# ORDER SHEET
# PUNJAB INFORMATION COMMISSION

File No: 1-113-1/2021/sharqpur

**Liaqat Ali**

**Vs**

**Municipal Committee Sharaqpur, Distt SKP**

**Subject:** **Appeal/Complaint Regarding Non-Provision of Information under the Punjab Transparency and Right to Information Act 2013**

Order

16.09.2021 Appellant is present. Ahmed Ali Accountant MC Sharaqpur is also present on behalf of respondent Public Body.

2. The above captioned RTI Complaint was filed on 20.01.2021 whereafter Mr. Imran Danish CO MC Sharaqpur twice appeared before Commission on 23.02.2021 and 04.03.2021. He ensured the Commission to furnish certified copies of information subject to deposit of requisite as fee prescribed by law but in vain.

3. The Commission in principal disposed of this RTI Complaint vide order dated 22.03.2021 declaring that the demand of charges by MC Sharaqpur vide Notification published in the Punjab Gazette on 31.08.2017 was illegal. The Commission referring to Section-24 of RTI Act 2013, observed that RTI Act overrides all other laws. It further observed that according to "Schedule of Cost" notified by Government of Punjab on 13.01.2015 a public body shall provide first 20 pages free of cost and Rs. 2[illegible] per page for information in excess of 20 pages. Each Public Body is required by law to strictly adhere to the Schedule of Cost and to charge no other cost except under the "Schedule of Cost".

4. It is noted that during the proceedings of this case the respondent Public Body forwarded uncertified copies of Service Book (26) pages and pay bill (16) pages at the given address of

Complainant which cannot be taken as valid furnishing of information for not being attested by PIO.

5. Since the disposal of this case vide order dated 22.03.2021, it has been adjourned for a number of times but respondent Public Body appears to have failed to comply with the directions and CO MC Sharaqpur is adamant to charge fee according to the Notification dated 31.08.2017 which is an illegal demand in the light of Section-24 of RTI Act 2013. The Commission has apprised time and again that the demand of CO MC Sharaqpur is contrary to the provision of RTI law but in vain. All efforts of Commission have remained fruitless for compliance of its order dated 22.03.2021 leaving no option except to resort to Section-15 of RTI Act 2013. CO MC Sharaqpur as HOD is solely liable for grave violation of RTI Act 2013 and the explicit orders of Commission dated 22.03.2021. His misconduct is no doubt an impediment in the way of "access to information" hence he is liable for award of penalty of Rs. 25,000/-. This execution proceedings are finally disposed of with said arrangement. District Accounts Officer SKP as well as Assistant Commissioner / Administrator Sheikhupura is directed to effect said deduction of penalty from the salary of MC Sharaqpur subject to intimation to this office. Administrator MC/ AC Sharaqpur being officer incharge is directed to ensure furnishing of certified copies of information to the complainant within 7 days positively.

Announced.

**(Mahboob Qadir Shah)**
**Chief Information Commissioner**