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राज्य सूचना आयोग  
सूचना भवन, चौथा तल्ला, बेली रोड, बिहार, पटना।  
दूरभाष- 2215713, 2235059, 2200412, 2200426 फ़ैक्स-2235466

21 MAR 2017  
30840

वाद संख्या-ए-761/17

श्री संजय प्रसाद सिंह, दरभंगा।

वनाम्

प्रथम अपीलार्थी प्राधिकार-सह-अनुमण्डल पदाधिकारी, सदर, दरभंगा।/लोक सूचना पदाधिकारी-सह-प्रखंड आपूर्ति पदाधिकारी, जाले, दरभंगा।

07.03.2017

J.S(5-21)

Sh. Sachin Thakur, Advocate by filing Vakalatnama is present on behalf of appellant. Sh. Nurul Hoda, Block Supply Officer, Jale, Darbhanga-cum-PIO is present and submits that Rs.852/- was demanded form applicant as fee for providing information and since it was not deposited by him, the required information could not be provided. Copy of letter no. 79 dated 11.06.2016 is produced by PIO. The representative of applicant admits receipt of the said letter but according to him the applicant was directed to deposit the said fee with PDS dealer and collect information from him. It is submitted that such direction is not a procedure provided under RTI Rules.

It has been observed during hearing of several RTI appeals that PIO instead of providing information themselves are directing some other to provide information (without transfer of Form A to other PIO) or even directing the applicants to get the information from other person by depositing fee with such other person. This is not the procedure provided under RTI Rules or under RTI Act. The PIO has to provide information to any applicant himself and the fee for providing information as required is schedule of RTI Rules is to be deposited in the office of PIO and its record should be properly maintained.

Let a copy of this order be sent to Principal Secretary, Department of General Administration for issuing a general guideline to all PIOs in this respect.

The PIO is directed to call for the papers of required information from concerned PDS dealer and provide its copy to applicant on deposit of required fee (Rs.2/- per page).

Next date is 03.05.2017 at 10:30AM.

Sd/-

(Om Prakash)

State Information Commissioner

पटना, दिनांक- 20/3/2017

ज्ञापक- 15973 रा0सू0आ0  
प्रतिलिपि:- प्रधान सचिव, सामान्य प्रशासन विभाग, बिहार, पटना।/लोक सूचना पदाधिकारी-सह-प्रखंड आपूर्ति पदाधिकारी, जाले, दरभंगा।/श्री संजय प्रसाद सिंह, ग्राम-खेसर, पो0-जोगियारा, थाना-जाले, जिला-दरभंगा-847303 को सूचना एवं आवश्यक कार्यवाई हेतु प्रेषित।

शैलेन्द्र कुमार पाण्डेय  
प्रशाखा पदाधिकारी

DS-21  
5.0-21  
श्री संजय प्रसाद सिंह  
20.03.17  
349  
24/3/17





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राज्य सूचना आयोग  
सूचना भवन, चौथा तल्ला, बेली रोड, बिहार, पटना।  
दूरभाष- 2215713, 2235059, 2200412, 2200426 फैक्स-2235466  
2017  
3085(1)

राज्य सूचना आयोग  
सूचना भवन, चौथा तल्ला, बेली रोड, बिहार, पटना।  
दूरभाष- 2215713, 2235059, 2200412, 2200426 फैक्स-2235466

वाद संख्या-ए-367/17

श्री आलोक कुमार, मुजफ्फरपुर।  
बनाम्

प्रथम अपीलीय प्राधिकार-सह-अनुमण्डल पदाधिकारी, पश्चिमी, मुजफ्फरपुर।/लोक सूचना  
पदाधिकारी-सह-प्रखंड विकास पदाधिकारी, मोतीपुर, मुजफ्फरपुर।

02.03.2017

J.S (S-21)

The appellant is absent. Sh. Rakesh Kumar, Head Assistant in the Block Office, Motipur is present as representative of BDO, Motipur and put up letter no. 49 dated 23.02.2017 along with enclosures as well as letter no. 50 dated 23.02.2017 of BDO, Motipur. In Letter no. 49 dated 23.02.2017 it has been reported that form A was transferred to Sh. Rajesh Kumar, Assistant, Block Office, Motipur as PIO in this case and the applicant was also informed about such transfer. Copy of letter no. 412 dated 17.02.2017 addressed to applicant is attached with the said letter in which it is stated that since the number of words in form A exceeds 150, the information could not be given in view of general letter no. 7199 dated 26.07.2010 of Department of General Administration, Patna.

Both the letters of BDO, Motipur are misconceived and it prima facie shows his evasive tendency in discharging his legal duties. There is no letter nominating the Assistant of Block Office as PIO nor any person can be nominated as PIO by name and hence the alleged transfer of form A is incorrect. The PIO in this case is BDO, Motipur. Although it is mentioned in Rule 3 A of RTI Rules that an information should be demanded ordinarily within 150 words. However if the demand exceeds 150 words, it cannot be a basis of denying information. At least, the PIO was obliged to provide information which has been sought meaningfully in first 150 words of form A. The introductory facts mentioned in form A for demanding information should not be counted in 150 words.

Form A was filed on 25.04.2016 and the required information has not been provided to applicant. Accordingly BDO, Motipur is hereby directed to provide information about the action taken by him on application dated 06.07.2013 of applicant and submit explanation on next date as to why suitable penalty U/s 20(1) of RTI Act be not imposed against him for inordinate delay in providing information.

Let copy of this order be sent to Principal Secretary, General Administration Department, Government of Bihar to issue general letter, to all PIOs, in the light of above order.

Next date is 27.04.2017 at 10:30AM.

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DS-21

S.O-21

श्री राजेश कुमार

4

23-03-17

350

24/3/17





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राज्य सूचना आयोग  
सूचना भवन, चौथा तल्ला, बेली रोड, बिहार, पटना।  
दूरभाष- 2215713, 2235059, 2200412, 2200426 फ़ैक्स-2235466

21 मार्च 2017  
3084 (1)

वाद संख्या-ए-761/17

श्री संजय प्रसाद सिंह, दरभंगा।

वनाम

प्रथम अपीलिय प्राधिकार-सह-अनुमण्डल पदाधिकारी, सदर, दरभंगा।/लोक सूचना पदाधिकारी-सह-प्रखंड आपूर्ति पदाधिकारी, जाले, दरभंगा।

07.03.2017

J.S(5-21)

Sh. Sachin Thakur, Advocate by filing Vakalatnama is present on behalf of appellant. Sh. Nurul Hoda, Block Supply Officer, Jale, Darbhanga-cum-PIO is present and submits that Rs.852/- was demanded form applicant as fee for providing information and since it was not deposited by him, the required information could not be provided. Copy of letter no. 79 dated 11.06.2016 is produced by PIO. The representative of applicant admits receipt of the said letter but according to him the applicant was directed to deposit the said fee with PDS dealer and collect information from him. It is submitted that such direction is not a procedure provided under RTI Rules.

21 MAR 2017

It has been observed during hearing of several RTI appeals that PIO instead of providing information themselves are directing some other to provide information (without transfer of Form A to other PIO) or even directing the applicants to get the information from other person by depositing fee with such other person. This is not the procedure provided under RTI Rules or under RTI Act. The PIO has to provide information to any applicant himself and the fee for providing information as required in schedule of RTI Rules is to be deposited in the office of PIO and its record should be properly maintained.

Let a copy of this order be sent to Principal Secretary, Department of General Administration for issuing a general guideline to all PIOs in this respect.

The PIO is directed to call for the papers of required information from concerned PDS dealer and provide its copy to applicant on deposit of required fee (Rs.2/- per page).

Next date is 03.05.2017 at 10:30AM.

Sd/-

(Om Prakash)

State Information Commissioner

पटना, दिनांक- 20/3/2017

ज्ञापक- 15973 रा0सू0आ0

प्रतिलिपि- प्रधान सचिव, सामान्य प्रशासन विभाग, बिहार, पटना।/लोक सूचना पदाधिकारी-सह-प्रखंड आपूर्ति पदाधिकारी, जाले, दरभंगा।/श्री संजय प्रसाद सिंह, ग्राम-खेसर, पो0-जोगियारा, थाना-जाले, जिला-दरभंगा-847303 को सूचना एवं आवश्यक कार्यवाई हेतु प्रेषित।

(शैलेन्द्र कुमार पाण्डेय)

प्रशाखा पदाधिकारी

17/3

DS-21  
SIO-21  
20/3/17  
श्री संजय प्रसाद सिंह  
20/3/17  
349  
24/3/17

