

STATE INFORMATION COMMISSION, PUNJAB
RED CROSS BUILDING, SECTOR-16, MADHYA MARG, CHANDIGARH
Tele No. 0172-2864112, FAX No. 0172-2864125, Visit us @ www.infocommpunjab.com

Sh. Sohan Singh,
S/o Sh. Mehar Singh,
Village Kahanpur Khuhi,
Tehsil Anandpur Sahib, Distt. Ropar

Complainant

Versus

Public Information Officer,
O/o Block Development & Panchayat Officer,
Nurpur Bedi, Distt. Ropar

Respondent

COMPLAINT CASE NO.9/2017

Date of RTI Application : 05.09.2016
Date of Complaint : 19.12.2016

Present: Sh. Sohan Singh, Complainant in person.
1. Sh. Devinder Kumar, BDPO, Nurpur Bedi, and
2. Sh. Rajiv Sharma, Panchayat Secretary, O/o BDPO, Nurpur Bedi – for
Respondent.

ORDER

An order passed on 01.08.2017 by the Commission spells the facts of the case as

under:-

“It shall be worthwhile to repeat our order passed on 27.06.2017 :-

“We have made the following observations on couple of hearings as under :

Order dated 28.03.2017

“The complainant had sought to know the information relating to the income having been generated through the auction of the forest woods on panchayati land and other allied information about the works done under NAREGA scheme of the Government.

The respondent is absent. No reply has been sent in response to the notice issued by the Commission. The Commission takes the strong exception to the silence of the respondent on the notice issued by the Commission. He is directed to file a written statement as to why cognizance for

willful denial of information be not taken. He is also advised to provide the information forthwith under intimation to the Commission.”

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Order dated 17.05.2017

On the last date of hearing the respondent was directed to file a written statement with regard to willful denial of information. He was also advised to provide the information to the complainant forthwith. Neither the respondent is present nor anything has been heard from him. A serious note of it has been taken.

The complainant has requested vide his letter dated 16.05.2017 for an adjournment as he expresses his inability to attend the hearing due to indisposition of his wife. His request is acceded. Meanwhile the respondent is again advised to provide the information to the complainant without delay under intimation to the Commission.”

“Neither the reply has been sent by the respondent nor anybody is present. Some serious allegations have been made by the complainant about the embezzlement of the proceeds of auctions of trees and the NREGA funds.

The respondent is refusing to part with the information. The enquiry in this case obviously is inescapable. The Bloc Development and Panchayat Officer, Nurpur Bedi is hereby directed to come present in person along with the original record and its certified copies on the next date of hearing failing which his presence shall be ensured by an exercise of the authority under Section 18 of the Act.”

“The case has come up for consideration today. Despite our express order the information has not been provided. They are seeking more time but without any tangible reason. Their request for further time is denied. It is a clear case of denial of information. Exercising our authority under Section 20(1) of the Act the PIO is issued a show cause notice to explain in a self-

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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. The respondents have brought the information which has been handed over on spot to the complainant. In his written reply made to the show cause notice, the respondent Sh. Rajiv Kumar Sharma, PIO – cum - Panchayat Secretary, Gram Panchayat Kahanpur Khuhi, Block Nurpur Bedi has submitted that he was looking after the duties of B.L.O. and verifications of Atta Dal scheme during the period under consideration. Besides he is holding additional charge of

Panchayat Secretary of other villages as well. As he has been over-burdened with the routine work, the information could not be provided in time.

The perusal of application suggests that request for information was made to the respondent on 05.09.2016. Despite numerous notices and directions issued by the Commission the appropriate measures were not taken by the respondent to provide the information to the complainant. Had it been a case of marginal delay the Commission would have accepted his plea, but the delay of more than nine months cannot be attributed to the bonafide compulsions of the

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respondent.

The Commission concludes that the information has been denied and delayed willfully due to some ulterior reasons. The culpability under Section 7(2) of the Act as such is proved. Taking all the circumstances in view and exercising its authority under Section 20 (1) of the Act, the Commission imposes a penalty of Rs.10,000/- (Rupees Ten Thousand only) in lump sum on Sh. Rajiv Kumar Sharma, PIO – cum – Panchayat Secretary, O/o BDPO, Nurpur Bedi in this case for the significant delay. The Block Dev. & Panchayat Officer, Nurpur Bedi shall ensure that the amount of penalty is deposited in the government treasury in two equal installments commencing with the salary for the month of October, 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.

To come up for reporting compliance of this order on **14.12.2017 at 11.30 AM.**

Sd/-

17.08.2017

(Yashvir Mahajan)
State Information Commissioner

CC: The Deputy Commissioner, Ropar.

CC: The Block Development and Panchayat Officer, Nurpur Bedi, Distt. Ropar.