



Right to Information

NEWS AND VIEWS FROM WEST BENGAL

January 2010, 1-3

a drsc initiative

Comparative Feat of Four State Information Commissions

The table has been made with the information available from websites of different SIC's. For the sake of comparative analysis of performance of different Information Commissions we have laid down the figures of different components. Though cost is not the only component of performance but the cost component may be a general indicator as will be evident from the present table that Orissa has been allocated the highest amount among four states and a huge sum has been allocated by OIC for IEC materials in the present budget and has performed best amongst four states in all the segments. OIC has disposed of 587 complaints and 79 Appeals. At the same time West Bengal has only disposed 272 complaints and 41 appeals. OIC has come up with three annual reports where WBIC's performance is at the ebb of the table with Tripura Information Commission and both have not published a single annual report till date. Even Assam Information Commission with more or less the same budgetary outlay and workforce has performed better than WBIC in respect of disposals of Complaints and Appeals. Assam Information Commission has disposed of 413 Complaints and 31 Appeals in 2009 and has already published Annual Report for 2008. Only Tripura Information Commission is below West Bengal among the four states with disposal of 42 Complaints and 31 Appeals. But a positive trend and typical of TIC is that they have disposed even the Complaints through hearing. It will be worthy mentioning here that Orissa Information Commission differs from other three SIC's in the respect that OIC has a civil society component in the form of Sri Jagdanand, the State Information Commissioner of Orissa.

(Source: Websites of concerned State Information Commissions)

Sl. No.	State Information Commission	No. Of Complaints/ Appeals Disposed Of/yr.	No. of SIC	Nos. of staff	Nos. of Annual reports	Budgeted Exp. In Lakhs
1.	WB	272/41 (2009)	2*	14	none	44.11 (07 08)
2.	Orissa	587/79 (2009)	2	35	3(05-06,06-07,07 08)	200.00 (09-10)
3.	Assam	413/31 (2009)	2	N.A.	1(2008)	47.02 (08-09)
4	Tripura	42/31 (2009)	2	19	none	32.25 (07 08)

*One State Information Commissioner has been appointed in the month of December'09.

● Very recently WBIC has published Annual Report

RTI Bridges Break of Service

Sri Kartik Chandra Mondal is presently working as a lecturer in Raigunj Polytechnic. Formerly, he was working in Metal & Steel Factory, Ichhapur (MSF) as Chargeman Gr.II where he joined in the year 2000. He applied for the post of present service through proper channel. After being selected for the post of lecturer Sri Mondal was entitled to tender resignation which should be treated as a 'technical formality' as per Swamy's Handbook 2007 Section 21.10 page 285. But there was stagnation in the process for not providing any acceptance of resignation by MSF and Mr. Mondal was faced with a situation of not joining in the post of lecturer.

Mr. Mondal made a RTI application to the CPIO, MSF on 18.08.2009 seeking four points information to be answered in the form of certified copies which had been refused by the concerned CPIO by a letter dated 19.08.2009. Being aggrieved Mr. Mondal preferred first appeal and simultaneously made a complaint to Central Information Commission on 16.09.2009. The cause of discontent on the part of Mr. Mondal being facing the problem of break of service which would amount to heavy financial loss and loss of seniority in service.

Ultimately, the Appellate Authority/Sr. General Manager, MSF directed the applicant to deposit an amount of Rs. 146/- to get the required information. The concerned CPIO provided the information, after deposition of necessary fees to Mr. Mondal vide letter dated 30.10.2009. The documents revealed that the Ordnance Factory Board has principally accepted the resignation of Mr Mondal clearing all the imbroglis relating to break of service for Mr. Mondal. (Source: Own)

West Bengal gets a new Information Commissioner

Sri Sujit Kumar Sarcar, a former DIG of Police, has been appointed as State Information

Authority of West Bengal Police Directorate shall appoint one SPIO at least at the Sub-divisional level. The Sub Divisional Police Officers have

complainants/appellants shall submit their complaints/appeals in the following format."

The Circular's format has been published in the website of the Commission rendering all the appellants/ complainants to submit their papers in quadruplicate to the Commission. Earlier, WBIC issued another Circular No. 65-WBIC/RTI/14/08 dated 09.01.2008 wherein it was mentioned that appellants/complainants had to submit their appeals/complaints in five sets of copies. The Circular also mentioned that such an order had been issued due to limited resources of the Commission and the same was done exercising powers conferred u/s 15(4) of the Right to Information Act, 2005. Both the circulars were issued in response to large numbers of appeals/complaints received by the WBIC and contributed to increased numbers of pending cases in WBIC. By real estimates the number of pending cases stand at 1500. The burden of inaction of others is to be borne by the Citizens. This not only curtails the right of the citizens under RTI Act, 2005 but also goes against the moral and object of



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Commissioner of West Bengal on 3rdDecember, 2009. The long awaited decision is welcome.

Annual Report is yet to be published in West Bengal

The mandated provision of the RTI Act has systematically been bypassed by the WBIC not publishing the Annual Reports. The accountability of the SPIO's and AA's is to be adjudged by the Commission. Who will adjudge WBIC's performance regarding publishing Annual reports? It apparently appears that the fiasco of the Quasi-judicial authority is maintainable in law.

WBIC directs WB Police Authority to appoint SPIO at Sub-Divisional Level

In the Appeal/Complaint No. 1907(4) WBIC/RTI/642/08 between Dr. Smt. Bharati Sen vs. SPIO, West Bengal Police Directorate, WBIC in its order dated 09/11/2009 categorically ordered that," (b) The Commission considers that it is Really a difficult job for a single SPIO in the entire Police Directorate to monitor all RTI cases related to different districts and police stations. (c) The Commission, therefore, in exercise of the powers conferred upon it under Section 19(8)(a)(ii) of the Act recommends that the Public

been designated as SAPIO. The Commission also recommends that the SDPOs be re-designated as SPIOs responsible for the sub-division under their control for the purpose of proper implementation of the RTI Act."(Source: WBIC website)

WBIC's new directive on Appeals and Complaints

By the latest Circular No.2964-WBIC/RTI/14/08 dated 18.11.2009 the Commission stated that," A large number of complaints/appeals u/s 18 and 19 of the RTI Act from the information seekers are being received by the West Bengal



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Information Commission. For easy and quick disposal of the said complaints/appeals the Commission has decided that the

the Act itself. The Preamble and Sections 4(2), 5 (3), 6(1) and 22 of the Act clearly indicate that it is a people's act and

authenticate the paradigm shift from the regime of secrecy to the regime of transparency and accountability. Moreover, the question of rejection of an appeal/complaint in this ground

Dr. Islam were pending before the WBIC and Dr. Islam had to knock the door of the state Apex Court for solution. In disposing of the writ petition no. 6323 (W) of 2009 Hon'ble

provisions of the RTI Act, 2005. WBIC was not satisfied with the cause shown and reacted by saying, "The inaction of the public authority in the instant case appears to be impersonal because the officers involved in the process acted within their limited spheres without showing any urgency to go beyond to implement the spirit of the Act in practice". Ultimately, on 15.12.2009 WBIC ordered the Home (Political) Department to pay a compensation of Rupees Fifty Thousand to Dr. Islam within a month.



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is completely illegal. Merely raising the question of "General superintendence" as envisaged in Section 15(4) is not sufficient on the part of WBIC. Without exhausting the provisions of the Act for popular dissemination and executing the moral and legal obligations of the duty bearers towards the citizens, such an action of obstruction in the form of a format for filing Complaints /Appeals goes purely against the Act.

As is well-known that mass awareness regarding the RTI Act is really limited in West Bengal and if the recent Circular is viewed from this very angle, the Circular will be a retardant to the propagation and implementation of the RTI Act, 2005.

Marathon Won by Dr. Najrul Islam

Dr. Najrul Islam submitted a RTI application on 4.6.07 to the SPIO, Home (Political) Dept. seeking information relating to his application dated 23.5.06 addressed to the Chief Minister, Govt. of West Bengal. Without getting any information Dr. Islam made his 1st and 2nd Appeal which also yielded no result. Eleven nos. of Appeals of

Justice Sanjib Banerjee by his order dated 27.8.09 dictated WBIC to dispose of all appeals of Dr. Islam within four weeks.

Inaction on the part of WBIC is clearly evident from this order. Ultimately it transpired during the course of hearing that the original application dated 23.5.06 was not traceable. The WBIC in the instant case thanked the 'perseverance' of Dr. Islam and served show cause notice to the concerned public authority of Home (Political) Department. It is rather inconceivable as to why

We also unequivocally thank Dr. Islam for his courageous and protracted fight for transparency and accountability. Does Dr. Islam think so? Most probably he thinks that he has won half of the war because a leading Kolkata daily recently published report that Dr. Islam thinks that public money should not be utilised to compensate him. Rather he is of the opinion that punitive measures like deductions of the penal amount should be done from the responsible officers/representatives. (Source: WBIC website)



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show cause was not served individually to erring officials who are tangible and manifestly violated the

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