

PUNJAB STATE INFORMATION COMMISSION
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
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Sh. Rakesh Kumar Gupta, Advocate,
R/o 8/237, Jagraon Road,
Mandi Mullanpur, District-Ludhiana.

Appellant

Versus

Public Information Officer,
O/o Senior Superintendent of Police (Rural),
Jagraon, Ludhiana.

First Appellate Authority,
O/o Deputy Inspector General of Police,
Ludhiana Range, Near Old Courts,
Ludhiana.

Respondents

Appeal Case Nos.3220&3221/2019
(Life & Liberty)

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
17.08.2019	Nil	28.08.2019	Nil	06.09.2019

Present: Appellant- None;
Respondents- None.

ORDER

None is present. The matter is adjourned.

31.10.2019

Sd/-
(Yashvir Mahajan)
State Information Commissioner



By Registered Post

S. Sukhwinder Singh,
S/o S. Amar Singh,
R/o Vill. Issapur Landa,
Tehsil Dhuri, Distt. Sangrur.

Appellant

Versus

Public Information Officer,
O/o Block Development and Panchayat Officer,
Sherpur, Distt. Sangrur.

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

Respondents

Appeal Case No.1953/2018

Date of RTI application: 02.08.2017
Date of First Appeal : 04.12.2017
Date of Order of FAA or Reply: Nil
Date of 2nd Appeal/complaint: 01.06.2018

Present: Appellant- Sh. Sukhwinder Singh.
Respondents- None.

ORDER

The order passed on 24.09.2019 is reproduced hereunder:

09.01.2019:

"The appellant has sought for information pertaining to various expenditures incurred by the Gram Panchayat of Village Issapur Landa, Block Sherpur Tehsil Dhuri, Distt. Sangrur. Besides, details of some other allied activities have also been asked. Despite the notice and directions issued by the DDPO, Sangrur, the PIO in the O/o BDPO, Sherpur, has failed to file any reply or pass on any information to the appellant. The Commission takes serious view of the same. Apparently, the respondents have contravened the provision of the Section 7(1) of the Act and rendered himself for penal consequences.

The BDPO, Sherpur is hereby issued a show cause notice under section 20(1) of the Right to Information Act as to why a penalty at the rate of Rs. 250/- per day, subject to a maximum of Rs. 25000/- be not imposed upon him for the delay in the supply of

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information and also to why a suitable compensation under Section 19(8)(b) of the Right To Information Act, 2005, be not awarded to the appellant for the loss and detriment suffered by him. He is also afforded an opportunity of personal hearing on the next date of hearing, before taking any action.”

14.08.2019

“The case has come up today. Sh. Naresh Kumar, Panchayat Secretary, is present. He is evasive and has not been able to satisfy the Commission about transmission of information. The appellant denies having received any information. The BDPO, Sherpur, is already under show cause notice. The Commission finds that the original application was filed way back on 02.08.2017. The respondents have shown a grave misconduct and indifference, even in the face of issue of show cause notice. The BDPO, Sherpur, is hereby directed to come present in office of the Commission along with the original record on the next date of hearing. The Commission underlines that no further opportunity shall be afforded to finalize the show cause notice.

24.09.2019

The case has again come up today. Despite having been issued show cause notice and umpteen opportunities, the BDPO has shown no concern or seriousness to the issue it deserves. The original application was filed on 02.08.2017. Even after the lapse of two years, the appellant stays blank of the information sought by him. The culpability of the

Appeal Case No.1953/2018

respondents under section 7 (1) is apparent. Therefore exercising its authority under section 20 (1) of the RTI Act, the Commission imposes a penalty of Rupees 15000/- (Rupees Fifteen Thousand only) in lump sum on the BDPO, Sherpur. The Drawing & Disbursing Officer is directed to deposit the amount of penalty in the government Treasury in two equal installments from his salary from the month of October, 2019 under head given below:

- 0070-Other Administrative Services
- 60 Other Services
- 800 Other Receipts
- 86 Fee under RTI Act, 2005

A copy of the challan shall be sent to the Commission positively.

As the appellant has been put to undue inconvenience and harassment, he is awarded a compensation of Rs.3,000/- which shall be paid to him through a bank draft by the public authority from its own account.

As the information has still not been provided, the Commission directs the BDPO to ensure its prompt transmission and come present along with the record in person on the next date of hearing failing which, the Commission shall be constrained to enforce his presence by exercising its authority under section 18(7) of the RTI Act.”

The case has come up today. None is present on behalf of respondents nor any communication about the compliance of the aforesaid order has been submitted. It is a matter of concern and distress. The orders of the Commission are being ignored with impunity. Seemingly the respondents do not have respect for the rule of law. The authorities in the department should have a serious view of the same.



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Meanwhile, the Director, Department of Rural Development and Panchayats, is desired to ensure the compliance of this order under communication to this office, otherwise, this forum shall be constrained to direct him to appear in person in exercise of its authority.

31.10.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

- CC: The Financial Commissioner, Department of Rural Development and Panchayats, Third Floor , Vikas Bahwan, Sector-62, Chandigarh for kind information.**
- CC: The Director, Department of Rural Development and Panchayats, Third Floor, Vikas Bhavan, Sector-62, Chandigarh for necessary action.**



Sh. Gursewak Singh,
S/o Sh. Amarjit Singh,
R/o Village- Bhamba Landa,
Tehsil & District-Ferozepur.

Appellant

Versus

Public Information Officer,
O/o Distt. Development & Panchayat Officer,
Ferozepur.

First Appellate Authority
O/o Distt. Development & Panchayat Officer
Ferozepur.

Respondents

Appeal Case No.1445/2019 and 1446/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
03.01.2019	Nil	14.01.2019	Nil	16.04.2019

Present: Appellant- Sh. Gursewak Singh.
Respondents- Sh. Lashkar Singh, BDPO, Ghall Khurd.

ORDER:

The Commission has made following order on 26.09.2019:

20.06.2019:-

"The appellant vide his application dated 03.01.2019 has sought information pertaining to the income having accrued to the Panchayat of village Bhamba Landa, Tehsil and District Ferozepur and the expenses incurred on various development works during the period 2013 to 2018.

Having failed to elicit any response from the PIO even after filing the appeal, he has been constrained to approach the Commission. The perusal of the record suggests that one Shri Kewal Singh, Panchayat Secretary was duly desired by BDPO to part with the information by way of transfer of the application under Section 6(3) of the Act. Shri Gurpreet Singh, Steno, office of BDPO Ferozepur submits that the Panchayat Secretary is defiant. Despite their express advice, he has refused to provide the information.

The appellant alleges serious irregularities as well as embezzlement of Panchayat funds. They have shown some documents which reflect overwriting in the receipts issued against the lease of Panchayat land. The matter seems serious. RTI Act has been enacted to bring about transparency and accountability in the conduct of public functionaries and as such, it is desirable that the issue is taken to logical ends.

It transpires that Sh. Kewal Singh has never been in the custody of records as it was handed over to the Sarpanch by his predecessor. In the scenario, the conduct of the BDPO becomes

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dubious. When the record is not available with the Panchayat Secretary and it is already in his notice, then the exercise in transferring the application to him was meaningless. The BDPO as such, has failed to discharge his duty

He is hereby issued show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Appellant under Section 19 (8) (b) of the Act for the detriment suffered by him.

In addition to the written reply, the PIO is also given an opportunity under Section 20 (1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.

CC: *The DDPO, Ferozepur. He is directed to look into and have an enquiry conducted into the matter and in case, the official record is still not being parted with, the Sarpanch concerned should be criminally booked by lodging a complaint with the jurisdictional Police Station.*

30.07.2019

On the last date of hearing, the DDPO Ferozepur was directed to have an enquiry made so as to arrive at a definite conclusion about the alleged loss of record. Nothing has been heard from him. The Commission once again directs him to hold an enquiry without further loss of time and inform the Commission about his findings and he should ensure that the asked for record is provided to the information seeker. The Commission would like to underline that the follow up compliance of the order is conveyed to the Commission; else his personal presence shall be enforced in the office of the Commission”

26.09.2019

The case has come up today. The DDPO has sought a time of 20 days to

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complete the enquiry so as to give a report of the missing of the record in question. His request is acceded. Meanwhile, the Commission believes that the respondents have not addressed the issue with seriousness it deserves.

The Public Authority in the office of the BDPO, is hereby advised to make a compensation of Rupees 2000/- (Rupees Two Thousand only) to the appellant by way of a bank draft drawn in his favor before the next date of hearing positively for the detriment suffered by him. Meanwhile, the substantive action towards provision of the information shall also be reported.”

The case has come up today. The respondents have submitted a memo no. 4885 dated 24.10.2019 addressed to the Director, Department of Rural Development and Panchayats, which has been endorsed to the Commission as well. Its perusal suggests that an enquiry has been conducted by the DDPO, Ferozepur and he has concluded that the record is available with the incumbent Sarpanch, who is willfully denying it. Therefore, he has recommended an action against him under Section 208 of the Gram Panchayat Act.

Sh. Gurpreet Singh, the Sarpanch, on the other hand, vehemently denies receipt of the record. According to him, his signature has been forged. So much so, he has procured a report from forensic expert, which he has shown to the Commission, wherein his contention has been upheld by a handwriting expert. In the scenario, the Commission feels that it shall be premature for the Commission to take any substantive decision.



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The Commission directs the Director, Department of Rural Development and Panchayats, to make a serious probe into the matter under law, under intimation to the Commission within a period of 1 month positively.

31.10.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

CC: The Director, Department of Rural Development and Panchayats, Third Floor, Vikas Bahwan, Sector-62, Chandigarh for necessary action.



By Registered Post

Sh.Harbhajan Singh,
S/o Sh.Mohan Singh,
R/o Vill.Giganwal, PO Bheram Sarishta,
Tehsil & District Jalandhar.

Appellant

Versus

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

First Appellate Authority-cum-
District Development & Panchayat Officer,
Jalandhar.

Respondents

Appeal Case No.1489/2019

Date of RTI Application	Date of Reply, if any of SPIO	Date of First Appeal made, if any	Date of order, if any of FAA	Date of Second Appeal/ Complaint
18.10.2019	Nil	04.02.2019	Nil	23.04.2019

Present: Appellant- None.
Respondents- None.

ORDER:

The following order was passed on 17.09.2019:
20.06.2019:-

"The appellant vide his application dated 18.10.2018 has sought information about various development activities having been undertaken and the record pertaining thereto during the period from 01.04.2014 to 30.09.2018. The appeal filed on 04.02.2019 has also not elicited any response from the appellate authority. Being constrained, the appellant has filed the second appeal with the Commission.

The respondents have demanded an amount of Rs.9850/- for providing the information without annexing any calculation on the basis of which the aforesaid amount has been arrived at. To common sense, the amount seems inflated and exorbitant. The Commission takes serious view of the fact that the BDPO who is respondent has not filed any reply despite the notice of the Commission. While desiring him to explain as to why he should not be penalized, he is directed to arrange inspection of the record relating to the information on 16.07.2019 at 11.00 AM. After inspection, he shall provide certified copies of the documents to the appellant to an extent of 200 pages only free of cost."

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Appeal Case No.1489/2019
01.08.2019

"The case has come up today. None is present to represent the respondents. No reply has been received. It is a brazen and blatant violation of the provisions of the Act and defiance of the directions of the Commission which warrants serious view.

The BDPO Bhogpur is issued a show cause notice to explain in a self- attested affidavit as to why a penalty @ Rs.250/- per day of delay subject to maximum of Rs.25,000/- till the complete information is furnished, be not imposed under Section 20(1) of RTI Act, 2005 on him for causing willful delay / denial of the information to the RTI applicant and why the compensation be not awarded to the Complainant under Section 19 (8) (b) of the Act for the detriment suffered by him.

In addition to the written reply, the PIO is also given an opportunity under Section 20 (1) proviso thereto, for a personal hearing before the imposition of such penalty on the next date of hearing. He may take note that in case he does not file his written reply and does not avail himself of the opportunity of personal hearing on the date fixed, it will be presumed that he has nothing to say and the Commission shall proceed to take further proceedings against him ex parte.

17.09.2019

The case has come up today. The Commission is intrigued to find that the DDPO, Bhogpur, despite having been issued a show cause notice has refused to file a reply. The Commission, having taken a considered view, has desired the respondents to allow him an inspection and restricting the provision of information to 200 pages only. However, their absence smacks of defiance and willful intent not to provide the information.

The delay is beyond 100 days. The BDPO, hence, is found guilty of violating the provisions of Section 7 (1) of the RTI Act. Exercising its authority under Section 20 (1) of the RTI Act, the Commission imposes a penalty of Rupees 15000/- (Rupees Fifteen

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Thousand only) in lump sum on the BDPO. The Drawing & Disbursing Officer is directed to deposit the amount of penalty in the government Treasury in two equal installments from his salary from the month of October, 2019 under head given below:

- 0070-Other Administrative Services*
- 60 Other Services*
- 800 Other Receipts*
- 86 Fee under RTI Act, 2005*

A copy of the challan shall be sent to the Commission for record before the next date of hearing positively.

As the appellant has been put to undue inconvenience and harassment, he is awarded a compensation of Rs.3,000/- which shall be paid to him through a bank draft by the public authority from its own account. As the information has still not been provided, the Commission directs the BDPO to ensure its prompt transmission and come present along with the record in person on the next date of hearing failing which, the Commission shall be constrained to enforce his presence by exercising its authority under section 18(7) of the RTI Act.

The BDPO has shown indiscipline and misconduct in performing his duties and has rendered himself for disciplinary actions as well under section 20 (2) of the RTI Act as well. The Director, Department of Rural Development and Panchayat, is hereby desired to issue him a charge sheet under intimation to the Commission within a month of receipt of this order positively. The information which relates to the resolutions passed by the Gram



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Panchayat and other development activities has still not been provided. The Commission again directs the BDPO to do the needful forthwith, failing which, his presence shall be ensured in the Commission with the record by exercising its authority under section 18 (3) of the RTI Act, 2005.”

The case has come up today. This is a matter of serious concern and distress that the order passed by the statutory authority are being taken up with complete disregard and indifference. The orders of the Commission are being ignored with impunity. Seemingly the respondents do not have respect for the rule of law. The authorities in the department should have a serious view of the same.

Meanwhile, the Director, Department of Rural Development and Panchayats, is desired to ensure the compliance of this order under communication to this office, otherwise, this forum shall be constrained to direct him to appear in person in exercise of its authority.

31.10.2019

**Sd/-
(Yashvir Mahajan)
State Information Commissioner**

- CC: The Financial Commissioner, Department of Rural Development and Panchayats, Third Floor , Vikas Bahwan, Sector-62, Chandigarh for kind information.**
- CC: The Director, Department of Rural Development and Panchayats, Third Floor, Vikas Bhavan, Sector-62, Chandigarh for necessary action.**