

# STATE INFORMATION COMMISSION, PUNJAB

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Sh. Gurmail Singh  
S/o Sh. Ram Chand,  
R/o Village Lasarhi, Tehsil Anandpur Sahib  
Distt. Ropar.

Complainant

Versus

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

Respondent

## **COMPLAINT CASE NO.307/2017**

Date of RTI Application : 26.08.2016  
Date of First Appeal : Nil  
Date of Order of FAA : Nil  
Date of Second Appeal : 07.04.2017

**Present:** Sh. Gurmail Singh, Complainant in person.  
1. Sh. Devinder Kumar, BDPO, Nurpur Bedi,  
2. Sh. Ashneel Singh, PIO – cum – Panchayat Secretary, O/o BDPO, Nurpur Bedi –  
for Respondent.

### **ORDER**

The order was reserved on 18.07.2017 for pronouncement.

A show cause notice was issued to the PIO – cum – Panchayat Secretary of the gram panchayat of village Lasari, Block, Nurpur Bedi, on 13.06.2017 which is reproduced hereunder :-

*“The complainant had sought information during the month of August about the various grants issued to the gram panchayat of village Lasari, Block, Nurpur Bedi from the year 2013 onwards.*

*It transpires that the respondent had asked the complainant to deposit a sum of Rs.2,000/- as a cost of providing the information. We find that no valid formula/calculation has been observed while demanding the amount of fee which obviously is on the very high side. The fee was deposited timely by the complainant. It is after a lapse of about six months that the information*

*comprised in about 200 pages was sent by post to the complainant which as per report of the postal*

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*authorities was declined to be received by the complainant. The respondent has brought along the information thus sent to the complainant. The same has been passed on to the complainant on spot in the Court itself.*

*The Commission finds that the conduct of the respondent has been negligent and lackadaisical whereas a substantial delay is involved. Simultaneously an exaggerated amount calculated haphazardly has been demanded probably to discourage the information seeker. The Commission takes a serious view of the same and takes it a willful denial of information and issues a show cause notice to the PIO 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.*

*Meanwhile the respondent shall refund the amount of Rs.1,600/- un-authorisedly charged by the respondent, forthwith.”*

The case has been taken up today. Sh. Devinder Kumar, Block Development & Panchayat Officer, Nurpur Bedi along with Sh. Ashneel Singh, PIO – cum – Panchayat Secretary

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was present on the last date of hearing on 18.07.2017 and had filed a written explanation. The Commission has considered the matter. The respondents have failed much less in giving a convincing explanation as to how an amount of Rs.2,000/- was demanded as a cost of information when the information delivered comprised 200 pages only. The respondent as such has violated the provisions of Section 7(1) (3) of the RTI Act.

The original application was filed on 26.08.2016. The information has been delivered beyond 100 days of filing of the application. The respondent is thus culpable of violation of the mandatory provisions of Section 7(1) of the RTI Act and is liable to be penalized under Section 20(1) and 20(2) of the Act.

The Commission finds lack of orientation and appropriate knowledge about the provisions of this Act even after more than ten years of the enactment of this Act. Thus exercising its authority under Section 20(1) of the Act and taking a lenient view, the Commission imposes a penalty of Rs.10,000/- (Rupees Ten Thousand only) in lump sum on Sh. Ashneel Singh, PIO – cum – Panchayat Secretary, O/o BDPO, Nurpur Bedi for the significant delay in responding to the application. The PIO shall ensure that

the amount of penalty is deposited in the government treasury in two equal installments commencing from the month of September, 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.

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The Block Development and Panchayat Officer, Nurpur Bedi is directed to ensure the refund of extra amount i.e. Rs.1,600/- to the complainant as already ordered for the same if not done already.

To come up for reporting compliance of this order on **14.09.2017 at 11.30 AM.**

Sd/-

**17.08.2017**

**(Yashvir Mahajan)  
State Information Commissioner**

**CC: The Block Development & Panchayat Officer,  
Nurpur Bedi (Punjab) for information and n/a.**

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

