

INDEX

	Introduction	3
Chapter – 1	: West Bengal Information Commission	5
Chapter – 2	: Annual Reports 2013 and 2014	25
	Disposal of RTI applications by public authorities in West Bengal	
	Disposal of Complaints and Appeals by West Bengal Information Commission	
	Penalty and Compensation	
	Awareness Programme	
	Important initiatives by the Commission	
	Recommendations	
Annexure 1	: Significant Orders of the Commission	50
Annexure 2	: West Bengal Right to Information Rules	84
Annexure 3	: Exclusion from the Act	92

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 decide 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 4th 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.

Dr. G.D. Gautama joined as State Information Commissioner on 5th April, 2012

***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 – Bhabani Bhaban (2nd Floor), Alipore, Kolkata-700 027

Contact Details- Telefax (033)2479-1966

Website : www.wbic.gov.in } upto 25.12.2013.

E-mail : scic-wb@nic.in

The office of the West Bengal Information Commission was shifted to Khadya Bhaban, 11A, Mirza Ghalib Street, Kolkata-700 087 with effect from 26.12.2013.

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

E-mail: scic-wb@nic.in

The Information Commissioners –

The West Bengal Information Commission consists of the following members :

State Chief Information Commissioner:

Shri Sujit Kumar Sarkar

From 01.12.2010 upto 04.06.2014

State Information Commissioner:

Shri K. John Koshy

From 01.12.2010

Additional Charge of State

Chief Information Commissioner from
18.06.2014

State Information Commissioner:

Dr. G.D. Gautama

From 05.04.2012

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:-

<u>SI No.</u>	<u>Designation of the Officers/Employees</u>	<u>No. of posts sanctioned</u>	<u>No. posts filled</u>	<u>Remarks</u>
1	Secretary & Acting 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.	Accountant	1	1	
8.	Head Assistant	1	1	
9.	Judicial Peshkar	1	1	
10.	U.D. Assistant	7	7	
11.	L.D. Assistant	2	2	
12.	Cashier	1	Vacant	
13	System Administrator	1	Vacant	
14	System Supervisor	1	Vacant	
15	P.A.	1	Vacant	
16	Section Officer	1	1	
17	Data Entry Operator	2	Vacant	
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 Technically 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 engaged on daily wage basis from time to time to cope with the typing work.

NOTE IV: One Gr D staff is also engaged on daily wage basis to cope up with the work of the Commission.

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 any body 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.

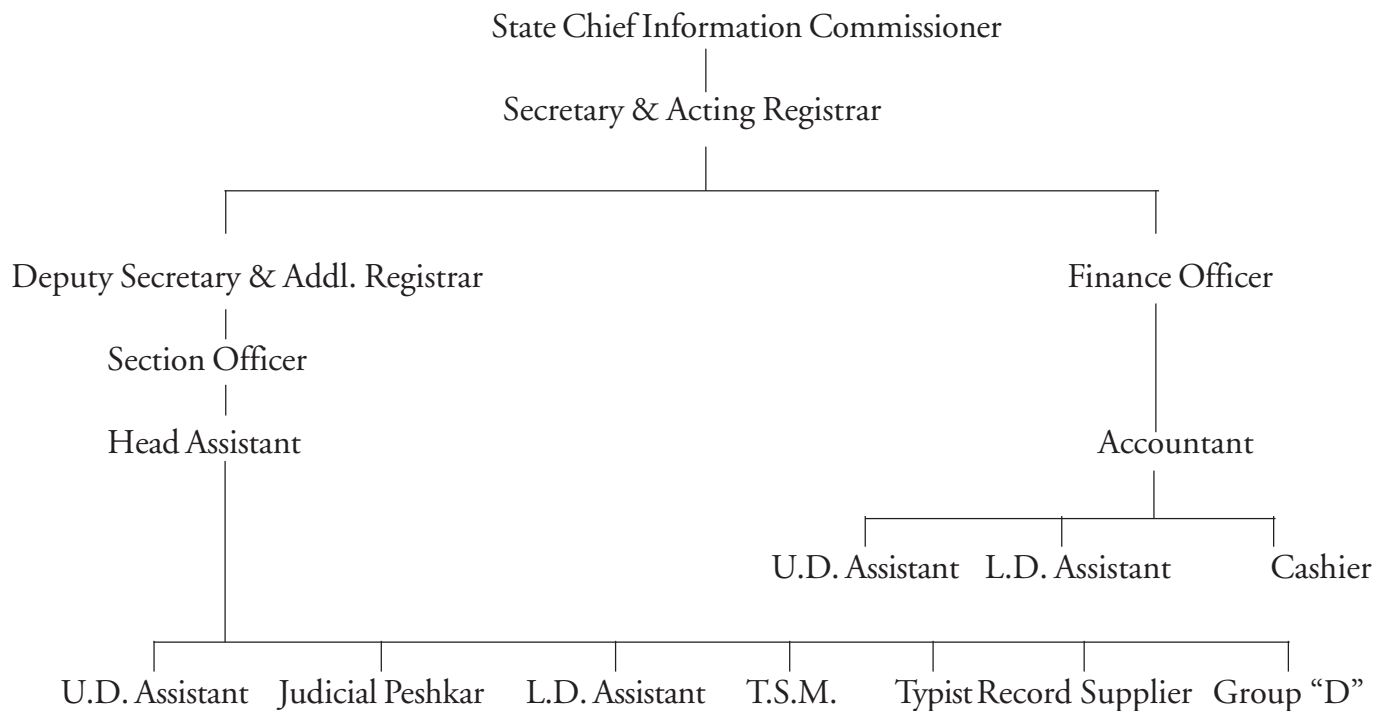
Powers and duties of Officers and employees:

<u>Sl. No.</u>	<u>Designation</u>	<u>Powers and Duties</u>
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,

<u>Sl. No.</u>	<u>Designation</u>	<u>Powers and Duties</u>
		Liaisioning 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.
4.	Deputy Secretary & Additional Registrar	Administrative work, supervision and monitoring of works done by the dealing assistants who are assigned with the RTI works.
5.	Finance Officer	Drawing and Disbursing Officer.
6	Law Officer	Supervision and monitoring of all court cases and legal matters. Liaisioning with the advocates of the Commission and preparation of statement of facts and briefs. Supervision and monitoring of data management system. Usual works as and when directed by the State Chief Information Commissioner.
7.	Section Officer	Supervision of 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 works as Judicial Peshkar.

<u>Sl. No.</u>	<u>Designation</u>	<u>Powers and Duties</u>
		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.
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.	Technical Skilled Manpower	i) Website management and maintenance. ii) LAN Troubleshooting iii) System management and maintenance.
17.	Casual Typist	Typing Works
18.	Peon	Usual Works of a Gr. D employee.

West Bengal Information Commission



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:

<u>Sl. No.</u>	<u>Details of Activity in the Commission</u>	<u>Decision making process</u>	<u>Authority Responsible for the activity</u>
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

<u>Sl. No.</u>	<u>Details of Activity in the Commission</u>	<u>Decision making process</u>	<u>Authority Responsible for the activity</u>
4.	Procuring Goods and Services for the Commission	As per Financial Rules and Delegation of Financial Powers Rules	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 discharge of functions in WBIC:

Appeals and Complaints are disposed off by the Commission as per provisions of the RTI Act 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.

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 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 :

<u>Sl. No.</u>	<u>Subject</u>	<u>Type o f Document file/muster/register voucher etc.</u>	<u>Particulars Heading/type in the document</u>	<u>Periodicity of preservation</u>
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 provision 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 Sujit Kumar Sarkar, State Chief Information Commissioner, West Bengal	(033) 2479-1966 (033) 2252-0509	scic-wb@nic.in	Upto 04.06.2014
2	Shri K. John Koshy, State Information Commissioner, West Bengal	(033) 2479-1966	scic-wb@nic.in	From 01.12.2010 Held additional charge of State Chief Information Commissioner, West Bengal, from 18.06.2014
3	Dr. G.D. Gautama, State Information Commissioner, West Bengal	(033) 2479-1966 (033) 2252	scic-wb@nic.in	From 05.04.2012
4	Shri Gautam Sengupta, Secretary, West Bengal Information Commission	Do	scic-wb@nic.in	From 24.03.2011 to 28.02.2013
5	Shri Debajyoti Paul, Finance Officer, West Bengal Information Commission	Do		Released on 30.09.2012
6	Shri Tushar Kanti Bhattacharya, Finance Officer, West Bengal Information Commission			From 01.10.2012
7	Sri Purnendu Tantri , Dy. Secretary, West Bengal Information Commission	Do		Released on 02.11.2012
8	Shri Tushar Kanti Sinha, Dy. Secretary, West Bengal Information Commission			From 31.12.2012
9	Kumaree Anita, Law Officer, West Bengal Information Commission			From 08.06.2012
10	Shri Tanmoy Kr. Jana, P.S. to SCIC, W.B.	Do		Released in March 2014

Sl.No	Name & Designation	Telephone Number	E-mail ID	Remarks
11	Shri Sadhan Mondal, P.A.			
12	Shri Billwa Kr. Kundu, P.A.	Do		Service was placed from P & A.R. Deptt.
13	Shri Subrata Sanfui P.A.			From 04.05.2012
14	Achnta Pal. P.A.			
15	Shri Ranjan Mukhopadhyay, Section Officer, West Bengal Information Commission			From 12.09.2012
16	Shri Ila Sarkar, Accountant, West Bengal Information Commission			From 07.05.2013
17	Shri Shyamal Kr. Sikdar, Accountant, West Bengal Information Commission			Upto February 2013
18	Smt. Nabanita Mukherjee, H.A.	Do		Released on 31.05.2012
19	Shri Girindra Nath Sardar, Head Assistant, West Bengal Information Commission			From 06.07.2012 upto 31.05.2013
20	Shri Suman Chowdhury, Judicial Peshkar	Do		Released 07.06.2013
21	Biswajit Sanyal			
22	Mohit Kumar Naru			
23	Md. Habib Gazi			
24	Shri Rajib Kr. Mistri U.D. Assistant	Do		
25	Shri Debasis Sen, U.D. Asstt.	Do		Upto 22.05.2015
26	Shri Apurba Roy, U.D. Assistant	Do		

Sl.No	Name & Designation	Telephone Number	E-mail ID	Remarks
27	Shri Tapas Parbat, U.D. Assistant			Upto 06.02.2014
28	Shri Samir Ch. Biswas, U.D. Assistant			
29	Shri Saikat Pramanik, U.D. Assistant			
30	Shri Subhankar Paul, U.D. Assistant			
31	Shri Debabrata Sarkar, L.D. Assistant			
32	Shri Rajendra Prasad Saha, L.D. Assistant			
33	Smt. Soma Goswami, Gr. D	Do		Service was placed from P & AR Dept.
34	Shri Ashim Bhattacharjee, Gr. D	Do		Do
35	Smt. Sutapa Basu, Technically Skilled Manpower	Do		
36	Shri Partha Mondal, Typist (Casual)	Do		
37	Shri Asit Patra, Typist (Casual)	Do		
38	Shri Shyam Sundar Sar, Gr. – 'D' (Casual)	Do		
39	Shri Tanmoy Bhattacharya, Gr. – 'D' (Casual)	Do		
40	Annesha Shaw	Do		From 21.03.2013

Details of remuneration of officers and employees :

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

- (a) The State Chief Information Commissioner shall be the same as that of the Election Commissioner ;

(b) 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 a State, his salary in respect of the service as the Chief Information Commissioner or 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:-

<u>Sl. No.</u>	<u>Designation of the posts</u>	<u>Pay scale of the post</u>
1.	State Chief Information Commissioner	Rs. 90,000/- (Fixed)
2.	State Information Commissioner	Rs. 80,000/- (Fixed)
3.	Secretary & Registrar	Rs. 37,400 – 60,000/- + G.P. Rs. 8,700/-
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. 6,600/-
6.	Law Officer & Joint Registrar	Rs. 15,600 – 42,000/- + G.P. Rs. 5,400/-
6..	Accountant	Rs. 7,100 – 37,600/- + G.P. Rs. 4220/- + Deputation Allowance
7.	Head Assistant	Rs. 7,100 – 37,600/- + G.P. Rs. 3600/- + Rs. 7,100–37,600/- + G.P. Rs. 4,200/-
8.	Judicial Peshkar	Rs. 7,100/- – 37,600/- + G.P. Rs. 3600
9.	U.D. Assistant	Rs. 7,100 – 37,600/- + G.P. Rs. 3,600/-
10.	P.S. to SCIC	Rs. 9,000/- – 40,500/- + G.P. Rs. 5400/-
11.	P.A.	Rs. 7,100/- – 37,600/- + G.P. Rs. 3,600/-
12.	L.D. Assistant	Rs. 5,400/- - 25,200/- + G.P. Rs. 2,600/-
13	Cashier	Rs. 5,400/- - 25,200/- + G.P. Rs. 2,600/-
14	System Administrator	Rs. 9000/- - 40500/- + G.P. Rs. 5400/-
15	System Supervisor	Rs. 9000/- - 40500/- + G.P. Rs. 5400/-
16	P.A.	Rs. 7,100 – 37,600/- + G.P. Rs. 3,600/-
17	Section Officer	Rs. 9000/- - 40500/- + G.P. Rs. 4780/-
18	Data Entry Operator	Rs. 5,400/- - 25,200/- + G.P. Rs. 2,600/-
19	Typist (working knowledge of computer)	Rs. 5,400/- - 25,200/- + G.P. Rs. 2,600/-
20	Record Supplier	Rs. 5,400/- - 25,200/- + G.P. Rs. 1,900/-
21	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 2013-14 and 2014-15. 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 2013-14.							
<u>Head of Accounts</u>	<u>Original Grant in Budget</u>	<u>Supplementary grant (Re-appropriation)</u>	<u>Total Grant (Allotment Received)</u>	<u>Total expenditure</u>	<u>Excess Expenditure</u>	<u>Savings</u>	<u>Remarks</u>
01-Salaries	10572000.00		10572000.00	10167391.00		404609.00	
02-Wages	530000.00		530000.00	614864.00	84864.00	84864.00	
07-Medical Reimbursement	100000.00		100000.00	94957.00		5043.00	
11-Travel Expenses	350000.00		350000.00	181633.00		168367.00	
12-Medical Reimbursement under WBHS 2008	115000.00		115000.00	0.00		115000.00	
13-Office expenses						0.00	
01-Electricity	75000.00		75000.00	50941.00		24059.00	
02-Telephone	280000.00		280000.00	248365.00		31635.00	
03-Maintenance / POL for office vehicle	756000.00		756000.00	754339.00		1661.00	
04-O.O.E.	1000000.00		1000000.00	879746.00		120254.00	
27-Minor Works / Maintenance	210000.00		210000.00	0.00		210000.00	
28-Payment of Professional & Spl. Services						0.00	
01-Capitation Fees for IMPs						0.00	
02-Other Charges	700000.00		700000.00	300532.00		399468.00	
50-Other Charges	200000.00		200000.00	129082.00		70918.00	
51-Motor Vehicle	275000.00		275000.00	265067.00		9933.00	
TOTAL	15163000.00		15163000.00	13686917.00	84864.00	1476083.00	

NET GRANT STATEMENT FOR THE FINANCIAL YEAR 2014-15									
<u>Detailed Description of Head of Account Scheme Etc.*</u>	<u>Original Grant</u>	<u>Supplementary Grant</u>	<u>Total Grant</u>	<u>Re-appropriation (+) or (-)</u>	<u>Net Grant after re-appropriation</u>	<u>Total Anticipated Expenditure</u>	<u>Excess</u>	<u>Savings</u>	<u>Remarks</u>
1	2	3	4	5	6	7	8	9	10
2052-00-090-NP-028-01-01-V	4700000.00		4700000.00		4700000.00	4203690.00		496310.00	
2052-00-090-NP-028-01-02-V	3200000.00		3200000.00		3200000.00	3525109.00	325109.00		
2052-00-090-NP-028-01-03-V	775000.00		775000.00		775000.00	625000.00		150000.00	
2052-00-090-NP-028-01-04-V	50000.00		50000.00		50000.00	39000.00		11000.00	
2052-00-090-NP-028-01-07-V	100000.00		100000.00		100000.00	617898.00	517898.00	Includes Allowances of SCIC	
2052-00-090-NP-028-01-12-V	10000.00		10000.00		10000.00	7200.00		2800.00	
2052-00-090-NP-028-01-14-V	825000.00		825000.00		825000.00	856600.00	31600.00		
2052-00-090-NP-028-02-V	600000.00		600000.00		600000.00	642616.00	42616.00		
2052-00-090-NP-028-07-V	100000.00		100000.00		100000.00	62851.00		37149.00	
2052-00-090-NP-028-11-V	350000.00		350000.00		350000.00	51347.00		298653.00	
2052-00-090-NP-028-12-V	120000.00		120000.00		120000.00	29354.00		90646.00	
2052-00-090-NP-028-13-01-V	90000.00		90000.00		90000.00	24916.00		65084.00	
2052-00-090-NP-028-13-02-V	300000.00		300000.00		300000.00	221938.00		78062.00	
2052-00-090-NP-028-13-03-V	1100000.00		1100000.00		1100000.00	1002307.00		97693.00	
2052-00-090-NP-028-13-04-V	1180000.00		1180000.00		1180000.00	860009.00		319991.00	
2052-00-090-NP-028-27-V	200000.00		200000.00		200000.00			200000.00	
2052-00-090-NP-028-28-02-V	700000.00		700000.00		700000.00	234348.00		465652.00	
2052-00-090-NP-028-50-V	200000.00		200000.00		200000.00	65325.00		134675.00	
2052-00-090-NP-028-51-V	325000.00		325000.00		325000.00	262388.00		62612.00	
TOTAL	14925000.00		14925000.00		14925000.00	13331896.00	917223.00	2510327.00	

Budget provision for the financial year 2014-15 & 2015-16 is also given hereunder:-

Budget Estimates for the Financial Year 2014-15		
	Actual 2013 - 2014	Budget Estimate 2014 - 2015
	(1)	(2)
<u>Head of Account</u>		
<u>01 - Salaries</u>		
01-Pay	4293116.00	4700000.00
14-Grade Pay	843535.00	825000.00
02-DA	3274095.00	3200000.00
03-HRA	799737.00	775000.00
04-Bonus	33800.00	50000.00
07-Or. Allow	916988.00	100000.00
<u>12-MA</u>	6000.00	10000.00
<u>TOTAL</u>	10167271.00	9660000.00

02-Wages	614864.00	600000.00
07-M.R.	94957.00	100000.00
11-T.E.	181633.00	350000.00
12-M.R.	0.00	120000.00
<u>13-O.E.</u>		
01-Elec	50941.00	90000.00
02-Tele	248365.00	300000.00
03-Vehicle	754339.00	1100000.00
<u>04-O.O.E.</u>	879746.00	1180000.00
<u>Total 13-O..E</u>	1933391.00	2670000.00
27-Minor Works	0.00	200000.00
<u>28-Payment of Professional and</u>		
<u>Special Services - 02</u>	300532.00	700000.00
50-Other Charges	129082.00	200000.00
51-Motor Vehicles	265067.00	325000.00
53-Major Wroks / Land & Building		
TOTAL	694681.00 13686797.00	1425000.00 14925000.00

Budget Estimates for the Financial Year 2015-16		
	Actual 2014 - 2015	Budget Estimate
	(1)	2015 - 2016
<u>Head of Account</u>		(4)
<u>01 - Salaries</u>	-	
01-Pay	4203690.00	5000000.00
14-Grade Pay	856600.00	800000.00
02-DA	3525109.00	4200000.00
03-HRA	625000.00	850000.00
04-Bonus	39000.00	50000.00
07-Or. Allow	617898.00	75000.00
<u>12-MA</u>	7200.00	10000.00
<u>TOTAL</u>	9874497.00	10985000.00

02-Wages	642616.00	750000.00
07-M.R.	62851.00	150000.00
11-T.E.	51347.00	350000.00
12-M.R.	29354.00	120000.00
<u>13-O.E.</u>		
01-Elec	24916.00	110000.00
02-Tele	221938.00	320000.00
03-Vehicle	1002307.00	1275000.00
<u>04-O.O.E.</u>	860009.00	1200000.00
Total 13-O..E	2109170.00	2905000.00
27-Minor Works	0.00	200000.00
<u>28-Payment of Professional and</u>		
<u>Special Services - 02</u>	234348.00	725000.00
50-Other Charges	65325.00	200000.00
51-Motor Vehicles	262388.00	380000.00
53-Major Wroks / Land & Building		
	562061.00	1505000.00
TOTAL	13331896.00	16765000.00

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 and are updated regularly.

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

<u>Sl.No.</u>	<u>Type of Document</u>	<u>In which electronic format it is kept</u>	<u>Mode of retrieval</u>
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
4.	Decisions of the WBIC	Do	Do
5.	Show Cause Notices	Do	Do
6.	Hearing Dates	Do	Do
7.	Appeal / Complaint format	Do	Do
8.	Important Circulars / Notifications	Do	Do
9.	Frequently Asked Questions about the RTI Act, 2005	Do	Do
10.	Annual Report of the Commission	Do	Do
11.	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 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. | Shri Gautam Sengupta, WBCS
(Exe.) Secretary & Registrar | WEST BENGAL INFORMATION COMMISSION
Bhawani Bhaban(2 nd floor), Alipore, Kolkata-27.
Phone-2448-0224
Email- scic-wb@nic.in
Website- www.wbic.gov.in | Appellate
From
30.03.2011 to
28.02.2013 |
| 2. | Kajal Kumar Bandopadhyay,
Secretary & Registrar,
West Bengal Information
Commission | WEST BENGAL INFORMATION COMMISSION
Bhawani Bhaban(2 nd floor), Alipore,
Kolkata-27. Phone-2448-0224 upto 25.12.2013.
Email- scic-wb@nic.in
Website- www.wbic.gov.in
&
From 16.12.2013 onwards : - Khadya Bhawan , | Appellate
Authority
From
27.11.2013 |

		11A, Mirza Ghalib Street, Kolkata-700 087, Ph. No. (033)2252-0509, Fax No. (033) 2252-0501	
3.	Kumaree Anita, Law Officer & Joint Registrar,	Do	SPIO from 10.10.2012 to 26.02.2013
4.	Tushar Kanti Sinha, Dy. Secy. & Addl. Registrar	Do	From 27.02.2013 to 21.06.2013
5.	Pranab Kumar Chakraborty, Dy. Secy. & Addl. Registrar	Do	From 29.07.2013 to 23.09.2014
6.	Shri Tushar Kanti Bhattacharya, Finance Officer, West Bengal Information Commission	Do	SPIO from 24.09.2014

Other information :

In order to facilitate easy and quick disposal of the large number of complaints and appeals from the information-seekers, the Commission vide its Circular No. 2964-WBIC/RTI/14/08 dated 18.11.2009 has prescribed a format for submission of the complaints and appeals which has to be submitted in quadruplicate alongwith all enclosures. The circular came into effect from 01.12.2009. The relevant circular and the appeal / complaint format have been uploaded in the Commission's website.

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 REPORTS FOR 2013 AND 2014

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. 438-WBIC/Admn/1R-1/15 dated 02.02.2015, to collect information in terms of Section 25(2) of RTI Act from the Public Authorities and furnish the same to the Commission by 10.03.2015.

The Commission received report from the following public authorities in West Bengal:-
Name of Departments from which separate reports received for 2013 and 2014

Sl. No.	Name of Departments	2013	2014
1	Chief Secretary		
2	Agriculture	Y	Y
3	Agriculture Marketing	Y	
4	Animal Resources	Y	
5	Assembly	Y	Y
6	Backward Classes Welfare	Y	Y
7	Bio-Technology	Y	Y
8	Chief Electoral Officer		
9	Child Development		
10	Civil Defence		
11	Commerce & Industries	Y	Y
12	Consumer Affairs	Y	Y
13	Co-operation	Y	Y
14	Correctional Administration	Y	Y
15	Disaster Management	Y	Y
16	Environment	Y	Y
17	Excise		
18	Finance		
19	Fire & Emergency Services	Y	Y
20	Fisheries		Y
21	Food & Supplies		Y
22	Food Processing Industries and Horticulture	Y	Y
23	Forest	Y	Y
24	Health and Family Welfare	Y	
25	Higher Education	Y	Y
26	Hill Affairs		
27	Home	Y	Y
28	Housing	Y	Y
29	Industrial Reconstruction		Y
30	Information and Cultural Affairs		

31	Information Technology		Y
32	Irrigation and Waterways	Y	Y
33	Judicial	Y	Y
34	Labour	Y	Y
35	Land and Land Reforms	Y	
36	Law	Y	Y
37	Mass Education Extension		
38	Micro and Small Scale Enterprise and Textiles	Y	Y
39	Minorities Affairs and Madrasah Education		
40	Municipal Affairs	Y	Y
41	North Bengal Development	Y	Y
42	North Bengal Development (Siliguri)	Y	Y
43	Panchayat and Rural Development	Y	
44	Paschimanchal Unnayan Affairs	Y	Y
45	Personel and Administrative Reforms	Y	Y
46	Planning	Y	Y
47	Power and Non-Conventional Energy Sources	Y	Y
48	Public Enterprise & Industrial Reconstruction	Y	Y
49	Public Health Engineering	Y	Y
50	Public Works	Y	Y
51	Refugee Relief and Rehabilitation	Y	
52	School Education	Y	
53	Science and Technology	Y	Y
54	Self Help Group and Self Employment	Y	Y
55	Sports		
56	Satistics & Programme Implementation	Y	Y
57	Secretary to the Governor		
58	Sundarban Affairs	Y	Y
59	Technical Education and Training		Y
60	Tourism	Y	Y
61	Transport	Y	Y
62	Urban Development and Townand Country Planning	Y	Y
63	Water Investigation and Development		Y
64	Women and Social Welfare	Y	Y
65	Youth Services		Y
Total		46	47

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.

[illegible]

(Reporting Period 01.01.2013 to 31.12.2013)																										
Sl. No.	Name of the Deptt. Authority (under the jurisdiction)	Total No. of Registers (including those pending at the time of 31.12.2013)	Cases Rejected										Total No. of access granted	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.											
			Under Section 8													Total	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)														
1		2	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
	Ranaghat Municipality	8	8		8																					
	Santahat Municipality	17		17	17																					
	Chandannagar Municipal Corporation	21		21		21																				
	Perinth Municipality	267		217	35	252																				
	Hatibahar Municipality	18		18		18																				
	Madhyangram Municipality	22		2	2	22																				
	Hovra Municipal Corporation	650		150	120	270																				
7	Forest Department	28		26	2	28																				
8	Labour Department	141		141		141																				
	BDO, Dubrajpur, Birbhum																									
9	Power & NIS Department																									
	Dir. Of Labour																									
	Chief Electrical Inspector	69		54	15	69																				
	WSES/DCL	100		24	55	79																				
	WBLA	338		221	52	273																				
10	West Bengal Legislative Assembly	23		23		23																				
11	Urban Development Department	175		162	12	174																				
	JL Secy.	29		28	1	29																				
	MS&E & T Department	2		1	1	2																				
	MS&EPS	45		45		45																				
14	Commerce & Industries Department																									
	MS&E & T Department	29		28	1	29																				
	MS&EPS	45		45		45																				
15	Consumer Affairs Department	18		8	10	18																				
16	Public Health Engineering Department	1		1		1																				
17	Environment Department	5		3		3																				
18	Science & Technology Department	12		12		12																				
19	North Bengal Dev. & Welfare Dept.																									
20	Women, Child Dev. & Social Welfare Dept.	98		82	10	92																				
21	Tourism Department	11		11		11																				
22	Co-operation Department	40		5	35	40																				
	MS&E & T Department	29		28	1	29																				
	MS&EPS	45		45		45																				
23	Statistics & Programme Implementation Department	2		1	1	2																				
24	Public Health Engineering Department	38		25	13	38																				
25	Agriculture Department	41		32	5	37																				
26	Refugee Relief & Rehabilitation Department	27		20		20																				

(Reporting Period 01.01.2013 to 31.12.2013)																													
Sl. No.	Name of the Deptt.	Name of the Public Authority (under the jurisdiction)	Total No. of cases where access granted	Total No. of cases where access denied (including those pending at the time of access)	Total No. of cases	Cases Rejected																		Amount of charges collected	Any facts which indicate the effort of the Public Authority to improve and implement the spirit and intention of the Act.				
						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)	U/s 9	U/s 11	U/s 24	Other	Total	Access granted	Denied	Total							
			Within 30 days	After 30 days	Total	Denied	Rebated	U/s 7(2)																					
27	1 Sundarban Affairs Department	SPO	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
				4	NIL	3	3	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	N	NIL	0	NIL	While processing one application under RTI Act, it was found that the applicant had already submitted the requisite fee of Rs. 10/- along with his application. Ge was not aware of the provisions of this RTI certificate. But he failed to submit the same. Therefore, information could not be furnished to him
28	Personal & Administrative Reforms Department	SPO		246	221	25	246	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	7	NIL	7	2210	Circulation of guidelines issued by Govt. of India, Dept of Personnel & Training.	
29	Bachchanal Unnayan Department	SPO		8	7	1	8	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	NIL	NIL	While processing one application under RTI Act, it was found that the applicant had already submitted the requisite fee of Rs. 10/- along with his application. Ge was not aware of the provisions of this RTI certificate. But he failed to submit the same. Therefore, information could not be furnished to him
30	Public Works Department	D.S. (Vg.)		81	81	NIL	81	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	NIL	NIL	
31	Public Enterprises & Industrial Reconstruction Department	SPO		8	8	NIL	8	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	44	NIL	
32	Law Department	SPO		39	39	NIL	39	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	82	Every effort is being made to dispose letter within stipulated time frame as per provision of the Act	
33	Food Processing Industries and Horticulture Department	Secretariat		8	7	1	8	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	80	NIL	
		FPDTE		NIL	NIL	NIL	0	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	NIL	NIL	
		HORTDTE		4	4	NIL	4	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	40	NIL	
		CAMPDTE		2	2	NIL	2	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	20	NIL	
		WISDPT & HDCL		NIL	NIL	NIL	0	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	NIL	NIL	
34	Animal Resources Development Department	Disc. G/A & AI		7	7	NIL	7	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	7	NIL	7	70	NIL	
		WB. S&L Dev. Corps. Ltd.		2	2	NIL	2	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	NIL	NIL	
		P.B. Co-Stampd B.S. S&S		4	4	NIL	4	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	NIL	NIL	
		WB. Unit. Animal & Fishery		3	3	NIL	3	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	4	NIL	4	NIL	NIL	
		N.C.B. Dairy Prod. Dev. Corps. Ltd.		2	2	NIL	2	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	2	NIL	2	NIL	NIL	
35	Housing Dept.	SPO		89	78	11	89	11		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	11	NIL	11	899	NIL	
36	Justice Department	SPO		113	113	112	112	112		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	14	NIL	14	NIL	NIL	
37	Planning Department	SPO		12	2	10	12	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	2	2	NIL	2	130	To conduct a RTI Awareness Generation Seminar in Block Department	
38	Agriculture Marketing Department	SPO		2	1	1	2	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	NIL	NIL	
		Disc. Gt Agri. Marketing		10	5	5	10	NIL		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	NIL	NIL	

(Reporting Period 01.01.2013 to 31.12.2013)																												
Sl. No.	Name of the Deptt.	Name of the Public Authority (under the jurisdiction)	Total No. of Registers d (including those pending at the time of)	No. of cases where access granted		Total No. of	Cases Rejected																No. of cases where 1 st 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	Total		Dropped Refusal U/s 7(2)	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)	U/s 9	U/s 24	Other	Total								
39	1 Backward Classes Welfare Department	SPTD	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
			100	44	56	100	56		NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	5	NIL	5	1000	The fact that there are no cases rejected u/s 8 or u/s 19(1) speaks of the efforts made by this Department to disseminate information to applicants. Acquiring of information from district and other officers has caused delay in applications. The interim replies in all pending cases have been sent to applicants pending receipt of final reports from the concerned authorities.
40	Fire & ES Dept.			11	4	7	11	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	N	NIL	0	100	Despite acute shortage of staff every effort is made to ensure accuracy in delivering the requested information to the RTI applicants.
		Telco Development WB Commission for Backward Classes	6	2	8	10	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	1	NIL	1	NIL	NIL
		WBESCT & Finance Corp	1	1	NIL	1	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	22	NIL
			5	5	NIL	5	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	NIL	NIL
		SPTD	28	28	NIL	28	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	6	NIL	6	200	Eight RTI applications were received by other departments and copies have been sent to this department.
41	North Bengal Dev. Department (Siliguri)	SPTD		NIL	3	3	6	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	2	NIL	2	NIL	NIL
42	Self Help Group & Self Employment	SPTD	4	4	0	4	0	0	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	40	NIL
43	Irrigation & Waterways Department	SPTD	69	69	NIL	69	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	52	NIL	52	NIL	NIL
44	Transport Department	CSTC	23	4	19	23	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	240	NIL
		SISTC	4	4	NIL	4	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	4	NIL	4	40	NIL
		FTI	NIL	NIL	NIL	0	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	NIL	NIL
		T.P. & T.E.	10	10	NIL	10	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	3	NIL	3	NIL	NIL
		PWD	360	174	186	360	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	3600	NIL
		HBDC	NIL	NIL	NIL	0	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	NIL	NIL
		Shallman Works (1980) Ltd.	NIL	NIL	NIL	0	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	NIL	NIL
		POOL CAR	NIL	NIL	NIL	0	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	NIL	NIL
		NESTEC	25	5	20	25	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	64	NIL	64	72	NIL
		WBIDCL	NIL	NIL	NIL	0	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	NIL	NIL
		SPTD	17	13	4	17	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	179	NIL
			2	2	NIL	2	NIL	2	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	20	NIL
45	Bio-Technology Department			54	54	NIL	54	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	2	NIL	2	380	NIL
46	Correctional Administration Department			NIL	NIL	NIL	0	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL	0	NIL	NIL	0	NIL	NIL
	TOTAL		10512	7856	2134	9990	967	0	6	0	5	0	0	0	0	0	59	0	22	0	289	381	1431	242	1673	38441		

(Reporting Period 01.01.2014 to 31.12.2014)																													
Sl. No.	Name of the Deptt. Authority (under the jurisdiction)	Total No. of Registeres (including those pending at the time of the report)	No. of cases where access granted		Total No. of Refusal U/s 7(2)	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.			
			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 11	U/s 24	Other	Total	Access granted	Denied	Total						
1	Agriculture Department	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	Agriculture Marketing Department		33	27	5	32	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	NIL		
			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		
3	WB Legislative Assembly		24	13	11	24	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	NIL		
4	Biotechnology Department		22	22	0	22	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	1	6	58	0	NIL		
5	Commerce & Industries Department		2	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL		
6	Consumer Affairs Department		37	31	6	37	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20	4	0	4	0	0	NIL		
7	Co-op. Department		60	21	29	59	0	0	0	0	0	0	0	0	0	0	0	0	0	5	5	10	1	11	430	0	NIL		
8	Disaster Management Department		41	33	0	33	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	This Deptt. has tried its level best to give services to all the applicants to their satisfaction		
9	Environment Department		8	8	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL		
10	Fire & Emergency Services Department		52	52	0	52	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	NIL		
11	Fisheries Department		201	118	68	186	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15	9	0	9	0	0	NIL		
12	Food & Supplies Department		5	5	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	NIL		
13	Food Processing Industries & Horticulture Department		33	33	0	33	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL		
14	Forest Department		11	11	0	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	80	Smoothly Running	
15	Higher Education Department		98	83	0	83	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	830	Smoothly Running	
16	Housing Department		45	33	12	45	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	340	Smoothly Running	
17	Industrial Reconstruction Department		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	NIL	
18	Information Technology Department		3	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3	0	0	0	NIL	
19	Irrigation & Waterways Department		58	58	0	58	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3	0	0	0	NIL	
20	Transport Department		72	72	0	72	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3	0	0	0	NIL	
21	Waterways Department		22	13	2	15	0	0	0	0	0	0	0	0	2	0	0	0	0	0	4	6	1	1	2	464	0	NIL	
22	Waterways Department		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	NIL	
23	Waterways Department		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	
24	Waterways Department		16	12	4	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3	0	0	0	NIL	
25	Waterways Department		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	NIL	
26	Waterways Department		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	
27	Waterways Department		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	NIL	
28	Waterways Department		77	72	5	77	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	6	0	0	0	NIL	
29	Waterways Department		345	345	0	345	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18	0	18	0	0	0	NIL	
30	Waterways Department		82	58	23	81	0	0	0	0	0	0	0	0	0	0	0	0	0	0	81	4	0	4	0	0	0	850	NIL
31	Waterways Department		182	167	15	182	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	14	0	14	0	0	0	1820	NIL
32	Waterways Department		11	11	0	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	125	NIL
33	Waterways Department		8	5	3	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	80	NIL
34	Waterways Department		75	75	0	75	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	44	0	44	0	0	0	0	NIL

(Reporting Period 01.01.2014 to 31.12.2014)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
Sl. No.	Name of the Deptt.	Name of the Public Authority (under the jurisdiction)	Total No. of Registeres (including those pending at the time of filing)	No. of cases where access granted		Total No. of cases Rejected	Under Section 8													No. of cases where 1 st 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	Deemed Refusal U/s 7(2)	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 24	Other																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								

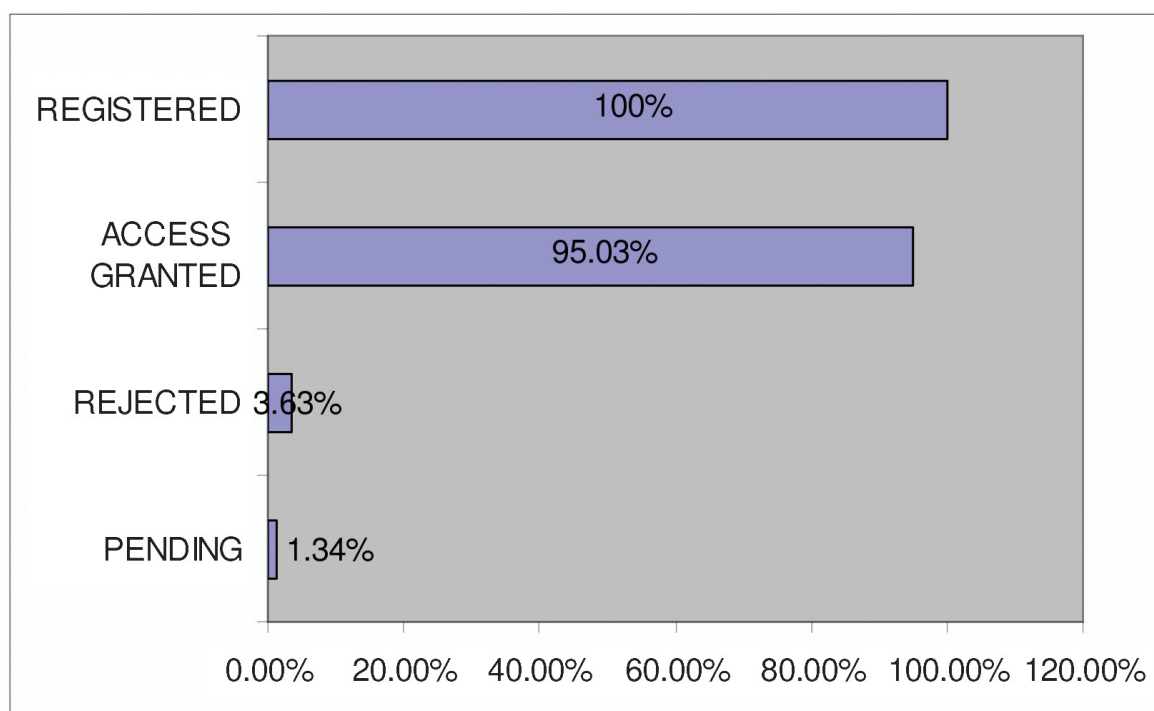
(Reporting Period 01.01.2014 to 31.12.2014)																												
Sl. No.	Name of the Deptt.	Name of the Public Authority under the Jurisdiction	Total No. of Registered (including those pending at the time of filing)	No. of cases where access granted			Total No. of	Cases Rejected															Amount of charges collected	No. of cases where 1 st Appeal has been made u/s 19(1)	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		Dropped Refusal U/s 7(2)	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 24	Other	Total				Access granted	Denied	Total
30	P & AR Dept.	SPDO	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
			373	356	17	373	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	15	1	16	3040	Circulation of guidelines issued by Govt. of India Deptt. of Personnel & Training
31	Planning Department	SPDO																										
32	Power & NES Department	SPDO	24	3	6	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	240	NIL
		WBSEDC	47	47	0	47	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	0	5	0	NIL
		WBSEDC	72	37	45	72	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	739	NIL
		WBSEDC	32	8	12	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	12	0	0	0	0	All the prescribed information (17 No. of manuals are hosted in Company's Website under the head 'RTI PORTAL')
33	Industrial Reconstruction Department	WBREDA	14	7	1	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
34	Public Health Engineering Department	SPDO	14	10	4	14	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3	0	Deptt. is putting its utmost effort to provide information to the information seeker
35	Public Works Department	SPDO	66	66	0	66	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	2	0	NIL
36	School Education Department	D.I. (S.E.), Jalpaiguri	56	45	11	56	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
		D.I. (P.E.), Paschim Medinipur	6	4	2	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
		D.I. (S.E.), Birebhanpur	33	33	0	33	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
		D.I. (S.E.), Birbhum	40	40	0	40	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
		D.I. (S.E.), Alipaduar	27	26	1	27	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
		D.I. (S.E.), Koksha	6	6	0	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
		D.I. (P.E.), Birebhanpur	12	7	5	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10	0	10	0	0	NIL
		D.I. (P.E.), Howrah	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
		D.I. (P.E.), Purba Medinipur	41	41	0	41	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
		WBSE	164	95	21	116	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	0	6	0	280	Discussion and meeting on important cases as and when necessary
37	Science & Technology Department	SPDO	10	10	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
38	Self Help Group & Self Employment Department	SPDO	9	9	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	90	NIL
		Society for Self Employment of Unemployed Youth	5	3	2	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
39	Static & Programme Implementation Department	W.B. Swasthagar 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	NIL
		SPDO	6	4	1	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
40	Statistical Affairs Department	SPDO	10	8	8	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
		SDCL	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	NIL
		Sundarban Dev. Board	13	13	0	13	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
41	Technical Education & Training Department	DTET	45	45	0	45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
		DVET	15	15	0	15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
		T.E. & T.	42	42	0	42	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
42	Tourism Department	SPDO	17	7	10	17	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
43	Transport Department	SPDO	77	29	57	77	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	28	0	28	260	NIL	
		GSYC	18	6	12	18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	150	NIL
		WBSEDC	13	3	2	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13	0	13	0	0	130	NIL
		FTI	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
		T.P. & T.E.	12	12	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	12	11	0	11	0	NIL
		PVD	419	410	9	419	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	3	0	3	3751	NIL	
		HBRC	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	NIL

(Reporting Period 01.01.2014 to 31.12.2014)																												
Sl. No.	Name of the Deptt.	Name of the Public Authority/under the Jurisdiction)	Total No. of Registered and 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 st 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 24	Other			
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	
		Shallant Works (1980) 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	NIL	
		Pool Car	2	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	NIL	
		GTC (1978) Ltd.	86	61	25	86	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	17	0	17	18	0	NIL	
		MSDC	20	7	50	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL	
		WCD & SW Deptt. 2014	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	
		BHT	20	6	14	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20	0	20	195	0	NIL	
44	Urban Development Department																											
		SPFO	21	19	2	21	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	410	NIL	
		Estate Manager, Kalyani	16	15	1	16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	306	NIL	
45	Water Resource Investigation Department	SPFO	21	15	6	21	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	4	190	0	NIL	
46	WCD & SW Department	SPFO	91	79	8	87	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	2	2	0	2	122	0	NIL
47	Youth Services Department	SPFO	6	4	2	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NIL
			5767	4638	853	5491	31	1	3	0	1	0	0	0	2	0	13	7	0	0	179	206	328	6	334	100116		

2013

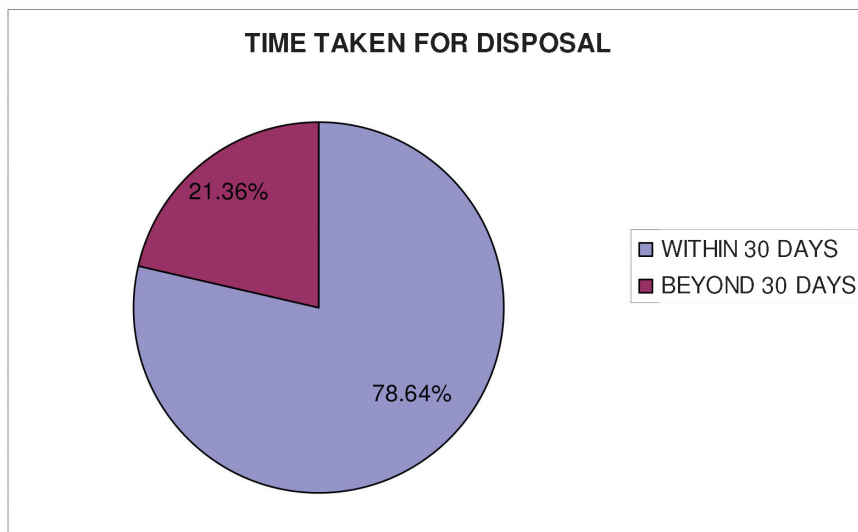
Status of RTI applications filed in the State:

a) Total No. of registered cases (including these pending at the time of reporting)	:	10512
b) Total No. of cases where access granted	:	9990 (95.03%)
c) Total no. of cases rejected	:	381 (3.63%)
d) Total No. of cases pending at the time of reporting	:	141 (1.34%)



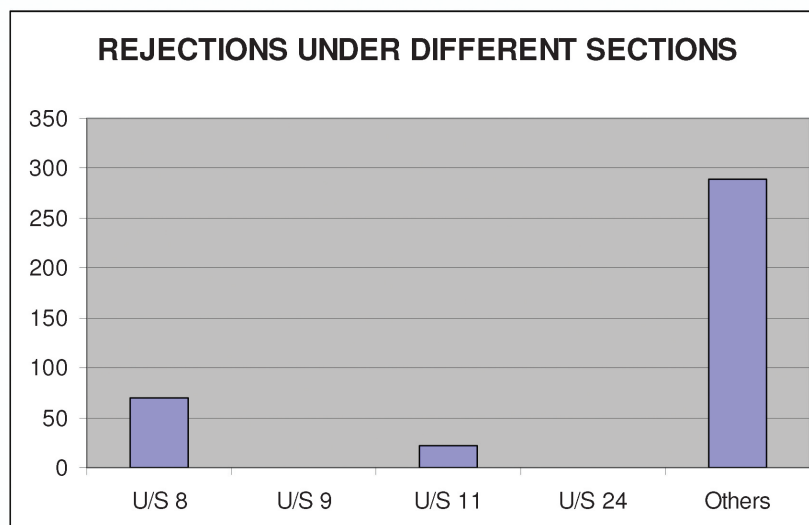
Status of Disposal of RTI Application filed in the State:

a) Total No. of cases where access was granted	:	9990
b) Access granted within 30 days	:	7856 (78.64%)
c) Access granted beyond 30 days	:	2134 (21.36%)



Status of Rejection of RTI applications filed in the state:

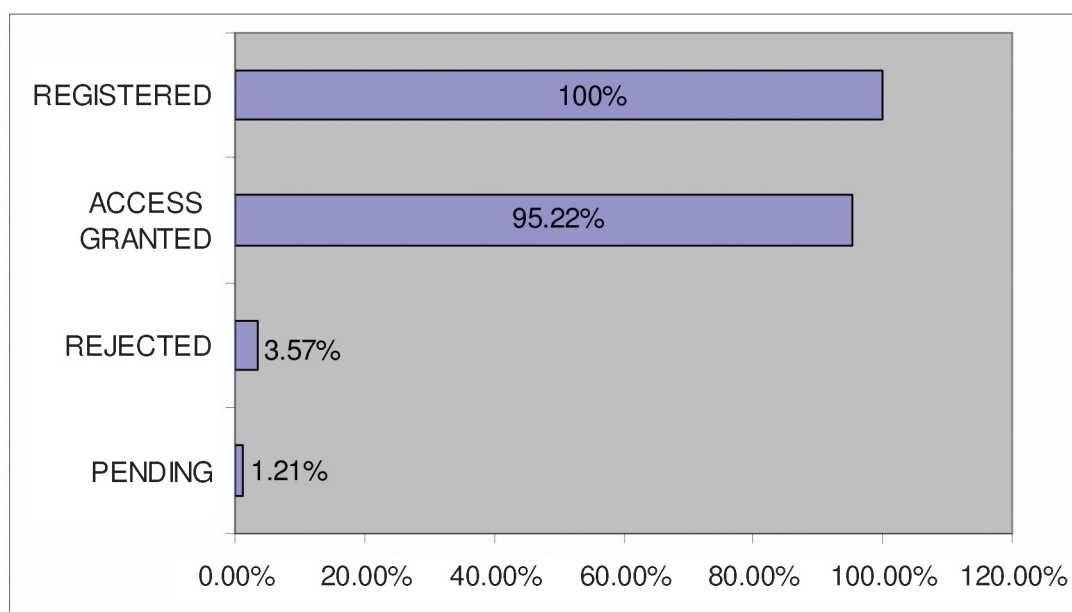
U/S.	8(1)(a)	:	00
	8(1)(b)	:	06
	8(1)(c)	:	00
	8(1)(d)	:	05
	8(1)(e)	:	00
	8(1)(f)	:	00
	8(1)(g)	:	00
	8(1)(h)	:	00
	8(1)(i)	:	00
	8(1)(j)	:	59
	9	:	00
	11	:	22
	24	:	00
	Others	:	<u>289</u>
TOTAL	:		381



2014

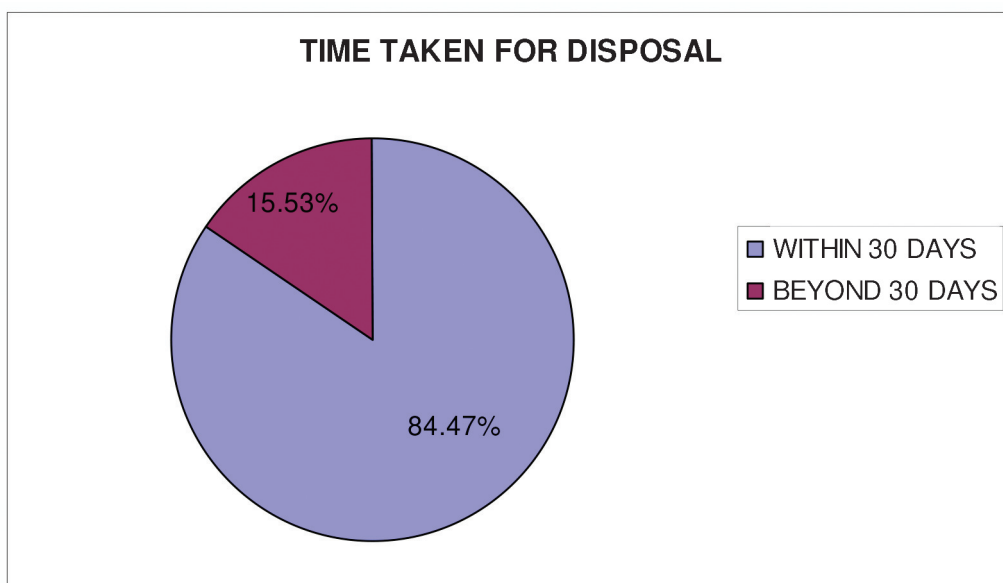
Status of RTI applications filed in the State:

a) Total No. of registered cases (including these pending at the time of reporting)	:	5767
b) Total No. of cases where access granted	:	5491 (95.22%)
c) Total no. of cases rejected	:	206 (3.57%)
d) Total No. of cases pending at the time of reporting	:	70 (1.21%)



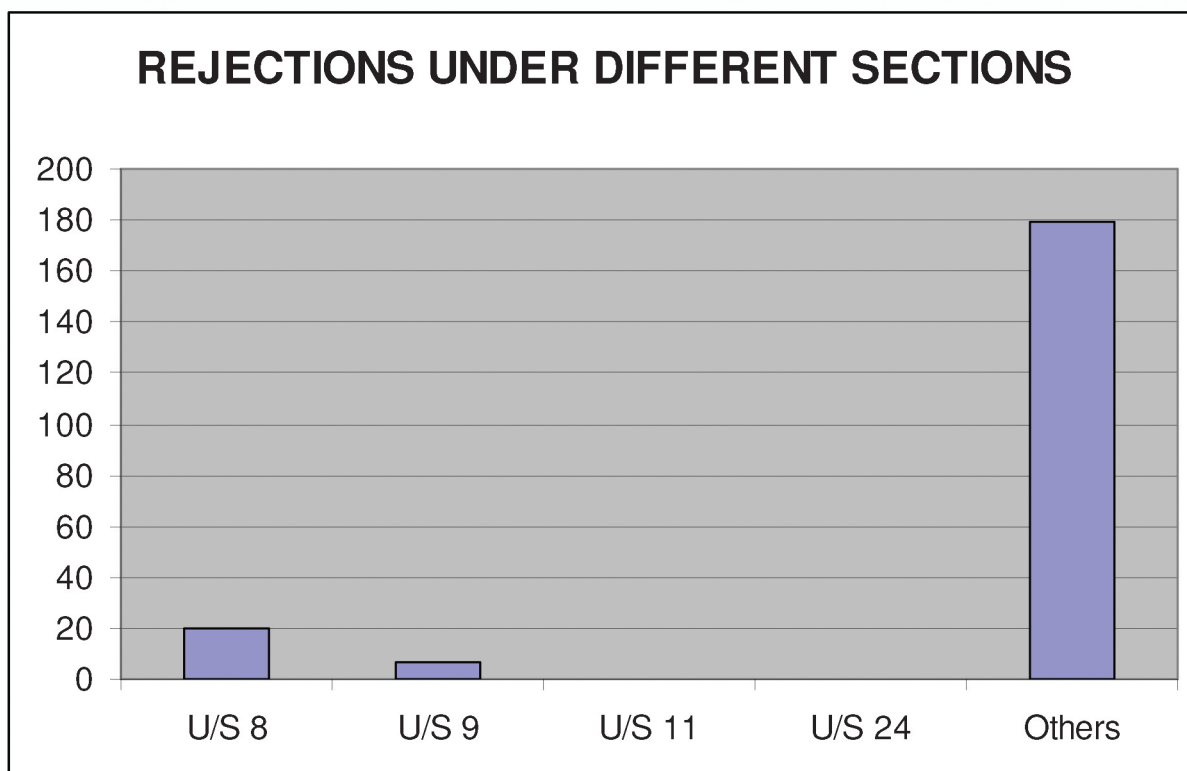
Status of Disposal of RTI Application filed in the State:

a) Total No. of cases where access was granted	:	5491
b) Access granted within 30 days	:	4638 (84.47%)
c) Access granted beyond 30 days	:	853 (15.53%)



Status of Rejection of RTI applications filed in the state:

U/S.	8(1)(a)	:	01
	8(1)(b)	:	03
	8(1)(c)	:	00
	8(1)(d)	:	01
	8(1)(e)	:	00
	8(1)(f)	:	00
	8(1)(g)	:	00
	8(1)(h)	:	02
	8(1)(i)	:	00
	8(1)(j)	:	13
	9	:	07
	11	:	00
	24	:	00
	Others	:	<u>179</u>
TOTAL		:	206

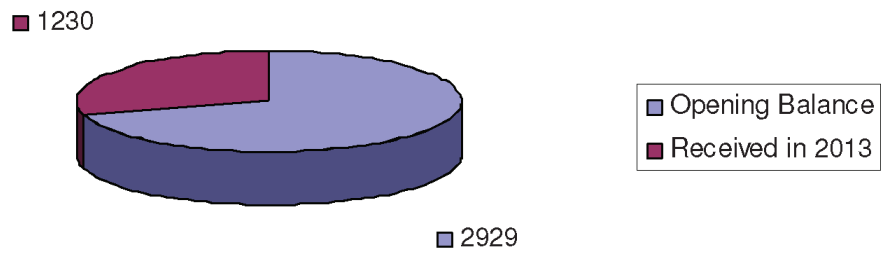


Disposal of Complaints and Appeals by West Bengal Information Commission During the Period

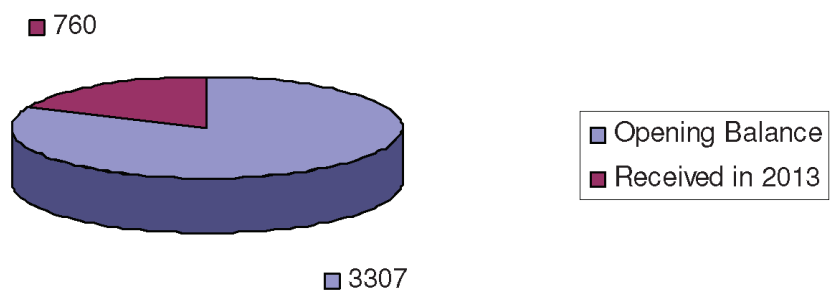
2013

				Disposed in 2013						Pending					
Opening Balance		Received in 2013		Cases of 2013		Cases of Previous Years		Total		Cases Of 2013		Cases Of Previous Years		Total Pending at the end of 2013	
Appeal	2929	Appeal	1230	Appeal	3	Appeal	205	Appeal	208	Appeal	1227	Appeal	2724	Appeal	3951
Complaint	3307	Complaint	760	Complaint	2	Complaint	120	Complaint	122	Complaint	758	Complaint	3187	Complaint	3945
Total	6236	Total	1990	Total	5	Total	325	Total	330	Total	1985	Total	5911	Total	7896

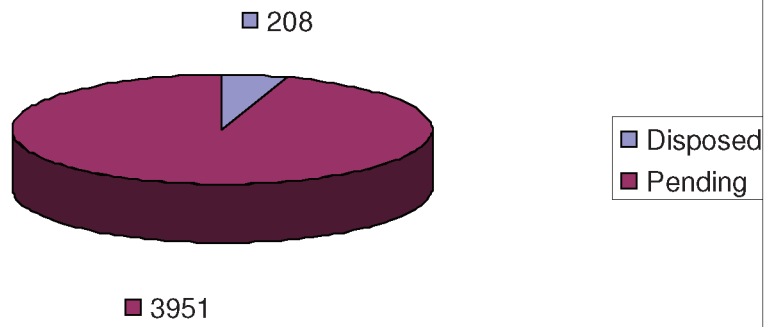
Total No. of Appeals in 2013



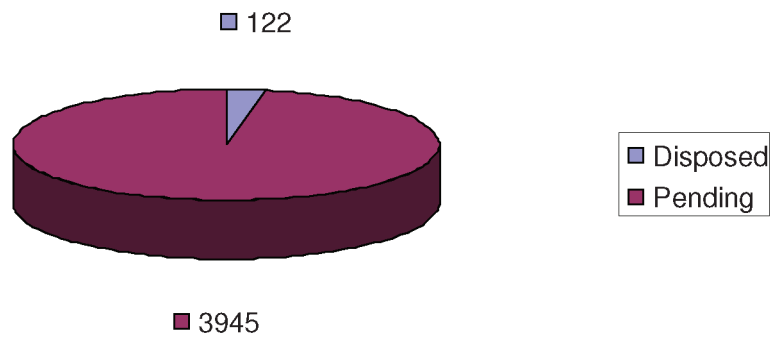
Total No. of Complaints in 2013



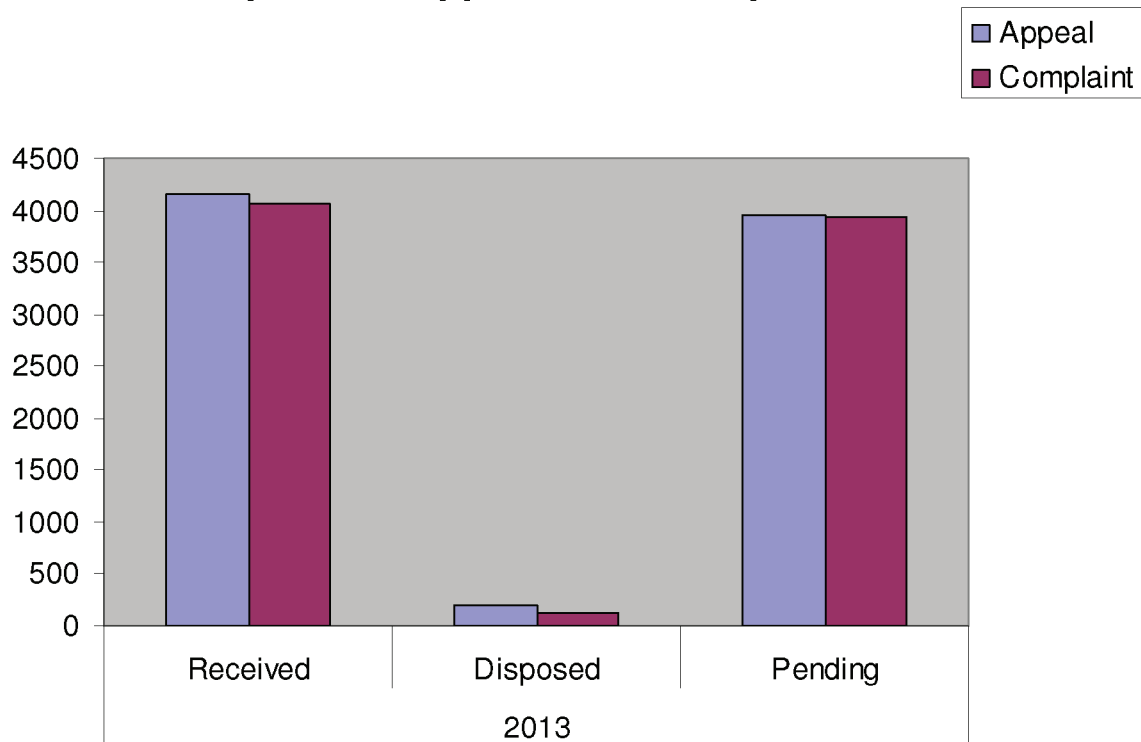
Disposal of Appeals in 2013



Disposal of Complaints in 2013

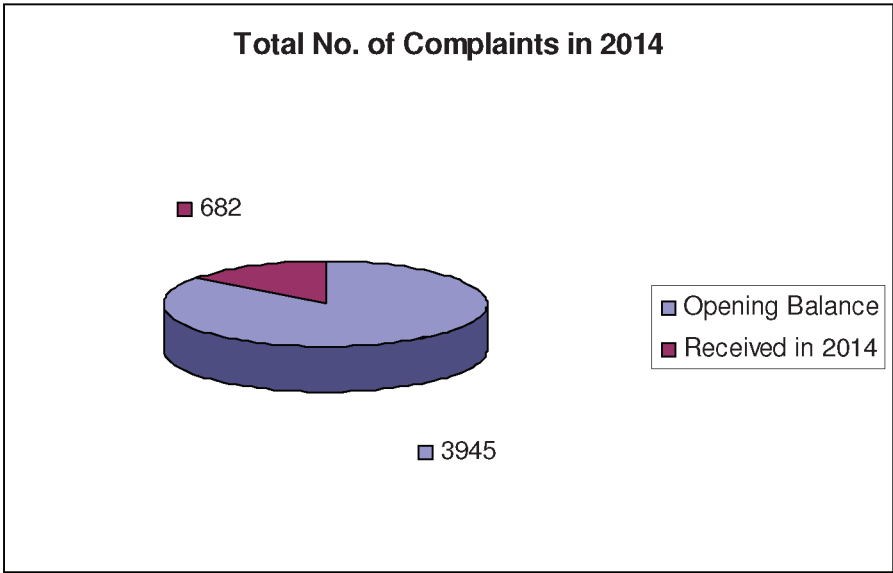
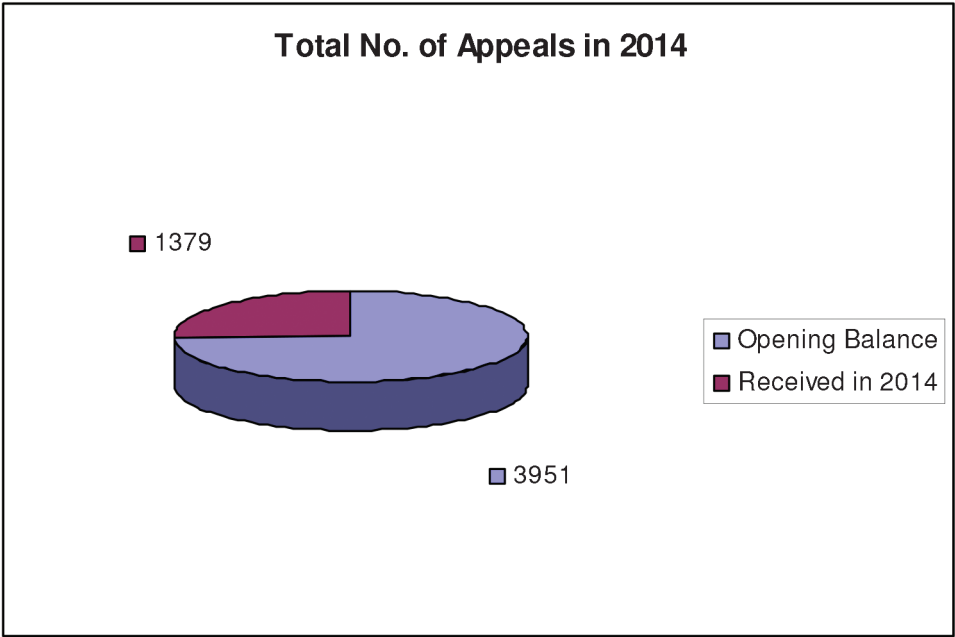


Disposal of Appeals and Complaints

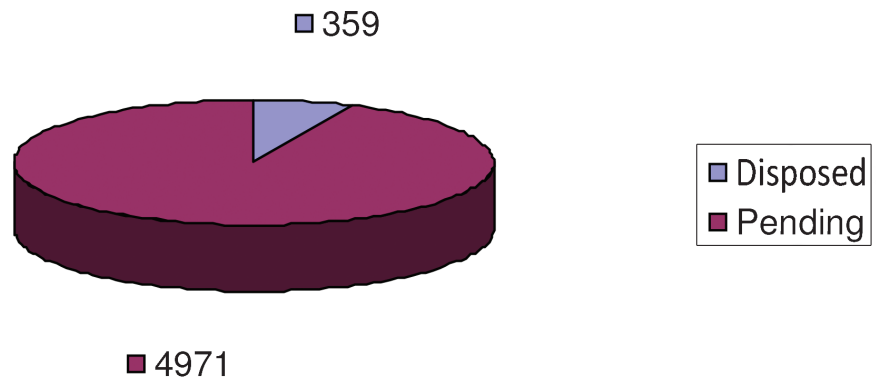


2014

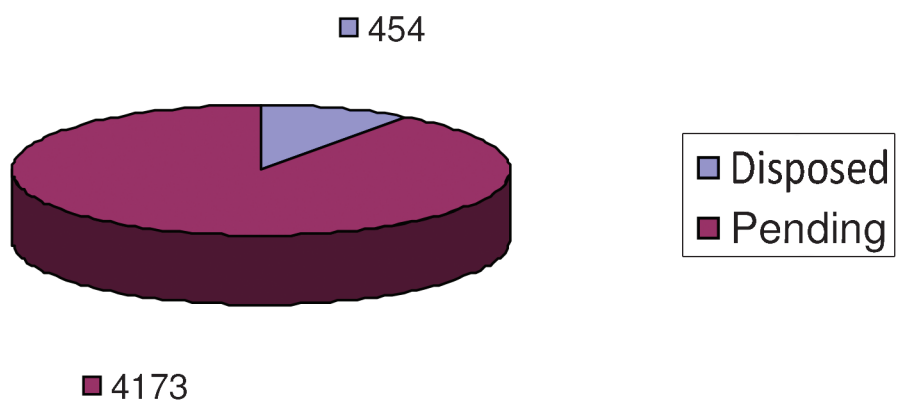
				Disposed in 2014						Pending					
Opening Balance		Received in 2014		Cases Of 2014		Cases of Previous Years		Total		Cases Of 2014		Cases Of Previous Years		Total Pending at the end of 2014	
Appeal	3951	Appeal	1379	Appeal	55	Appeal	304	Appeal	359	Appeal	1324	Appeal	3647	Appeal	4971
Complaint	3945	Complaint	682	Complaint	32	Complaint	422	Complaint	454	Complaint	650	Complaint	3523	Complaint	4173
Total	7896	Total	2061	Total	87	Total	726	Total	813	Total	1974	Total	7170	Total	9144

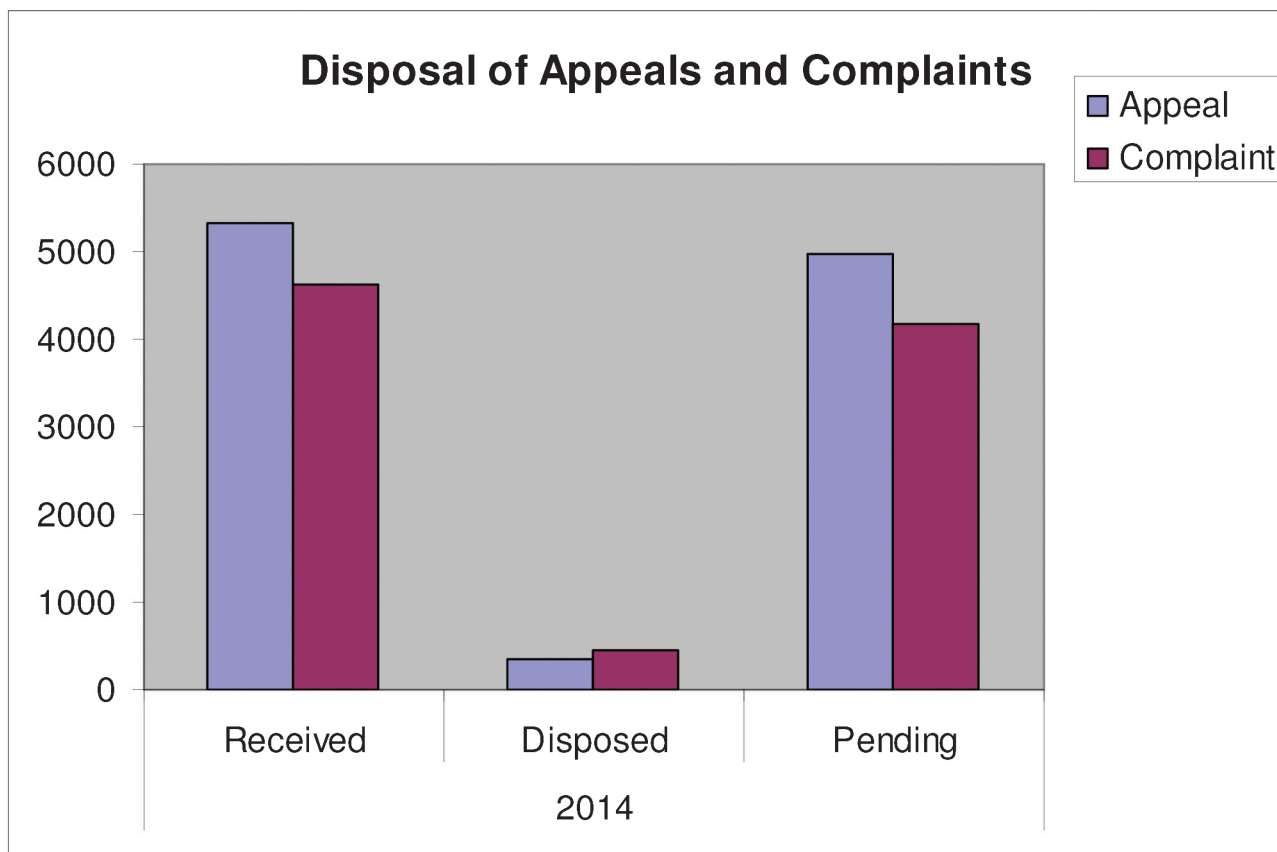


Disposal of Appeals in 2014



Disposal of Complaints in 2014





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 2013 for organizing seminars and workshops and producing publicity materials on RTI.

However, out of the fund received therein, Rs. 2,04,150/- was spent during 2013 and Rs. 5,850/- was spent during 2014 for organizing seminars and workshops and producing publicity materials on RTI. The details for expenditure thus incurred has been shown below in tabulated form.

<u>Date of Sanction</u>	<u>Recipient of fund</u>	<u>Amount Sanctioned</u>
08.02.2013	DIG (Trg.) SVSP Academy, Barrackpore	10,000/-
21.02.2013	Principal, Dhruba Chand Halder College	20,000/-
22.02.2013	Trade Link for printing of Books	50,000/-
25.04.2013	Administrative Officer of Regional Institute of Correctional Administration, Dum Dum	10,000/-
21.06.2013	D.M., Malda	20,000/-
16.07.2013	D.M., Purulia	20,000/-
12.08.2013	University of North Bengal	20,000/-
22.08.2013	D.M., Purulia	20,000/-
29.10.2013	Regional Institute of Correctional Home	10,000/-
13.11.2013	Chairman, District Legal Service Authority, Darjeeling	20,000/- + 4,150/-
31.07.2014	Inspector General of Correctional Services	5,850/-

IMPORTANT INITIATIVES

1. Streamlining the Commission's data management system

The Commission took up an initiative in 2012-13 to update and streamline the record keeping and monitoring system in the Commission's office. The database of receipt and disposal of cases by the Commission was incomplete due to infrastructural and other inadequacies. A comprehensive exercise was undertaken to update and verify the records to ensure that all cases received by the Commission were reflected in the database chronologically with all necessary details showing the status of processing and disposal. Though the exercise called for considerable time and painstaking effort, it was considered of vital importance to ensure systematic and orderly disposal of cases and proper monitoring. The database was updated and complete chronological list of cases with their status was prepared enabling on-going verification and effective monitoring.

2. Disposal of cases by the Commission in chronological order

Simultaneously with the exercise to streamline the data management system, the Commission took the decision in March, 2013 to dispose of cases coming before it in chronological order as far as possible except where court orders are involved, where the information relates to a matter of life and liberty and where the information relates to answer scripts which would be taken up on priority basis.

3. Comprehensive proposal for strengthening the Commission's set up

The Commission continues to be severely handicapped by shortage of manpower leading to long pendency of cases. The matter was being taken up with Government from time to time but the Commission's set up remains woefully inadequate to cope with the large number of cases coming up before it within a reasonable time. Delay in disposal of cases diminishes the utility of the RTI Act to the information seeker. After a thorough evaluation of the work load and requirements, the Commission drew up a comprehensive proposal and sent it to Government in August, 2014. No significant response has been received from Government. The matter is of utmost importance and the Commission expects that it will receive due attention and early resolution.

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. Attention of the Government is drawn 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

Bhabani Bhaban (2nd Floor), Alipore

Kolkata -700 027

Phone No.-(033)2479-1966

Fax No. (033) 2456 0223

Website : www.wbic.gov.in

E-mail : scic-wb@nic.in

Complaint No. 1280 of 2010

Under The Right to Information Act, 2005

Name of Complainant : Kevin Joseph

Public Authority : Land Acquisition Collector, Kolkata

Date of hearing : 14.05.2013 & 21.05.2013

Present:

On 14.05.2013

- 1) Kevin Joseph..... RTI Applicant,
- 2) Clint Joseph Assisting the RTI applicant,
- 3) Kamal Sen Gupta..... Asstt. Land Acquisition Officer, Kolkata,
- 4) Sukumar Bera SRO-II& SPIO,
- 5) Subhas Chandra Shikari LA collector, Kolkata,
- 6) Sujoy Das Gupta Addl Secy & Appellate Authority L&LR Deptt.,

On 21.05.2013

- 1) Kevin Joseph..... RTI Applicant,
- 2) Clint Joseph..... Assisting the RTI applicant,

- 3) Kamal Sen Gupta Asstt. Land Acquisition Officer, Kolkata,
- 4) Sukumar Bera SRO-II& SPIO,
- 5) Subhas Chandra Shikari LA collector, Kolkata.

This matter was earlier heard by this Commission and passed an order dated 16.07.2012.

The petitioner, being aggrieved because the aspect of penalty was not considered by the Commissioner while passing the said order, filed writ petition WP 8391(W) of 2013. The Hon'ble High Court passed an order in the above writ petition on 25.03.2013 with the direction upon the Commissioner to consider in accordance with law as to whether the State Public Information Officer and/or the 1st Appellate Authority have at all been negligent in furnishing information to the petitioner, as claimed by him, or not. It was further directed that a decision to this effect shall be given within 30 days from the date of receipt of copy of this order.

The petitioner had earlier filed a writ petition WP No. 9295(W) of 2012 which was disposed off by the Hon'ble High Court on 22.06.2012 with the following direction:-

“The Commission shall consider the complaint under Section 18 of the Act lodged by the petitioner and take appropriate steps thereon in accordance with law for ensuring that not only the petitioner is informed as to whether he is entitled to the information sought for by him or not together with direction for furnishing him information if he is entitled in law, appropriate action is taken against the erring State Information Public Officer as well as the 1st Appellate Authority, if at all they have acted in a manner which has the effect of frustrating the provisions of the Act.”

This order of the Hon'ble High Court was not within the knowledge of this Commission at the time of passing its order dated 16.07.2012. No record could be found in the Commission's office of having received any information in this regard from the Commission's Lawyer or any other source till receipt of the copy of the subsequent Writ Petition WP No. 8391(W) of 2013 from the Ld. Advocate of the petitioner on 19.03.2013. The petitioner also did not produce the order during the hearing of the Commission on 06.07.2012 or 05.09.2012.

In pursuance of the order of the Hon'ble High Court, dated 25.03.2013, a hearing was held by the Commission on 14.05.2013 where the complainant, SPIO and Appellate Authority were heard. The complainant filed a written statement on that day. After hearing the SPIO and the Appellate Authority, the SPIO was directed to submit a written statement by 17.05.2013 and further hearing was fixed for 21.05.2013.

The SPIO filed his written statement on 17.05.2013. The SPIO submits that the information sought by the RTI applicant related to LDP Case No. 4 of 1967 which was nearly 42 years old and the relevant records could not be readily traced out. The SPIO produced the relevant file notings to show that immediately after getting the RTI application, action was initiated on 16.11.2009 to locate the information from different sections dealing with land acquisition matters. As no records could be traced out from their own office, the LA Collector contacted the Spl. LA Judge's Court office and obtained the award copies of LDP Case No. 4 of 1967 to furnish the information finally on 03.07.2012 to the applicant. It transpired from the records of this LDP case that 102 Regent Estate was not acquired

by the LA Collector as claimed by the applicant. It also transpired that in case No. 4 of 1967 JC John and Rosy Joseph were not awardees as claimed in the RTI application. The wrong particulars given by the applicant made the task of locating the correct records more difficult. The RTI application did not contain any plot numbers by which the relevant records could have been identified. The two letters from the Deputy Official Trustee of West Bengal and Administrator General of West Bengal, which the RTI applicant had submitted to the Commission with reference to the acquisition of 102 Regent Estate claimed to have been made under Case No. 4 of 1967, were never brought to the notice of the LA Collector's Office by the applicant.

After due consideration of the submissions, the Commission is satisfied that the delay in furnishing the information was essentially due to the difficulty in locating the very old records which are more than 40 years old. The fact that the premises number and names of beneficiaries given by the applicant do not tally with those of the LDP Case in question would have further made the task difficult. The Commission therefore does not consider that the SPIO has been negligent or caused deliberate delay in furnishing information.

Additional Secretary and 1st Appellate Authority submits that he has made every effort to furnish the required information to the applicant. After receiving the Commission's letter dated 08.04.2010, he requested Land Acquisition Collector, Kolkata to provide the information directly to the petitioner vide his letter no. 3390-Estt./1C-Kol-15/10 dated 04.05.2010. Again, the Appellate Authority requested the LA Collector on 25.06.2010 and 08.12.2011 to furnish the information.

The applicant did not file any 1st appeal to the public authority. On receiving the Commission's direction dated 08.04.2010 the 1st Appellate Authority directed the LA Collector to furnish the information and followed it up twice thereafter. If the 1st Appellate Authority had conducted a hearing calling the RTI applicant and the SPIO, it would have perhaps helped in speeding up the matter. However, the Commission does not consider that the 1st Appellate Authority was negligent since he issued directions to the SPIO for furnishing the information and repeatedly followed up the matter with the SPIO. Further there is no provision for penalizing the 1st Appellate Authority under the RTI Act, 2005.

In the light of the observations as above, this Commission does not find sufficient grounds for invoking penal provisions against the SPIO or the 1st Appellate Authority.

The Commission notes with serious concern that no information about the Hon'ble High Court's order dated 22.06.2012 was available with it when the RTI complaint was disposed off by the Commission vide its order dated 16.07.2012. Secretary and Registrar, West Bengal Information Commission is directed to enquire into the matter and ascertain the reasons for the lapse and fix up responsibility. The matter may also be placed before Hon'ble State Chief Information Commissioner for appropriate directions as deemed fit.

The matter is thus disposed of.

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

Sd/-

(K. John Koshy)

State Information Commissioner, W.B.

Date: 21.05.2013

No. 977(5) (Order)-WBIC/RTI/374/10

Date: 30.05.2013

Authenticated true copy forwarded to:

1. Kevin Joseph, 91, Sandal Street, PS-Park Street, Kolkata- 700 016,
2. Kamal Sen Gupta, Asstt. Land Acquisition Officer, Kolkata, 5 Bankshall Street, Kolkata- 700 001,
3. Subhas Chandra Shikari, LA Collector, Kolkata, 5 Bankshall Street, Kolkata- 700 001,
4. Sujoy Das Gupta, Addl. Secy. & Appellate Authority L&LR Deptt., Writers' Buildings, Kolkata-700 001,
5. Secretary and Registrar, West Bengal Information Commission.

**Deputy Secretary & Addl. Registrar
West Bengal Information Commission**

WEST BENGAL INFORMATION COMMISSION

Bhabani Bhaban (2nd Floor), Alipore

Kolkata -700 027

Telephone-2479-1966

Fax No. 2456-0223

Website : www.wbic.gov.in

E-mail : scic-wb@nic.in

Appeal No. 5636 of 2008

Under the Right to Information Act, 2005

RTI Applicant : Shri Vijay Kr. Mahato

Public Authority : District Inspector of Schools(S.E.), Howrah

Date of RTI Application : 07.06.2008

Date of 1st Appeal : 16.07.2008

Date of 2nd Appeal before the Commission : 03.11.2008

Date of hearing : 28.05.13

Present :-

- 1) Shri Omprakash Pandey.....H/M, Howrah Janata Adarsha Vidyalaya
- 2) Shri Mitra Basu.....A.D.I/S(S.E.), Howrah

Facts on records

1. Shri Vijay Kr. Mahato (hereinafter referred to as Appellant) submitted one RTI application on 07.06.2008 to the D.I.(S.E.) Howrah.
2. Without getting any response the appellant preferred first appeal on 07.04.2008 to the Appellate Authority, School Education Department. The Appellate Authority conducted a hearing on 18.09.2008 and passed an order on the same date. The Appellant preferred 2nd appeal before the Commission on 26.05.2008.
3. The Commission decided to hear the appeal and fixed up the date of hearing on 23.05.13. The Commission received the written statement of D.I. of Schools (S.E.), Howrah and the

Joint Secretary & Appellate Authority, School Education Department.

4. The Commission perused the records and heard the submission of public authority.

Decision

5. Points of information as desired by the appellant are personal in nature.
6. As per section 8(1)(j) “there shall be no obligation to give any citizen information which relates to personal information disclosure of which has no relationship to any Public activity or interest”.
7. There is nothing in the second appeal from which it can ascertain whether any public activity or interest has been affected or not from the disclosure of academic qualification and appointment order of Sri Pandey.
8. Under this backdrop, Commission decided to close the matter.

Date: 28.05.13

Sd/-
(G. D. Gautama)
State Information Commissioner,
West Bengal

No. 1008 (3) (Order)-WBIC/RTI/154/13

Date: 04.06.13

Authenticated true copy forwarded to:

1. The Joint Secretary & Appellate Authority, School Education Department, Bikash Bhavan, Salt Lake, Kolkata-700 091.
2. The District Inspector of Schools (S.E.), Howrah, Siksha Bhawan, 19, Nityadhan Mukherjee Road, 3rd Floor, P.O.+ Dist.-Howrah.
3. Shri Vijay Kr. Mahato, 6, Robertson Bye Lane, Ward No.-13, P.O.-Telinipara, P.S.-Bhadreswar, Dist.-Hooghly.

Law Officer & Joint Registrar,
West Bengal Information Commission

WEST BENGAL INFORMATION COMMISSION

Bhabani Bhaban (2nd Floor), Alipore

Kolkata -700 027

Phone No.-(033)2479-1966

Fax No. (033) 2456 0223

Website : www.wbic.gov.in

E-mail : scic-wb@nic.in

Appeal No. 3179 and 4197 of 2009

Under The Right to Information Act, 2005

Complainant: Gobinda Sumar

Public Authority : West Bengal Madrasah Service Commission

Dates of RTI Application : 22.12.2009 and 02.02.2010

Dates of complaint to the Commission : 01.04.2010 and 03.05.2010

Dates of hearing : 18.07.2013, 06.08.2013 and 27.08.2013

In his RTI applications dated 22.12.2009 and 02.02.2010 the applicant sought some information relating to the Regional Level Selection Test 2007 for Assistant Teachers in Madrasahs. West Bengal Madrasah Service Commission furnished information to the applicant vide Memo No. MSC/337/09 dated 06.01.2010 and Memo No.MSC/395/10 dated 24.03.2010. Dissatisfied with the information furnished, the applicant filed complaints with this Commission on 01.04.2010 and 03.05.2010.

On scrutiny of the replies furnished by the Madrasah Service Commission it is observed that the applicant in his RTI application dated 22.12.2009 wanted to know the marks scored by him as well as the marks scored by the successful candidates. In their reply dated 06.01.2010, the Madrasah Service Commission furnished information to the applicant. In his RTI application dated 02.02.2010, the applicant sought 11 point information seeking further details based on the Madrasah Service Commission's reply dated 06.01.2010. Madrasah Service Commission furnished point-wise information vide their letter dated 24.03.2010.

Dissatisfied with the reply dated 24.03.2010 from the public authority, the applicant filed his complaint dated 01.04.2010 with this Commission. He has challenged the stand of the public authority in respect of item No. 1 and 5 of his RTI application dated 02.02.2010. He has also questioned the

validity of the reply given in respect of item No. 4 of his application. He has raised the question as to how a person who scored 42 marks got preference over the applicant who had 50.50 marks. The rest of his complaint contains request for new information and hypothetical or argumentative statements. The applicant filed a further complaint with this Commission on 03.05.2010 reiterating his earlier contentions.

On careful consideration of the information furnished by the public authority vide letter dated 24.03.2010, this Commission finds that information furnished is satisfactory except in respect of item No. 1,4 and 5. In item No. 1, the applicant wanted to inspect his answer script of Paper-I. The request has been denied saying there is no provision for that. The contention of the public authority cannot be accepted. The candidate is entitled to inspect his evaluated answer script as it falls within the definition of 'Information' under the provisions of the RTI Act. In item No. 4, the applicant wanted to know what weightage was given to the candidate who scored 42 marks. The reply given by the public authority is not specific to the query. In item No.5, the applicant wanted to know the number of History Pass candidates from South Eastern Region, their names and roll numbers. The request has been denied stating that there is no provision for giving the information. The stand of the public authority is not acceptable as the information does not appear to fall within any exemption clause.

The Commission heard the matter on 18.07.2013. Secretary, West Bengal Madrasah Service Commission submitted during the hearing that all information as available with them has been furnished to the applicant. A written statement was also filed by the public authority. It transpired from these submissions that a further letter has been sent to the applicant by the public authority vide Memo No. MSC/579/10 dated 16.07.2010 giving complete break up of the marks obtained by the three candidates who were called for personality test as well as the applicant. It is stated therein that there was some mistake in the information furnished to the applicant earlier on 06.01.2010 which has been corrected now. It is observed that the total marks scored by the candidate at Sl No. 3 excluding marks for personality test was mentioned as 42 in the letter dated 06.01.2010 whereas it now stands corrected as 64.

As the main thrust of the complaint by the RTI applicant hinges on the discrepancy in the information furnished by the public authority regarding the marks obtained by the candidates, the Commission directed the Secretary WB Madrasah Service Commission to produce the records relating to all four candidates including the applicant at the next hearing on 06.08.2013.

On that date, Secretary, WB Madrasah Service Commission submitted a print-out from the Computer Data-base showing marks obtained before Personality Test by 30 History(Pass) Candidates of South Eastern Region in the panel. A letter from the Chairman, West Bengal Madrasah Service Commission was also submitted wherein it is stated that at present no document save and except the Data base contained in the hard disk regarding the 1st RLST, 2007 is available in the office of that Commission. Secretary, Madrasah Service Commission also stated that West Bengal Central School Service Commission, which conducted the examination was asked to provide the relevant documents relating to the original score sheet/tabulation sheet, mark sheets and answer script. They replied stating that the

recruitment in question was conducted by the “Committee for Selection of Teachers in Madrasahs in West Bengal” though the advertisement was published under the West Bengal Central School Service Commission and therefore, the Central School Service Commission was unable to provide the documents sought for.

From the information contained in the computer print out produced it is not possible to come to any definite conclusion regarding the discrepancy in the marks as communicated to the applicant by the Madrasah Service Commission in their different replies. It is also not clear which authority is in possession of the original records relating to the recruitment in question including the evaluated answer scripts. This Commission therefore asked SPIOs of Madrasah Service Commission, Central School Service Commission and the Department of Minority Affairs and Madrasah Education to appear before it on 27.08.2013.

SPIO, Central School Service Commission and OSD and Joint Secretary, MA&ME Department who attended the hearing were unable to throw much light about either the location of the concerned records or the respective roles of the School Service Commission and the Madrasah Service Commission in the recruitment process in question. None appeared from Madrasah Service Commission.

Minority Affairs and Madrasah Education Department being the administrative Department in respect of Madrasah education in the state, this Commission directs OSD and Joint Secretary, Department of Minority Affairs and Madrasah Education to

enquire and furnish a report to this Commission within one month as to where the records relating to the Regional Level Selection Test 2007 for Assistant Teachers in Madrasahs lie at present. The matter will be taken up by the Commission on receipt of the report.

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

Sd/-

Date: 27.08.2013

(K. John Koshy)

State Information Commissioner, W.B.

No. 1674(4) (Order)-WBIC/RTI/C/361/13

Date: 06.09.2013

Authenticated true copy forwarded to:

4. Shri Gobinda Sumar, C/O- Lt. Haridas Sumar, Vill + P.S.- Swarupnagar, P.O.- Banglani, Dist.- North 24 Parganas, PIN- 743 286,
5. A.A. Mullick, OSD & Joint Secretary, Department of Minority Affairs & Madrasah Education, Writers' Buildings, Kolkata- 700 001,
6. The SPIO, West Bengal Central School Service Commission, Acharya Sadan, 11&11/1, Block-EE, Salt Lake, Kolkata- 700 091,
7. The SPIO, West Bengal Madrasah Service Commission, Bikash Bhavan, Salt Lake, Kolkata- 700 091.

Deputy Secretary & Addl. Registrar
West Bengal Information Commission

WEST BENGAL INFORMATION COMMISSION

Bhabani Bhaban, 2nd Floor, Alipore

Kolkata-700 027

Phone No. (033)2479-1966

Fax No. (033)2456-0223

Website: www.wbic.gov.in

E-mail: scic-wb@nic.in

Appeal No. 3457 of 2010

Under The Right to Information Act, 2005

RTI Applicant : Shri Sukumar Das

Public Authority: P.W. (Roads) Directorate

Date of RTI Application: 25.11.2009

Date of 1st Appeal: 22.01.2010

Date of 2nd Appeal before the Commission: 10.04.2010

1st hearing : 14.07.2010

2nd hearing as per order of Hon'ble High Court : 13.11.2013

Present :

- 1) Shri Sukumar Das, the RTI Applicant
- 2) Shri Gobinda Bhowmik, Retd. & Ex. Chief Engineer & Appellate Authority, P.W. (Roads) Directorate
- 3) Shri Arun Chowdhury, Ex. Assistant Chief Engineer-II & SPIO, P.W. (Roads) Directorate (Presently posted as Superintending Engineer, Bridge Planning Circle, P.W. (Roads))
4. Shri Kiran Kumar Mishra, L.D. Assistant, P.W. Deptt. (Roads Wing)
5. Shri Satis Chandra Sahoo, Assisting the appellant
6. Shri Bhabasankar Samanta, Assisting the appellant

Background

Sri Sukumar Das, Advocate, Village – Padumbasan, Ward No. 16, Post Office – Tamluk, District – Purba Medinipur submitted his R.T.I. application dated 25.11.2009 seeking 27 point information to the SPIO and Assistant Chief Engineer-II, PWD (Road), Directorate, Writers' Buildings.

SPIO forwarded the same to Exe. Engineer, Tamluk Highway Division, P. W. (Roads), Directorate Vide No. PR/RTI-(DTE)-49 / 2009/2542-R/E dated 01.12.2009 with a request to provide information within stipulated period as per provision of RTI Act.

Executive Engineer, Tamluk Highway Division requested the applicant to clarify his queries and to inspect the documents either on 22.12.2009 or on 23.12.2009 and he assured to give assistance to supply the documents as desired by him vide his letter dated 16.12.2009. But no response was received from the appellant.

SPIO Vide his letter No. PR/RTI-(DTE)-49 / 2009/2678-R/E dated 22.12.2009 informed the applicant that Query Nos. 1 to 26 were not very specific and Query No. 27 involves a lot of documents. He requested the applicant to cooperate with the concerned Executive Engineer.

Executive Engineer, Tamluk Highway Division further requested the applicant to be present either on 07.01.2010 or on 08.01.2010 to settle the matter vide his letter dated 31.12.2009, Sri Das did not respond.

Sri Das preferred 1st appeal on 22.01.2010.

Appellate Authority vide his letter dated 18.03.2010 requested the appellant to appear for an interview on 08.04.2010 where both SPIO and Executive Engineer, Tamluk Highway Division would be present.

Appellant vide his letter dated 27.04.2010 alleged that the letter of Appellate Authority was dispatched on 09.04.2010 i.e. after the date fixed to be heard and also alleged that it was clear case of ignoring accountability which caused to harassment only.

Appellate Authority replied vide his letter dated 01.06.2010 that the letter was duly dispatched on 19.03.2010 and the directorate was not responsible for any subsequent postal delay.

Being aggrieved, Sri Das submitted his 2nd appeal on 10.04.2010 before Commission requesting to order SPIO to furnish proper information as per provision of RTI Act, 2005.

Commission decided to hear both the parties on 14.07.2010.

On 14.07.2010 no one on behalf of the appellant as well as Public Authority appeared before Commission at the time of hearing despite service of notice vide No. 1629(2)-WBIC/RTI/434/10 dated 24.06.2010.

Commission after perusing the available record decided the matter on merit and passed an order being No. 1836 (3) (Order)-WBIC/RTI/434/10 dated 21.07.2010 and directed the Assistant Chief Engineer II and SPIO, PWD (Roads) Directorate to show cause within a fortnight from the date of receipt of the order as to why penalty under Section 20 of the Act shall not be imposed upon him for non-compliance of the order of the Commission to appear in the hearing on 14.07.2010 at 13.00 hrs. as fixed. The order of the Commission was received on 02.08.2010 by the Public Authority. Public Authority attended the office of Commission on 04.08.2013 and submitted his clarification dated 03.08.2013.

Appellant thereafter challenging the inaction on part of Commission to implement the order passed on 21.07.2010 particularly paragraph No. 17 of the order (indicating that appropriate steps would be taken against certain officials), moved a writ petition being W.P. No. 6606 (W) of 2012 (Sukumar Das –Vs- The State of West Bengal & Ors.)

The said writ petition was taken up for hearing and was disposed of by Hon'ble Justice Sanjib Banerjee on 26.08.2013 directing the State Information Commissioner to cause the Commission to take appropriate steps in terms of the observation at Paragraph No. 17 of the order dated July 21, 2010 passed on the petitioner's appeal. It was also further directed that necessary steps should be taken within a period of three months from the date. Accordingly date of hearing was fixed on 13.11.2013

Decision

After perusing the documents on records it appears that the reasons asserted of the non-appearance by the Public Authority was an intimation to the Commission, which they have intimated through their previous letter dt. 03.08.2010 and was not in form of show cause reply.

The Commission actually received a show cause reply with all relevant documents supporting it on 14.11.2013.

From the documents and file notings submitted by the concerned Public Authority it appears that the Commission's notice of hearing being Order No. 1629(2)-WBIC/RTI/434/10 dated 24.06.2010 was dispatched from this Commission on 29.06.2010 and Alipore Head Post Office dispatched the aforesaid notice on 12.07.2010 and subsequently delivered the hearing notice to the SPIO on 14.07.2010 (at 4.30 PM). The Public Authority received the order after the scheduled time of hearing on 14.07.2010 and for that reason it caused a delay to notify the Assistant Chief Engineer-II and SPIO, P.W. (Roads) Directorate and the Chief Engineer and Appellate Authority, P.W. (Roads) Directorate regarding the hearing listed on 14.07.2010.

The concerned Authority on receipt of the order on 02.08.2010 appeared and submitted clarification on 04.08.2010 but he did not submit any show cause reply as indicated in Paragraph 17 of the Commission's order dated 21.07.2010 nor thereafter.

The actual show cause reply came to the Commission on 14.11.2013 i.e. after three years since the receipt of the order of Commission.

The Commission is of the view that the Public Authority acted diligently and reasonably in disposing the instant RTI application of the appellant and made every effort to cooperate with the applicant seeking information except compliance with the order to show cause within stipulated period of 15 days from the date of receipt of the order as to why penalty under Section 20 of the Act shall not be imposed upon him for non-compliance with the order of the Commission to appear before the Commission at the time of hearing on 14.07.2010.

The show cause reply though submitted but not within the stipulated period of 15 days as framed

by the Commission and the act tantamount to the disobedience towards the order passed by the Commission.

At the time of hearing it was submitted by the concerned SPIO that he is on the verge of retirement.

In view of the above circumstances and after considering the age of retirement of the concerned SPIO the Commission hereby imposed a symbolic penalty of Rs. 1000/-and directs Shri Arun Chowdhury, Ex. Assistant Chief Engineer-II & SPIO of P.W. (Roads) Directorate and presently posted as Superintending Engineer, Bridge Planning Circle, P.W.D. (Roads), Bhabani Bhaban, Annex Building, 1st Floor, Alipore to pay an amount of Rs. 1000/- to the Treasury through TR Form-7 in the Head of Account “0070-Other-Administrative Services-60-Other Services-800-Other Receipts-021-Collection of Fees from Information Seeker for the purpose of servicing Information – 27-Other Receipts” within 15 days from the date of receipt of the order. A copy of such TR Form shall be sent to the Commission as a mark of compliance of this order.

This disposes of the 2nd appeal of Shri Sukumar Das, accordingly and finally.

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

Sd/-

(Sujit Kumar Sarkar)

State Chief Information Commissioner, W.B.

Date: 13.11.2013

No. 2030 /1 (3)-(Order)-WBIC/RTI/ 434/10

Date: 21.11.2013

Authenticated true copy forwarded to:

1. Shri Sukumar Das, Advocate, Village – Padumbasan, Ward No. 16, Post Office – Tamluk, District – Purba Medinipur, PIN 721 636
2. Shri Arun Chowdhury, Ex. Assistant Chief Engineer-II & SPIO, P.W. (Roads) Directorate, Presently posted as Superintending Engineer, Bridge Planning Circle, P.W.D. (Roads), Bhabani Bhaban, Annex Building, 1st Floor, Alipore, Kolkata- 700 027
3. Shri Gobinda Bhowmik, Retd. & Ex. Chief Engineer & Appellate Authority, P.W. (Roads) Directorate, Writers’ Buildings, Kolkata – 700 001

Law Officer & Joint Registrar
West Bengal Informaion Commission

WEST BENGAL INFORMATION COMMISSION

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

Ph. No. (033) 2252 0509

Fax No. (033) 2252 0501

Website : www.wbic.gov.in

E-mail : scic-wb@nic.in

Appeal No. 697 of 2013

Under the Right to Information Act, 2005

RTI Applicant: Sultan Faiyazuddin

Public Authority: Rabindra Bharati University

Date of RTI Application : 16.11.12

Date of 1st Appeal : 31.12.12

Date of 2nd RTI appeal before the Commission: 01.03.13

Date of hearing : 22.04.2014

Present :

- 1) Subrata Ghosh.....Registrar & Appellate Authority, Rabindra Bharati University
- 2)Security Officer & S.P.I.O., R.B.U
- 3) Sultan Faiyazuddin.....Appellant

Facts and Records

- 1) Sultan Faiyazuddin (hereinafter referred to as appellant) submitted one RTI application on 16.11.12 to the SPIO, Director of Distance Education, Rabindra Bharati University seeking authenticated copy of his answerscript of M.A. Part-I & Part-II English Papers in connection with examination hold on 2010 & 2011 respectively conducted by the Rabindra Bharati University History. No communication was made by the SPIO in this respect.
- 2) The Appellant preferred first appeal on 31.12.2012 and without getting any response from the first appellate authority he preferred second appeal to the Commission on 01.03.2013.

- 3) The Commission decided to hear the case and fixed hearing on 22.04.14. The Commission also directed the SPIO to submit a written statement giving status of the action taken on RTI application of the appellant to the Commission within 15.04.14.
- 4) The Registrar and Appellate Authority, Rabindra Bharati University informed that the appellant was requested Vide No. RB/REG/103/2014 dated 09.04.2014 to take delivery of the answerscript from the university, free of cost.

Decision

- 5) At the time of hearing both the Public Authority and the appellant were present.
- 6) The Registrar handed over the copies of answerscripts to the appellant at the time of hearing. The appellant was satisfied with the information furnished to him. In the instant case information has been provided to the appellant after 17 months from filing of RTI application. The Commission took it as exception and directed the public authority to be careful in future in delay with the RTI application.
- 7) The Registrar was directed to sent a letter to the appellant regarding furnishing of required answerscripts to him at the time of hearing before this Commission. He should endorse a copy of the same to the Commission.
- 8) As the appellant has received the required information, the appeal is finally disposed of.

Sd/-

(G. D. Gautama)

State Information Commissioner, W.B.

Date: 22.04.14

No. 643(3)-(Order)-WBIC/RTI/ 103/14

Date: 24.04.2014

Authenticated true copy forwarded to

4. The SPIO, Rabindra Bharati University, Emerald Bower Campus, 56A, B.T.Road, Kolkata-700 050.
5. The Appellate Authority, Rabindra Bharati University, Emerald Bower Campus, 56A, B.T.Road, Kolkata-700 050.
6. Sultan Faiyazuddin, 6D/4, Tiljala Shibtala Lane, 2nd Floor (Above Bismillah Hotel), Kolkata-700 039.

Law Officer & Joint Registrar,
West Bengal Information Commission

WEST BENGAL INFORMATION COMMISSION

Khadya Bhaban, 11A, Mirza Ghalib Street,

Kolkata -700 087

Ph. No. (033) 2252 0509

Fax No. (033) 2252 0501

Website : www.wbic.gov.in

E-mail : scic-wb@nic.in

Appeal No. 573 of 2013

Under the Right to Information Act, 2005

RTI Applicant: Ankana Roy

Public Authority: University of Kalyani

Date of RTI Application : 31.10.12

Date of 1st Appeal : 15.11.12

Date of 2nd appeal before the Commission: 25.02.13

Date of hearing : 22.04.2014

Present :

4) Prosenjit Deb.....Registrar & SPIO, University of Kalyani

Facts and Records

- 9) Ankana Roy (hereinafter referred to as appellant) submitted one RTI application on 31.10.12 to the SPIO, University of Kalyani seeking her evaluated answerscript of Bengali Paper-III Honours of B.A.(3rd Year)Degree Honours Part-II Examination, 2012. The Deputy Registrar & SPIO, University of Kalyani informed the appellant on 08.11.12 to visit the university website.
- 10) Being dissatisfied the appellant preferred first appeal on 15.11.12 to the Registrar and Appellate authority. In response to first appeal, the Deputy Registrar & SPIO, University of Kalyani vide letter dated 29.11.2012 sent to the appellant "application for obtaining photocopy of evaluated answerscript under RTI Act, 2005 along with instruction-sheet" for her necessary action.

- 11) The Appellant preferred second appeal to the Commission on 25.02.2013.
- 12) The Commission decided to hear the case and fixed hearing on 22.04.14. The Commission also directed the SPIO to submit a written statement within 15.04.14.
- 13) The Commission perused the record, written statement of the SPIO and his submission at the time of hearing. The appellant was not present at the time of hearing.

Decision

- 14) Considering all aspects Commission directed the SPIO, University of Kalyani to provide the evaluated answerscript as sought by the appellant in her RTI application dated 31.10.12 to her within 15 days from the date of hearing under intimation to the Commission.
- 15) Let the authenticated copy be forwarded to all concerned.

Date: 22.04.14

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

No. 721(3)-(Order)-WBIC/RTI/ 84/14

Date: 7.05.2014

Authenticated true copy forwarded to

7. The SPIO, University of Kalyani, P.O.-Kalyani, Dist.-Nadia, PIN-741 235.
8. The Appellate Authority, University of Kalyani, P.O.-Kalyani, Dist.-Nadia, PIN-741 235.
9. Ankana Roy, C/O. Asoke Kr. Saha, 39, Oladebitala Road, P.O.-Nabadwip, Dist.-Nadia, PIN-741 302.

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

WEST BENGAL INFORMATION COMMISSION

Khadya Bhaban,
11A, Mirza Galib Street, Kolkata-87
Phone (033)22520509
Website: www.wbic.g21ov.in
E-mail: scic-wb@nic.in

Complaint No. 4419 of 2013 Under the Right to Information Act, 2005

RTI Applicant: Shri Jani Saha
Public Authority: W.B.S.E.D.C.L.

Date of RTI Application: 01.04.2013
Date of 1st appeal before the Commission: 03.06.2013
Date of 2nd appeal before the Commission: 18.07.2013

Date of hearing : 08.05.2014

Present

1. Shri Jani Saha, the RTI Applicant
2. Shri Sunipa Maitra, Office Executive, HRDD, WBSEDCL
3. Shri Niladri Sadhukhan, Sr. Manager(HR & A), HRD & TRG & PIO, WBSEDCL
4. Shri Rathin Ghosh, Sr. Manager(HR & A), Recruitment & Manpower Planning Cell, WBSEDCL

Background

Shri Jani Saha of 297/99, Saptagram, MA Sarani, 6 No. Rail Gate, P.O. Bisharpara, Kolkata – 700 051 submitted one RTI application on 01.04.2013 addressed to the SPIO, WBSEDCL asking for 7 point information as follows:

- a) Answer sheet's photocopy of written test of all 853 candidates who had qualified for medical test and my answer sheet of written test with marks.
- b) Photocopy of document containing Interview marks of all 853 candidates who had qualified for medical test and also my interview marks.
- c) Photocopy of document containing all 853 candidates weightage / final marks who had qualified for medical test and my weightage /final marks
- d) Photocopy of document containing cut off marks based on which final selection for medical test made and my final marks also.
- e) Photocopy of document containing Interview marks of last candidate qualified for medical test as per cut off marks under unreserved category and my interview marks.
- f) Photocopy of document containing weightage /final marks of last candidate qualified for medical test under unreserved category and my weightage / final mark
- g) Photocopy of document containing list of candidates name as per merit with final mark / weightage mark qualified for medical test and my final weightage marks also.

Without getting any information the RTI applicant preferred 1st appeal before the 1st Appellate Authority, AGM (HR&A), WBSEDCL on 03.06.2013 and subsequently 2nd appeal before the Commission on 18.07.2013.

The Commission decided to hear the case on 08.05.2014 for a decision.

Decision

The Commission perused the RTI application, the 1st appeal and the 2nd appeal.

On being asked whether any information had been furnished to the RTI applicant or not, the Senior Manager (HR&A) HRD & TRG & PIO, WBSEDCL submitted a written statement before the Commission vide memo No. GM/HRD/TRG/RTI/S-328 dtd. 07.05.2014. The Commission perused the same.

On perusal the Commission observes that after receiving the RTI application dtd. 01.04.2013 the SPIO transferred the same to the AGM (HR&A), R&MP Cell, WBSEDCL u/s 6(3) of RTI Act, 2005 vide memo No. GM/HRD/TRG/RTI/S-225 dtd. 06.04.2013 with a request to furnish the information.

The Senior Manager (HR & A) HRD & TRG & PIO, WBSEDCL furnished information to the RTI applicant vide memo No. GM/HRD/TRG/RTI/S-516 dtd. 11.09.2013. The Senior Manager (HR & A) HRD & TRG & PIO, WBSEDCL again furnished the photocopy of the OMR sheet of the answer script to the RTI applicant vide memo No. GM/HRD/TRG/RTI/S-553 dtd. 01.10.2013 . At the time of hearing the RTI applicant mentioned that he did not receive the same. The photocopy of the same was handed over to the RTI applicant at the time of hearing. In respect of the Serial No. B of the reply of the concerned SPIO, the Commission observes that the Public Authority furnished the marks secured by the last rank holder in all the test including interview marks of ST candidates.

The Commission does not accept the same. Since the RTI applicant is of unreserved category, the marks obtained by the last rank holder selected for appointment for the post of Office Executive in all the test including interview marks of unreserved candidate should be furnished to him.

The Commission accepts the reply in respect of the Serial No. A & C furnished by the SPIO. At the time of hearing the RTI applicant mentioned that he sought for the marks of all 853 candidates qualified for medical test.

The Commission opines that the disclosure of the marks of the 853 candidates will not serve any larger public interest. Therefore, the Commission orders Senior Manager (HR&A) HRD & TRG &PIO, WBSEDCL to furnish the marks secured by the last rank holder in all the test including interview marks of unreserved category and selected for appointment for the post of Office Executive to the RTI applicant within a month from the date of hearing with a compliance report to the Commission.

. This disposes of the 2nd appeal of Shri Jani Saha, accordingly and finally

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

Sd/-

Date: 08.05.2014

(Sujit Kumar Sarkar)

State Chief Information Commissioner, W.B

No 774/ 1(3) Order WBIC/RTI /247/14

Date :16.5.2014

Authenticated true copy forwarded to:

1. Shri Jani Saha, 297/99, Saptagram, MA Sarani, 6 No. Rail Gate, P.O. Bisharpara, Kolkata – 700 051
2. The AGM(MR & A), SSC & Appellate Authority, WBSEDCL, Bidyut Bhavan, Salt Lake, Kolkata-700091
- 3 The Sr Manager(HR & A) & SPIO, HRD & Training Department, W.B.S.E.D.C.L., Bidyut Bhavan, Salt Lake, Kolkata-700091

Law Officer & Joint Registrar
West Bengal Information Commission

WEST BENGAL INFORMATION COMMISSION

Khadya Bhaban,
11A, Mirza Galib Street, Kolkata-87
Phone (033)22520509
Website: www.wbic.gov.in
E-mail: scic-wb@nic.in

Complaint No 4418 of 2013 Under the Right to Information Act, 2005

RTI Applicant: Shri Sudipta Dey
Date of RTI Application: 20.3.2013
Date of Ist appeal before the Commission: 3.6.2013
Date of hearing: 8.5.2014
Present

- 1 Sunipa Maitra, Office Executive, HRDD, WBSEDCL
- 2 Shri Niladri Sadhu Khan, Sr Manager(HR & A), HRDDS, PIO, WBSEDCL
- 3 Shri Rathen Ghosh, Sr Manager(HR &A), Recruitment & Manpower Planning Cell, WBSEDCL
- 4 Shri Sudipta Dey Applicant

Background

Shri Sudipta Dey submitted RTI application on 20.3.2013 addressed to the SPIO, WBSEDCL asking for 8 point information as follow:

- h) CD/DVD containing Softcopy of computer proficiency test with marks of all 853 candidates qualified for medical test and mine.
- i) Photocopy of document containing all 853 candidates weightage/final marks who had qualified for medical test and my weightage/final marks.

- j) Photocopy of document containing cut off marks based on which final selection for medical test made and my final marks also.
- k) Answer sheet's photocopy of written test with marks of last candidate qualified for medical test as per cut off marks under unreserved category and my answer sheet's photocopy of written test with marks.
- l) CD containing softcopy of computer proficiency test with marks of last candidate qualified for medical test as per cut off marks under unreserved category and my softcopy of computer proficiency test with marks.
- m) Photocopy of document containing Interview marks of last candidate qualified for medical test as per cut off marks under unreserved category and my interview marks.
- n) Photocopy of document containing weightage/final marks of last candidate qualified for medical test under unreserved category and my weightage/final marks.
- o) Photocopy of document containing list of candidates name as per merit with final marks/weightage marks qualified; for medical test and my final/weightage marks also.

The SPIO & Sr. Manager (HR & A), HRD & TRG, WBSEDCL & SPIO requested the AGM (HR & A), R & MP Cell WBSEDCL vide memo no GM/HRD/TRG/RTI/S-223 dt 5.4.2013 to furnish the desired information to his end on and before 19.4.2013 so that the same can be supplied to the applicant within the period as envisaged under the said Act. The SPIO & Sr. Manager (HR & A), HRD & TRG, WBSEDCL & SPIO vide his memo no GM/HRD/TRG/RTI/S-291 dated 18.5.2013 again requested AGM(HR&A), MP Cell, WBSEDCL to furnish the information. Without getting any information from the public authority, the RTI applicant submitted 1st appeal to the AGM, HR&A & 1st Appellate Authority, WBSEDCL on 3.6.2013. 1st Appellate Authority conducted a hearing on 2.7.2013 and passed an order with the request to the RTI applicant to furnish his desired information in precise manner so that the information could be furnished. Being dissatisfied with the order of the 1st Appellate Authority the RTI applicant submitted 2nd appeal on 18.7.2013. The Commission decided to hear the case on 8.5.2014 for a decision.

Decision

Commission perused the RTI application and the 1st appeal, the 2nd appeal and the order passed by the 1st Appellate Authority. On being asked whether any information had been furnished to the RTI applicant or not, the Sr. Manager (HR&A), HRD & TRG, WBSEDCL & SPIO submitted a written statement vide memo no GM/HRD/TRG/RTI/S-329 dated 7.5.2014 to the Commission. Commission perused the same. On perusal Commission observes that the Sr. Manager (HR & A), HRD & TRG, WBSEDCL & SPIO vide memo no GM/HRD/TRG/RTI/S-511 dated 9.9.2013 furnished information to the RTI applicant. In respect of the serial no B of the reply of the concerned SPIO, Commission observes that the public authority furnished the marks secured by the last rank holder in all the test including interview marks of ST candidates. The Commission does not accept the same. Since the RTI applicant is of unreserved category, the marks obtained by the last rank holder selected for appointment for the post of Office Executive in all the test including interview marks

of unreserved category should be furnished to him. The Commission accepts the reply in respect of the serial no A & C furnished by the SPIO. At the time of hearing the RTI applicant demanded that he sought for the marks of all 853 candidates qualified for medical test. The Commission opines that the disclosure of the marks of 853 candidates will not serve any larger public interest. Therefore Commission orders Sr. Manager (HR & A), HRD & TRG, WBSEDCL & SPIO to furnish the marks secured by the last rank holder selected for the post of Office Executive in all the test including interview marks of unreserved category and selected for appointment to the RTI applicant within a month from the date of hearing with a compliance report to the Commission.

. Thus the 2nd appeal of Shri Sudipta Dey disposed of.

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

Sd/-
Sujit Kumar Sarkar
Chief Information Commissioner,

W.BNo 783/1(3)Order WBIC/RTI /246/14

Dates:19.5.2014

Authenticated true copy forwarded to:

- 1 Shri Sudipta Dey, C/o Dipak Kr Brahma, 48, South Shibachal Road, Ist Floor, Birati, Kolkata-700051
- 2 The Sr Manager(HR & A) & SPIO, HRD & Training Department, WBSEDCL, Bidyut Bhavan, Salt Lake, Kolkata-700091
- 4 The AGM(MR & A), SSC & Appellate Authority, WBSEDCL, Bidyut Bhavan, Salt Lake, Kolkata-700091

Law Officer & Joint Registrar
West Bengal Information Commission

WEST BENGAL INFORMATION COMMISSION

Khadya Bhaban, 11A, Mirza Ghalib Street,

Kolkata -700 087

Ph. No. (033) 2252 0509

Fax No. (033) 2252 0501

Website : www.wbic.gov.in

E-mail : scic-wb@nic.in

Appeal No. 8048 of 2012

Under the Right to Information Act, 2005

RTI Applicant: Shri KalapMajumdar

Public Authority: West Bengal Central School Service Commission

Date of RTI Application : 08.09.11

Date of 1st Appeal: 17.05.2012

Date of 2nd appeal before the Commission: 18.10.2012

Date of hearing : 19.08.2014

Present :

- 5) Chandrasekhar Naskar.....Asstt. Secretary & SPIO, N/R, Malda
- 6) Subhendu Bikash Chaudhuri.....SPIO, West Bengal Central School Service Commission.
- 7) Kalap Majumdar.....Apellant

Facts and Records

- 16) Shri Kalap Majumdar (hereinafter referred to as appellant) submitted one RTI application on 08.09.2011 to the SPIO, West Bengal Central School Service commission seeking review of his answer scripts along with the same booklet type of question paper of his first Regional Selection Test(NT) 2010 for the post of Group 'D' staff. The Assistant Secretary Central School Service Commission informed the appellant vide letter No.2010/2197(VIII)/CSSC/Estt/2011 dated 15.09.2011 that there is no provision or scope in the West Bengal School Service Commission(Selection of persons for appointment to the post teacher) rules 2007 for reevaluation/scrutiny of answer scripts. By referring the aforesaid letter the appellant again submitted an application on 30.09.2011 to the Assistant Secretary, West Bengal Central School Service

Commission for inspection and obtaining certified copy of his answer scripts along with same booklet type question paper. The Assistant Secretary, West Bengal Central School Service commission informed the appellant vide letter No. 375/3869/(B)/CSSC/ESTT/2012 dated 03.03.2012 to appear personally in the office of Central School Service commission on 19.03.2012 at 12 A.M. for inspection of answer scripts. The appellant submitted an application on 12th February, 2012 stating that he wanted to get relief without any fees as stipulated time limit has been over and wanted to inspect his answer scripts and Booklet type question paper in original. In response to letter dated 12.02.2012, the SPIO informed the appellant on 23.05.2012 that fees was demanded as per decision of the chairman, Central School Service Commission.

- 17) The appellant preferred first appeal on 17.05.2012 to the Secretary, West Bengal Central School Service Commission and second appeal to the commission on 18.10.2012.
- 18) The Commission decided to hear the appeal and fixed up the date of hearing on 19.08.2014 and also directed the SPIO to submit the written statement within 04.08.14.
- 19) At the time of hearing the Commission perused the record and heard the submission of parties.
- 20) The SPIO submitted that he had sent the desired information to the appellant vide memo No. 1356/WRSSC/NR/G-388 dated 12.08.2014 to his Email and sent compliance report to the Commission vide Memo No. 1374/WRSSC/NR/RTI/G-388 dated 14.08.14. The Appellant submitted that furnished question booklet is not his own. The answer script booklet furnished to him is also without his signature, roll number and registration. On being asked the SPIO submitted that original booklets are destroyed by the Commission. So, they provided him sample question booklet of mid day session as the appellant was a candidate of mid day session.
- 21) The appellant has submitted that RTI application on 08.09.2011. The SPIO did not provide the information and at the time of hearing they took the plea that original records are destroyed due to long period.

Decision

- 22) Considering all aspect the Commission directed the SPIO, West Bengal Regional School Service Commission to recheck the records and provide the requisite information to the appellant within six weeks from the receipt of copy of order under intimation to the Commission, if it is not destroyed earlier. In the event the records were destroyed the relevant circular/order should be quoted and communicated to the appellant with intimation to the Commission.
- 23) Thus the appeal is disposed of.

Sd/-

(G. D. Gautama)

State Information Commissioner, W.B.

Date: 19.08.14

No. 1743(4)-(Order)-WBIC/RTI/ 599/14

Date : 01.09.2014

Authenticated true copy forwarded to

10. The SPIO, West Bengal Central School Service Commission, Acharya Sadan, 11 & 11/1, Block-EE. Salt Lake, Kolkata-700 091.
11. The SPIO, West Bengal Regional School Service Commission(Northern Region)Govt. Teacher's Training College Hostel(Ground Floor), Malanchapally, Ward No.-03, English Bazar Municipality, P.O.-Mokdumpur, Dist.-Malda-732 103.
12. The Appellate Authority, West Bengal Central School Service Commission, Acharya Sadan, 11 & 11/1, Block-EE. Salt Lake, Kolkata-700 091.
13. Shri Kalap Majumdar, C/O. P.K.Majumdar, Surya Sen Colony(Block-A), P.O.-Siliguri Town, Dist.-Jalpaiguri, PIN-734 004.

**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
E-mail : scic-wb@nic.in

Appeal No. 5851 of 2010 Under The Right to Information Act, 2005

RTI Applicant : Ram Chakraborty
Public Authority : Food & Supplies Department
Date of hearing : 10.09.2014

Present:

Nisith Kr. Bhowmik ASPIO, F&S Deptt,

In his RTI application dated 16.02.2010 the following items of information were sought by the applicant regarding recruitment to the post of Group D(including Night Guard) for which he was interviewed on 26.02.2009 :

- a. Marks allotted to him in the said interview.
- b. The lowest marks of the empanelled candidates under the unreserved category.
- c. The applicant's position in the final panel.
- d. The merit list of the empanelled candidates under the unreserved category and reserved category.
- e. Name, relation and designation of the employees whose son/daughter/relatives are empanelled.

SPIO, Food & Supplies Department vide his letter dated 15.03.2010 informed the applicant that the desired information was ready and requested him to deposit the fee of Rs.2/-. On 07.04.2010 the SPIO vide his letter No. 2290-FS/Sectt/RTI/2R-16/10 further informed the applicant as follows:

“the undersigned is to inform him that earlier this Deptt had issued a ‘Notification’ vide No. 580-FS dated 29.01.2010 exempting some information on the recruitment of Group D including Night Guard from disclosure quite in line with the provisions as laid down in the Act and published the same in the ‘Notice Board’ as well as in the concerned website, “epostindia.org.” under the caption, “Important Information” to all concerned for their general information.

So, at this juncture, the desired information which have been covered as exempted cannot be provided to him u/s 8(1) (e) (g) & (j) or RTI Act, 2005.

As regards information as desired at a) and c) in his petition, the undersigned is to inform him that total marks allotted for him in the interview was 50 and the positions of the candidates who scored marks below the 'consideration zone marks' were not ascertained.

However, information as desired will be provided to him on further demand soon after the completion of recruitment process, going-on".

The applicant filed appeal before the Secretary & Commissioner, Food on 24.05.2010.

The Appellate Authority vide its order dated 11.06.2010 upheld the decision of the SPIO . The Appellate Authority observed that the SPIO had duly disposed of the RTI application dated 06.02.2010 by providing those information which are not exempted u/s 8 of the Act and available to the Department. The Appellate Authority accordingly dismissed the appeal petition.

The applicant filed 2nd appeal before the Commission on 24.07.2010.

The Commission fixed a hearing in the matter on 10.09.2014.

The applicant is not present at the hearing today. The public authority has furnished a statement to the Commission giving a list of empanelled candidates in the recruitment in question along with the decision of the Selection Committee meeting held on 23.12.2009. Merit list of 856 qualified candidates who appeared in the interview held during the period from 22.12.2008 to 23.09.2009 for the post of Group D including Night Guard showing their scores and rank has been furnished.

After perusal of the records the Commission observes: The SPIO in his letter dated 07.04.2010 in response to Item a) and c) has informed the RTI applicant that total marks allotted to him in the interview was 50 and the positions of the candidates who scored marks below the consideration zone marks were not ascertained. This reply does not contain any information as sought in item a) and c). He has declined to provide any information on the ground that the Department vide its notification No. 580-FS dated 29.01.2010 has exempted disclosures of such information. He however, states that information as desired will be provided on further demand soon after the completion of the recruitment process, going on. On the other hand the order of the Appellate Authority dated 11.06.2010 specifically states that the panel for recruitment of Group D including Night Guard had already been published vide Department's Memo No. 761-FS dated 05.02.2010.

The Commission finds no reason why the public authority could not provide the information sought by the RTI applicant all of which are relating to the panel published by the Department. On the validity of the notification of the Department exempting some information from disclosure as cited by the SPIO to deny the information, a decision upheld by the Appellate Authority, this Commission in a previous case had occasion to make the following observation: (Order passed on 16.09.2011 in the matter of Debasis Das Vs. Food and Supplies Department communicated vide Commission's No. 2490/1(2)(Order)-WBIC/RTI/657/11 dated 13.10.2011)

"Deputy Secretary, Food & Supplies Department submitted during the hearing, copies of Notification No. 5112/FS/O/SECTT/DP/4M-21/09 dated 04.08.2009 and Notification No. 580-FS dated 29.01.2010 issued by Food & Supplies Department exempting certain information relating to

the recruitment of LDC and Group-D u/s 8(1)(e) and (g) of the RTI Act, 2005 based on which the SPIO has denied some of the information sought by the RTI applicant.

The Commission examined the Memos issued by the Food & Supplied Department carefully. The Commission is astonished how such notifications could be issued by a Government Department. The RTI Act, 2005 and Rules framed there under confers no such authority to a Government Department. The relevant authorities under the RTI Act are to be guided by the relevant provisions of the Act and the rules framed thereunder only.

The Commission directs that the attention of the State Government be drawn in the matter.”

The Commission accordingly holds the decision of the SPIO as well as the Appellate Authority, Food & Supplies Department denying the information sought by the applicant as erroneous and contrary to the provisions of the RTI Act.

The Commission directs the SPIO, Food & Supplies Department to furnish information in respect of Item (a),(b),(c) and d) of the RTI application within 15 days with a copy to the Commission. The public authority is not required to furnish any information in respect of item (e) of the RTI application since no such information has been taken from the candidates during the recruitment process. This disposes of the 2nd appeal.

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

Date: 10.09.2014

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

No. 1878(4) (Order)-WBIC/RTI/257/11

Date: 11.09.2014

Authenticated true copy forwarded to:

8. Shri Ram Chakraborty, Southy Buxarah Village Road, P.O.- Buxarah, Jagacha, Howrah- 711 110,
9. Shri Nisith Kr. Bhowmik, ASPIO, Food & Supplies Deptt. Govt. of West Bengal, 11A, Mirza Ghalib Street, Kolkata – 700 087,
10. The SPIO, Food & Supplies Deptt. Govt. of West Bengal, 11A, Mirza Ghalib Street, Kolkata – 700 087,
11. The Appellate Authority, Food & Supplies Deptt. Govt. of West Bengal, 11A, Mirza Ghalib Street, Kolkata – 700 087,

**Deputy Secretary & Addl. 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

E-mail : scic-wb@nic.in

Appeal No. 2367 of 2009

Under the Right to Information Act, 2005

RTI Applicant: Premila Nazareth Satyanand

Public Authority: Land and Land Reforms Department

Date of RTI Application: 27.11.2008

Date of 1st Appeal : 21.01.2009

Date of 2nd Appeal : 23.04.09

Date of hearing : 27.11.2014

Present

1. Shri S. Dasgupta, Addl. Secretary, Govt. of W.B. & First Appellate Authority
2. Shri Tapas Kumar Maiti, Asstt. Secretary, Govt. of W.B., L & LR Deptt. & SPIO

In the RTI application the applicant sought several information relating to the RTI applications and 1st appeals received by the Public Authority for the period 2005 - 2006, 2006-07 & 2007-08.

On 2nd January,2009 the SPIO informed the applicant that it would take a considerable time to provide the information and as soon as the process was completed the required information would be provided. The SPIO again wrote to the applicant on 06.02.2009 providing information sought in serial No. 1, 4, 5, 8 & 9 of the RTI application and stating that the remaining items would be supplied on receipt of the fees as calculated amounting to Rs. 1744/- . In response to the 1st appeal, the Joint Secretary & Appellate Authority informed the applicant on 06.03.2009 that the remaining information would be supplied after receiving the requisite fees.

The applicant wrote to the SPIO vide letter dtd. 25.03.2009 stating that since the information was not provided within 30 days, according to Section 7 (6) of the RTI Act, the SPIO is required to provide the information free of charge. In response, SPIO informed the applicant that the remaining information cannot be provided free of cost. He further informed that the delay was due to the fact that the information covered all RTI files lying in different branches of the department and hence it was not possible to provide the information within 30 days in the absence of computerized data.

The 2nd appeal has been filed seeking complete information free of cost and penalty u/s 20 of RTI Act.

A hearing in the matter was fixed by the Commission on 19.09.2014. The RTI applicant was absent.

The SPIO attended the hearing and submitted a statement from the 1st Appellate Authority wherein it was stated that the information requested was voluminous and the files were not readily available. The information was also not readily available in the formats given by the applicant and had to be "collated and created". A substantial part of the information had already been provided and the remaining information could not be furnished as the applicant refused to pay the fees.

It was further argued that information at serial No. 1, 4, 5, 8 & 9 can only be called by State Information Commission. The information at serial No. 2,3, 6 & 7 are personal information and exempt from disclosure u/s 8(1) (j) of the Act. The provision of Section 7(6) of the Act is not applicable where information requested is voluminous and has to be culled and created from large number of files; nor is it applicable to cases where it disproportionately diverts the scarce resources of the State. The appeal is vexatious and has been filed to harass the State.

The Commission adjourned the hearing to 27.11.2014 and asked the SPIO to produce all information maintained by the Public Authority in terms of Section 25(2) of the RTI Act for the relevant periods.

The SPIO and 1st Appellate Authority are present at the hearing today, 27.11.2014.

SPIO failed to produce any information to the public authority has maintained u/s 25(2) of the RTI Act. It was stated that as the matter is old and the Department was shifted to a new location, the information was not available. The 1st Appellate Authority placed before the Commission another statement vide No. 4775 dt. 18.09.2014 in continuation of the earlier statement wherein the following contentions have been made:

(1) The appellant cannot claim relief u/s 19(3) and 18(1) of the RTI Act in the same petition and simultaneously.

(2) The application attracts third party information which cannot be divulged without obtaining the views of the said third parties. The information is held in a fiduciary capacity which cannot be revealed u/s 8(1) (e) of the Act.

(3) The Supreme Court has held in CA No. 6454 of 2011 that only information that available and existing can be accessed under the RTI Act. Creation of information is beyond the scope of RTI Act.

It is contended that the RTI application is therefore barred u/s 2 (f), 8 (1) (j), 8 (1) (e), 11

& 25 of the RTI Act.

It appears that the Public Authority has completely reversed its stand on providing access to the information sought. While it was initially claimed that the delay was due to the voluminous nature of the information and that the remaining part of the information would be provided after payment of the requisite fees as intimated, the Public Authority now takes the stand that the applicant is not entitled to any information including the information already furnished by the Public Authority.

Nothing in the RTI Act prevents an applicant from seeking imposition of penalty while making a second appeal u/s 19(3) of the Act. Under Section 20 of the Act the Commission is empowered to impose penalty in appropriate cases at the time of deciding any complaint or appeal. The contention of the public authority that the applicant cannot claim relief u/s 18(1) and 19(3) simultaneously is rejected.

In item No. 1 of the RTI application the number and break-up of RTI applications received by the Public Authority have been sought. Some information was furnished by the Public Authority. In item No. 4 break-up of time taken by the SPIO to dispose of the RTI applications has been sought. Again the Public Authority gave some information on this item. In item No. 5 the number of applications rejected under various Sections of the RTI Act have been sought. No information on this was provided by the Public Authority. In item No. 8 break up of the number of 1st appeals accepted / rejected and time taken for disposal have been sought and part information was provided. In Item No. 9 the applicant wants to know in how many first appeals the appellant was given an opportunity of being heard. Information was provided by the SPIO. Information sought under item No. 1, 4, 5, 8 and 9 cannot in anyway be considered as exempted information u/s 8(1)(e) and 8(1)(j) of the RTI Act. These are data relating to the public functions performed by the SPIO and the 1st Appellate Authority under the provisions of the RTI Act. These are not held by the public authority in a fiduciary relationship nor are these personal information having no relationship to public activity or interest or which would cause unwarranted invasion of the privacy of any individual. These are also not non-existent information which is to be “created”.

The Hon’ble Supreme Court in CA No. 6454 of 2011 has held as follows : “The RTI Act provides access to all information *that is available and existing*... If a public authority has any information in the form of data or analysed data, or abstracts or statistics, an applicant may access such information, subject to the exemptions in Section 8 of the RTI Act. But where the information sought is not a part of the record of a public authority, and where such information is not required to be maintained under any law or the rules or regulations of the public authority, the RTI Act does not cast an obligation upon the public authority, to collect or collate such non-available information and then furnish it to an applicant”.

While the break up of the figures sought by the applicant may not be maintained by the public authority in that format, the information is very much a part of the record of the public authority, which should be available and existing, being an integral part of the statutory functions exercised under the provisions of the RTI Act. It relates to the information required to be maintained by the public

authority and provided to the State Information Commission for preparation of Annual Reports u/s 25 of the RTI Act. The information which the public authority is required to maintain and provide to the Commission cannot be denied to an RTI applicant.

It is accordingly held that the information sought in Item Nos, 1,4,5,8 and 9 as available with the public authority cannot be denied.

In Item No. 2, applicant sought copies of the relevant pages of the application register or any other record of the applications received with dates and names and addresses of the applicant. The information does not attract any exemption clause u/s 8 except address and personal information relating to the applicants. Copies of all RTI applications and 1st appeals have been sought in Item Nos. 3 and 6 by the applicant. Copies of all orders of the first appellate authority have been sought in Item No. 7. The information sought under Item Nos. 3, 6 and 7 involves third party information. In such cases the procedure as laid down u/s 11 of the RTI Act is to be followed. However, it is appreciated that the information sought in Item Nos. 3, 6 and 7 is voluminous and it will be difficult for the public authority to provide copies of each and every RTI application, 1st appeals and orders of the 1st Appellate Authority without disproportionately diverting its time and resources.

In the light of the above discussion, the Commission holds that the public authority is not required to furnish information sought in item 3, 6 and 7 by the applicant. However the Commission finds no reason why the public authority should not furnish to the applicant all information available with it in respect of Item Nos. 1, 2, 4, 5, 8 and 9 except personal information in Item No. 2.

The SPIO has already provided some information on item 1, 4, 5, 8 and 9. However there are apparent discrepancies in the figures. In Item No. 1, a total of 165 RTI applications received are shown as forwarded to another public authority, but in Item No. 4 it is shown that full information has been provided for all 165. In Item No. 1 and 4 no RTI application is shown as rejected, but in Item No. 5, 9 applications are shown as rejected. The correctness of the figures should be verified. The Commission accordingly, directs the SPIO, L&LR Department to furnish complete information available with them in respect of Item Nos. 1, 2, 4, 5, 8 and 9 of the RTI application to the applicant after due verification and correction as may be necessary, within one month from the date of receipt of this order. If any part of the information is not maintained or is not available with the public authority, the fact should be clearly stated.

The SPIO shall furnish a compliance report to the Commission immediately thereafter.

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

27.11.2014

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

No. 3045 (4)Order WBIC/RTI / 353/09

Date: 02.12.2014

Authenticated true copy forwarded to:

1. Smt. Premila Nazareth Satyanand, C-17A, DDA Flats, Munirka, New Delhi
- 5 The Addl. Secretary & 1st Appellate Authority, Land and Land Reforms Department, Govt. of West Bengal, Writers' Buildings, Kolkata – 700 001
- 6 The SPIO & Dy. Secretary, Govt. of West Bengal, Writers' Buildings, Kolkata – 700 001
- 7 The Land Reforms Commissioner, Land and Land Reforms Department, Govt. of West Bengal, Writers' Buildings, Kolkata – 700 001.

Law Officer & Joint 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

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 Gazette.

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 (30 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 p~ 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



Extraordinary

Published by Authority

Gazette

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 Fee 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

Kolkata

The



The Kolkata Gazette

Extraordinary

Published by Authority

Gazette

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
Registrar 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. Enforcement 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*.