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## INTRODUCTION

The Right to Information Act, 2005 has put in place a practical regime to ensure the right to information for citizens by securing access to information under the control of public authorities. An informed citizenry with access to information is vital to the functioning of democracy, to contain corruption and to hold the Governments and their instrumentalities accountable. The Act seeks to promote transparency and accountability in the working of public authorities. It provides the framework for citizens to access information which is held by or under the control of any public authority which includes the right to inspection of work, documents and records. The Act applies to all public authorities including bodies owned, controlled or substantially financed by Government as well as non-Government organisations substantially financed by Government.

Under the Right to Information Act, a Central Information Commission and State Information Commissions have been set up. The Commissions receive and inquire into complaints relating to denial of information by the public authorities and decides on second appeals against the public authorities. The Commissions are also vested with powers to impose penalty on Public Information Officers found guilty under the provisions of the Act, to recommend disciplinary action against them and to require public authorities to compensate complainants for any loss or detriment suffered. The Commissions can also direct public authorities to take appropriate steps to secure compliance with the provisions of the Act.



## CHAPTER – 1

# WEST BENGAL INFORMATION COMMISSION

West Bengal Information Commission was constituted by the Government of West Bengal vide Notification No. 747–PAR(AR) dated 12.12.2005 which was published in The Kolkata Gazette. The Commission was reconstituted vide Notification No. 744–PAR(AR) dated 03.08.2010.

Shri Arun Kumar Bhattacharya assumed the office of State Chief Information Commissioner on 27th December, 2005 and continued upto 5th August, 2010.

Shri Sujit Kumar Sarkar joined as State Information Commissioner on 3rd December, 2009. He assumed the office of State Chief Information Commissioner on 1st December, 2010 and continued up to 6th June, 2014.

Shri K. John Koshy assumed the office of State Information Commissioner on 1st December, 2010. He assumed additional charge of the office of the State Chief Information Commissioner on 18.06.2014 and assumed the charge of the office of State Chief Information Commissioner on 03.02.2015 (A.N.) and continued upto 06.11.2015.

Dr. G.D. Gautama joined as State Information Commissioner on 5th April, 2012. He assumed the additional charge of State Chief Information Commissioner on 17.11.2015 (A.N.).

### **Suo Motu Information u/s 4(1) (b)**

The Right to Information Act has envisaged that all the Public Authorities shall make a constant endeavour to take steps in accordance with the requirements of this Act to publish all relevant information for the knowledge of citizens at large and update the same at regular intervals.

The Act enjoins that all the records of the Public Authority should be duly catalogued and indexed in a manner and in the form which facilitates the right to information of citizens. For this purpose, the records are needed to be computerized within a reasonable time and connected through a network all over the country so that access to such records is facilitated.

Section 4(1)(b) has given a list of seventeen such vital information pertaining to each Public Authority which are to be published suo motu so that the public have minimum resort to the use of this Act to obtain information.

The relevant information under Section 4(1)(b) in respect of the West Bengal Information Commission for the period under report is given below.

*Particulars of the organization, functions and duties of the Commission:*

Name of the Office – **West Bengal Information Commission**

Address – Khadya Bhaban, 11A, Mirza Ghalib Street, Kolkata-700 087.

Website : [www.wbic.gov.in](http://www.wbic.gov.in)

E-mail : [scic-wb@nic.in](mailto:scic-wb@nic.in)

Contact No. Tele : (033)2252-0509 / Fax : (033) 2252-0501

The Information Commissioners –

The West Bengal Information Commission consists of the following members :

**State Chief Information Commissioner:**

**Shri K. John Koshy**

From 18.06.2014 to 03.02.2015 as Additional Charge of State Chief Information Commissioner.

From 03.02.2015 (A.N.) to 06.11.2015 as State Chief Information Commissioner

**State Information Commissioner:**

**Dr. G.D. Gautama**

From 05.04.2012 as State Information Commissioner

From 17.11.2015 additional charge of State Chief Information Commissioner

**Functions:** West Bengal Information Commission has been constituted under sub-section (1) and sub-section (7) of section 15 of the Right to Information (RTI) Act, 2005 vide a gazette notification No.747-PAR(AR) dated 12.12.2005 and published in the Gazette on 03.01.2006. The Commission's mandate is to exercise the powers conferred on, and to perform the functions assigned to it under the Act.

The general superintendence, direction and management of the affairs of the State Information Commission vests in the State Chief Information Commissioner who shall be assisted by the State Information Commissioner and exercise all such powers and does all such acts and things which may be exercised or done by the Information Commission autonomously without being subjected to directions by any other authority under the RTI Act.

The Act enjoins upon the State Government to provide the State Chief Information Commissioner and the State Information Commissioner with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the

terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed. So far thirty (30) posts of different categories have been sanctioned by the Government. A list of posts filled is as under:-

Sl. No.	Designation of the Officers/Employees	No. of posts sanctioned	No. of posts filled	Remarks
1	Secretary & Registrar	1	1	
2.	Deputy Secretary & Additional Registrar	1	1	
3.	Law Officer	1	1	
4.	Finance Officer	1	1	
5.	P. S. Gr-I	1	1	One P.A. and one stenographer have been posted on ad-hoc basis
6.	P. S. Gr-II	1	Vacant	
7.	Section Officer	1	1	
8.	Accountant	1	1	
9.	Head Assistant	1	1	
10.	Judicial Peshkar	1	1	
11.	U.D. Assistant	7	7	
12.	L.D. Assistant	2	1	
13.	Cashier	1	Vacant	
14.	System Administrator	1	1	Joined on 17.07.2015
15.	System Supervisor	1	Vacant	
16.	P.A.	1	Vacant	
17.	Data Entry Operator	2	Vacant	One Data entry operator has been engaged on casual basis
18.	Typist (working knowledge of Computer)	2	Vacant	
19.	Record Supplier	1	Vacant	
20.	Peon	2	Vacant	Three Gr. D staff have been posted on ad-hoc basis

**NOTE I:** One post of Technical Skilled Manpower on contract basis has been sanctioned by P & AR Department.

**NOTE II:** Service of one P.A. was placed in this Commission from P & A. R. Department

**NOTE III:** In addition, two typists are working on consolidated pay basis from time to time to cope with the typing work.

**NOTE IV:** Two Gr D staff are also working on consolidated pay basis to cope up with the work of the Commission.

**NOTE V:** One Data entry operator has been engaged on casual basis.

**Nodal Government Department**– The budget for the Commission is published in the budget book pertaining to Personnel and Administrative Reforms Department of the Govt. of West Bengal.

**Jurisdiction** – The Commission has jurisdiction over all public authorities established or constituted by any law made by State Legislature, by any notification issued or order made by the State Government and includes anybody owned, controlled or substantially financed including NGOs substantially financed directly or indirectly by the funds provided by the State Government.

**Mission** – Ensure the citizens their Right to Information from public authorities in accordance with provisions of the Right to Information Act, 2005.

**Vision** – Transparent functioning of public authorities to enable in achieving the goals envisaged in the Constitution of India for every Indian citizen.

**Objectives** – Fulfilling the mandate assigned in the RTI Act, 2005.

**Details of Services provided/Duties** – As per the RTI Act, 2005 the Commission has been assigned the task of receiving complaints and appeals, for providing suitable relief to the appellants as per the provisions of the RTI Act, 2005.

**Physical Assets** – Office space is provided by the State Government.

***Powers and duties of Officers and employees:***

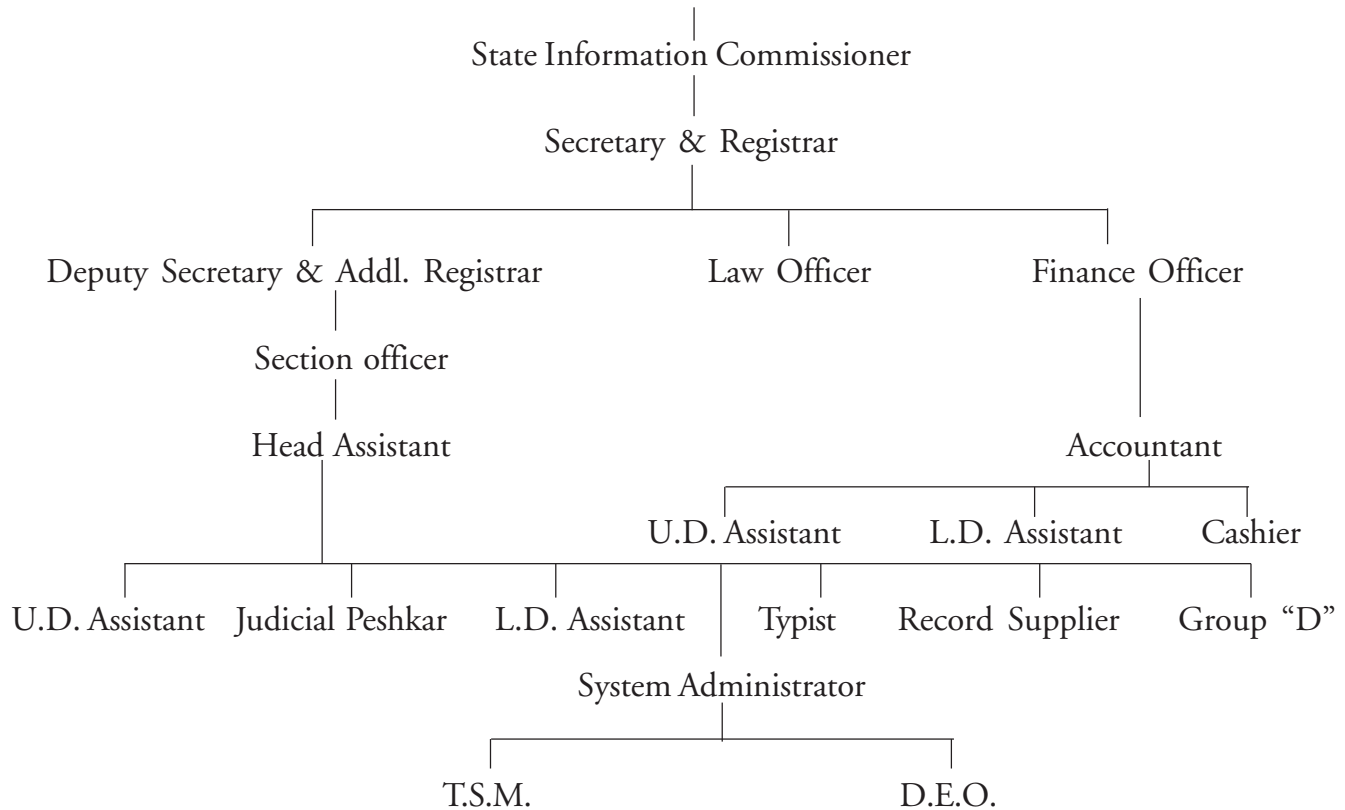
Sl. No.	Designation	Powers and Duties
1.	State Chief Information Commissioner	General superintendence, direction and management of affairs of the Commission which receives appeals and complaints under the RTI Act. Hearing of complaints / appeals as per provision of RTI Act.
2.	State Information Commissioner	General superintendence, direction and management of affairs of the Commission which receives appeals and complaints under the RTI Act. Hearing of complaints / appeals as per provision of RTI Act.
3.	Secretary & Registrar	Overall supervision of all administrative work, Liaising with State Government and Government of India on behalf of the Commission. Registrar to the Commission and discharging duties of the First Appellate Authority of the Commission.



Sl. No.	Designation	Powers and Duties
4.	Deputy Secretary & Additional Registrar	Administrative work, supervision and monitoring of work done by the dealing assistants who are assigned with the RTI Act.
5.	Finance Officer	Drawing and Disbursing Officer.
6.	Law Officer	Supervising and monitoring of all court cases and legal matters. Liaisoning with the advocates of the Commission and preparation of Statement of Facts and briefs. Supervising and monitoring of data management system. Usual works as and when directed by the State Chief Information Commissioner.
7.	Section Officer	To Supervise RTI Matters, staff and establishment related matters.
8.	P.S. Gr. I	Usual works as and when directed by the State Chief Information Commissioner.
9.	P.S. Gr. II	i) Usual works as and when directed by the State Chief Information Commissioner. ii) Typing work as may be allotted. iii) Taking dictation as and when necessary.
10.	P.A.	i) Usual works as and when directed by the State Chief Information Commissioner. ii) Typing work as may be allotted. iii) Taking dictation as and when necessary.
11.	Accountant	i) Usual work as Accountant. ii) Dealing RTI files.
12.	Head Assistant	Dealing with RTI files and establishment related matters.
13.	Judicial Peshkar	i) Usual work as Judicial Peshkar. ii) All establishment works. iii) Payment of salaries & other bills and related works. iv) Dealing RTI files as and when be necessary and be allotted.

Sl. No.	Designation	Powers and Duties
14.	U.D. Assistant	Dealing RTI files and other work of establishment as assigned by the Commission.
15.	L.D. Assistant	Reference work – Receiving of letters / Diaries / Name Index / Opening new files / Dispatch of letters.
16.	System Administrator	Overall in-charge of computer management. Website management and maintenance LAN Troubleshooting, System management and maintenance.
17.	Technical Skilled Manpower	Website management and maintenance. LAN Troubleshooting System management and maintenance under the control of System Administrator.
18.	Data Entry Operator	Data Entry & Typing.
19.	Casual Typist	Typing Works
20.	Peon	Usual Works of a Gr. D employee.

**West Bengal Information Commission**  
State Chief Information Commissioner



*Procedure followed in deciding on Appeals and Complaints under the RTI Act, 2005:*

The Commission receives Complaints under Section 18 of the RTI Act and Appeals under the Section 19 of the RTI Act. These Complaints and Appeals are disposed as per provisions of the Act as well as the West Bengal Right to Information Rules, 2006.

The process followed for processing the cases is indicated below:

Sl. No.	Details of Activity in the Commission	Decision making process	Authority Responsible for the activity
1	Complaints under sec 18	Stage 1: Comments of SPIO and Appellate Authority sought if necessary. Stage 2: Further Inquiry or Hearing as per the directions of SCIC/SIC Stage 3: Final Order	Secretary and Registrar as per directions of SCIC/SIC
2.	Appeals under Section 19	Stage 1: Comments of SPIO and Appellate Authority sought if necessary. Stage 2: Further inquiry or Hearing as per the directions of SCIC/SIC Stage 3: Final Order	Secretary and Registrar as per directions of SCIC/SIC
3.	Annual Report	Annual Report is prepared based on information obtained from all Departments as well as Commission's own work. The Report as approved by the Commission is sent to Government for placing in the Assembly	Secretary and Registrar under directions of the Commission
4.	Procuring Goods and Services for the Commission	As per Financial Rules and Delegation of Financial Powers	Secretary of the Commission under general supervision of SCIC
5.	General Administration of the Commission	As per general direction of the State Chief Information Commissioner	Secretary of the Commission under general supervision of SCIC

*Norms set for discharging of duties and functions in WBIC:*

Appeals and Complaints are disposed off by the Commission as per provisions of the RTI Act, 2005 and the Rules framed thereunder. The cases are taken up for consideration on chronological basis as far as practicable, subject to receiving all reports and clarifications as may be required.

In office administration and financial matters, the Commission follows rules and procedures applicable in Government subject to Section 15(4) of the RTI Act.

*Act, Rules, regulations, instructions, Manuals and Records used by WBIC for discharging its functions:*

1. The Right to Information Act (RTI) 2005
2. West Bengal Right to Information Rules, 2006 and its subsequent amendments
3. Reports/Orders of the Central Information Commission and various State Information Commissions
4. Indian Evidence Act
5. Indian Constitution
6. Black's Law Dictionary.

*Categories of documents held by WBIC :*

Sl. No.	Subject	Type of Document-file/ register/voucher etc.	Particulars Heading/type in the document	Periodicity of preservation
1.	Appeals	Files	Section 19 of RTI Act	Not yet decided
2.	Complaints	Files	Section 18 of RTI Act	
3.	General/ Miscellaneous	Files	General matter related to RTI or Miscellaneous non-RTI matters	
4.	Administration	Files	Files related to administration	
5.	Annual Report	Files	Materials furnished by Department for Annual Report	

*Arrangement for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof:*

There is no prescribed mechanism for consultation under the RTI Act. The Commission functions under the various provisions of the Act and Rules made thereunder. Consultations and meetings are held from time to time with public authorities and other concerned organizations as required.

*Boards, councils, committees and other bodies constituted:* None

*Directory of the Officers and Employees of WBIC:*

Under Section 4 (1)(b)(ix) a directory of the State Chief Information Commissioner, State Information Commissioner and the officers & employees & their monthly remuneration in West Bengal Information Commission is given below:

Sl. No.	Name & Designation	Telephone Number	E-mail ID	Remarks
1	Shri K. John Koshy, State Chief Information Commissioner, West Bengal	(033) 2252-0485/ (033) 2252-0509	<a href="mailto:scic-wb@nic.in">scic-wb@nic.in</a>	From 03.02.2015 (A.N.) to 06.11.2015. Held additional charge of State Chief Information Commissioner, West Bengal from 18.06.2014
2	Dr. G.D. Gautama, State Information Commissioner, West Bengal	(033) 2252-0487/ (033) 2252-0509	<a href="mailto:scic-wb@nic.in">scic-wb@nic.in</a>	From 05.04.2012 Held additional charge of State Chief Information Commissioner from 17.11.2015.
3	Kajal Kumar Bandyopadhyay, Secretary & Registrar, West Bengal Information Commission	(033) 2252-0488/ (033) 2252-0509	<a href="mailto:scic-wb@nic.in">scic-wb@nic.in</a>	From 16.09.2013
4	Shri Tushar Kanti Bhattacharyya, Finance Officer, West Bengal Information Commission	(033) 2252-0507/ (033) 2252-0509		From 01.10.2012 to 31.12.2015.
5	Pranab Kumar Chakraborty, Deputy Secretary & Addl. Registrar	(033) 2252-0489/ (033) 2252-0509		From 21.06.2013
6	Kumaree Anita, Law Officer, West Bengal Information Commission	(033) 2252-0508/ (033) 2252-0509		From 08.06.2012

Sl. No.	Name & Designation	Telephone Number	E-mail ID	Remarks
7	Shri Sadhan Mondal, P.A.	(033) 2252-0509		
8	Shri Billwa Kr. Kundu, P.A.	Do		Service was placed from P & A.R. Deptt.
9	Shri Subrata Sanfui, P.A.	(033) 2252-0509		From 04.05.2012
10	Sri Achinta Pal, P.A.	(033) 2252-0509		
11	Shri Ranjan Mukhopadhyay, Section Officer	Do		Upto 15.05.2015 (A.N.)
12	Smt. Ila Sarkar, Accountant, West Bengal Information Commission			From 07.05.2013
13	Shri Krishnendu Mitra, Section Officer	(033) 2252-0509		From 12.06.2015 (A.N.)
14	Smt. Nabanita Mukherjee, H.A.	Do		Released on 31.07.2015
15	Smt. Uma Bhowmick, Head Assistant	(033) 2252-0509		From 10.08.2015
16	Sri Biswajit Sanyal, U.D. Assistant			
17	Sri Mohit Kumar Naru U.D. Assistant			
18	Md. Habib Gazi U.D. Assistant			
19	Shri Apurba Roy, U.D. Assistant	Do		
20	Shri Saikat Pramanik, U.D. Assistant			
21	Shri Rajendra Prasad Saha, L.D. Assistant			
22	Smt. Rituparna Bhattacharya, L.D. Assistant			
23	Smt. Soma Goswami, Gr. D	Do		Service was placed from P & AR Dept.

Sl. No.	Name & Designation	Telephone Number	E-mail ID	Remarks
24	Shri Sudipta Maji, System Administrator	Do		Joined on 17.07.2015
25	Smt. Sutapa Basu, Technically Skilled Manpower	Do		
26	Shri Partha Mondal, Typist (Casual)	Do		
27	Shri Asit Patra, Typist (Casual)	Do		
28	Shri Shyam Sundar Sar, Gr. – 'D' (Casual)	Do		
29	Shri Tanmoy Bhattacharya, Gr. – 'D' (Casual)	Do		
30	Smt. Annesha Shaw Data Entry Operator (Casual)	Do		
31	Sri Chandan Mallick, Sweeper (Casual)	Do		

*Details of remuneration of officers and employees:*

According to the provisions of section 16 (5) of the RTI Act, 2005 the salaries and allowances payable to and other terms and conditions of services of–

- The State Chief Information Commissioner shall be the same as that of the Election Commissioner ;
- The State Information Commissioner shall be the same as that of the Chief Secretary of the State Government :

Provided that if the State Chief Information Commissioner or an Information Commissioner, at the time of his appointment is, in receipt of a pension, other than a disability or wound pension, in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the Chief Information Commissioner or as an Information Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefit excluding pension equivalent of retirement gratuity:

Provided further that if the State Chief Information Commissioner or an Information Commissioner if, at the time of his appointment is, in receipt of retirement benefits in respect of any previous service

rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as the Chief Information Commissioner or an Information Commissioner shall be reduced by the amount of pension equivalent to retirement benefits:

Provided also that the salaries, allowances and other conditions of service of the State Chief Information Commissioner and the Information Commissioners shall not be varied to their advantage after their appointment.

It has also been laid down under section 16(6) of the RTI Act, 2005 that the state Government shall provide the State Chief Information Commissioner and the State Information Commissioner with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and the salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed.

The scale of pay of the State Chief Information Commissioner, State Information Commissioner and the officers and employees of West Bengal Information Commission are as under:-

Sl. No.	Designation of the posts	Pay scale of the post
1.	State Chief Information Commissioner	Rs. 90,000/- (Fixed)
2.	State Information Commissioner	Rs. 80,000/- (Fixed)
3.	Secretary & Registrar	Rs. 37,400 – 67,000/- + G.P. Rs. 8,700/- + Personal Pay Rs. 1,300/-
4.	Finance Officer	Rs. 28,000 – 52,000/- + G.P. Rs. 7,600/-
5.	Deputy Secretary & Additional Registrar	Rs. 15,600 – 42,000/- + G.P. Rs. 6,600/-
6.	Law Officer & Joint Registrar	Rs. 15,600 – 42,000/- + G.P. Rs. 5,400/-
7.	Section Officer	Rs. 9000/- – 40500/- + G.P. Rs. 4780/-
8.	Accountant	Rs. 9000/- – 40500/- + G.P. Rs. 4780/-
9.	Head Assistant	Rs. 7,100 – 37,600/- + G.P. Rs. 4,200/-



Sl. No.	Designation of the posts	Pay scale of the post
10.	Judicial Peshkar	Rs. 7,100/- – 37,600/- + G.P. Rs. 3600
11.	U.D. Assistant	Rs. 7,100 – 37,600/- + G.P. Rs. 3,600/-
12.	P.S. to SCIC	Rs. 9,000/- – 40,500/- + G.P. Rs. 5400/-
13.	P.A.	Rs. 7,100/- – 37,600/- + G.P. Rs. 3,600/-
14.	L.D. Assistant	Rs. 5,400/- – 25,200/- + G.P. Rs. 2,600/-
15.	Cashier	Rs. 5,400/- – 25,200/- + G.P. Rs. 2,600/-
16.	System Administrator	Rs. 9000/- – 40500/- + G.P. Rs. 5400/-
17.	System Supervisor	Rs. 9000/- – 40500/- + G.P. Rs. 5400/-
18.	P.A.	Rs. 7,100/- – 37,600/- + G.P. Rs. 3,600/-
19.	Data Entry Operator	Rs. 5,400/- – 25,200/- + G.P. Rs. 2,600/-
20.	Typist (working knowledge of computer)	Rs. 5,400/- – 25,200/- + G.P. Rs. 2,600/-
21.	Record Supplier	Rs. 5,400/- – 25,200/- + G.P. Rs. 1,900/-
22.	Gr. D	Rs. 4,900/- – 16,200/- + G.P. Rs. 1,800/-

### *Budget Allocation, Expenditures and Disbursements:*

Under Section 4(1)(b)(xi) the Commission has to provide details of allocation of budget and disbursement made during financial year 2015-2016. These are placed on the website giving details of budget and its utilization till date in the following format to comply with this section.

Net Grant Statement for the Financial Year 2015-2016							
Head of Accounts	Original Grant in Budget	Supplementary grant (Re-appropriation)	Total Grant Allotment received	Total expenditure	Excess Expenditure	Savings	Re mark
01-Salaries	1,09,85,000		83,09,200	1,03,66,696	20,57,496		
02-Wages	7,50,000		5,70,000	7,05,496	1,35,496		
07-Medical Reimbursement	1,50,000		1,25,000	1,00,805		24,195	
11-Travel Expenses	3,50,000		1,80,000	72,625		1,07,375	
12-Medical Reimbursement under WBHS 2008	1,20,000		1,20,000	1,42,527	22,527		
13-Office Expenses							
01-Electricity	1,10,000		1,10,000	47,013		62,987	
02-Telephone	3,20,000		2,80,000	2,68,950		11,050	
03-Maintenance/POL for Office vehicle	12,75,000		8,00,000	6,86,486		1,13,514	
04-O.O.E	12,00,000		8,75,000	8,74,817		183	
27-Minor Works/Maintenance	2,00,000		80,000	79,898		102	
28-Payment of Professional & Spl. Services							
01-Capitation Fees for IMPs							
02-Other Charges	7,25,000		4,95,000	4,83,642		11,358	
50-Other Charges	2,00,000		2,05,000	2,04,733		267	
51-Motor Vehicle	3,80,000		1,30,000	.....			
<b>Total</b>							

The budget provision for the financial year 2016-17 is also given hereunder:-

Budget Estimate for the Financial Year 2016-17		
	Actual 2015-16 (1)	Budget Estimate 2016-17 (2)
<b>Head of Account 01-Salaries</b>		
01-Pay	39,94,359	48,70,000
14-Grade Pay	8,78,778	8,51,000
02-DA	39,16,116	48,63,000
03-HRA	6,21,843	8,58,000
04-Ad hoc Bonus	44,800	57,000
05-Interim Relief	...	3,41,000
07-Other Allowances	9,06,110	75,000
12-Medical Allowance	4,800	7,000
13-Dearness Pay	....	....
<b>TOTAL</b>	<b>1,03,66,696</b>	<b>1,19,22,000</b>
02-Wages	7,05,496	7,13,000
07-M.R.	1,00,805	1,64,000
11-T.E.	72,625	3,82,000
12-M.R.	1,42,525	1,31,000
13-O.E		
01-Elc.	47,013	1,20,000
02-Tel.	2,68,950	3,49,000
03-Vehicle	6,86,486	13,50,000
04-O.O.E.	8,74,817	12,30,000
<b>TOTAL</b>	<b>28,98,717</b>	<b>30,49,000</b>
27-Minor Works	79,898	2,00,000
28-Payment of Professional and Special Services-02	4,83,642	7,90,000
50-Other Charges	2,04,733	2,10,000
51-Motor Vehicles	...	4,00,000
53-Major Works/Land & Building		
<b>TOTAL</b>	<b>7,68,273</b>	<b>16,00,000</b>
<b>GRAND TOTAL</b>	<b>1,40,33,686</b>	<b>1,65,71,000</b>

*Execution of subsidy programmes:*

The Commission does not implement any subsidy programme.

*Recipients of concessions, permits or authorizations granted:* None

*Information available in electronic form:*

Important information related with the RTI Act, 2005 are uploaded in the Commission's website [www.wbic.gov.in](http://www.wbic.gov.in) and are updated regularly.

A list of such information uploaded in the website is given below :

Sl.No.	Type of Document	In which electronic format it is kept	Mode of retrieval
1.	The Right to Information Act, 2005		
2.	The West Bengal Right to Information Rules, 2006 and its amendments	On Website	Internet
3.	Relevant Notifications issued by the Government	Do	Do
4.	List of SPIOs as provided by the Public Authorities	Do	Do
5.	Decisions of the WBIC	Do	Do
6.	Show Cause Notices	Do	Do
7.	Hearing Dates	Do	Do
8.	Appeal / Complaint format	Do	Do
9.	Important Circulars / Notifications	Do	Do
10.	Frequently Asked Questions about the RTI Act, 2005	Do	Do
11.	Annual Report of the Commission	Do	Do
12.	Important letters of the Commission explaining different provisions of the Act	Do	Do

*Facilities available to Citizens for obtaining information:*

Officers of the Commission are available on phone and personally from 10.30 A.M. – 5.30 P.M. on all working days. The Commission's website [www.wbic.gov.in](http://www.wbic.gov.in) provides relevant information for the public and is updated regularly. The Commission does not have a library or reading room.

*The names, designation and other particulars of the Public Information Officers of the Commission:*

WEST BENGAL INFORMATION COMMISSION			
1.	Kajal Kumar Bandyopadhyay, Secretary & Registrar, West Bengal Information Commission	WEST BENGAL INFORMATION COMMISSION Khadya Bhaban, 11A, Mirza Ghalib Street, Kolkata – 700 087. Email- <a href="mailto:scic-wb@nic.in">scic-wb@nic.in</a> Website- <a href="http://www.wbic.gov.in">www.wbic.gov.in</a>	Appellate Authority From 27.11.2013
2.	Shri Tushar Kanti Bhattacharyya, Finance Officer, West Bengal Information Commission	Do	SPIO from 24.09.2014 to 31.12.2015.

*Other informations :*

The Commission vide its Circular No. 1522-WBIC/Admn-05/13 dated 13.08.2014 modified the earlier circular No. 2964-WBIC/RTI/14/08 dated 18.11.2009 and decided that henceforth Complaints / Appeals u/s 18 and 19 of the RTI Act, 2005 shall be submitted to the Commission in triplicate in the new format. The relevant circular and new format for filling for Second Appeal / Complainant has been uploaded on the website of the Commission.

Schedule for hearings and other important information are given in the office Notice Board. All relevant information including decisions of the Commission is published on the Commission's website.

## CHAPTER – 2

### ANNUAL REPORT for 2015

Section 25(1) of the RTI Act enjoins that the State Information Commission shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of the Act during that year and forward a copy to the State Government.

Section 25(2) of the RTI Act, 2005 stipulates that each department shall, in relation to the Public Authorities within their jurisdiction, collect and provide such information to the State Information Commission as is required to prepare the report under this section and comply with the requirements concerning the furnishing of that information and keeping of records for the purposes of this section.

Section 25(3) stipulates that the report shall provide the following information:  
Each report shall state in respect of the year to which the report relates.–

- (a) the number of requests made to each public authority;
- (b) the number of decisions where applicants were not entitled to access to the documents pursuant to the requests, the provisions of this Act under which these decisions were made and the number of times such provisions were invoked;
- (c) the number of appeals referred to the Central Information Commission or State Information Commission, as the case may be, for review, the nature of the appeals and the outcome of the appeals;
- (d) particulars of any disciplinary action taken against any officer in respect of the administration of this Act;
- (e) the amount of charges collected by each public authority under this Act;
- (f) any facts which indicate and effort by the public authorities to administer and implement the spirit and intention of this Act;
- (g) recommendations for reform, including recommendations in respect of the particular public authorities, for the development, improvement, modernization, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information.

## DISPOSAL OF RTI APPLICATIONS BY PUBLIC AUTHORITIES IN WEST BENGAL DURING THE PERIOD

West Bengal Information Commission issued instructions all the Nodal Departments and District Magistrates of the state of West Bengal, vide letter No. 128-WBIC/Admn/1R-6/15 dated 28.01.2016, to collect information in terms of Section 25(2) of RTI Act from the Public Authorities and furnish the same to the Commission by 30.04.2016.

**The Commission received report from the following public authorities in West Bengal:-**  
Name of Departments from which reports received for 2015

Name of Departments from which Annual Report received for 2015			
Sl. No.	Name of Departments		
1	Agriculture	Y	
2	Agriculture Marketing		
3	Animal Resources		
4	Assembly	Y	
5	Backward Classes Welfare	Y	
6	Bio-Technology	Y	
7	Chief Electoral Officer		
8	Child Development		
9	Civil Defence		
10	Commerce & Industries	Y	
11	Consumer Affairs	Y	
12	Co-operation	Y	
13	Correctional Administration		
14	Disaster Management	Y	
15	Environment	Y	
16	Excise	Y	
17	Finance	Y	
18	Fire & Emergency Services		
19	Fisheries	Y	
20	Food & Supplies	Y	
21	Food Processing Industries and Horticulture	Y	
22	Forest	Y	

Sl. No.	Name of Departments		
23	Health and Family Welfare	Y	
24	Higher Education	Y	
25	Hill Affairs		
26	Home	Y	
27	Housing	Y	
28	Industrial Reconstruction		
29	Information and Cultural Affairs		
30	Information Technology	Y	
31	Irrigation and Waterways	Y	
32	Judicial	Y	
33	Labour	Y	
34	Land and Land Reforms	Y	
35	Law	Y	
36	Mass Education Extension & Library Sciences		
37	Micro and Small Scale Enterprise and Textiles		
38	Minorities Affairs and Madrasah Education		
39	Municipal Affairs	Y	
40	North Bengal Development	Y	
41	Parliamentary Affairs		
42	Panchayat and Rural Development		
43	Paschimanchal Unnayan Affairs	Y	
44	Personnel and Administrative Reforms	Y	
45	Planning	Y	
46	Power and Non-Conventional Energy Sources	Y	
47	Public Enterprise	Y	
48	Public Health Engineering	Y	
49	Public Works	Y	
50	Refugee Relief and Rehabilitation		
51	School Education		
52	Science and Technology	Y	
53	Self-Help Group and Self Employment		
54	Sports		



Sl. No.	Name of Departments		
55	Satistics & Programme Implementation	Y	
56	Governor's Secretariat		
57	Sundarban Affairs	Y	
58	Technical Education and Training	Y	
59	Tourism	Y	
60	Transport	Y	
61	Urban Development	Y	
62	Water Investigation and Development	Y	
63	Women and Social Welfare		
64	Youth Services		
	<b>TOTAL</b>	<b>42</b>	

Unfortunately like the previous years a large number of Departments failed to collect information from all the Public Authorities under their jurisdiction, compile the same and send it to the Commission. As a result, a complete and true picture about the number of requests received by the Public Authorities and disposed during the year is not available. It would be reasonable to conclude that the actual number of requests for information is much higher than what has been reported. A compilation of the information as obtained along with graphical representation on the performance of the Public Authorities is given in the following pages.

(Reporting Period 01.01.2015 to 31.12.2015)																													
Sl. No.	Name of the Deptt.	Name of the Public Authority/under the Jurisdiction)	Total No. of Registrations (including those pending at the time of filing)	No. of cases where access granted		Total No. of Refusal U/s 7(2)	Cases Rejected																No. of cases where 1 <sup>st</sup> Appeal has been made u/s 19(1)			Amount of charges collected	Any facts which indicate the effort of the Public Authority to administer and implement the spirit and intention of the Act.		
				Within 30 days	After 30 days		Under Section 8																Access granted	Denied	Total				
							8(1)(a)	8(1)(b)	8(1)(c)	8(1)(d)	8(1)(e)	8(1)(f)	8(1)(g)	8(1)(h)	8(1)(i)	8(1)(j)	U/s 9	U/s 11	U/s 24	Other									
1	Agriculture Department	SPIO	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	
2	WB Legislative Assembly	SPIO	28	12	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10	3	0	3	0		
3	Backward Classes Welfare Deptt.	SPIO	102	45	37	102	57	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	22	2	1	3	1376	0	
4	Biotechnology Department	WB Commission for Backward Classes	3	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
		WBSCST Dev. & Finance	4	4	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
		BCW & TD Dte.	28	26	2	28	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	4	0	0	
		SPIO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
		Dte. Of Mines & Minerals	14	9	5	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3	0	0	0	20	0
		Govt. Press - Alipore	4	3	1	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	3	4	0	0	
		SPIO	59	59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	33	33	0	0	0	120	0	
		WBIDC Ltd.	50	50	0	50	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	240	0	
		WB Pharmaceutical & Phytochemical Dev. Corp. Ltd.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		WB Tea Dev. Corp. Ltd.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6	Consumer Affairs Department	Dte. Of Industries	11	8	3	10	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
		Registrar of Firms Societies & non-trading Corp.	174	100	41	138	36	0	2	0	7	3	0	0	4	0	9	0	0	0	0	11	98	38	36	74	650	0	
		Greater Calcutta Gas Supply Corp. Ltd.	5	5	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	50	0	
		SPIO	51	21	30	40	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	7	3	0	3	400	2 Nos. of cases from the previous year disposed.	
		SPIO	34	32	2	34	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	4	0	This Department has tried it's level best to give services to all the applicants to their satisfaction.	
8	Disaster Management Department	Co-operative Election Commission Directorate	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
		SPIO	6	6	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL		
9	Environment Department	SPIO	77	76	1	77	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
		WBPCB	213	116	34	194	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	9	18	0	18	244	0	

(Reporting Period 01.01.2015 to 31.12.2015)																													
Sl. No.	Name of the Deptt.	Name of the Public Authority/under the Jurisdiction)	Total No. of Registers of (including those pending at the time of filing)	No. of cases where access granted		Total No. of Refusal U/s 7(2)	Under Section 8														U/s 9		U/s 24		Total	No. of cases where 1 <sup>st</sup> Appeal has been made u/s 19(1)		Amount of charges collected	Any facts which indicate the effort of the Public Authority to administer and implement the spirit and intention of the Act.
				Within 30 days	After 30 days		8(1)(a)	8(1)(b)	8(1)(c)	8(1)(d)	8(1)(e)	8(1)(f)	8(1)(g)	8(1)(h)	8(1)(i)	8(1)(j)	U/s 9	U/s 24	Other	Access granted	Denied	Total							
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27		
		Institute of Environmental Studies and Wetland Management	12	12	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0		
10	Excise Department	SPDO	9	9	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	0	0	0	0	NIL		
11	Finance Department	Commercial Taxes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
12	Fisheries Department	SPDO	36	35	1	36	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	270	Quick Disposal		
		DPWB	69	57	12	68	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
		SPDC	2	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
		WBFC.	2	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2	0	0	0		
13	Food & Supplies Department	BENFISH SD Controller, Parulla	2	1	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0		
			60	60	0	60	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
																										Allocation of fund for supply of information are extremely urgent to implement the spirit and intention of the Act.			
																										6279			
																										0			
																										0			
																										0			
																										0			
14	Food Processing Industries & Horticulture Department	Secretariat	3	1	2	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
		EPF Horticulture WUSFPI & HDCL	2	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
			4	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
15	Forest Department	Bengal Natural History Museum, Darjeeling	4	4	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
16	Health & FW Dept.	CMOH, Dakshin Dinajpur	25	19	6	20	5	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	20	0	20	250	In all cases we have tried to reply properly with documents		
17	Higher Education Department	SPDO	110	102	8	110	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20	0	20	0	NIL		
18	Home Department	D.M., HOWRAH	181	181	0	181	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2350	NIL		
		D.M., COOCHBEHAR	9	9	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	90	0		
19	Housing Department	SPDO	149	117	32	149	32	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16	0	16	1490	0	0		
20	Information Technology Department	SPDO	7	7	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	70	NIL		
21	Irrigation & Waterways Department	WBEDC LTD. SPDO	6	6	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	60	NIL		
			72	72	0	72	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	39	0	39	0	0	NIL		
22	Judicial Department	SPDO	103	93	10	103	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	266	0		
23	Labour Department	SPDO	133	133	0	133	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	33	0	0	0	0	0		
		Labour Commissionerate	59	59	0	59	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	4	598	0	0		
		Labour Commissioner	2	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20	0		
		Dir. Of Employment	59	54	5	54	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	4	4	0	4	0	0		

(Reporting Period 01.01.2015 to 31.12.2015)																											
Sl. No.	Name of the Deptt.	Name of the Public Authority (under the Jurisdiction)	Total No. of cases registered (including those pending at the time of report)	No. of cases where access granted		Total No. of cases	Under Section 8													Cases Rejected			Amount of charges collected	Any facts which indicate the effort of the Public Authority to administer and implement the spirit and intention of the Act.			
				No. of cases where access granted			Total	8(1)(a)	8(1)(b)	8(1)(c)	8(1)(d)	8(1)(e)	8(1)(f)	8(1)(g)	8(1)(h)	8(1)(i)	8(1)(j)	U/s 9	U/s 11	U/s 24	Other	Total			Access granted	Denied	Total
				Within 30 days	After 30 days																						
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
		Dis. Of boilers, WB	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Dis. Of Industrial Tribunals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Dis. Of ESI (MD) Scheme	20	15	5	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	72
																										Modified Cell is functioning for timely reply of RTI query raised by applicant by opunsuing with respective officer / cells.	
		Dis. Of Factories	53	51	2	51	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	2	0	2	530	0
24	Land and Land Reforms Deptt.	SPIO	247	177	39	185	37	0	0	0	0	0	0	0	0	0	0	0	0	0	25	25	20	1	21	2220	NIL
		D.L.R.O, Birbhum	583	583	0	583	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	41	0	41	4610	A special cell has been formed to deal with the cases under RTI Act, 2005
		Presidency Division	3	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		D.L.R.O, Jalpaiguri	537	524	13	537	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	14	0	14	5734	0
		L.A Collector, Kail	241	231	10	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	2432	Letters have been issued to 72 applicants to provide more relevant informations for processing of their applications as the schedule of time for processing of RTI applications is not specified in the Act, which the information is sought for etc. Are not specified properly in the concerned RTI applications and the cases are sent to different wings of this office for searching the old records of nearly 100 years back.
25	Law Department	SPIO	27	26	1	27	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10	Every effort is being made to dispose letter within stipulated time frame as per provision of the Act.
26	Municipal Affairs Department	Diamond Harbour	6	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Bellur	18	18	0	18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Bowrah	706	483	107	327	146	0	0	0	10	0	0	0	0	0	0	0	0	190	202	50	60	110	1956	0	
		Sainthia	12	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Englishbazar	24	24	0	24	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	270	1 case is pending and is under process.
27	North Bengal Dev. Deptt. (Siliguri)	Tufanganj	13	13	0	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
		SPIO	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		North Bengal Dev. Deptt. (Siliguri)	5	2	3	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Paschimanchal Unayan Affairs Deptt.	3	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Bankura	5	4	1	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
30	P & AR Deptt.	SPIO	305	302	13	305	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13	0	13	2000	Circulation of guidelines issued by Govt. of India, DWPT.	
31	Planning Department	SPIO	5	5	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	5	1	0	0	0	0	40	NIL

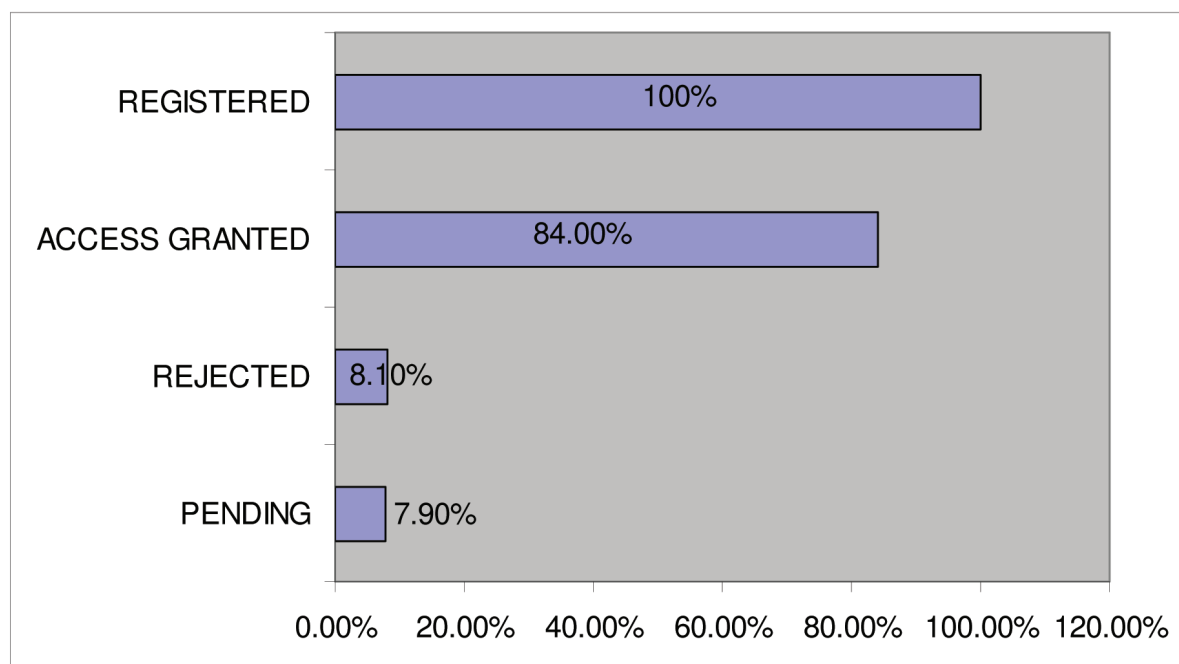
(Reporting Period 01.01.2015 to 31.12.2015)																													
Sl. No.	Name of the Deptt.	Name of the Public Authority under the jurisdiction)	Total No. of Registers (including those pending at the time of filing)	No. of cases where access granted		Total No. of Refusal U/s 7(2)	Cases Rejected																		Amount of charges collected	Any facts which indicate the effect of the Public Authority to administer and implement the spirit and intention of the Act.			
				Within 30 days	Total		Under Section 8																						
							8(1)(a)	8(1)(b)	8(1)(c)	8(1)(d)	8(1)(e)	8(1)(f)	8(1)(g)	8(1)(h)	8(1)(i)	8(1)(j)	U/s 9	U/s 11	U/s 24	Other	Total	Access granted	Denied	Total					
32	Power & NES Department	SPTO	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	
				22	22	0	22	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Due to urgency is attached to the application and is to be disposed of each and every case within the stipulated period as per RTI Act, 2005	
		WBREDA DIST. OF ELECTRICITY	8	18	6	2	8	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	60	170	All cases are properly judged/ dealt with and thereafter information given timely.
33	Public Health Engineering Department	SPTO	30	27	3	30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	30 cases has been registered and out of 30 only in 3 cases 1st appeal has been preferred and was also granted in due time which indicates the working of public authority in PHE Deptt.	
34	Public Enterprises & Industrial Reconstruction Department	SPTO	18	18	0	18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL	
35	Public Works Department	SPTO	65	65	0	65	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	NIL	
		State H.W. Design & Planning Circle, Siliguri	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
		P.W. (Dcs)	12	12	0	12	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	
		Executive Engineer Highway Divn.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
		Bridge Planning	8	8	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
		National H.W. Division - IV, P.W. (Roads), Poraila	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
		Executive Engineer N.H. Divn. No. - II	9	5	4	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
36	Science & Technology Department	SPTO	3	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL	
37	Statistics & Programme Implementation Department	NIL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL	
38	Sundarban Affairs Department	Sundarban Dev. Board, SIDCL	9	9	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	For all the application's provided information within the stipulated time.	
			1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Information was provided to all the applicants within the stipulated time.	
39	Technical Education & Training Department	SPTO	49	49	0	49	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	25	0	25	0	500		
		Directorate of T.E. & T.	220	204	16	220	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2400	
		Dir. Of TTI & E	80	38	42	60	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1250	
		Dir. of P.W. & T.	16	16	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	160	
		WBSTE & SD (Vocational Divn.)	28	14	6	15	5	0	0	0	0	0	0	0	0	0	4	0	0	0	1	5	0	0	0	0	0	232	
		WBSTE & SD (Technical Divn.)	43	43	0	43	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	412	
40	Tourism Department	SPTO	18	18	0	18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	
41	Transport Department	P.V.D. Betula	467	407	37	60	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	0	9	0	4243	N.A.	
42	Urban Development Department	SPTO	34	33	1	34	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	582	

(Reporting Period 01.01.2015 to 31.12.2015)																														
Sl. No.	Name of the Deptt.	Name of the Public Authority under the jurisdiction)	Total No. of Registered (including those pending at the time of)	No. of cases where access granted			Total No. of Refusal U/s 7(2)	Cases Rejected												No. of cases where 1 <sup>st</sup> Appeal has been made u/s 19(1)				Amount of charges collected	Any facts which indicate the effort of the Public Authority to administer and implement the spirit and intention of the Act.					
				Within 30 days	After 30 days	Total		Under Section 8												Access granted	Denied	Total								
								8(1)(a)	8(1)(b)	8(1)(c)	8(1)(d)	8(1)(e)	8(1)(f)	8(1)(g)	8(1)(h)	8(1)(i)	8(1)(j)	U/s 9	U/s 11				U/s 24			Other	Total			
1		HIT	2	3	4	5	6	7		8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	
			0	3	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		KMDA	1862	588	280	1862	0		0	0	0	0	0	0	0	0	0	0	0	0	0	0	20	47	18	0	18	0	0	0
		Esate Manager, Kalyani	18	18	0	18	0		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	476	0
		SLRDC	16	15	1	16	0		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
43	Water Resource Investigation & Dev. Dept.	SPIO	17	15	2	17	0		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	180	NIL	
TOTAL			7967	5851	836	6687	327	1	2	0	8	13	0	0	5	0	14	0	0	0	0	0	312	653	393	103	496	46740		

2015

Status of RTI applications filed in the State:

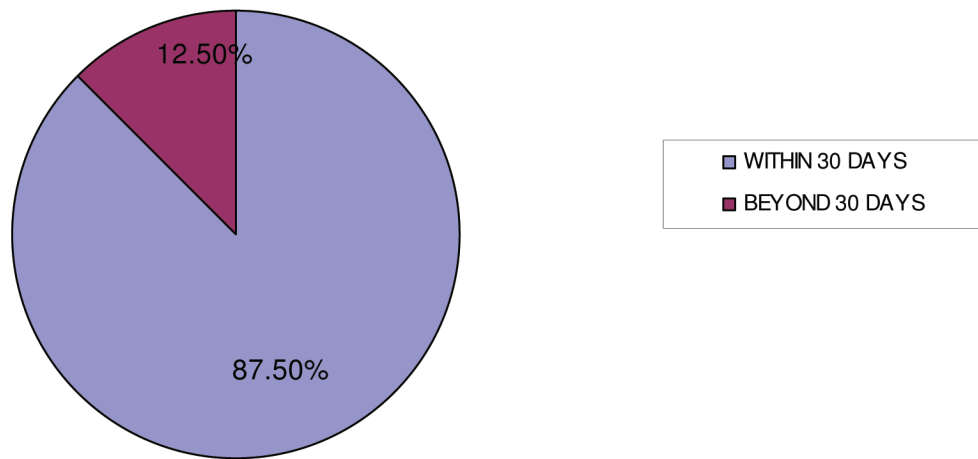
Year	2015
PENDING	7.90%
REJECTED	8.10%
ACCESS GRANTED	84.00%
REGISTERED	100%



Status of Disposal of RTI Application filed in the State:

Year	2015
WITHIN 30 DAYS	87.50%
BEYOND 30 DAYS	12.50%

### TIME TAKEN FOR DISPOSAL



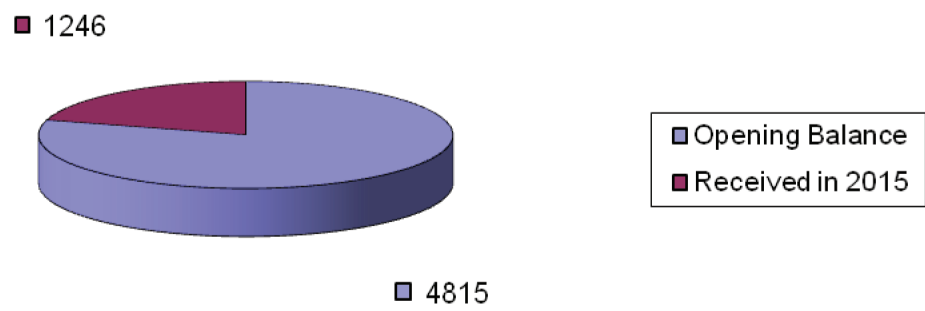
### DISPOSAL OF APPEALS AND COMPLAINTS IN 2015

2015

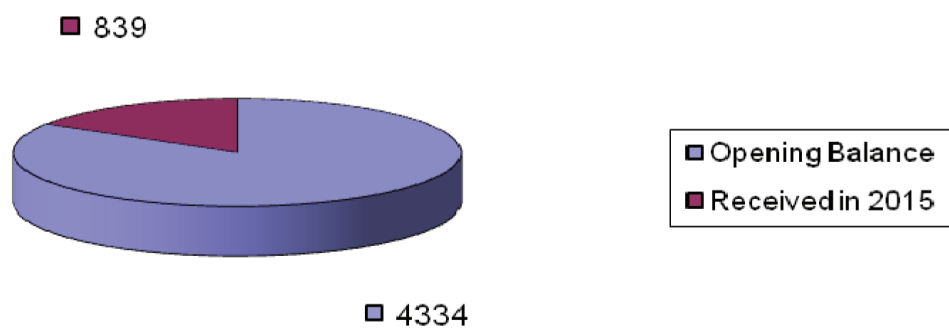
Opening Balance		Received in 2015		Disposed in 2015						Pending					
				Cases of 2015		Cases of Previous Years		Total		Cases of 2015		Cases of Previous Years		Total Pending at the end of 2015	
Appeal	4815	Appeal	1246	Appeal	338	Appeal	1385	Appeal	1723	Appeal	908	Appeal	3430	Appeal	4338
Complaint	4334	Complaint	839	Complaint	325	Complaint	1140	Complaint	1465	Complaint	514	Complaint	3194	Complaint	3708
Total	9149	Total	2085	Total	663	Total	2525	Total	3188	Total	1422	Total	6624	Total	8046



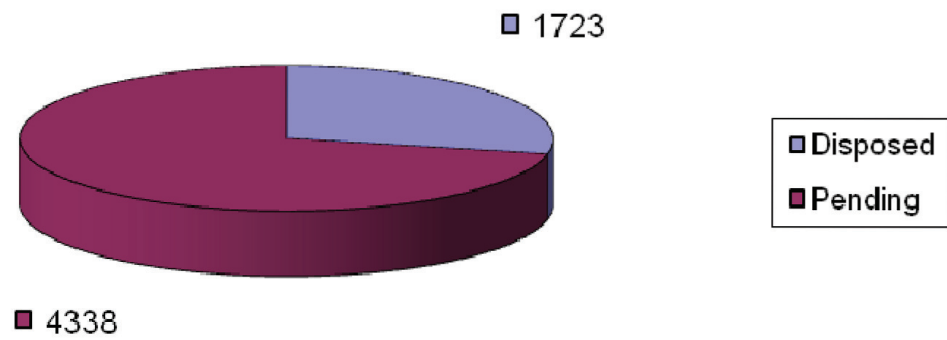
**Total No. of Appeals in 2015**



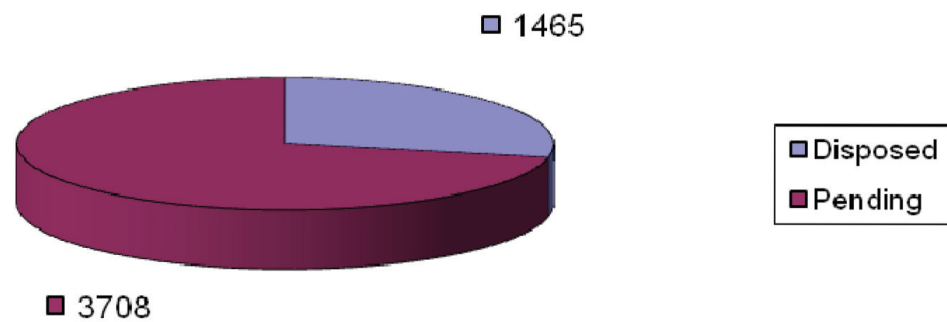
**Total No. of Complaints in 2015**

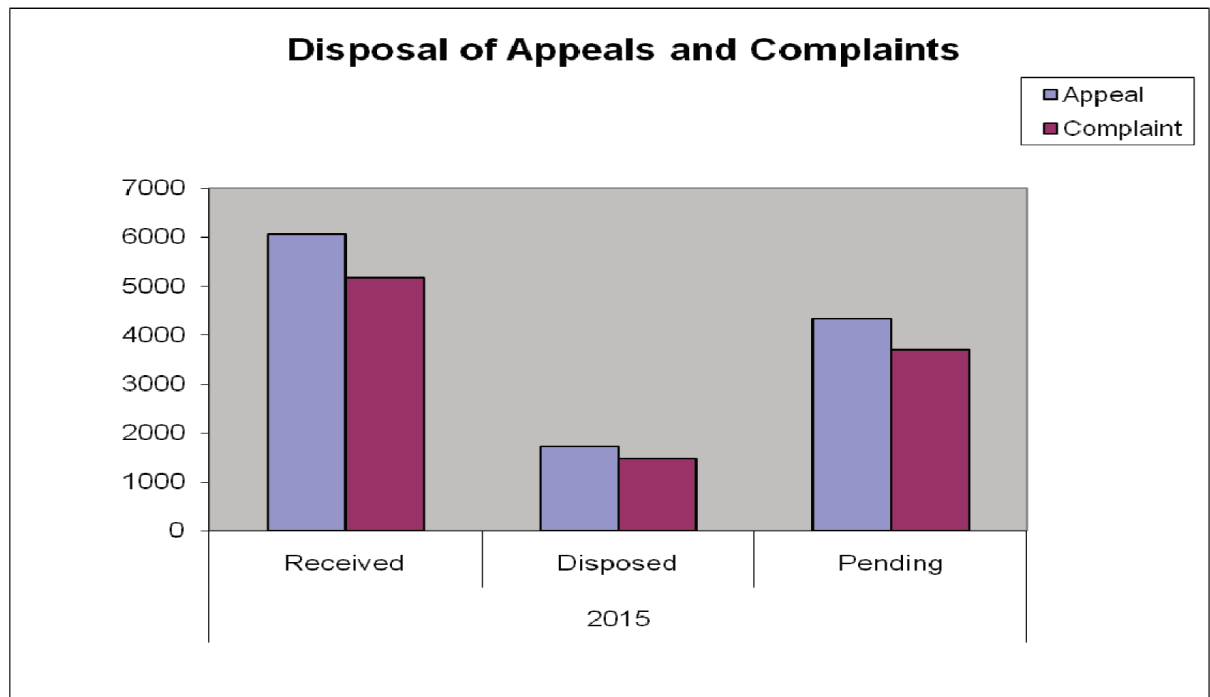


### Disposal of Appeals during 2015



### Disposal of Complaints during 2015





## **AWARENESS PROGRAMME**

The RTI Act under Section 26 envisages that the Governments would develop and organize awareness programmes on the rights provided under the Act. It is also expected that Public Information Officers would be trained and relevant training materials produced for their use.

Under the Central Sector Scheme on “Improving Transparency and Accountability in government through effective implementation of Right to Information Act”, West Bengal Information Commission has not received any fund during 2015 for organizing seminars and workshops and producing publicity materials on RTI.

## **RECOMMENDATIONS**

The Commission has made several recommendations in its Annual Reports. Many of these recommendations are still relevant but remain unimplemented. The Commission wishes to highlight the following issues while reiterating the earlier recommendations.

### **1. Strengthening of the Commission**

The Commission sent a comprehensive proposal to Government in August, 2014 for reorganizing and strengthening the Commission's set up for its speedy and effective functioning vide No. 1612–WBIC/Admn–01/14 dated 22.08.2014 followed by a reminder vide No. 4219–WBIC/Admn–01/14 dated 19.08.2015. Attention of the Government is drawn for urgent implementation of the proposal. In this regard the Commission has issued reminder to the government in August, 2015 for urgent implementation of the proposal.

### **2. Reporting by Government Departments for the preparation of Commission's Annual Reports**

The Commission is not getting reports from many Departments regularly for preparation of Annual Reports as envisaged in the RTI Act. In almost all cases where reports are received, they are incomplete and do not cover all the public authorities under the Department's jurisdiction. In fact, there is no clear information as to the number of public authorities under each Department and the number of State Public Information Officers appointed by them and their jurisdiction. In the absence of complete

reports from all Departments, the Commission's Annual Reports do not give the total picture regarding implementation of the RTI Act in the state.

### 3. Publicizing the list of State Public Information Officers and Appellate Authorities

The Commission reiterates its earlier recommendation in this regard and requests Government to publicize the particulars of the State Public Information Officer and Appellate Authority pertaining to each office of a public authority on the office notice boards for the benefit of the public.

ANNEXURE 1

**SIGNIFICANT ORDERS OF WEST BENGAL  
INFORMATION COMMISSION**

**WEST BENGAL INFORMATION COMMISSION**

11A, Mirza Ghalib Street  
Kolkata -700 087  
Phone No.-(033)2252-0509  
Fax No. (033) 2252 0501

Website : [www.wbic.gov.in](http://www.wbic.gov.in)  
E-mail : [scic-wb@nic.in](mailto:scic-wb@nic.in)

**Appeal No. 4770 of 2009**  
**Under The Right to Information Act, 2005**

RTI Applicant : Kalo Boran Mahapatra  
Public Authority : Superintendent of Excise, Paschim Medinipur

Date of RTI Application : 04.03.2009  
Date of 1st Appeal : 03.04.2009  
Date of 2nd Appeal before the Commission : 09.08.2009  
Date of hearing : 14.01.2015

**Present:**

- 1) Shri Tuhin Nag ..... Additional Superintendent of Excise & SPIO, Paschim Medinipur, Excise Department,

In his RTI application the applicant sought inspection of relevant files and file noting in respect of issuing/renewal of Bar License to one Smt. Gita Mahapatra, License No. 178 26/2003-2004 in respect of M/S Kharagpur Confectionery cum Restaurant cum Bar, Chota Tengra Puri gate, Kharagpur. The Superintendent of Excise, Paschim Medinipur informed the applicant vide Memo No. 573/E dated

26.03.2009 that the information sought was sub-judice in the Hon'ble 2nd Court of Civil Judge (Junior Division), Midnapore West and as such the procedure under Civil procedure Code should be followed through Civil Court for any information. The 2nd appeal has been filed on the ground that the Appellate Authority did not dispose of the 1st appeal and that there is no suit instituted between the parties as stated by the Superintendent of Excise.

The RTI applicant is not present. The Additional Superintendent of Excise & SPIO, Paschim Medinipur who attended hearing could not throw any further light on the matter as he has not been able to locate the relevant records.

After due consideration the Commission is of the view that there is no reason why file noting regarding the issue/renewal of a bar license cannot be furnished even if a civil suit involving the parties is pending unless there is a Court order which prevents such disclosure. If there is any such Court order, the SPIO shall furnish a report to the Commission in this regard within 7 days. In the absence of any such order, the Additional Superintendent of Excise & SPIO, Paschim Medinipur shall furnish the applicant a copy of the relevant file notings regarding the issue/renewal of the licence in question, except personal information furnished by the licensee, within 15 days.

The case is thus disposed off.

Let the authenticated copies of this order be forwarded to all concerned.

**Date: 14.01.2015**

**Sd/-  
(K. John Koshy)  
State Information Commissioner, W.B.**

**No. 151(4)(Order)-WBIC/RTI/662/09**

**Date: 14.01.2015**

Authenticated true copy forwarded to:

1. Shri Kalo Boran Mahapatra, Qr. No. EFR-21 IIT, Kharagpur Campus, Kharagpur, PIN No.- 721 302,
2. Shri Tuhin Nag, Additional Superintendent of Excise & SPIO, Paschim Medinipur, Excise Department,
3. The Superintendent of Excise, Paschim Medinipur,
4. The 1st Appellate Authority & Addl. District Magistrate (G), Excise Department, Dist.- Paschim Medinipur

**Secretary & Registrar  
West Bengal Information Commission**

**WEST BENGAL INFORMATION COMMISSION**

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11A, Mirza Ghalib Street  
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Phone No. (033)2252-0509  
Fax No. (033)2252-0501

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E-mail : [scic-wb@nic.in](mailto:scic-wb@nic.in)

**Appeal No. 1033/260/160 of 2014**  
**Under The Right to Information Act, 2005**

RTI Applicant : Paritosh Biswas

Public Authority: West Bengal Council of Higher Secondary Education

Date of RTI Application : 04.12.13

Date of 1st Appeal : 13.01.14

Date of 2nd Appeal before the Commission : 19.02.14

Date of hearing : 19.01.15

**Present :**

- 1) Paritosh Biswas..... Appellant

**Facts and Records**

- 1) Paritosh Biswas (hereinafter referred to as appellant) submitted one RTI application on 04.12.13 to the SPIO, West Bengal Council of Higher Secondary Education seeking 2 point information.
- 2) Without getting any response he preferred first appeal on 13.01.14 to the appellate authority of West Bengal Council of Higher Secondary Education and second appeal to the Commission on 19.02.14.
- 3) The Commission decided to hear the appeal and fixed up the date of hearing on 19.01.15.
- 4) Appellant was present at the time of hearing. None of the public authority present at the time of hearing neither the written statement has been received from the end of public authority.
- 5) The Commission perused the record and heard the submission of appellant.



## **Decision**

- 6) The Commission directed the SPIO and appellate authority, West Bengal Council of Higher Secondary Education to furnish their show cause within 2 weeks from the receipt of copy of the order as to why action shall not be taken against them for their non-response to the RTI application/first appeal and also for non-appearance before the Commission at the time of hearing.
- 7) After going through the points mentioned in the RTI application the Commission is of the view the appellant is not entitled to get information mentioned in point No.2 of the RTI application. The Commission directed the SPIO to provide information as sought for in point No.1 of RTI application to the appellant within 3 weeks from the receipt of copy of order under intimation to the Commission.
- 8) Thus the appeal is finally disposed of.

**Date: 19.01.15**

**Sd/-  
( G.D.Gautama )  
State Information Commissioner, W.B.**

**No. 283 (3)-(Order)-WBIC/RTI/ 1362/14**

Authenticated true copy forwarded to:

1. The SPIO, West Bengal Council of Higher Secondary Education, Bikash Bhawan, North Block, 2nd Floor, Salt Lake, Kolkata-700 091.
2. The Appellate Authority, West Bengal Council of Higher Secondary Education, Bikash Bhawan, North Block, 2nd Floor, Salt Lake, Kolkata-700 091.
3. Shri Paritosh Biswas, Vill.+P.O.-Khanyan, Dist.-Hooghly, PIN-712 147.

**Law Officer & Joint Registrar,  
West Bengal Information Commission**

**WEST BENGAL INFORMATION COMMISSION**

Khadya Bhaban  
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Phone No. (033)2252-0509  
Fax No. (033)2252-0501

Website : [www.wbic.gov.in](http://www.wbic.gov.in)  
E-mail : [scic-wb@nic.in](mailto:scic-wb@nic.in)

**Appeal No. 889/225/123 of 2014**  
**Under The Right to Information Act, 2005**

RTI Applicant : Md. Meraj Alam  
Public Authority: West Bengal Board of Primary Education

Date of RTI Application : 02.12.13  
Date of 1st Appeal : 06.01.14  
Date of 2nd Appeal before the Commission : 10.02.14  
Date of hearing : 19.01.15

**Present :**

- 2) Re Bagchi.....SPIO & Secretary, West Bengal Board of Primary Education,
- 3) Md. Meraj Alam.....Appellant

**Facts and Records**

- 9) Md. Meraj Alam (hereinafter referred to as appellant) submitted one RTI application on 02.12.13 to the Secretary, West Bengal Board of Primary Education.
- 10) The appellant preferred first appeal to the Joint Secretary/Appellate Authority, West Bengal Board of Primary Education on 06.01.14 and 2nd appeal to the Commission on 10.02.14.
- 11) The Commission decided to hear the appeal and fixed up the date of hearing on 19.01.15.

- 12) At the time of hearing the appellant and SPIO, West Bengal Board of Primary Education were present.
- 13) The Commission perused the record and heard the submission of parties.

**Decision**

- 14) The SPIO submitted that in response to the RTI application on 02.12.13 she furnished reply to the appellant on 28.1.14 requesting the appellant to deposit Rs 500/- for getting copy of OMR sheet. Regarding other points of information as mentioned in RTI application she has furnished reply to the appellant vide letter dated 15.01.15. The appellant submitted that the aforesaid letter has not been received by him.
- 15) RTI application has been submitted on 02.12.13 whereas reply has been furnished to the appellant on 28.01.14 i.e. beyond statutory period mentioned under the Act. So, there is no question of charging any fees from the appellant for providing information as per section 7(6) of RTI Act, 2005.
- 16) The appellant is entitled to get information free of cost.
- 17) The Commission directed the Secretary & SPIO, West Bengal Board of Primary Education to provide the copy of OMR Sheet in question to the appellant free of cost within 15 days from the date of receipt of the order under intimation to the Commission.
- 18) Thus the appeal is finally disposed of.

**Date: 19.01.15**

**Sd/-  
( G.D.Gautama )  
State Information Commissioner, W.B.**

**No. 284 (3)-(Order)-WBIC/RTI/1302/14**  
Authenticated true copy forwarded to:

4. The SPIO, West Bengal Board of Primary Education, Acharya Prafulla Ch. Bhawan, DK-7/11, Sector-II, Salt Lake City, Kolkata-700091.
5. The Appellate Authority, West Bengal Board of Primary Education, Acharya Prafulla Ch. Bhawan, DK-7/11, Sector-II, Salt Lake City, Kolkata-700091.
6. Md. Meraj Alam, Vill.-Gorabari, P.O.-Lalkuri, P.S.-Goalpokher, Dist.-Uttar Dinajpur, PIN-733 210.

**Law Officer & Joint Registrar,  
West Bengal Information Commission**

**WEST BENGAL INFORMATION COMMISSION**

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Kolkata-700 087  
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E-mail : [scic-wb@nic.in](mailto:scic-wb@nic.in)

**Appeal No. 3774/2423 of 2013**  
**Under The Right to Information Act, 2005**

RTI Applicant : Chandan Kr. Mondal  
Public Authority: Iswarpur B.M. Academy

Date of RTI Application : 11.03.13  
Date of 1st Appeal : 22.04.13  
Date of 2nd Appeal before the Commission : 27.06.13  
Date of hearing : 20.01.15

**Present :**

- 4) Biman Bihari Jana.....A.I./S, (S.E.) on behalf of DI/S(S.E) Purba Medinipur
- 5) Soumen Kumar Basu with Paresh Chandra Seth.

**Facts and Records**

- 19) Shri Chandan Kumar Mondal (hereinafter referred to as appellant) submitted one RTI application on 11.03.13 to the SPIO, Iswarpur B.M. Academy seeking 33 point information. The Headmaster, Iswarpur B.M.Academy informed the appellant vide letter dated 18.04.13 that he is not competent authority and advising to write to the competent authority as per rule for obtaining the information.
- 20) The appellant preferred first appeal to the D.I. of School(S.E.), Purba Medinipur on 22.04.13.

- 21) D.I. of School(S.E.), Purba Medinipur requested the Headmaster and Secretary, B.M. Academy vide letter dated 24.04.13 to provide all the information directly to the appellant.
- 22) The appellant preferred second appeal to the Commission on 29.05.13.
- 23) The Commission decided to hear the appeal and fixed up the date of hearing on 20.01.15.
- 24) At the time of hearing the public authority was present.
- 25) The Commission perused the record and heard the submission of public authority.

### Decision

- 26) It was submitted by Shri Paresh Chandra Seth representing the Headmaster that Managing Committee is the custodian of the required information. The Managing Committee in its meeting vide No. 17 dated 18.05.13 decided that as the matter was subjudiced before the Hon'ble High Court no information can be provided now. As per Act merely subjudiced of any matter before the Court it is not precluded the public authority from providing information unless there is a specific order of the court forbidden to publish the information. On being asked public authority failed to produce any such order of the Court. The Commission directed the SPIO & Headmaster, Iswarpur B.M. Academy to provide all the information as sought for RTI application dated 11.03.13 to the appellant within 6 weeks from the receipt of copy of order under intimation to the Commission.
- 27) Thus the appeal is finally disposed of.

**Date: 20.01.15**

Sd/-  
( G.D.Gautama )  
State Information Commissioner, W.B.

**No. 307 (3)-(Order)-WBIC/RTI/1455/14**

**Date : 22.01.2015**

Authenticated true copy forwarded to:

7. The SPIO & Head Master, Iswarpur B.M. Academy, Iswarpur, Dist.-Purba Medinipur.
8. The Appellate Authority & District Inspector of Schools (S.E.) Tamluk, Dist.-Purba Medinipur.
9. Chandan Kr. Mondal, Vill.-Chakkamina, P.O.+P.S.-Tamluk, Dist.-Purba Medinipur, PIN-721 636.

Law Officer & Joint Registrar,  
West Bengal Information Commission

**WEST BENGAL INFORMATION COMMISSION**

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E-mail : [scic-wb@nic.in](mailto:scic-wb@nic.in)

**Appeal No.1008/248/244 of 2014**  
**Under The Right to Information Act, 2005**

RTI applicant : Suresh Agarwal  
Public authority : Kolkata Municipal Corporation.

Date of RTI applications : 09.07.2013 and 29.10.2013  
Date of 1st appeals : 25.10.2013 and 23.12.2013  
Date of 2nd appeal : 18.02.2014

**Present:**

- 1) Suresh Agarwal ..... RTI applicant,
- 2) Shahzad Shibli ..... Joint Municipal Commissioner & 1st  
Appellate Authority, KMC,
- 3) Bhaskar Bhattacharya .....Ch. Manager (Rev/South)- KMC & SPIO

The Commission had fixed a hearing in the matter on 19.12.2014 which was adjourned to 21.01.2015.

The RTI applicant has filed a combined second appeal in respect of two RTI applications. The two RTI applications are taken up separately.

In the RTI application dated 09.07.2013, information has been sought on 11 items. The public authority furnished some information on 30.09.2013. The applicant filed 1st appeal on the ground that none of the documents/information as sought was supplied by the SPIO. The appellate authority after hearing the appellant and the SPIO directed the SPIO on 02.12.2013 to provide the information to the appellant within a fortnight. However, no information appears to have been furnished thereafter.

In the RTI application dated 29.10.2013, information was sought in respect of 11 items. No information was furnished by the public authority. The Appellate Authority vide his order dated 07.01.2014 directed the SPIO to supply all information within 15 working days.

The applicant has filed 2nd appeal on the ground that the information sought by him in the two RTI applications have not been furnished.

Chief Manager (Revenue/South) and SPIO has submitted a copy of letter dated 15.01.2015 furnishing information to the applicant. It is observed that the SPIO has given a combined reply where some of the information furnished does not correspond to specific items of the two separate RTI applications. The RTI applicant further submits that the documents supplied have not been authenticated. After due consideration of all relevant documents and the submissions of the parties, the SPIO is directed to furnish itemwise information separately in respect of each RTI application dated 09.07.2013 and 29.10.2013 with all enclosed documents duly authenticated within 15 days.

It is observed that in item No. 5 of the RTI application dated 29.10.2013 residential address of Chief Manager (R) has been sought. This being personal information which has no relationship to any public activity or interest and would cause unwarranted invasion of the privacy of the individual, need not be furnished in terms of Sec 8(1)(j) of the RTI Act.

The second appeal is thus disposed off.

Let an authenticated copy of this order be forwarded to all concerned.

**Date: 21.01.2015**

Sd/-  
(K. John Koshy)  
State Information Commissioner, W.B.

**No. 331(3)(Order)-WBIC/RTI/1318A/14**

**Date: 22.01.2015**

Authenticated true copy forwarded to:

5. Shri Suresh Agarwal, 2, Ho-Chi-Minh Sarani, Flat No. 9D & 3F, Kolkata-700 071,
6. Shahzad Shibli, Joint Municipal Commissioner & 1st Appellate Authority, Kolkata Municipal Corporation, 5, SN Banerjee Road, Kolkata-700013,
7. Bhaskar Bhattacharya, Chief Manager (Rev/South)-KMC& SPIO, Kolkata Municipal Corporation, 5, SN Banerjee Road, Kolkata-700013.

Secretary & Registrar  
West Bengal Information Commission

**WEST BENGAL INFORMATION COMMISSION**

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Website : [www.wbic.gov.in](http://www.wbic.gov.in)  
E-mail : [scic-wb@nic.in](mailto:scic-wb@nic.in)

**Appeal No. 273 of 2009**  
**Under The Right to Information Act, 2005**

RTI Applicant : Krishna Nath Bagchi  
Public Authority : West Bengal State Electricity Distribution Company Limited

Date of RTI Application : 25.04.2008  
Date of 1st Appeal : 01.07.2008  
Date of 2nd Appeal before the Commission : 12.11.2008

**Present:**

- 2) Swapan Kumar Mahato .... 1st Appellate Authority & Addl. GM(HR&A) WBSEDCL,
- 3) Debabrata Nath ..... Manager ( HR&A) & SPIO, WBSEDCL,
- 4) Koushik Mondal ..... Office Executive

A hearing in the matter was held on 21.11.2014 which was adjourned to enable the applicant to produce supporting documents to clarify the context and to explain the queries made in the RTI application. However, the RTI applicant is not present today.

The public authority had placed replies in respect of the queries of the applicant at the last hearing based on available documents. After due consideration, the replies are found to be satisfactory. SPIO, West Bengal State Electricity Distribution Company Limited is directed to furnish the itemwise reply to the RTI applicant within 7 days.



This disposes of the 2nd appeal.

Let an authenticated copy of this order be forwarded to all concerned.

**Date: 28.01.2015**

**Sd/-**  
**(K. John Koshy)**  
**State Information Commissioner, W.B.**

**No. 405(3)(Order)-WBIC/RTI/832/08**

**Date: 28.01.2015**

Authenticated true copy forwarded to:

8. Shri Krishna Nath Bagchi, Vill- Chapduar, P.O.- Subhasganj, Raiganj, Dist.-Uttar Dinajpur,
9. Shri Debabrata Nath, Manager ( HR&A) & SPIO, WBSEDCL, Bidyut Bhaban, Salt Lake, Kolkata-700 091,
10. Shri Swapan Kumar Mahato, 1st Appellate Authority & Addl. GM(HR&A) WBSEDCL, Bidyut Bhaban, Salt Lake, Kolkata-700 091.

**Secretary & Registrar**  
**West Bengal Information Commission**

**WEST BENGAL INFORMATION COMMISSION**

11A, Mirza Ghalib Street  
Kolkata -700 087  
Phone No.-(033)2252-0509  
Fax No. (033) 2252 0501

Website : [www.wbic.gov.in](http://www.wbic.gov.in)  
E-mail : [scic-wb@nic.in](mailto:scic-wb@nic.in)

Appeal No. /2012  
Under The Right to Information Act, 2005

RTI Applicant : Debdip Dutta  
Public Authority : BL&LRO, Matigara

Date of RTI application : 24.09.2012  
Date of 1st Appeal : 30.10.2012  
Date of 2nd Appeal before the Commission : 01.12.2012

**29.01.2015**

**Present:**

- 5) Shri Debdip Dutta..... RTI applicant,
- 6) Shri Sanjay Thatal..... BL&LRO, Matigara

In his RTI application the applicant sought the following information :

- I) On what basis the name of Smt. Sashi Lama, D/o Late Dilip Kr. Ghising (Lama) had been stuck out with respect to LR Khatian No. 263, comprising LR Plot Nos. 304, 306, 307, 309, 320 & 322 within Mouza Baniakhari, JL No. 55, PS Matigara, Dist.- Darjeeling.
- II) If in this regard there had been any particular proceeding drawn up under the law for striking out the name of said Smt. Sashi Lama, D/o Late Dilip Kr. Ghising (Lama) then please mention the case no.

- III) Please inform the name of the RO on the basis of whose order the name of said Smt. Sashi Lama, D/o Late Dilip Kr. Ghising (Lama) had been struck out with respect to LR Khatin No. 263 as mentioned above.

Without getting any information the applicant filed 1st appeal with the DL&LRO, Darjeeling and 2nd appeal with this Commission. On a writ petition filed by the applicant (WP No. 22217 (W)/2014) the Hon'ble High Court in its order 26.09.2014 directed the Chief Information Commissioner, West Bengal to dispose of the 2nd appeal filed before him by the petitioner within three weeks from the date of receipt of the order after seeking information from the BL&LRO. The Commission held a hearing in the matter today accordingly.

BL&LRO, Matigara submitted that the information has been furnished to the RTI applicant vide Memo No. 3115/BLLRO-MTG dated 14.11.2014. The applicant informed the Commission that he has not yet received the said letter. The Commission, after perusal of the above mentioned memo, is satisfied that the information furnished is satisfactory and acceptable. As directed by the Commission a signed copy of the same was handed over to the RTI applicant by BL&LRO.

The 2nd appeal is disposed off accordingly.

Let an authenticated copy of this order be forwarded to all concerned.

Date: 29.01.2015

Sd/-  
(K. John Koshy)  
State Information Commissioner, W.B.

No. 413(3)(Order)-WBIC/RTI/119/15

Date: 29.01.2015

Authenticated true copy forwarded to:

11. Shri Debdip Dutta, Nazrul Sarani, (Bye Lane) opposite Akash Hospital Ashram Para, Siliguri-I, Dist.- Darjeeling, PIN-734 001,
12. Shri Sanjay Thatal, SPIO & BL&LRO, Matigara at Shibmandir, P.O.- Kadamtala, PS- Matigara, Dist.-Darjeeling, PIN-734 311,
13. The Appellate Authority & DL&LRO, Darjeeling, P.O. & Dist.-Darjeeling, PIN-734 101.

Law Officer & Joint Registrar  
West Bengal Information Commission

## WEST BENGAL INFORMATION COMMISSION

Khadya Bhaban  
11A, Mirza Ghalib Street  
Kolkata-700 087  
Phone No. (033)2252-0509  
Fax No. (033)2252-0501

Website : [www.wbic.gov.in](http://www.wbic.gov.in)

E-mail : [scic-wb@nic.in](mailto:scic-wb@nic.in)

**Appeal No. 1087/269/168 of 2014**  
**Under The Right to Information Act, 2005**

RTI Applicant : Abdul Jabbar Mollah  
Public Authority: West Bengal Madrasah Service Commission  
Date of RTI Application : 17.04.13  
Date of 1st Appeal : 08.10.13  
Date of 2nd Appeal before the Commission : 24.02.14  
Date of hearing : 18.02.15

### **Present :**

- 6) Md. Jawaid.....Secretary & Appellate Authority, West Bengal Madrasah Service Commission.
- 7) Md. Sazzad Siddique.....Dy. Secretary & SPIO, W.B. Madrasah Service Commission.
- 8) Abdul Jabbor Molla.....Appellant

### **Facts and Records**

- 28) Abdul Jabbor Molla (hereinafter referred to as appellant) submitted one RTI application on 17.04.13 to the SPIO, West Bengal Madrasah Service Commission, seeking photo copies of answer script of 1st, 2nd, 3rd, and last empanelled candidates of Librarianship Examination of 1st SLST(NTS), 2010. Appellant was informed vide letter dated 26.09.13 of the SPIO, Madrasah Service Commission that first and last empanelled candidates have given their consent for giving photocopies of their answer script to him. Other two candidates did not give their consent. He was also requested to deposit required fees.

- 29) The appellant preferred first appeal to the appellate authority, Madrasah Service Commission on 08.10.13.
- 30) The appellate authority has furnished reply to the appellant on 11.11.13 stating that his queries covered under section 11 of the RTI Act, 2005. Hence his application is entertained.
- 31) The appellant preferred second appeal to the Commission on 24.02.14.
- 32) The Commission decided to hear the appeal and fixed up the date of hearing on 18.02.15.
- 33) At the time of hearing both parties were present. The Commission perused the record and heard the submission of parties.

### Decision

- 34) Appellate authority, Madrasah Service Commission submitted that out of four candidates two have given their consent for providing photocopy of their answer script to the appellant. Appellant personally collected the said photocopies on 13.08.13. Other two candidates did not give their consent. So, it was not provided to appellant. The Commission does not find any ambiguity in the action taken on the part of public authority to dispose of RTI application.
- 35) Hence the Commission decided to close the matter.
- 36) Thus, the appeal is disposed of.

**Date: 18.02.15**

**Sd/-  
( G.D.Gautama )  
State Information Commissioner, W.B.**

**No. 788(3)-(Order)-WBIC/RTI/ 151/15**

**Date : 20.02.2015**

Authenticated true copy forwarded to:

10. The SPIO, West Bengal Madrasah Service Commission, Bikash Bhaban, East Block, 2nd Floor, Salt Lake City, Kolkata-700 091.
11. The Appellate Authority, West Bengal Madrasah Service Commission, Bikash Bhaban, East Block, 2nd Floor, Salt Lake City, Kolkata-700 091.
12. Abdul Jabbar Mollah, S/O. Lt. Colam Rahaman Mollah, Vill.+P.O.-Shyamnagar, Dist.-South 24 Parganas, PIN-700 135.

**Law Officer & Joint Registrar,  
West Bengal Information Commission**

**WEST BENGAL INFORMATION COMMISSION**

Khadya Bhaban  
11A, Mirza Ghalib Street  
Kolkata-700 087  
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E-mail : [scic-wb@nic.in](mailto:scic-wb@nic.in)

**Appeal No. 1166/289/184 of 2014**  
**Under The Right to Information Act, 2005**

RTI Applicant : Shri Kalpana Chettry  
Public Authority: West Bengal Central School Service Commission,  
Date of RTI Application : 16.08.13  
Date of 1st Appeal : 21.01.14  
Date of 2nd Appeal before the Commission : 26.02.2014  
Date of hearing : 17.02.15, 10.03.2015

**Present :**

- 9) Sajal Kanti Das.....SPIO & Assistant Secretary, West Bengal Central School Service Commission(Salt Lake)& West Bengal Regional School Service Commission(S.R)
- 10) Narendra Nath Dutta.....Appellate Authority & Secretary, West Bengal Central School Service Commission.

**Facts on Record**

- 37) Shri Kalpana Chettry (hereinafter referred to as appellant) submitted one RTI application on 16.08.13 to the SPIO, West Bengal Central School Service Commission. The Secretary, West Bengal Regional School Service Commission, Northern Region, Malda informed the appellant vide letter dated 18.09.13 that until finalization of merit list no part/intermediate information has been provided to the information seeker under the RTI Act.
- 38) On 21.01.14 the appellant preferred first appeal and second appeal to the Commission on 26.02.14.

- 39) Commission decided to hear the appeal and fixed up the date of hearing on 17.02.15. Commission also directed the SPIO to submit his written statement within 10.02.15. Action taken report has been received from the SPIO, Central School Service Commission as well as Regional School Service Commission (N.R) from which it transpires that the required information has been furnished to the appellant by the public authority within statutory period of time-limit.
- 40) At the time of hearing the neither SPIO nor appellate authority was present.

### **Decision**

- 41) So, the Commission issued a show cause notice to the SPIO and Appellate Authority, Central School Service Commission and directed them to appear personally before the Commission on 10.03.15. On 10.03.15 both the SPIO and Appellate Authority, Central School Service Commission appeared in person and also submitted the reply to show cause notice.
- 42) The Commission advised the SPIO and Appellate Authority to dispose of the matter in future within the time stipulated under the Act.
- 43) Thus, the appeal is disposed of.

Date: 10.03.15

Sd/-  
( G.D.Gautama )  
State Information Commissioner, W.B.

No. 1073(3)-(Order)-WBIC/RTI/ 146/15

Date : 12.03.15

Authenticated true copy forwarded to:

13. The SPIO, West Bengal Central School Service Commission, Acharya Sadan, EE-11 & 11/1, Bidhannagar, Sector-II, Kolkata-700 091.
14. The Appellate Authority, West Bengal Central School Service Commission, Acharya Sadan, EE-11 & 11/1, Bidhannagar, Sector-II, Kolkata-700 091.
15. Shri Kalpana Chettry, W/O. Sudarshan Chettry, Vill.-Lokenathpur, P.O.-Turturi, Dist.-Jalpaiguri, PIN-736 206.

Law Officer & Joint Registrar,  
West Bengal Information Commission

**WEST BENGAL INFORMATION COMMISSION**

11A, Mirza Ghalib Street  
Kolkata -700 087  
Phone No.-(033)2252-0509  
Fax No. (033) 2252 0501

Website : [www.wbic.gov.in](http://www.wbic.gov.in)

E-mail : [scic-wb@nic.in](mailto:scic-wb@nic.in)

**Appeal No. 5543 of 2011**  
**Under The Right to Information Act, 2005**

RTI Applicant : Dilip Kumar Dutta  
Public Authority : Regional Transport Officer, Birbhum

Date of RTI Application : 08.09.2010  
Date of 1st Appeal : 07.12.2010  
Date of 2nd Appeal before the Commission : 29.08.2011

**Present:**

- 7) Vir Vikram Rai ..... RTO, Birbhum,
- 8) Manirul Islam .....Retd., WBCS(Exe), Former RTO, Birbhum, re-employed as District Officer of Minority Affairs, Birbhum.

Regional Transport Officer, Birbhum and former Regional Transport Officer, Birbhum appeared before the Commission in pursuance of its order dated 06.08.2015.

After hearing the submissions and on perusal of records it is seen that the Regional Transport Officer has furnished complete information to the applicant vide memo No. 1016/MV dated 06.08.2015 and Memo No. 1034/MV dated 10.08.2015. The Regional Transport Officer submits that he took over charge only on 23.06.2015 and the matter came to his notice only on 06.08.2015 when the hearing notice from the Commission was received. He further submits that after receiving the notice, he took all steps to furnish the information and that complete information has since been furnished.

Manirul Islam, former Regional Transport Officer, Birbhum who has since retired, submits that he held the position as additional charge from 31.03.2010 and to 24.12.2010 and during the period



he made all efforts to search out the records but failed. He further submits that since he was no longer looking after the work of RTO after that date, he was not in a position to do anything further in the matter. He tenders unconditional apology for his failure in furnishing the information while he was holding charge.

It appears that after 24.12.2010, the position of RTO was held by different officials and none of them also made adequate effort to furnish the information. It is seen that Vide Memo No. 144/MV dated 22.02.2011 the then Regional Transport Officer, Birbhum asked the applicant to deposit necessary government fees as per provision of MV Act Rules/GO for providing the information and the applicant paid Rs. 30/- by Demand Draft on 11.03.2011. In spite of that, the information has been furnished only in August 2015 after the notice was received from the Commission. Since different officials held the position of Regional Transport Officer at different periods of time since receipt of the RTI application, it is difficult to ascertain what steps were taken by each of them to provide information and to pin-point specific responsibility for the failure to furnish the requisite information.

After due consideration the Commission orders the public authority to compensate the applicant for the detriment suffered by him by paying a compensation of Rs.10,000/- (Ten thousand only). District Magistrate, Birbhum is directed to pay the amount of compensation of Rs. 10,000/- (Ten thousand only) to the applicant Dilip Kumar Dutta within 30 days from the date of receipt of this order.

The 2nd appeal is thus disposed off.

Date: 02.09.2015

Sd/-  
(K. John Koshy)  
State Chief Information Commissioner, W.B.

No. 4464(4)(Order)-WBIC/RTI/719/15

Date: 02.09.2015

Authenticated true copy forwarded to:

14. Shri Dilip Kumar Dutta, S/O- Lt. Basudeb Dutta, Vill +P.O.- Purandarpur, PO- Suri, Dist.- Birbhum,
15. Vir Vikram Rai, RTO (in-charge), P.O.- Suri, Birbhum,
16. Manirul Islam, Retd., WBCS(Exe), District Officer of Minority Affairs, P.O.- Suri, Dist.- Birbhum,
17. The District Magistrate, Birbhum, P.O.- Suri, Dist.- Birbhum.

Secretary & Registrar  
West Bengal Information Commission

## ANNEXURE 2

# RIGHT TO INFORMATION RULES

A) West Bengal Right to Information Rules, 2006

### *RTI Rules*

Regd No. WB/SC-320

No. Wb/CPS//Raj-11(Part I)/2007

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Extraordinary

Published by Authority

[KARTIKA – 8]

WEDNESDAY, MARCH 29, 2006

[SAKA 1927]

**PART I** — Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury etc.

### GOVERNMENT OF WEST BENGAL

Personnel & Administrative Reforms Department  
Administrative. Reforms Cell.

### NOTIFICATION

No. I 57-PAR (AR)- 10th March, 2006- In exercise of the power conferred by sub-section(1) read with sub-section (2) of Section 27 of the Right to Information Act, 2005 (22 of 2005), the Governor is pleased hereby to make the following rules, namely :-

### Rules

#### 1. Short title and commencement :-

- (1) These rules may be called the West Bengal Right to Information Rules, 2006.
- (2) They shall come into force on the date of their publication in the Official Gazzate.

## **2. Definitions :-**

- (1) In these rules, unless the context otherwise requires, -
  - (a) "Act" means the Right to Information Act, 2005 (22 of 2005);
  - (b) "Commission" means the West Bengal Information Commission;
  - (c) "Registrar" means the Registrar of the Commission;
  - (d) "Section" means section of the Act;
  - (e) "State Government" means the Government of West Bengal.
- (2) Words and expressions used and not defined in these rules but defined in the Act, shall have the same meanings as respectively assigned to them in the Act.

## **3. Application fee :-**

An application containing a request in writing to the State Public Information Officer or the State Assistant Public Information Officer, as the case may be, made under sub-section (I) of Section 6 for obtaining information, shall be accompanied with a court-fee of rupees ten.

## **4. 'Fee for providing information :-**

Save as otherwise provided in the provision to sub-section (5) of Section '7, the State Public Information Officer or the State Assistant Public Information Officer, as the case may be, shall provide Information under sub-section (I), and sub-section (5), of Section 7 upon receipt or a request under Section 6, on payment of a fee of -

- (a) rupees two, for each page (in A-4 or A-3 size paper) created or copied; or
- (b) actual charge or cost price, for a copy in large size paper; or
- (c) actual cost price, for sample or model; or
- (d) rupees five for each fifteen minutes or fraction thereof, for inspection of records; or
- (e) rupees fifty per diskette or floppy, for information provided in the diskette or floppy; or
- (f) actual charge fixed for publication or rupees two per page of photocopy for extracts there from for information provided in printed form.

## **5. Contents of appeal to Commission under sub-Section (3) of Section 19 :-**

An appeal to the Commission under sub-section (3) of Section 19, shall contain the following information, namely:-

- (a) Name and address of the applicant;
- (b) Name and address of the State Public Information Officer or the State Assistant Public Information Officer, as the case may be, who passed the order;
- (c) Particulars of the order against which the appeal is made including its number and date;

- (d) Brief facts of the case;
- (e) Prayer or relief sought for by the appellant;
- (f) Grounds for such prayer relief; and
- (g) Verification by the appellant

**6. Documents to accompany appeal to Commission under sub-section (3) of Section 19 :—**

Every appeal made to the Commission shall be accompanied by the following documents, namely:-

- (a) the attested true copy of the order against which the appeal is being preferred;
- (b) the copies of the documents relied upon by the appellant and referred to in the appeal; and
- (c) an index of the documents referred to in the appeal.

**7. Procedure in deciding appeal to Commission under sub-section (3) of Section 19 :—**

- (1) In deciding the appeal to the commission, the commission shall :-
  - (a) Hear, oral or written, evidence on oath or on affidavit from the concerned or interested person;
  - (b) Peruse or inspect documents, public records or copies thereof.
  - (c) Enquire through the authorized, officer for further details or facts;
  - (d) Hear the State Public Information Officer or the State Assistant Public Information Officer or such officer who decided the first appeal mentioned in sub-section (I) of Section 19, as the case may be;
  - (e) Hear the third party if required; and
  - (f) Receive evidence on 'affidavits' from State Public information Officer or the State Assistant Public Information Officer or such officer who decided the first appeal mentioned in sub-section (I) of Section 19 or from the third party; if any
- (2) In deciding the appeal the Commission may ask the appellant to add any other information other than the information included in the contents of the second appeal under rule 5.

**8. Service of notice by Commission :—**

The notice required to be issued under sub-section (9) of Section 19, by the Commission may be served in any of the following modes, namely:-

- (a) service by the party itself;
- (b) service by hand delivery through the process server;
- (c) service by the registered post with acknowledgement due
- (d) service through the head of office or the Department;

**9. Signing of order :—**

The order of the Commission pronounced in open proceedings shall be in writing and authenticated by the Registrar or any other officer authorized by the Commission in this behalf.

**10. Terms and conditions of officers and other employees of Commission :—**

The officers and other employees of the Commission shall be placed on deputation from the State Government on the usual terms and conditions

By order of the Governor,

Sd/- Trilochon Singh,  
Pr. Secretary to the Govt. of West Bengal

## B) Amendments in West Bengal Right to Information Rules, 2006

Regd. No. WB/SC-320

No. WB/CPS/Raj-98 (Part I)/2008

Kolkata

The



Gazette

Extraordinary

Published by Authority

KARTIKA 20]

TUESDAY, NOVEMBER 11, 2008

[SAKA 1930

PART 1 Order and Notifications by the Governor of West Bengal, the High Court, Government Treasury etc.

### GOVERNMENT OF WEST BENGAL

Department of Personnel & Administrative Reforms

Administrative Reforms Cell

BLOCK -1V, 2ND FLOOR, WRITERS' BUILDINGS, KOLKATA-700 001

### NOTIFICATION

No. 724-PAR(AR)/O/3M-29/2005 Pt. VI-17th October, 2008.— In exercise of the power conferred by sub-section (1), *read* with sub-section (2), of section 27 of the Right to Information Act, 2005, the Governor is pleased hereby to make the following amendments in the West Bengal Right to Information Rules, 2006 (hereinafter referred to as the said rules):-

### Amendments

In the said rules,-

(1) rule 3 shall be renumbered as sub-rule (1) of rule 3,-

- (a) in sub-rule (1) so renumbered, for the words “a court-fee of rupees ten,”, *substitute* the words, letters and brackets ‘a court-fee of rupees ten or a non-Judicial Stamp paper of rupees ten or by Demand Draft or Bankers Cheques or Indian Postal Order, payable in favour of “  
(name of the link bank) a/c Government of West Bengal, RTI ACT”;

- (b) after sub-rule (1), *insert* the following sub-rules:-

(2) An applicant while sending a request for information by e-mail shall deposit the application fee of rupees ten by Demand Draft or by Bankers Cheques or by Indian Postal Order, payable in favour of “

(name of the link bank) a/c Government of West Bengal, RTI ACT”, mentioning the particulars of such deposit to the Public Information Officer in such e-mail and on receipt of said information, the Public Information Officer shall process such request for providing such information:

Provided that such information as sought for shall not be delivered to the applicant unless the requisite amount of application fee has been received by the Public Information Officer by Demand Draft or Bankers Cheques or Indian Postal Order, as the case may be.

(3) The public Information Officer shall, after receiving Demand Draft or Bankers Cheques or Indian Postal Order under sub-rule (2), arrange to remit the fee to such authorised branches of the Public Bank linked with the Treasury as mentioned in Appendix 3 to the West Bengal Treasury Rules, 2005, by the next working day in T. R.

Form No. 7 under the Head of Account and Head Code mentioned in column (1) and column (2) against serial Nos, 1 and 2 respectively, of the Table below:-

Sl No	Particulars	Details
(1)	(2)	(3)
1	Head of Accounts	“0070-Other Administrative Services-60-Other-services-800 Other Receipts including census-021-Collection of Fees from information Seeker for the purpose of servicing information -27- Other Receipts.”
2	Head Code	“00706080002127”

Provided that the applicant may deposit such application fee under the above head of accounts directly through the concerned bank linked with Treasury and shall produce the receipted challan to the Public Information Officer;

(2) rule 4 shall be renumbered as sub-rule (1) of rule 4, after sub-rule (1) so renumbered, *insert* the following sub-rules :—

(2) The fee as mentioned in clause (a) to clause (f) of sub-section (1) shall be deposited to the officer to be designated by the concerned Department of the State Government in this behalf, either by Demand Draft or Bankers Cheque or Indian Postal Order payable in favour of “ (Name of the bank) a/c Government of West Bengal. RTI ACT”

(3) The Public Information Officer shall, after receiving Demand Draft or Bankers Cheque or Indian Postal Order, as the case may be, as mentioned in sub rule (2), arrange to remit the fee to such authorised branches of the Public Bank linked with the Treasury as mentioned in Appendix 3 to the West Bengal Treasury Rules, 2005, by the next working day in T. R. Form No. 7 under the Head of Accounts and Head Code mentioned in column (1) and column (2) against serial Nos. 1 and 2 respectively, of the Table below:—

Sl No	Particulars	Details
(1)	(2)	(3)
1	Head of Accounts	“0070-Other Administrative Services-60-Other-Services-800 Other Receipts including census-021-Collection of Fees from information Seeker for the purpose of servicing information-27-Other Receipts.”
2	Head Code	“00706080002127”

Provided that the applicant may deposit such fees under the above head of accounts directly through the concerned bank linked with the Treasury and shall produce the receipted challan to the Public Information Officer.

(3) In rule 5:

(a) for clause (c), *substitute* the following clause:-

“(c) self-attested photocopy of the order of an officer to whom appeal has been preferred under sub-section (1) of section 19 of the Act;”;

(b) for clause (d), *substitute* the following clause:-

“(d) gist of the information sought for;”;

(c) for clause (e), *substitute* the following clause :-

“(e) grounds for appeal and the relief sought for;”;

(d) *omit* clause (f);

(e) *omit* clause (g).

By order of the Governor,

(Sk. Nurul Haque)

*Principal Secretary to the Government of West Bengal*

C) The Calcutta High Court (Right to Information) Rules 2006

Regd. No. WB/SC- 320

No. WB/CPS/Raj-98 (Part I)/2008



MEGHA15]

FRIDAY, FEBRUARY 2, 2007

[SAKA 1928

PART I-Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**HIGH COURT AT CALCUTTA  
NOTIFICATION**

No. 133-G-9th January, 2007-In exercise of the powers conferred under Section 28 (1) of the Right to Information Act 2005 the Chief Justice of the Calcutta High Court (Competent Authority) is pleased to make the following rules to carry out the provisions of the 'Act' falling within the jurisdiction of this High Court:-

**Rules**

**1. Short title and commencement:-**

- \* These rules may be called The Calcutta High Court (Right to Information) Rules, 2006.
- \* They shall come into force from the date of their publication in the Official Gazette.

**2. Definitions:-**

**1) In these Rules unless, the context otherwise requires,-**

- \* 'Act' means The Right to Information Act, 2005 (No. 22 of 2005);
- \* 'Appellate Authority' means designated as such by the Chief Justice of High Court at Calcutta;
- \* 'authorized person' means Public Information Officers and Assistant Public Information Officer;

'Public Information Officer' shall mean—(i) the Deputy Registrar (Admn.) on the Appellate Side of the High Court and (ii) the Assistant Master and Referee on the Original side of the High Court (iii) Chief Judicial Magistrate in the District Courts (iv) the Additional Chief Judicial Magistrate in the respective sub-divisional courts.

**Assistant Public Information Officer shall mean:-**

- (i) in the Appellate Side of the High Court-
  - (a) Assistant Registrars of the respective departments
  - (b) Section Officer or Superintendent whoever is in-charge of the concerned department/section, where there is no post of Assistant Registrar.
- (ii) in the Original Side of the High Court -
  - (a) Assistant Registrars of the respective departments
  - (b) Section Officer or Superintendent whoever is in-charge of the concerned department/section, where there is no post of Assistant Registrar.



(iii) in the Sadar Sub-divisional courts - the senior most Civil Judge (Jr. Div.).

‘Form’ means the Forms appended to these Rules for enforcement of the provisions of this

‘Section’ means a section of this ‘Act’

(2) Word and expressions used but not defined in these Rules shall be the same meaning as assigned to them in respectively in the ‘Act’;

### **3. Request for obtaining information :-**

A request for obtaining information may be made in writing or through electronic means in English, Hindi or Bengali accompanying a fee as prescribed below, by the person who desires to obtain the information to the Public Information Officer or the Assistant Public Information Officer, specifying the particulars of the information sought by him or her in the form prescribed below :-

In case the request cannot be made in writing the concerned Public Information Officer shall render reasonable assistance to that person to reproduce the same in writing.

All other provisions of section 6 of the Act shall apply in this respect.

### **4. Disposal of requests :-**

For disposal of the requests under section 6 of the Act, the Public Information Officer or the Assistant Public Information Officer shall follow the provisions of section 7 of the ‘Act’.

### **5 Protected/exempted information:-**

The Public Information Officer or the Assistant Public Information Officer as the case may be have no obligation to give information to any citizen in the matter disclosure of which has been exempted under Section 8 of the Act.

### **6. Appeal:-**

An appeal under section 19 of the “Act” may be preferred to the Appellate Authority, by the person who does not receive a decision within the time specified in section 7(3)(1 )(a) of the Act or who is aggrieved by decision of the Public Information Officer or the Assistant Public Information Officer, as the case may be, in the time prescribed under section 19 (1) of the Act which may be extended as per provision or that section 19 (1) of the Act.

All other provisions of the Act shall apply for effective enforcement of the provisions relating to information as per Section 2(f) of the Act.

### **7. Penalties:-**

- (1) whenever being bound to supply information fails to furnish the information asked for under Act within the time specified or fails to communicate the rejection order, shall be liable to a penalty up to fifty rupees per day for the delayed period beyond thirty days subject to maximum of five hundred rupees per application filed under rule 3 as may be determined by the Appellate Authority.
- (2) where the information supplied is found to be false in any material particular and which person is bound to supply it knows and has reason to believe it to be false or does not believe it to be true, the person supplying the information shall be liable to pay a penalty of a thousand rupees, to be imposed by the Appellate Authority, information provided that the Public Information Officer or the Assistant Public Information Officer, as the case may be shall be given reasonable opportunity of being heard before the penalty is imposed on him.

**8. Suo motu publication of information by public authorities :-**

- (1) the public authority shall suo motu publish information as per sub-section (1) of section under the Act by publishing booklets and/or folders and/or pamphlets and update these publication every year as required by sub-section (1) of Section 4 of the Act.
- (2) Such information shall also be made available to the public through information counter medium of internet and display on notice board at conspicuous places in the office of the authorized person are the Appellate Authority.

**9. Fees:-**

- (1) The authorized person shall charge the fee at the following rates :-

**A. Application Fee:-**

- (i) Information relating to tenders documents/bids quotation/business contract : Five hundred rupees per application
- (ii) Information other than above contract: Other Fees: Fifty rupees per application

Sl. No.	Description of Information	Price/fee in rupees
1.	Where the information is available in the form of a priced publication	Price so fixed
2.	For other than priced publication	Five per page

- (2) The Appellate Authority shall charge a fee of fifty rupees per appeal.

By order of the High Court  
Raghunath Ray  
Register General Incharge  
High Court, Calcutta

### ANNEXURE 3

## **EXCLUSION FROM THE ACT**

As per Section 24(4) of the RTI Act, the provisions of the Act will not apply to such intelligence and security organizations established by the State Government, as the State Government may, from time to time, by notification in the Official Gazette specify.

The following organizations have been exempted by the State Government vide notification No. 541–PAR(AR)/O/3M–29/2005 Pt. VILLA dated 29.08.2006 and notification No. 120–PAR(AR)/O/3M–29/2005 Pt. VIIIA dated 05.03.2009)

#### **1. Home Department**

##### **a. Political Branch**

- i. Security arrangements and related matter of VIPs and VVIPs
- ii. Interceptions of mails and other personal communications including phone / mobiles under Indian Post Office Act, 1898 and India Telegraph Act, 1885.
- iii. Sanction of prosecution
- iv. CBI investigation-handling over of cases
- v. Verification of antecedents.
- vi. Preparation of bills and rules.

##### **b. Police Branch**

- i. Information relating the mobilization and deployment of police force.
- ii. All police reports (except under orders of the Courts of Law)

##### **c. Special Branch**

- i. Proceedings under the special preventive Acts of the State Govt. / Govt. of India

#### **2. Police Directorate**

- a. Intelligence Branch including Districts IBs.
- b. Eastern Frontier Rifles.
- c. State Armed Police
- d. Indian Reserve Battalion

- e. Enforcement Branch
- f. Secret Source fund
- g. Reserve Force
- h. Secret Section including Secret Source Fund.

**3. Kolkata Police**

- a. Special Branch
- b. Detective Department
- c. Security Control Organization
- d. Enforce Branch
- e. Kolkata Armed Police including Reserve Force
- f. Secret Source Fund
- g. Confidential Section
- h. Special Task Force (vide notification No. 120–PAR(AR)/O/3M–29/2005 Pt. VIIIA dated 05.03.2009)

The Governor is further pleased to state that the information pertaining to allegations of corruptions and human rights violations in respect of the above organization of Police Directorate and Kolkata Police will not be kept beyond purview of the “Right to Information Act, 2005” under Section 24(4) of the act *ibid*.