

**Bhagwat Dayal Versus State Information Commission and others**

Present: Ms. Kamaldeep Kaur, Advocate for  
Mr. Adarsh Jain, Advocate for the petitioner.

Mr. Krishan K. Chahal, Addl. AG Haryana.

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Present writ petition has been filed under Article 226 of the Constitution, *inter alia*, for issuance of a writ in the nature of certiorari to quash the impugned order dated 25.08.2022 (P-1) passed by State Information Commissioner, Haryana-respondent No.1, whereby second appeal of the petitioner under Right to Information Act, 2005, (for short, 'RTI Act') was dismissed.

It transpires that petitioner submitted an application dated 17.01.2019 (P-2) under RTI Act for seeking certain information regarding the Annual Amounts received by Gram Panchayat-Haripur, District Faridabad, during the years 2015 to 2019 and spent for development works.

As the desired information was not supplied by the quarter concerned; therefore, petitioner has filed the present writ petition.

This Court has come across that inhabitant(s) of the village(s) are seeking similar information about the grants/funds received/utilized by the respective Gram Panchayat(s) and invariably, the needful is not being done by the quarter concerned on one pretext or the other resulting into filing of the various avoidable writ petitions.

One of the major causes for harassment of the rural inhabitant(s) is that no SPIO is appointed for an individual Gram Panchayat(s) in the State of Haryana, despite the fact that these democratic institutions are functioning at grass root level in terms of Article 243(d) and 243-B of the Constitution of India. Thus, *prima facie*, there would be no hesitation to observe that Gram Panchayat being the "Public Authority" would be duly covered under Section 5 of the RTI Act.

Also noteworthy that in various States, respective Panchayat Secretaries have been appointed as SPIOs for an individual Gram Panchayat under the RTI Act and one such example can be quoted from the State of Uttar Pradesh, where citizens can access information and obtain photocopies of the

documents by applying to the Panchayat Secretary on a plain piece of paper after paying the requisite fee i.e. Re.1/- per page.

Thus, taking into consideration the importance of issue involved, State of Haryana through Commissioner & Secretary, Rural Development Department, Haryana as well as Director & Special Secretary, Rural Development Department, Haryana, are ordered to be impleaded as party-respondent Nos.5 & 6, respectively.

Amended memo of parties be supplied to the Registry at the earliest.

Let notice of the petition be issued to the newly added respondents.

Ordered accordingly.

On asking of the Court, Mr. Krishan K. Chahal, Addl. A.G Haryana, accepts notice on behalf of newly added respondent Nos.5 & 6 and seeks time to have instructions and/or file written response in the matter.

Respondent Nos.5 & 6 shall file their respective affidavits, indicating the steps taken for implementation of the RTI Act at Gram Panchayat level, including uploading of the relevant information about the receipt of grants/funds as well as utilization thereof and also for appointment of the SPIOs for an individual Gram Panchayat(s).

Needful be done before the date fixed.

Posted for 19.09.2024.

To be shown in **Urgent List**.

14<sup>th</sup> August, 2024  
*reema*

(MAHABIR SINGH SINDHU)  
JUDGE