**PUNJAB STATE INFORMATION COMMISSION**

 **RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGRH**

 **Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @** [**www.infocommpunjab.com**](http://www.infocommpunjab.com)

 **Emaiil:psic22@punjabmail.gov.in**

Sh. Shingara Singh, Panch,

S/o Sh. Hari Singh,

Village Lasarhi, P.O. Nurpur Bedi,

Tehsil Anandpur Sahib, Distt. Ropar. Complainant

Versus

Public Information Officer,

O/o Block Development & Panchayat Officer,

Nurpur Bedi Tehsil Anandpur Sahib.

Distt. Ropar. Respondent

 **COMPLAINT CASE NO.455/2017**

  **Date of RTI application : 14.07.2016**

**Date of First Appeal Nil**

**Date of Order of FAA: NIl**

**Date of 2nd Appeal/complaint: 04.05.2017**

**Present:** None on behalf of the complainant.

 1. Sh. Satinder Pal Singh, Accountant with Addl. Charge of BDPO, Nurpur Bedi.

 2. Sh. Ashneel Singh, PIO – cum – VDO (Panchayat Secretary), O/o BDPO, Nurpur Bedi – for Respondent.

**ORDER**

 The following order was passed by the Commission on 17.08.2017:

 *“It shall be prudent to reproduce interim order passed on 01.08.2017 by the Commission :-*

 *“We have made serious observations on 28.06.2017 which are reproduced
hereunder :-*

 *“The respondent is absent. The Commission takes a strong exception to it.*

 *The complainant submits that he has sought an information concerning the execution of works for which he was asked to make a payment of Rs.1,500/- under the RTI Act. He has shown us a receipt which testifies the payment of Rs.1,500/- as cost for providing the information. The information provided, according to him, is a very sketchy comprising few copies of the purchase memos of the material.*

 *Contd…page…2*

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***COMPLAINT CASE NO.455/2017***

 *The conduct of the respondent seemingly is autocratic. The Commission is at a loss to understand as to how the respondents have worked out the amount. A serious infringement has been made besides denying the sought for information to the complainant. Taking a very strong note of the state of affairs in the Public Authority under consideration the Commission directs the BDPO,*

*Nurpur Bedi to submit his explanation in writing in the shape of an affidavit well before the next date of hearing failing which the proceedings to penalize him shall be initiated under the Act.”*

 *“They have not been able to come up with any plausible explanation. We find that only information comprised in about ten pages has been provided against the cost of information amounting to Rs.1,500/-. It is flagrant abuse of the provisions of the Act. The respondent has rendered himself liable for penal consequences. Accordingly, the PIO 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.” “The case has come up today for consideration. The respondent has filed a written Contd…page…3*

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***COMPLAINT CASE NO.455/2017***

*reply stating that he had asked for a lump sum amount of Rs.1,500/- simply to ensure that the stipulated time does not lapse. He has expressed his ignorance about the provisions of the law and*

*requested to be excused for the lapse.*

 *The explanation rendered by the respondent to the show cause notice is frivolous and unconvincing and cannot be accepted. An ignorance of law is no excuse. The respondent has flagrantly violated the provisions of the law and thus cannot escape its penal consequences.*

 *It transpires that the respondent has been penalized for Rs.10,000/- for a similar violation in another case. Taking a holistic view, exercising its authority under Section 20(1) of the Act, the Commission imposes a penalty of Rs.5,000/- (Rupees Five Thousand only) in lump sum on Sh. Ashneel Singh, PIO – cum – VDO (Panchayat Secretary), O/o BDPO, Nurpur Bedi in this case for the significant delay in responding to the application and demanding an unjustifiable exorbitant cost of information. The Drawing & Disbursing Officer shall ensure that the amount of penalty is deposited in the government treasury in two equal installments commencing from the month of November, 2017 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.*

 *The Block Development and Panchayat Officer, Nurpur Bedi is directed to ensure the refund of Rs.1,500/- to the complainant forthwith.”*

 Contd…page…2

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***COMPLAINT CASE NO.455/2017***

Sh. Ashneel Singh, VDO – cum – PIO has submitted letter dated 10.01.2018 enclosing a challan vide which an amount of Rs.5,000/- imposed as penalty on him, has been deposited in the government Treasury and another letter dated 10.01.2018 vide which he has conveyed that an amount of Rs.1,500/- has been refunded to Sh. Shingara Singh, Panch, R/o Village Lasari, in compliance with the above order. He has also enclosed a copy of the receipt from
Sh. Shingara Singh in this regard. These documents have been taken on record. No further action sustains.

 **Disposed.**

 **Sd/-**

**11.01.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

**CC: The Deputy Commissioner, Ropar for appropriate action.**

**CC: The Block Development & Panchayat Officer, Nurpur Bedi, District Ropar.**

**CC: The District Development & Panchayat Officer, Ropar.**

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Sh. Pawan Kumar Sharma, Advocate,

Kothi No.585, Phase -2, (Sector-54)

S.A.S.Nagar. Complainant

Versus

Public Information Officer,

O/o Chief Secretary, Govt. of Punjab

Vigilance Department, Punjab Civil Sectt.,

Sector-1, Chandigarh Respondent

 **COMPLAINT CASE NO.1212/2017**

Date of RTI application : 10.10.2017

Date of First Appeal : Nil

Date of Order of FAA : Reply 26.10.2017

Date of 2nd Appeal/complaint :02.11.2017

**Present:** None on behalf of the Complainant.

 SI Avtar Singh, RTI In charge, O/o Punjab Vigilance Bureau – for Respondent.

**ORDER**

The Commission had made the following observations in its interim order passed on 12.12.2017:

 *“The complainant had sought to know the procedure being adopted to dispose of the petitions/applications received in the Department of Vigilance, Punjab. He has specifically mentioned the action taken along with notings on a letter dated 30.08.2017 sent by the complainant to the office of the Chief Secretary in the Department of Vigilance, Punjab.*

 *Vide their reply the respondents have intimated the complainant that the requisite information is available on their website and the procedure being followed is available in their manual which stands also uploaded. On further enquiry the complainant had refused to divulge the contents of the complaint to the Commission on the pretext that it is not obliged to do so.*

 *Contd…page…2*

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***COMPLAINT CASE NO.1212/2017***

 *The Commission is not inclined to accept his version. The specific issue in hand has to be in the knowledge of the Commission so as to take a wholesome decision and to see as to whether the information does not attract any exemption clause and some public interest is involved. The complainant is directed to apprise the Commission of the original application filed by him to the Public Authority in order to arrive at an appropriate decision.”*

The complainant is neither present nor he has forwarded the copy of the original application whereas the respondents have duly intimated to him vide their letters dated 08.11.2017, 05.12.2017, 17.10.2017 and 26.10.2017 about the information available with them. In the absence of knowledge of the subject of complaint and his reservations in not revealing it, Commission is not in position to proceed further in the matter. His absence and lack of pursuit suggest that he is no more interested to follow his complaint. Even otherwise the Commission does not find any offence or aberration on the part of the respondent. The complaint is **disposed.**

  **Sd/-**

**11.01.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

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Sh. Raj Kumar

S/o S. Sukhdev Singh,

Shane Punjab Nagar, Ward No.10,

Near Anaj Mandi and FCI, Kharar

Distt. S.A.S.Nagar Complainant

Versus

Public Information Officer,

O/o Municipal Council,

Kharar Distt. S.A.S.Nagar. Respondent

 **COMPLAINT CASE NO.1125/2017**

Date of RTI application : 16.06.2017

Date of First Appeal : Nil

Date of Order of FAA : Nil

Date of 2nd Appeal/complaint : 16.10.2017

**Present:** None.

**ORDER**

The interim order passed by the Commission on 12.12.2017 is reproduced hereunder:

 *“The appellant has sought information as to whether Golden City Real Estate Colony situated in Kharar has the recognition of PUDA or the Municipal Council Kharar and if so has the arrangement been made there to provide water supply, wide roads, street lights etc.*

 *Sh. Jaswinder Singh, Draftsman, appearing on behalf of the respondents says that the information has already been provided.*

 *The appellant is absent. He may convey his observations, if any, before the next date of hearing.”*

 The matter has come up today. The complainant is absent. Nothing has been heard from him also. Seemingly, he is satisfied with the information already stated to have been sent to him. No further action is called for. The Complaint is **disposed.**

 **Sd/-**

**11.01.2018 (Yashvir Mahajan)**

 **State Information Commissioner**

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Dr. Harbans Goyal

S/o Late Sh. Sohan Lal

R/o House No.91, Block -G,

Shivalik Vihar, Naya Gaon,

Distt. S.A.S. Nagar. Complainant

Versus

Public Information Officer,

O/o Senior Superintendent of Police,

S.A.S.Nagar. Respondent

**COMPLAINT CASE NOs.1025, 1026, 1029, 1030, 1031 and 1032 of 2017**

 **Date of RTI Application : 03.06.2017** **Date of First Appeal : -**

 **Date of order of FAA : -**

 **Date of Second Appeal/Complaint: 22.09.2017**

**Present:** None on behalf of the Complainant.

 SI Harjinder Singh, O/o SSP, Mohali – for Respondent.

**ORDER**

 The following interim order was passed by this forum on 21.12.2017:

 *“Since the complainant & the respondent are the same, and the complaints pertaining to the connected issues, the single order shall dispose of all the above complaints.*

 *ASI Ravinder Singh is present. The respondent has not filed any written statement on the notice issued by the Commission. They are directed to do so quickly in any case well before the next date of hearing.*

 *It transpires that the record has been got inspected by the respondent from the applicant/complainant. They may issue him certified copies of the same.”*

The cases have come up today.

 The respondent represented by SI Harjinder Singh has submitted that as directed the certified copies of the documents have been prepared. The complainant was asked to collect it. Contd..page….2

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**COMPLAINT CASE NOs.1025, 1026, 1029, 1030, 1031 and 1032 of 2017**

However, he has not turned up so far. The respondent who has shown us the information thus arranged by them, is directed to send it by post to the complainant under intimation to the Commission.

 To come up on **22.02.2018 at 11.30 AM.**

 **Sd/-**

**11.01.2018 (Yashvir Mahajan)**

 **State Information Commissioner**