



Capt. Jaswant Singh s/o Shri Balwant Singh,
Village Kohli, Tehsil Batala,
District Gurdaspur.

Appellant

Versus

Public Information Officer,
O/o Block Development & Panchayat Officer,
Block Sri Hargobindpur, Gurdaspur.

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

Respondents

Appeal Case No.3109/2018

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
24.01.2018	Nil	21.02.2018	Nil	12.09.2018

Present: **Capt. Jaswant Singh, Appellant in person.**
Sh. Narinder Singh, Panchayat Secretary, BDPO Off. Sri Hargobindpur – for Respondents.

ORDER

The following order was made by this forum on 31.01.2019:

“The original application was filed by the appellant on 24.01.2018. He had sought the information about the resolutions passed by the gram panchayat w.e.f. 2014 to 2018 and a resolution having been passed about the cementing of kacha path in the rectangle Nos. 18, 19, 21 and 22 of the revenue map of the village. The respondent BDPO has endorsed the original application to the Panchayat Secretary on 16.04.2018 under Section 6(3) of the Act.

Having failed to get the information at the level of the PIO, the appellant had approached the FAA as well. On the persistent failure on the part of respondents he has been constrained to file a second appeal with the Commission. The respondent Sh. Narinder Singh, Panchayat Secretary of the gram panchayat in question submits that he is inclined to part with the information immediately which he is advised to do without any further delay. He has not been able to give a plausible explanation for the inordinate delay in providing the information.



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He 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 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.”

“The case has come up today. None is present on behalf of the Parties. The appellant has communicated that though he has got some information yet the same is deficient. However, he was not able to pin-point the deficiency. The respondents are directed to provide a copy to the Commission as well so as to ascertain as what and when the information has been provided.”

The case has again come up today. Vide his communication dated 06.03.2019 the PIO – cum – Panchayat Secretary has submitted that the available information was transmitted to him on 19.12.2018. However, the information asked for in his application from Point ‘ ਅ ’ to ‘ ਕ ’ could not be provided as it constitutes a questionnaire and as per Rule 6 (j) of the Act there is no provision to

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answer such queries.

The Commission is not aware of such provision as mentioned above. However, it agrees with the submission that the information as is available in material form with the Public Authority can only be assessed to. During the course of hearing, the respondent submits that he is handling charge of numerous villages. He further says that due to a bereavement in the family he could not provide the information timely. Even if the reasons assigned by him may seem genuine but such a delay cannot be completely condoned. The Commission feels that the purpose of the Act is not to severely punish the employees per se, however this is to sensitize them to make the dispensation, transparent and accountable. The culpability of violation of Section 7(1) is established. The delay is substantial and beyond 100 days.

The Commission has considered the issue in its entirety and keeping the extenuating factors in view the Commission exercising its authority under Section 20(1) of the RTI Act imposes a penalty of Rs.5,000/- (RupeesFiveThousandonly) on Sh. Narinder Singh, Panchayat Secretary, O/o Block Development and Panchayat Officer, Sri Hargobindpur, District Gurdaspur which shall be recovered from his salary in two equal installments commencing from the month of April, 2019.

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The Block Development & Panchayat Officer, Block Sri Hargobindpur who is the Drawing & Disbursing Officer shall ensure that the amount of penalty is deducted from his salary and deposited in the government treasury under the 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 immediately.

The appellant has been pursuing the matter relentlessly in vain. He is accordingly awarded a compensation of Rs.2,000/- (Rupees Two Thousand only) under Section 19(8) (b) of the RTI Act for the detriment suffered by him. The public authority will compensate the appellant out of its own funds.

Disposed.

07.03.2019

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

CC: The Block Development and Panchayat Officer, Sri Hargobindpur, Distt. Gurdaspur, for n/a.