

21st May, 2024
(D/L No.103)
(SKB)

WPA 28471 of 2023

Arun Kumar Singh
Versus
The Additional Chief Secretary,
Personnel and Administrative Reforms Department,
Government of West Bengal and others

Mr. Arun Kumar Singh
... petitioner in person.

Mr. Somnath Ganguli, A.G.P.,
Mr. Balarko Sen
... for the State.

Mr. Raja Saha,
Ms. Arpita Saha,
Mr. Sanjay Mukherjee
... for the State Information Commission.

Mr. A. K. Nag,
Ms. Deboleena Ghosh
... for the Sreerampore Municipality.

1. The petitioner has preferred an R.T.I. application
dated 07.03.2020 seeking the following
information:

“i) Information No. 1): In terms of section 2(j) of
the RTI Act, 2005 which states as: (i) "right to
information" means the right to information
accessible under this Act which is held by or
under the control of any public authority and
includes the Right to -

(i) Inspection of work, documents, records;

(ii) taking notes, extracts or certified copies of
documents or records;

(iii) taking certified samples of material;

(iv) obtaining information in the form of diskettes,
floppies, tapes, videocassettes or in any other
electronic mode or through printouts where such

information is stored in a computer or in any other device;

Kindly provide 2(Two) Possible Dates with Time for making Inspection as envisaged under section 2) of the RTI Act, 2005 stated herein supra with respect to suo motu/proactive disclosure as contemplated under section 4 of the RTI Act, 2005 which your public authority has contravened under section 4(2) to publish the same as mandated under section 4(1) (a)/ (b),4(1)(C), 4(1)(d).

Further the same is not found on your web site or in public domain as stipulated under 4(3) in violation of section 4(4) of the RTI Act, 2005.

Also please read Hon'ble West Bengal Information Commission Order No. 885(92)/WBIC/IR-1/08 Dated 25-04-2008 on the subject.

Also, inspection is being sought for matter connected with Chapter V to Chapter- XII of the West Bengal Municipal Act, 1993

Further Public records Act, 1993 read with Indian Evidence Act 1872 u/s 74 maybe perused wherever necessary.

ii) Below items [ii.(i) to ii.(xii)] are for your kind information and consideration:

i) As per section 5(3) of the RTI Act 2005, I request the SPIO to provide assistance in getting the requested inspection under the Act.

ii) As per section 7(9) of the RTI Act 2005, I request the SPIO to provide the requested information in the form in which it is sought.

iii) As per section 7(1) of the RTI Act 2005, I request the SPIO to provide the requested information within 30 days.

iv) As per section 7(8)(iii) and 7(3) (ii) of the RTI Act 2005, I request the SPIO to inform me of the particulars of First Appellate Authority.

v) As per section 10(2) of the RTI Act 2005, In case the requested information is exempt from disclosure by any other law, I request you to provide that part of the record which does not

contain any information which is exempt from disclosure under RTI Act 2005. FYI: "The RTI Act has over-riding effect vis-à-vis other laws inasmuch as the provisions of the RTI Act would have effect notwithstanding anything inconsistent therewith, contained in the Official Secrets Act, 1923, and any other law for the time being in force or in any instrument having effect by virtue of any law other than the RTI Act".

vi) As per section 7(8) of the RTI Act 2005, In case of rejection of my application, I kindly request you to provide the reason for such rejection and not just quote a section of RTI. Also, I request you to provide the details of Appellate authority.

vii) As per section 8 (1) (1) of the RTI Act 2005, "... the information which cannot be denied to the Parliament or a State Legislature, shall not be denied to an person."

viii) As per section 8(2) of the RTI Act 2005, "Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if Public interest in disclosure outweighs the harm to the protected interests."

ix) As per section 7(2) of the RTI Act 2005. In case of no decision received within 30 days, the PIO shall be deemed to have refused the request.

x) As per section 8(2) of the RTI Act 2005, "An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him."

xi) As per section 7(6) of the RTI Act 2005, "Notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1)."

xii) As per section 19(5) of the RTI Act 2005, "In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request"

2. Finding no reply, the petitioner preferred the first appeal. Since there was no response from the respondents, he was preferred a second appeal.
3. West Bengal State Information Commission vide impugned order dated 30.10.2023 has closed the said appeal holding that the petitioner's RTI application is motivated.
4. The court has heard the argument advanced by the petitioner in person and has perused the records pertaining to the present case.
5. After examining the queries posted by the petitioner in his R.T.I. application dated 07.03.2020, this court is of the considered view that no specific information has been sought for by the petitioner and, hence, no information could be provided to the petitioner. This court is also in agreement with the findings of the W.B. S.I.C. that the primary duty of the Sreerampore Municipality is to serve the public at large and cannot devote its time and resource to address such R.T.I. queries. If the Municipality starts addressing such vague and irrelevant queries, then the Municipality will come to a standstill. There is no infirmity in the order passed by the West Bengal State Information Commission.

6. This court is in agreement with the observation of the West Bengal State Information Commission that the application under the R.T.I. Act is void, omnibus, general, vague and voluminous in nature and thus, the present writ petition is devoid of any merit and is dismissed.

(Gaurang Kanth, J.)