਕਦਾ। ਇਸ ਲਈ ਸਬੰਧਤ ਨੂੰ ਮੌਜੂਦਾ ਗਰਾਮ ਪੰਚਾਇਤ ਦੇ ਰਿਕਾਰਡ ਦੇ ਅਨੁਸਾਰ ਸਾਰਾ ਰਿਕਾਰਡ ਮੁਹੱਈਆ ਕਰਵਾਇਆ ਜਾ ਚੁੱਕਾ ਹੈ, ਨਵੇਂ ਸਿਰੇ ਤੋਂ ਰਿਕਾਰਡ ਤਿਆਰ ਕਰਕੇ ਮੁਹੱਈਆ ਨਹੀਂ ਕਰਵਾਇਆ ਜਾ ਸਕਦਾ। "

Furthermore he said that complete information, as available concerning the appeal cases, has been provided to the appellant. An original copy of the affidavit so provided by the representative of the respondents, is placed in the Commission's file with a copy to the appellant during the hearing. The representative of the respondents also brought to the notice of the Commission that more than 6000 page have been supplied to the appellant in different appeals/cases but he is not satisfied with the information and requests for the closure of the case. To give natural justice to the appellant, it was also offered him for the inspection of record but the appellant did not agree to it. According to the submissions of the appellant as well as the representative of the respondents the case was reserved on 26.11.2019 for pronouncement.

8. The cases of the appellant were also considered as per the orders of the Hon'ble Supreme Court of India in Central Board of Secondary Education & Anr. Vs Aditya Bandopadhyay & ors. [(2011) 8 SCC 497] stating therein that:

"37. [The Act](#) should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the [RTI Act](#) and the pressure of the authorities under the [RTI Act](#) should not lead to employees of a public authorities prioritising 'information furnishing', at the cost of their normal and regular duties."

9. The Hon'ble Punjab and Haryana High Court in CWP No. 15907 of 2017 in the matter of Sh. Avtar Singh Azad Vs Punjab State Information Commission and others, decided on 3.10.2019, has held that

"In the light of the above affidavit, wherein it has been stated there is no other information available pertaining to the request made by the petitioner, the present writ petition has

been rendered infructuous as the information which was available with the respondents has been supplied to the petitioner as per his application.

Disposed of as such"

10. After hearing both the parties, going through the record available in the Commission file, affidavits filed by the respondent authorities and denial of the appellant to do inspection viz. a viz. the orders of the Hon'ble Supreme Court of India and recent orders passed by the Hon'ble Punjab and Haryana High Court no further cause of action is left as all the available information in the respondent's office has been provided numbering 6000 pages to the appellant in these as well as other cases filed by the appellant under RTI Act, 2005. Moreover, in view of the affidavit provided by the Block Development and Panchayats Officer and Sarpanch mentioning that no other information is available to be provided to the appellant as per the application for seeking information under the provisions of the RTI Act. Accordingly, the Commission decides to dispose of and close all the cases clubbed herein.

Dated: 29.11.2019

Sd/-
(Suresh Arora)
Chief Information Commissioner,
Punjab.