

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10919 of 2014

=====

Baidhyanath Prasad Singh, S/o Late Sant Sharan Singh, resident of Village-Nura, P.O.- Hansadih, P.S.- Masaurhi, District- Patna

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Chief Secretary, Govt. of Bihar, Patna
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna
4. The Bihar State Information Commission through its Secretary, Govt. of Bihar, Patna
5. The Chief Information Commissioner, Bihar State Information Commission, Govt. of Bihar, Patna
6. The Secretary, Bihar State Information Commission, Govt. of Bihar, Patna

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Madhu Prasun, Advocate
For Respondent Nos.4,5 & 6 : Mr. Lalit Kishore, Senior Advocate
Mrs. Binita Singh, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 05-01-2015 The petitioner appears to be activist in the field of Right to Information. He filed this application in public interest seeking directions to the respondent-the Bihar State Information Commission on certain aspects.

The grievance appears to be that though in certain cases fines are being imposed on Public Information Officers by the Information Commission on account of violating the provisions of the Right to Information Act, no steps are taken to collect the same. Another complaint is that even though the fine collected, the

same is not accounted for. It is alleged that no steps were taken either for recovering the fine amount or to punish the guilty officials.

On behalf of the respondents, no counter affidavit has been filed.

Heard Mr. Madhu Prasun, learned counsel for the petitioner, and Mr. Lalit Kishore, learned Principal Additional Advocate General, appearing for respondent Nos.4, 5 and 6.

Though the objective underlying the Right to Information Act is laudable, in certain areas, it has been pressed into service, for the purposes which are not at all contemplated by the legislature. The Act and the Rules are almost, a self-contained code. If a person, who is under obligation to furnish information, fails to do so, he is liable to be fined and/or subjected to disciplinary action.

Even where fine is imposed or disciplinary action is ordered, it is no part of the duty of the officials who passed the order to ensure that fine is recovered and disciplinary action is taken. At the most, it is a case for a person at whose instance fine was imposed; to insist on the recovery thereof; and third party has no right to seek a general direction for recovery of the fine. It is as good as a Civil Court being placed under obligation to recover the

amount covered by a decree.

We do not find any merit in the writ petition. It is, accordingly, dismissed.

The interlocutory application, if any, shall stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(I. A. Ansari, J)

PNM

U			
---	--	--	--