

**WEST BENGAL INFORMATION COMMISSION**

Khadya Bhaban,  
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DATE: 12.05.2022

To The Additional Chief Secretary,  
P & AR Department,  
NABANNA,  
325, S.C. Road,  
Howrah – 711 102.

Sir,

With due regards, the following facts are placed before you for kind consideration and suitable action:

1. Shri Basudeb Banerjee, Hon'ble State Chief Information Commissioner, West Bengal will demit office on 06.06.2022 on completion of 65 years of age as per provisions contained in Section 16(1) of the RTI Act, 2005.
2. Section 15(1) of the Act provides:  
“15(1) Every State Government shall, by notification in the Official Gazette, constitute a body to be known as the .....(name of the State) Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.  
(2) The State Information Commission shall consist of  
(a) the State Chief Information Commissioner, and  
(b) such number of State Information Commissioners, not exceeding ten, as may be deemed necessary
3. After Shri Basudeb Banerjee demits the office of State Chief Information Commissioner, West Bengal, the West Bengal Information Commission shall be left with a single State Information Commissioner viz. Shri Raj Kanojia, IPS (Retd.)
4. Kind attention is drawn to GA No. 3876 of 2008, W.P. No. 1773 of 2008 in the Hon'ble High Court at Calcutta (Original Side) in the matter of Tata Motors Limited & Another .... (Petitioners) –Vs– State of West Bengal & Others .... (Respondents) in which Hon'ble Justice Dipankar Dutta passed judgement on 12.01.2010 wherein he has observed that “.....the State Information Commission must consist of the Chief Information Commissioner and at least one State Information Commissioner.....to be treated to have requisite number of members”.

He further went on to observe that “The Statutory mandate of the Act is that a State Information Commission shall be constituted by notification in the Official Gazette. So long as such gazette notification is not published notifying due constitution of the West Bengal State Information Commission, it is not entitled to function. It is only after publication of such gazette notification in terms of Section 15(1) that the State Information Commission shall be authorised to exercise the powers conferred on and to perform the functions assigned to it under the Act.”

In view of the above, it is requested to kindly take suitable action so that this Commission is validly constituted after the present incumbent in the post of Chief Information Commissioner demits office.

Regards.

Yours faithfully



(LALITA AGARWALA, IAS)  
Secretary  
West Bengal Information Commission