



RIGHT TO
INFORMATION



Annual Report 2020-2021

SIKKIM INFORMATION COMMISSION

Old Secretariat, Below Super Market, NH-10 Gangtok

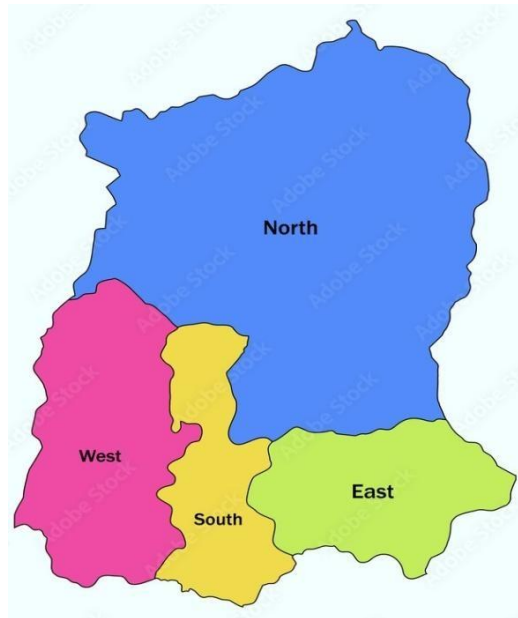
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Sikkim Information Commission
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Preface

The Annual Report for the year 2020-2021 broadly outlines the functions of the Sikkim Information Commission and highlights the implementations of the Right to Information Act, 2005 in the State by the various Public Authorities. The report presents the status of the cases in the various Public Authorities.

The report also presents some of the shortcomings and gives suggestions and recommendations for timely delivery of information by the Public Authorities and for the effective implementation of the RTI Act, 2005 in the State.

This Annual Report for the year 2020-2021 represents the Commission's effort to achieve significant outcomes in three important areas: efficiency in service delivery in the adjudicatory, access to information system-development of MIS-IT mechanisms, and a well-governed exceptional administration.

Sd/-
Dhanjyoti Mukhia, IAS
Secretary,
Sikkim Information Commission

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Introduction

With the intention to provide for setting out a practical regime of right to information for citizens to secure access to information under the control of public authorities and in order to promote transparency and accountability in the working of every authority and to contain corruption, the RTI Act, 2005 was passed by Parliament on 12th May, 2005 and received Presidential assent on 15th June, 2005.

The Right to Information Act covers a wide range of institutions. All departments and undertakings of the Central and State Governments, institutions, agencies and other bodies established, constituted, owned, controlled or substantially financed by Governments including non-governmental organizations are covered by the Act.

Section 2 (j) – Every citizen of India has the right to information accessible under the 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 materials;
- (iv) Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

The Sikkim Information Commission is a Constitutional Authority which was constituted on 12/07/2006 vide Government of Sikkim Notification No.27/Gen/DOP dated: 05/08/2006. At present Shri M B Gurung is the Chief Information Commissioner and Shri C P Dhakal is the State Information Commissioner. The Commission receives complaints and appeals, adjudicates, compiles reports received from the various public authorities and based on the reports makes recommendations to the State Government for an effective implementation of the RTI Act, 2005 within the State. The Commission strives to be ahead in compliance with the access to RTI Act, 2005 specifically in terms of promptness in delivering justice in all its fairness and impartiality manner.

The Annual Report for the year 2020-2021 has been prepared on the basis of data received from the Government Departments and Public Authorities under section 25(2) of the said Act.

CHAPTER - I

(I) Sikkim Information Commission

The duties and functions of the Sikkim Information Commission is to conduct efficient and fair examination into the complaints/ appeals of access to information by the public. The Commission also strives to ensure compliance of the Act by the public authorities through disclosure of information to promote transparency and accountability of the working of all public authorities.

The following manpower has been posted for the effective and smooth functioning of the Commission:-

SI No	Post	Existing Strength
1	Secretary	1
2	Under Secretary	1
3	Dy. Registrar cum Law Officer	1
4	Private Secretary	1
5	Sr. Accountant	1
6	Assistant Programmer	1
7	Head Assistant	2
8	U.D.C	1
9	Accounts Clerks	1
10	L.D.C	1
11	Office Assistant	2
12	Driver	4
13	Office Attendant	2

List of Officers and staff posted in the Commission

Sl.No	Name	Designation
1.	Mrs. Dhan Jyoti Mukhia , IAS	Secretary
2.	Shri Topgay Bhutia, SCS	Under Secretary
3.	Smt. Tshering Choden Bhutia	Dy. Registrar cum Law Officer
4.	Shri Bhim Lall Nepal	Private Secretary
5.	Mrs. Pratiwa Bantawa	Sr. Accountant
6.	Shri Arjun Rai	Assistant Programmer
7.	Shri Raju Chettri	Steno - II
8.	Smt Bishnu Bagdas	Head Assistant
9.	Smt. Pramila Rai	Head Assistant
10.	Shri Dawa Lama Tamang	U.D.C
11.	Shri Harka Raj Rai	Accounts Clerk
12.	Shri Ashif Tamang	L.D.C

13.	Shri Tenzing Lepcha	Office Assistant
14.	Mrs. Netra Chettri	Office Assistant
15.	Smt. Khush Maya Sunar	Office Attendant
16.	Shri Wangyal Bhutia	Office Attendant
17.	Shri Sunil Rai	Computer Operator (M.R)
18.	Mrs. Mary Rana	Office Assistant (M.R)
19.	Mrs. Dawa Lhamu Sherpa	Office Assistant (M.R)
20.	Shri Namfung Lepcha	Driver
21.	Shri Padam KumarDarjee	Driver
22.	Shri Sanjeev Bardewa	Driver
23.	Shri Bhim Kumar Chettri	Driver
24.	Shri Dal Bdr. Chettri	Driver (MR)
25.	Shri Sonam Dawa Bhutia	Driver (MR)
26.	Shri Dupchen Manchangpa	Driver (MR)
27.	Shri Ashish Gurung	Driver (MR)
28.	Miss Phuty Sherpa	Office Attendant (M.R)
29.	Shri Karma Thuendup Bhutia	Office Attendant (M.R)
30.	Mrs. Namita Gurung	Office Attendant (M.R)
31.	Ms Ambika Rai	HG
32.	Shri Ugen Gyatso Ladingpa	HG
33.	Mr Sarika Balmiki	Safaikarmachari (part Time)

Categories of Employees in the Comission

(A) Regular Employees

Sl.No.	Category	Deputation	Transfer	Appointed in SIC
1	Group A	1	-	-
2	Group B	2	-	1
3	Group C	3	7	4
4	Group D	-	1	1

(B) Muster Roll

1	Group C	5
2	Group D	3

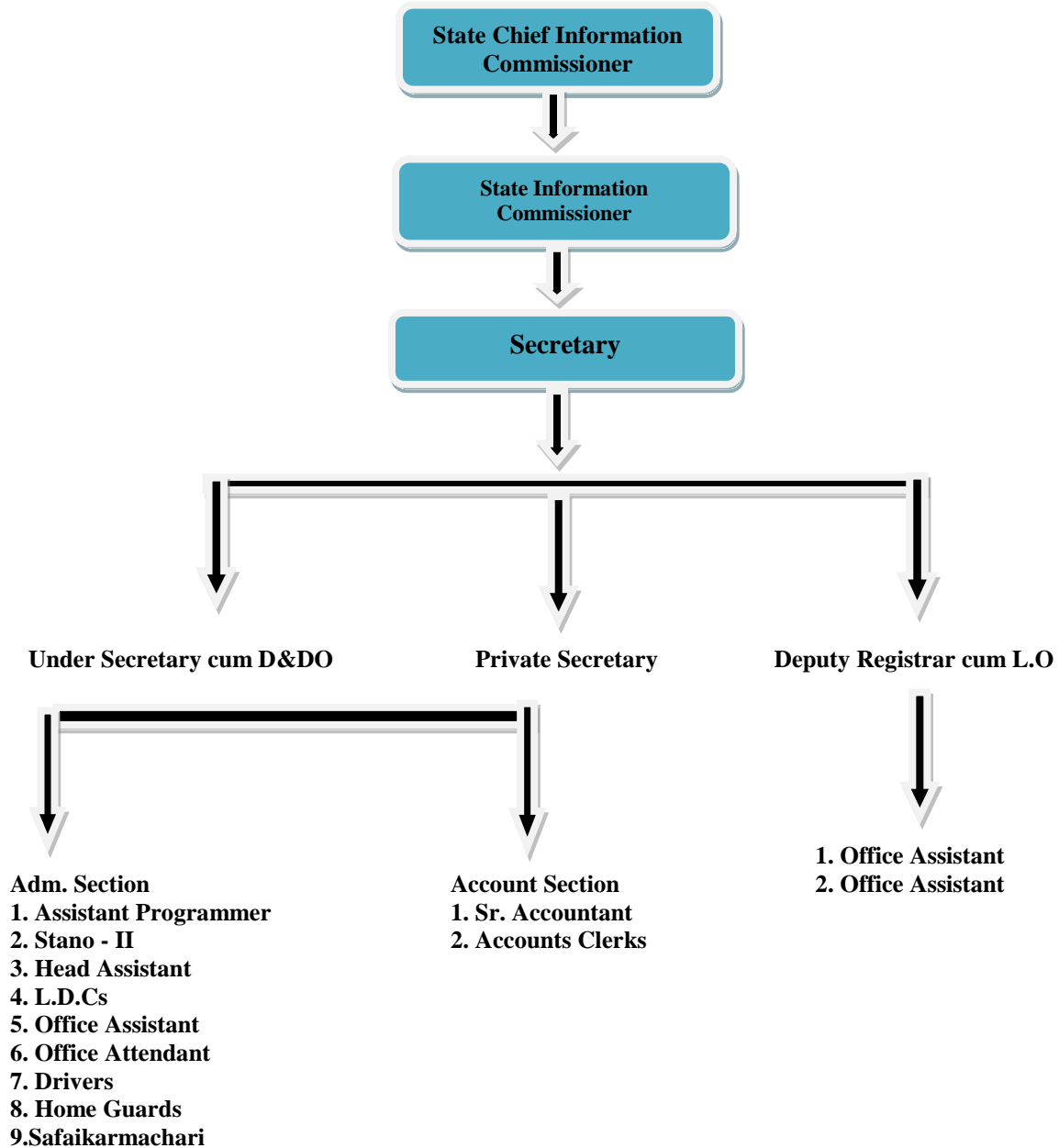
(C) OFOJ Employees

1	Group C	2
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Office Structure

The Commission has three divisions viz. Administration Legal/Adjudicatory and Finance.

ORGANIZATION CHART



(II) Powers and functions of the SCIC, Officers and Employees of SIC U/s 4 (1) (b) (ii)

Sl.No.	Name	Designation	Powers & Functions
1.	Shri M.B.Gurung, Secretary (Retd.)	State Chief Information Commissioner	Under sub-Section (4) of Section 15 of the RTI Act, 2005, the general superintendence, direction and management of the affairs of the State Information Commission in Sikkim, vests upon the State Chief Information Commissioner and may Exercise all such powers and do all such acts and things which may be Exercised or done by the State Information Commission autonomously without being subjected to directions by any other authority as under this Act.
2.	Shri C.P.Dhakal, Secretary, (Retd.)	Information Commissioner	Under sub section (4) of section 15 of the Right to Information Act, 2005 the State Information Commissioner shall assist the State Chief Information Commissioner in the general superintendence, direction and management of the affairs of the State Information Commission and do all acts.

Administration

Sl.No	Name	Designation	Duties/Responsibilities
1.	Mrs. Dhan Jyoti Mukhia, IAS	Secretary	Overall I/C of the Administration. Function as FAA of the Commission Liaison with other State Information Commissions and Central Information Commission
2.	Shri Topgay Bhutia, SCS	Under Secretary	Administration. Drawing and Disbursing Officer. State Public Information Officer of the Commission. Entrusted with the implementation of schemes & promotional activities of the Commission.
3.	Shri Bhim Lall Nepal	Private Secretary	PS to Secretary. Manage the correspondence of the Secretary and the Commission. Any other assignments as and when directed by the Commission.
4.	Shri Arjun Rai	Assistant Programmer	i) Website management and Maintenance. ii) IT System management and maintenance. Any other matter assigned from time to time.
5.	Shri Raju Chettri	Steno - II	P.A. to CIC. Any other assignments as and when directed by the State Chief Information Commissioner
8.	Smt Bishnu Bagdas	Head Assistant	Administrative matters and any other assignments entrusted from time to time.
9.	Smt. Pramila Rai	Head Assistant	Reference work in the admin section – Receiving of letters/Diaries/NameIndex /Opening new files/ Dispatch of letters, etc.
10.	Shri Dawa Lama Tamang	U.D.C	Processing files regarding Administrative matters and any other assignments entrusted from time to time.
11.	Shri Ashif Tamang	L.D.C	Processing files regarding Administrative matters and any other assignments entrusted from time to time.
12.	Shri Sunil Rai	Computer Operator (M.R)	Assist the Asstt. Programmer with works pertaining to I.T Section, etc.

Legal Section

Sl.No.	Name	Designation	Duties/Responsibilities
1.	Smt. Tshering Choden Bhutia	Law Officer	Registering appeals & complaints, generating cause lists, summoning parties, disposing of cases after the verdict and keeping safe custody of the order sheets as also uploading the details in the Commission website. Function as ASPIO of the Commission/ Any other assignments of the Commission.
2.	Shri Tenzing Lepcha	Office Assistant	Assist Law Officer with works pertaining to Legal Section, etc.
3.	Miss. Netra Chettri	Office Assistant	Assist Law Officer with works pertaining to Legal Section, etc.

Account Section

Sl.No.	Name	Designation	Duties/Responsibilities
1.	Mrs. Pratiwa Bantawa	Sr. Accountant	Management & operation of Finance and Accounts matters of the SIC. Responsible for internal and external audit of the Commission
2.	Shri Harka Raj Rai	Accounts Clerk	Finance & Accounts matters

Skilled 'C' Grade Technical Employees of SIC

Sl.No.	Name	Designation	Duties
1.	Shri Namfung Lepcha	Driver	Standby driver of the SIC. Additional duty of Office Peon.
2.	Shri Padam Kumar Darjee	Driver	Attached to vehicle No. SK-01/G/0064 of SCIC.
3.	Shri Dupchen Manchangpa	Driver (MR)	Attached to vehicle No. SK-01/G0049 of SIC.
4.	Shri Sanjeev Bardewa	Driver	Attached to Office Veh. No.SK01GB0082
5.	Shri Bhim Kumar	Driver	Attached to vehicle No. SK-01/G/0065 of SCIC.
6.	Shri Ashis Gurung	Driver (MR)	Attached to vehicle No. SK-01/G/0065 of SCIC.
7.	Shri Sonam Dawa Bhutia	Driver (MR)	Attached to vehicle No.SK01G0620 of U.S
8.	Shri Dal Bdr. Chettri	Driver (MR)	Attached to vehicle No. SK-01/G/2016 Protocol Duty.

Group ‘D’ Employees of SIC

Sl.No.	Name	Designation	Duties/Responsibilities
1.	Shri Wangyal Bhutia	Office Attendant	Dak duty/ attached to Finance & Accounts section
2.	Smt. Khush Maya Sunar	Office Attendant	Attached with Secretary
3.	Miss Phuty Sherpa	Office Attendant	Outdoor dak duty and other related works of the Commission
4.	Shri Karma Thuendup Bhutia	Office Attendant	Attached with CIC.
5.	Mrs. Namita Gurung	Office Attendant	Attached with Admin section
6.	Mr Sarika Balmiki	Safaikarmachari (part Time)	Cleanliness of the Office premise.

Home Guards Personnel deployed under SIC

Sl.No.	Name	Designation	Duties/Responsibilities
1.	Ms Ambika Rai	HG	Provide security
2.	Shri Ugen Gyatso Ladingpa	HG	Provide security

FINANCE

The budget for the Commission is allocated under Budget Head 2052.00.090-45

Details of Expenditure incurred during the Financial Year 2020-2021

Salaries	Office Expenses	Travel Expenses	Wages	Total Budget	Utilization
25263000	1800000	800000	1939000	25802000	28787982

COMMISSION WEBSITE

The Commission also has a website which was hosted in the NIC cicsikkim.gov.in and now the website is linked with sikkim.gov.in. All the activities of the Commission, the reports furnished by the SPIOs and important judgements passed by State Chief Information Commissioner and State Information Commissioner are uploaded in the Commission website. RTI application forms, format under section 25(3) and other important RTI guidelines can be downloaded from Commission website cicsikkim.gov.in.

CHAPTER-II

Complaints & Appeals received by the Commission

Due to outbreak of Covid-19 Pandemic during 2020 to 2021, the Commission took Suomotto cognizance of the complaints and appeals keeping in mind the difficulties that would be faced by the Complainants/ Applicant in filing complaints and Appeals within the period of limitation prescribed under the Act/Rules of the RTI Act, 2005 and conducted hearing in compliance with the Government notifications/guidelines for COVID-19.

No of complaints and appeals received and disposed by the Commission from 1st April 2020 to 31st March 2021

Sl.No	Classification	Received	Disposed	Pending	Orders Passed	Penalties imposed
1	Appeals	35	35	Nil	35	Nil
2	Complaints	05	-	Nil	05	Nil
	Total	40	40	Nil	40	Nil

The Public Authorities were not imposed penalties under section 20 (1)(2) of the Act for not furnishing information within the time specified under sub section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect,incomplete or misleading information.

No compensations were awarded under Section 19(8) (b) of the Act for any loss or other detriment suffered by the appellants as there were no such such cases.

CHAPTER-III
Information on Suo Motu Disclosure U/s 4(1) (b) provided by respective Public Authorities for the Reporting Year
(1st April 2020 – 31st March 2021)
Under Section 25(3) of Right to Information Act, 2005

Sl.No.	Name of the Department	No. of requests made to each public authority u/s 6(1) of Act Every Month				Application Fees collected under Section 6(1) of Act & Rule 5(1) Every Month	Fee collected under Rule 9 A(a&b) Every Month	Fee Collected under Rule 9 (B) for inspection of records & collection of samples of materials Every Month	No. of 1st appeals referred to First Appellate Authority Every Month		No. of 2nd Appeals referred to Sikkim Information Commission Every Month		No. of particulars of any disciplinary action taken against any officer in respect of the administrative u/s of Act Every Month		No of rejection of RTI Applications Every Month	
		(i) Request for Information			(ii) Under Life & Liberty to be provided within 48 hours				1st Appeals		2nd Appeals		U/S 20(1) Penalty	U/S 20(2) Disciplinary Action	Section (8) of Act	Section (9) of Act
		For only seeking information	For only inspection of works & record	For only collection of samples & materials					Disposed	Pending	Disposed	Pending				
1	2	3				4	5	6	7		8		9		10	
1	Agriculture Department Krishi Bhawan, Tadong	15	Nil	Nil	Nil	140	Nil	Nil	1	1	Nil	Nil	Nil	Nil		
2	Animal Husbandary	20	Nil	Nil	Nil	200	Nil	Nil	Nil	Nil	Nil	Nil	Nil			
(a)	Directorate of Fisheries	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil			

3	Building & Housing	2	Nil	Nil	Nil	Nil	Nil	Nil	2	8	Nil	Nil	Nil	Nil		
4	Commerce & industries Udyog Bhawan, Tadong	28	Nil	Nil	Nil	280	Nil	Nil	2	Nil	Nil	Nil	Nil	Nil		
(a)	Khadi & Village															
5	Cooperation Department	18	Nil	Nil	Nil	180	Nil	Nil	1	Nil	Nil	Nil	Nil	Nil		
6	Culture Department Manan Bhawan	11	2	Nil	Nil	912	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
7	Deptt. Of Personnel Adm, DOP	150	Nil	Nil	Nil	3065	2248	Nil	4	Nil	Nil	Nil	Nil	Nil		
(a)	AATI															
8	Dev. Planning Econamic Reforms &North Eastern Council Affairs Deptt.															
(a)	DES&ME	1	Nil	Nil	Nil	10	Nil	Nil	1	Nil	Nil	Nil	Nil	Nil		
9	Disctrict Administrative Centre, Gangtok DAC	180	Nil	Nil	Nil	1800	2000	Nil	1	Nil	Nil	Nil	Nil	Nil		
10	Directorate Of Handloom& Handicrafts	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
11	Eccleasiastical Affairs Deptt.	5	Nil	Nil	Nil	50	450	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
12	Election Department															

(a)	Chief Electrol Office Baluwakhani, Gangtok	Nil	Nil	Nil	Nil	140	222	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
(b)	State Election Commission, Sikkim Assampa Villa, Amdo Golai	Nil	Nil	Nil	Nil	Nil	Nil	Nil	2	Nil	Nil	Nil	Nil	Nil		
13	Energy & Power Deptt.	84	Nil	Nil	Nil	820	20	Nil	Nil	14	Nil	Nil	Nil	Nil		
14	Excise Department	17	3	Nil	Nil	130	308	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
15	Finance Revenue & Expenditure Deptt	6	Nil	Nil	Nil	60	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
(a)	(FRED) Directorate Of Sikkim State Lotteries	29	Nil	Nil	Nil	290	Nil	Nil	28	2	Nil	Nil	Nil	Nil		
(b)	(FRED) Commercial Tax Division	5	Nil	Nil	Nil	40	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
(c)	(FRED) Tresury Pay & Accounts Office HQ	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
(d)	(FRED) Office Of The Directorate Of Pension, GIS, Rev. Expenditure Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
(e)	Directorate of Internal Audit, Gangtok	1	Nil	Nil	Nil	Nil	Nil	Nil	1	Nil	Nil	Nil	Nil	Nil		
16	Food & Civil Supplies Deptt. & Consumer Affairs Deptt.	15	Nil	Nil	Nil	150	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
17	Food Security & Agriculture Deptt.	7	Nil	Nil	Nil	70	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		

18	Forest Env. & Wildlife Management Deptt.	24	Nil	Nil	Nil	240	Nil	Nil	8	Nil	Nil	Nil	Nil	Nil		
(a)	Survey & Demarcation Division, Deorali, Gangtok	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
(b)	South Division, Namchi	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
(c)	Environment & Soil Conservation, East Division	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	1	Nil	Nil	Nil	Nil		
(d)	Utilisation Circle	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
(e)	Forest Central Store, Gangtok	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
(f)	Social Forestry North Division, Mangan	2	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
(g)	Social Forestry, West Division	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
(h)	Social Forestry, East Division	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
(i)	Working Plan Circle, Gangtok	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
(j)	State Pollution Control Board-Sikkim Deorali	30	Nil	Nil	Nil	430	Nil	Nil	8	1	Nil	Nil	Nil	Nil		
19	Gangtok Municipality Corporation GMC	30	Nil	Nil	Nil	300	Nil	Nil	4	Nil	Nil	Nil	Nil	Nil		
20	Health Care Human Services & Family Welfare Deptt.	84	Nil	Nil	Nil	330	Nil	Nil	Nil	1	Nil	Nil	Nil	Nil		

21	Horticulture Department, Krishi Bhawan, Tadong.	8	Nil	Nil	Nil	80	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
22	HRDD Education Department	99	Nil	Nil	Nil	850	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
23	Home Department	129	Nil	Nil	Nil	890	Nil	Nil	3	Nil	Nil	Nil	Nil	Nil		
24	Information & Publi Relation Department	19	Nil	Nil	Nil	180	Nil	Nil	Nil	Nil	1	Nil	Nil	Nil		
25	Information Technology Deptt.	4	Nil	Nil	Nil	40	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
26	Irrigation & Flood Control Deptt.															
(a)	Water Resources & River Dev. Deptt.	8	Nil	Nil	Nil	Nil	Nil	Nil	8	Nil	Nil	Nil	Nil	Nil		
27	ICFAI Univercity															
28	Labour Department, SHRAM Bhawan- Sokeythang	31	Nil	Nil	Nil	130	Nil	Nil	16	Nil	Nil	Nil	Nil	Nil		
29	Land Revenue & Disaster Management Deptt.	24	Nil	Nil		240	Nil	Nil	3	Nil	Nil	Nil	NIL	Nil		
30	Law Department															
(i)	Law & Parliamentary Affairs Deptt.	3	Nil	Nil	Nil	30	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
(ii)	Law Legal Legislative & P.A. Deptt.															
31	Mines Minerals & Geology Deptt.	5	Nil	Nil	Nil	20	Nil	Nil	5	Nil	Nil	Nil	Nil	Nil		

32	Sikkim Police Department (HQ)	81	Nil	Nil	Nil	450	Nil	Nil	29	Nil	Nil	Nil	Nil	Nil		
33	Planning & Development Department	7	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
34	Printing & Stationery Deptt.	6	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
35	Public Health Engineering Department, PHE	21	1	Nil	Nil	220	Nil	Nil	12	1	Nil	Nil	Nil	Nil		
36	Raj Bhawan	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
37	Roads & Bridges Department															
(i)	Roads & Bridges Department, Namchi	5	Nil	Nil	Nil	50	Nil	524	Nil	Nil	Nil	Nil	Nil	Nil		
38	Rural Development Deptt. RDD Gangtok	39	Nil	Nil	Nil	360	947	Nil	3	Nil	Nil	Nil	Nil	Nil		
(i)	BAC Kabi Tingda	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
(ii)	RDD Ravangla South	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
(iii)	Directorate Of Panchayati Raj RMDD.															
39	Sports & Youths Affairs Department	4	Nil	Nil	Nil	40	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
40	Sikkim Legislative Assembly															
41	Sikkim Information Commission SIC	1	Nil	Nil	Nil	10	Nil	1	Nil	Nil	Nil	Nil	Nil	Nil		

42	Sikkim Housing & Dev. Board	8	Nil	Nil	Nil	60	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
43	Sikkim Public Service Commission SPSC	48	Nil	Nil	Nil	370	Nil	Nil	45	Nil	Nil	Nil	Nil	Nil		
44	Sikkim State Electricity & Regulatory Commission		Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
45	Social Justice And welfare Department Lumsey, Tadong	13	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
46	State Bank Of Sikkim SBS	23	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	6	
47	State Trading Cooperation Of Sikkim STCS															
48	SIDICO Bank	6	Nil	Nil	Nil	50	550	Nil	6	Nil	Nil	Nil	Nil	Nil		
49	SABCCO Bank	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
50	SISCO Bank															
51	Tourism & Civil Aviation Department	20	Nil	Nil	Nil	200	102	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
52	Transport Department, SNT Division	15	1	Nil	Nil	Nil	2102	70	Nil	Nil	Nil	Nil	Nil	Nil		
53	Urban Development Department UDD	119	Nil	Nil	Nil	20	229	1933	61	58	Nil	Nil	Nil	Nil		

Under Section 25 (3) of RTI Act 2005, the Commission had sought for the information from Public Authorities to prepare a report on the implementation of the provisions of the Act during the year and to provide a copy of the report thereof to the State Government. The report relates to the number of request made to Public Authorities seeking information, types of request, the decisions made by Public Authorities, the number of appeals to the Appellate Authority and the amount of fees collected by each Public Authority under the Act.

The reports as received by the Commission from the various Public Authorities of 1st April 2020 to 31st March 2021 indicate the following.

Number of request made to Public Authorities/ Government	The Decision made by Public Authorities/ Government	No. of 1st Appeals made to Appellate Authorities	Amount of fee collected U/S 6(1) 9(B) & 19(1)	Application under life and liberty
1514	1514	245	Rs.25803	Nil

In the report the Commission has not received any suggestions from the Public Authorities for reform, the development, improvement and modernisation or amend to this Act or other Legislation or common law or any other matter relevant for operationallising the right to access information from any of the Public Authorities/Departments.

CHAPTER -IV

RECOMMENDATION OF THE SIKKIM INFORMATION COMMISSION

The Commission has made several recommendations in its previous annual reports. Many of those recommendations are still relevant but remain unimplemented by the Public Authorities/ Departments. The Commission wishes to highlight the following issues while reiterating the earlier recommendations.

1. The Commission observed that the obligations laid down under section 4 of the RTI Act are yet to be fulfilled by some of the Public Authorities which is against the provisions of the Act and failure of which could lead to penal provisions. It is therefore, recommended that the Head of the Public Authorities review the position at regular intervals.
2. It has been observed that some of the Appellate Authorities of Public Authority have not understood their role as quasi-judicial authority and hesitate to decide and pass appropriate orders on the appeal preferred to them. It is recommended that they may be suitably advised by the Heads of the concerned Public Authority.
3. SPIOs are mandatorily required to submit monthly report of the applications received seeking information and the status of each case on monthly basis to the Commission. In the absence of complete reports from all Departments, the Commission is unable to present the actual report on the implementation of RTI Act in the State.
4. The Public authorities/ Departments are required to provide Suo Motu disclosure under section 4 (1) (b) of the RTI Act and disclose as much information to the public as possible at regular intervals through their website so that the public can have easy access to all informations.
5. The Commission also recommends the following to be taken up by the Public Authorities/ Deaprtments for implememntation of RTI Act effectively:-

Suo Motu disclosure under Section 4(1) (b) of the Act:

Section 4(1) (b) requires that each public authority shall publish 17 points of information relating to it and such information should also be regularly updated. The Commission has been persistently urging the Government and public authorities to scrupulously follow the provisions of Section 4(1) (b). Unfortunately, disclosure made by many public authorities is far from satisfactory. Quite often the information uploaded is not updated. The Commission urges the heads of the Administrative Departments to regularly review compliance of Section 4(1) (b) by the public authorities subordinate to them and issue suitable instructions in the matter.

Training of the PIO / First Appellate Authorities:

The Commission recommends imparting necessary training to the First Appellate Authorities/ State Public Information Officers/ Assistant Public Information Officers because they are the one who create and manage the Information that the public will be requesting. If they don't understand their duties properly or if they are not committed to implementing the law, then its effective operation will become more difficult. Section 26(d) of the Act specifically places the obligation on the Government to provide training to Public Officers.

CHAPTER – V

Proactive Disclosure of the Sikkim Information Commission:

Detail list of Officers of Sikkim Information Commission Designated as Appellate Authority, SPIO and APIO

Sl.No	Name	Designation	Remarks.
1.	Mrs. Dhan Jyoti Mukhia, IAS	Secretary	Appointed as Appellate Authority vide O.O.No. 872/SIC/2020 Dated:12/02/2020.
2.	Shri Topgay Bhutia	Under Secretary	Appointed as SPIO vide O.O.No. 539/SIC/2019 Dated: 04/06/2019.
3.	Smt Tshering Choden Bhutia	Dy. Registrar cum Law Officer	Appointed as APIO vide O.O. No. 539/SIC/2019 Dated:04/06/2019.

CHAPTER-VI

STATEMENT OF TRANSPERANCY OFFICER/ APPELLATE AUTHORITY/SPIO & ASPIO OF VARIOUS DEPARTMENTS AND PSUs

(1ST April 2020 – 31ST March 2021)

Sl.No.	Name of Department	Transparency Officer	Appellate Authority	SPIO	ASPIO	Phone No. & Fax No. & website
1	Animal Husbandry LF & VS Department			1.(Dr.Ghana Shyam Sharma)2.(Dr. D.P.Pradhan)		
(a)	Directorate of Fisheries	<i>Not Submitted</i>				
2	Buildings & Housing Department		Smt. Asha Gurung, (Old) Shri, Yadunandan Gautam, Chief Engineer.(New)	1. <u>Project/ Store Division</u> ; Shri Sonam P. Wangdi, Suprentending Engineer (Project) 2. South- West Division; Shri Namgay Lepcha, Suprentending Engineer (S/W) 3. Architech 4. North- East Division; Shri Saurav Tshering Lepcha, Suprentending Engineer (N/E)Section; Shri Rajesh Pradhan, Chief Architech Shri Ujjwal Rai. Joint Secretary, Shri. Kehar Singh Chettri, Chief Accounts Officer. 5. Accounts Section: Shri Binod Sharma, Additional Director (Accounts)		

3	Commerce & Industries Department		Smt. Sumitra Pradhan, Director, Commerce & Industries Department		Ms. Krishna Kumari Gurung, Deputy Secretary. (Adm. Section). Mr. Hemant Khatiwada, Under Secretary,(Industri es Division). Mr. Janak Bdr. Chettri, Assistant Director, (Industries Division). Ms. Bimla Chettri, Assistant Director,(MSME Division) Division.Mrs. Sunita Sharma, Under Secretary Commerce Division.	
(a)	Directorate of Handicrafts & Handloom	<i>Not Submitted</i>				
(b)	Sikkim Village & Khadi Industries Board	<i>Not Submitted</i>				
4	Cooperation Department			1. Mr. K.P. Sharma, Joint Registrar.(7797233364)	1. Ms. Mamta Mukhia, Deputy Secretary.(891871 3920)	
				2. Shri Rinzing D. Lepcha, JRCS(9434117700	2. Ms. Tashi Lhamu Bhutia, Sr. A.O.(9593271720)	

				3. Shri Ben Kumar Sunwar, JRCS South District Office (9593285930)	3. Ms. Chandra Rani Rai, DRCS (9932782191)	
				4. Shri Kamal Pradhan, JRCS West District Office.(7602607444)	4. Ms. Kessang Yanki, JRCS Officer, Pakyong Sub- Division Office (9832080818)	
				5. Shri Sonam Dadul bhiutia, Additional Registrar. North District Office.(9775807800)	5. Shri Purushottam pradhan, JRCS Officer, Rongli Sub-Division Office (9733532321)	
					6. Shri Sewan Rai, DRCS Officer South District Office. (7679648613)	
					7. Shri Tashi Tsh. Bhutia, JRCS Officer, Rabongla Sub- Division Office. (7550801567)	
					8. Shri Laden Gensapa, DRCS Officer West District Office.(834811185 0)	

					9. Shri Ratan Hang Subba, DRCS Officer, Soreng Sub-Division Office.(9733554819)	
					10. Shri Sonam Bhutia, JRCS Officer, North District Office.(9775452195)	
5	Cultural Affairs & Heritage Department			Mrs. Merina Rai, Deputy Secretary, SCS.		
6	Department of Personnel Adm Reforms, Trg. & Public Grievance		Mrs. Cheden P. Ladingpa, SCS, Special Secretary	Ms. Thinley Pema Chankapa, SCS, Joint Secretary		
(a)	AATI	<i>Not Submitted</i>				
7	Development Planning Economic Reforms & North Eastern Council Affairs Department	<i>Not Submitted</i>				
(a)	DESM&E			Shri Bikram Tamang, Joint Director, DESM&E		
8	Ecclesiastical Affairs Department	<i>Not Submitted</i>				
9	Election Department	<i>Not Submitted</i>				
10	Energy & Power Department		Shri K.K Gajmer, Chief Engineer (East)	T.T. Bhutia		
11	Excise Department	<i>Not Submitted</i>				
12	Finance Revenue & Expenditure Department			Persis G.Lucksom, Addl. Director	Pranita Ghimiray, U.S	
(a)	Directorate of Sikkim State Lotteries	<i>Not Submitted</i>				

(b)	Treasury Pay & Accounts Office (HQ)	<i>Not Submitted</i>				
(c)	Office of the Director Pension, Group Insurance & Provident Fund Finance, Rev. & Expenditure Department	<i>Not Submitted</i>				
(d)	Commercial Tax Division			Shri. Somnath Adhikari, Joint Commissioner.		
13	Food & Civil Supplies & Consumer Affairs Department	<i>Not Submitted</i>				
14	Food Security & Agriculture Department	<i>Not Submitted</i>				
15	Forest, Env. & Wildlife Management Department			Mrs. Thinley Pema Chankapa, SCS, Joint Secretary. D.Manjunatha, IFS. (WP) Shri. Udai Gurung, IFS Conservation of Forest (WP), Peggyla Tsh. Venchungpa, DFO South Territorial Division FEWMD, Ms. Thenmozhi (Nodal SPIO)	Udai Gurung, C.F, Shri Y.S Mukhia, A.D (Planning & Statistics (HQ)	8116648844
16	Health Care Human Services & Family Welfare Department		Shri. Dhiraj Pradhan, Director (Adm.)	Mrs. Tenzin Yangchen Bhutia, SCS, Joint Secretary.	Aita Raj Subba Under Secretary	947458234
17	Home Department			Suprina Chettri, Ujjwal Rai	Ms. Swapna Lama, Under Secretary (Confidential) Shri. John Gurung, Under Secretary (Protocol)	
(i)	Sikkim House	<i>Not Submitted</i>				
18	Horticulture & C.C. Development Department		Shri, Sadan Kumar Tamang, Director			

19	Human Resource Dev. Department			H.P Dhakal		7063679689
20	Information & Public Relations Department	<i>Not Submitted</i>				
21	Information Technology Department	<i>Not Submitted</i>				
22	Irrigation & Flood Control Department	<i>Not Submitted</i>				
23	Labour Department				Assstt. Labour Commissioner, Mangan, Pakyong, Namchi, Gyalshing & Soreng	
(i)	Skill Dev. And Entrepreneurship Department	<i>Not Submitted</i>				
24	Land Revenue & Disaster Management Department	<i>Not Submitted</i>				
i.	East District			Hemant Rai, ADC		7407896459
ii.	West District	<i>Not Submitted</i>				
iii.	North District	<i>Not Submitted</i>				
iv.	South District					
25	Law & Parliamentary Affairs Department		L.R.-cum- Secretary.	Mr. Dhiraj Subedi, Joint Secretary. Shri. Pempa Dadul Shangderpa, Joint Director.	(Saloni Pradhan) SLS Deputy Legal Officer.	
26	Mines Mineral & Geology Department	<i>Not Submitted</i>				

27	Sikkim Police	<i>Not Submitted</i>				
(a)	Sikkim Fire & Emergency Services Gangtok				Shri Zamyang Tashi Bhutia, Dy. Chief Fire Officer	
28	Printing & Stationary Department	<i>Not Submitted</i>				
29	Roads & Bridges Department	Lhagyal Bhuita				7547968883
30	Rural Management & Dev. Department			Kosi Kapil	Shri, Dinesh Kumar Sharma Deputy Secretary cum State Coordinator (SBM-G)	8016273362
(i)	RDD Ravangla ,South			Sunil Kumar Mothay, 9593975437		
31	Science & Technology Department			Mrs. Meena Subba		
32	Sikkim Legislative Assembly	<i>Not Submitted</i>				
33	Sikkim Public Service Commission			Shri, B.B.Gurung Joint Secretary (Adm.)	Mr. Kalyan Thapa, Assistant Controller Of examination.	

34	Social Justice Emp. & Welfare Department			Shri. Karma Sonam Bhutia, Director, Social Welfare Department	<p>(1)Ms. Rituja R. Gajmer, Accounts Officer-1 Shri. Kamal Dahal, Accounts Officer-II Accounts Section (2) Shri Gopal Sharma, Divisional Engineer, South /West Shri. Raju Tamang, Divisional Engineer. North/East Engineering Cell (3) Shri. Deepal Kumar Sharma, Deputy Director I, Planning \$ Monitoring Evaluation Cell. IT Cell, planning \$ Monitoring Evaluation Cell and Administration Section.</p> <p>(4) Ms. Januka Tamang, Under Secretary, W\$CD. Women and Child Development Division</p> <p>(5) Shri. Garjama Subba. Deputy Director, ICDS/HQ, Integrated Child Development Scheme</p> <p>(6) Smt. Sonam Lhamu Bhutia, Joint Director. ICDS. Integrated Child Development Scheme (ICDS) (7) Smt. nimkit Lepcha, Under Secretary, SWD Social Welfare Division (oDD& Transgender)</p> <p>(8) Smt, Jyothsna Khatiwara, Assistant Director, Nutrition Cell.</p>	
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35	Sports & Youth Affairs Department	<i>Not Submitted</i>				
36	Transport Department (SNT Division)	<i>Not Submitted</i>				
i.	Transport Department	Chief Engineer-II	PCE-cum-GM	Addl. Chief Engineer-II	1. Shri Kamal Kr. Gurung,Jt. G.M, GBO . II. Shri O.B. Chettri, Supdt. Engineer,S/W. III. Shri Sameer Gurung, D.G.m, Rangpo. IV. Shri Manoj Basnett, D.E, Jalipool. V. Shri Sanjok Thapa, D.E, C/T/W/ Shop, gangtok.	
ii	Motor Vehicle Div.			J.B.Thapa, Sr. RTO		7001335647
37	Tourism & Civil Aviation Department			Subash		9434127259
38	Urban Development & Housing Department		Smt. Roshni Rai, Special Secretary			9933326444
39	Water Security & PHE Department		Shri. Chetraj Mishra, Chief Engineer	1. Shri. B.B Rai, Joint Secretary, ADM Sec. 2. Shri Karma Loda Tshering, Addl. Director, Accounts Sec. 3. Shri. Sonam C. Lepcha, Superintending engineer, North - East Circle. 4. Shri Dilip Sharma, Addl. Chief engineer, 5. Superintending Engineer (South/West) 6. Smt. Dibya Gurung, SE, Sewerage Circle.	Smt. Manisha Cintury, ADM Sect. 2. Smt. Bandana Gurung, Accounts Officer. 3. Shri. G.T. Wangdi, DE (W/S). 4. Shri. Tilak Singh Tiwari, DE (East). 5. Shri. Birendra Thapa, Deputy Director(IT). 6. Divisional Engineer (North). 7. Shri. Norbu T. Bhutia, DE(South). 8. DE (West). 9. Shri. Cho Norbu Kazi, Divisional Engineer.	1. 8972683508 2. 9647885768 3. 700115573 4. 9933989175 5.7001155373 6. 787228433 7. 9434169532 8. 9832557583 9. 9641273676 10. 9434257093 11. 9434153211 12. 9434055759 13. 9434127207

40	Water Resources & River Dev. Deptt.	1. Shri, Gozin Lachenpa, Chief Engineer	Shri, B.S. Niroula, Addl. Chief Engineer	1. Shri. Kamal Gurung, Addl. Chief Engineer (S/W) M&E and Planning Division. 2. Shri, Sonam C.Lepcha, (S/E) 3. Shri, Ashim Basnett, Suptd. Engineer (Hydrology) 4. Smt. Jerusha Joy Shrestha, Deputy Secretary ADM. Section. 5. Ms, Meena Tamang, Deputy Director M&E Cell. 6. Shri, K.G.Dawa, Director (Accounts Section) 7. Shri. Deepak Singh, Addl. Chief Engineer (N/E)& Store Division.	1. Shri, Hishey Chewang Bhutia, Div. Engineer (West) Division. 2. Shri Sangay Nepo Bhutia, Div. Engineer (North) 3. Shri Birendra Bhujel, Div. Engineer (South) 4. Shri, Yessay Dorjee Bhutia, Div. Engineer (Planning) 5. Shri Pempa Tsh. Bhutia, Div. Engineer (East) 6. Shri Bikash lohar, Asst. Engineer (Hydrology) 7. Smt. Samheeta Rai, Under Secretary, ADM. Section. 8. Shri, Karma Wangdi Bhuti, Asstt. Director (RIMS) M&E Cell. 9. Smt. Suzana Sharma, C.A.O Accounts Section.	
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Part – I						
1	Raj Bhawan			Shri, Bhim Bahadur Berdewa		
2	Sikkim Housing & Dev. Board	Not Submitted				
3	Sikkim State Electricity Regulatory Commission		Mr. Palchen D. Chaktha, Director (T&T)	1. Mr. Jigme W. Bhutia, Joint Director (IT)	Mr. Sonam Palzor, Deputy Director Mr. Pema Rinzing Gyansapa, Assistant Engineer	
4	State Bank of Sikkim			Kuncheok Tenzing, G.M		9434022144
5	Sikkim Information Commission		Mrs. Dhanjyoti Mukhia, Secretary	Shri Topgay Bhutia, Under Secretary	Mrs. Tshering Choden Bhutia, Law Officer	sic-skm.nic.in
6	State Election Commission, Sikkim	Not Submitted				
7	Law & Parliamentary Affairs	Not Submitted				
8	Lokayukata				Shri Sanjay Gurung, Court Marshall Cum-Deputy Legal Officer.	
9	Gangtok Municipal Corporation	Not Submitted				
10	SIDICO		Mr. B.P. Upreti, General Manager, (Adm/Legal)	1. Mr. J.T Tonyot D.G.M (F&A) Head Office Gangtok 2.Mr. Santa Bir Rai G.M Jorethang Branch Office	Mr. S. Shiwakoty D.G.M (MPL) HQ Gangtok	7602616666
11	STCS	Not Submitted				
12	SIMFED		Kailash Rai			9832014342
13	SISCO		Deepak Tragain			7797144548

14	Sikkim State Co-operative Bank Ltd	Ms. Pema Chenzom, Managing Director	Mr. R.L. Sharma, Deputy General Manager	Mr. Deepak Tewari, Assistant General Manager	1. Mr.T.R. Dorjee, AGM. (East/North) 2. Ms. Anuja Pradhan, AGM. (South/West)	
15	Institute Of Hotel Management	<i>Not Submitted</i>				
16	Sikkim State Legal Services Authority			Under Secretary, Sikkim SLSA, Gangtok.		
17	Sikkim State University		Shri. Karma Sonam Bhutia, Registrar	Ms. Babyla Topden, Assistant Registrar		9609015770/ 7908827952.

CHAPTER-VII

ORDER PASSED BY THE COMMISSION DURING THE YEAR 2020-2021

ORDER

Appeal No. /SIC/2020

Appellant : Shri.Navin Kiran Pradhan.

Vs.

State Public Information Officer: State Bank of Sikkim, GOS, Gangtok, East

Sikkim.The Applicant, Shri Navin Pradhan Present

The SPIO, Shri S.R.Karki.. present along with Shri

That as per the last order both the parties had filed a synopsis of argument along with the citations they relied on.

On the last hearing, the applicant has submitted that the First Appellate Authority of State Bank of Sikkim has misconceived and wrongly interpreted the order of Hon'ble Supreme Court in his Order. He has further submitted that the information asked by him falls under larger Public Interest.

On the other hand, the SPIO has submitted that the information in connection with query Nos. 1 and 2 falls under the exemption part of 8(1)(d)(i)(e) and (j) and the disclosure of information would harm the business of the Bank and Competitive position of the customer.

The Applicant in his synopsis has referred the Report of the comptroller and Auditor General of India (Report No.1 of 2018) from page No 103 to 130 concerning the functioning of State Bank of Sikkim. In the report it has been reflected that in the absence of a lending policy and detailed credit appraisal mechanism, the sanction of credit facilities was not based on objective criteria. Bank of Sikkim did not have any comprehensive procedure for post sanction/disbursement monitoring and follow-up loan assets leading to High level of Gross NPAs to the extent of 45.75 per cent of total loans assets of SBS as on 31 March 2017. The report also stated that there was no system of internal audit in SBS nor was there any formal arrangement for regulating the activities of SBS through oversight functions or through administrative supervision by GOS indicating ineffective internal control mechanisms in SBS.

The Applicant has cited the decision of the Central Information Commission in P.P.Kapoor vs Dr N Krishna Mohan, PIO Chief General Manager, Reserve Bank of India dated 15th November 2011, wherein the appellant had sought for the total amount of money deposited by Indian Citizens in Nationalized Indian Banks during the periods 2006,2007,2008,2009 and 2010. Provide information for each year separately.(2)Information till date regarding total amount of Loan taken but not repaid by industrialists and Indian nationalized banks and the total amount of interest accumulating on such unpaid loans.(3)Details of default in loans taken from public sector banks by industrialists. Out of above list of defaulters, top 100 defaulters, name of the businessman, address, firm name ,principal amount, interest amount, date of default and date of availing loan.(4)steps being taken for putting information sought in query 2(a) and list of defaulters on the website of the Respondent-public authority.

The CPIO denied information on query no (3) on the basis that it was held in fiduciary capacity and was exempt from disclosure under section 8(1)(a) and (e) of the RTI Act.

The Appellant had filed an Appeal before the First Appellate Authority on the ground that the information furnished by the CPIO is incomplete.

The FAA passed an order stating that the CPIO has specified that the information received from banks in this regard is held by the Reserve Bank in a fiduciary capacity and as such it cannot be disclosed in terms of clause (a) and (e) of Section 8 (1) of the Act. Therefore, the exemption claimed under section 8 (1)(e) is without doubt, proper in the eye of law.

The Appellant has filed the second Appeal before the Central Information Commission being dissatisfied with the order of FAA.

During hearing the respondent has submitted that the information about customers is held by the Banks in a fiduciary capacity and hence disclosure of the same would violate the fiduciary-trust placed by borrowers of the banks.

The Commission passed an order considering the claim of exemption under section 8 (1) (a) of the RTI Act made by the PIO. The PIO has claimed exemption under section 8 (1)(a) but not explained how this would apply. The FAA has not given any comment on this. No justification was offered at the time of hearing as well. The Commission does not accept the claim of exemption under section 8(1) (a) by the PIO.

The Commission examined the claim of exemption under Section 8 (1) (e) of the RTI Act.

Section 8 (1) (e) of the RTI Act exempts from disclosure "information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information.

The respondent has argued that the information about customers is held by banks in a fiduciary capacity and hence disclosure of the same would violate the fiduciary-trust placed by the borrowers of the banks. The Commission finds some merit in this argument. However, if the customer defaults in repayment, should the information about the default also be considered as information held in a fiduciary capacity, is a moot question. The lender is likely to take all measures including filing suits to recover the money due and these actions would mean publicly disclosing the default amounts. In such circumstances the Bank would make these details public, and not feel fettered by the fiduciary nature of the relations.

The Commission also stated that the exemptions of Section 8 (1) of the RTI Act apply, it needs to consider the provision of Section 8(2) of the RTI Act which stipulates as follows; "Notwithstanding anything in the Official Secrets Act,1923 (19 of 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 interest."

Section 8(2) of the RTI Act mandates that even where disclosure of information is protected by the exemptions under Section 8 (1) of the RTI Act, if public interest in disclosure outweighs the harm to such protected interests, the information must be disclosed under the RTI Act.

It may be observed that though the transaction may have a character of private contract yet the question of great importance behind such transactions as a whole having far reaching effect on the economy of the country cannot be ignored, purely restricting it to individual transactions more particularly when financing is through banks and financial institutions utilizing the money of the people in general namely, the depositors in the banks and public money at the disposal of the financial institutions. Therefore, whenever public interest to such a large extent is involved and it may become necessary to achieve an object which serves the public purposes, individual rights may have to give way. Public interest has always been considered to be above the private interest. Interest of an individual may to some extent be affected but it cannot have the potential of taking over the public interest having an impact in the socio-economic drive of the country.

In view of the argument given above, the Commission is of the considered view that the details of defaulters of public sector banks should be revealed since it would be in larger public interest. That the CIC decision was appealed before the High Court by the Respondent and from there the case has been transferred as Transferred Case No.94 of 2015 before the Supreme Court of India. The Supreme Court has passed an order stating that the Central Information Commission has passed the impugned orders giving valid reasons and the said orders, therefore, need no interference by this court with the above observation the case was dismissed by the Supreme Court.

Upon hearing the submission made by the parties and the documents on record the Commission declares that the information regarding the functioning of Public Institution is a fundamental right as enshrined in the Art 19 of the Constitution of India and most important value for the functioning of a healthy and well informed democracy is transparency. The Respondent has claimed exemption Under Section 8(1) (e) (j) of the RTI Act'2005 but not explained how this would apply. The FAA has not given any comment on this and no justification was offered at the time of hearing well. The Commission does not accept the claim of exemption made by the Respondent.

In view of the argument given above, the Commission is of the considered view that the details of defaulters of Public Sectors Bank should be revealed it being larger Public Interest and this could lead to safeguarding the economic and moral interest of the nations.

Hence, in view of Section 8(2) of the RTI Act, the Commission rules that information on query No.1 the name of the defaulters grant of loan date and amount and outstanding amount (principal and interest) of the bank and also scheme for the grant of the loan and rate of interest and query No.2 as sought by the Applicant must be provided to the Applicant, since there is a larger Public Interest within 15 days from the date of order and file the compliance of the same before the Commission without fail.

With the above observation the instant case has been disposed of.

ORDER

Appeal No. 02/SIC/2020

File Date: 1/06/2020

Appellant : Shri. Navin Kiran Pradhan.

Vs.

State Public Information Officer: Department of Personnel, Gangtok, East Sikkim. Date of Order: 17.06.2020

The applicant, Shri. Navin Kiran Pradhan - Present.

The SPIO cum Additional Secretary, Shri. Tashi Chopel present along with Under Secretary, Shri. Prakash Rai and madan sudan Sharma.

The applicant, Shri. Navin Kiran Pradhan submitted that at the time of filing of the complaint u/s 18(1)(b) and (c) of the RTI Act, 2005 before the Commission, he did not get the information as sought by him vide his RTI application dated 10.02.2020, however ten days back from the date of hearing he had received some of the information which were incomplete and unsatisfactory. The applicant further submitted that as he has asked to furnish the name, father/husband: name, address and office order of all the appointments (Regular/muster roll/ Adhoc/contractual/work charge) under the Government of Sikkim or any projects or schemes conducted by the State Government, (II) the details of total salary/pay and all numeration and perks paid to the appointed mentioned here in above supra (III). The details of selection procedure such as advertisement, qualification required and examination result for appointment mentioned here in above supra. The information provided by the SPIO are incomplete and are not as per the queries asked by the applicant, therefore, the applicant prays that he may be granted the accurate information in the form as sought in his RTI application, he further pleaded that all the PSU also comes under the State Government of Sikkim, as there information may also be provided by the SPIO after exercising the relevant provision as mentioned in the RTI Act, 2005.

On the other hand, the SPIO submitted before the Commission, as to how and why there was a delay for furnishing the information as sought by the applicant and filed an application along with the documents he had relied upon. The ground for delay found to be genuine, hence the SPIO and other concerned officers are exempted from section 20(1) and 20(2) of the RTI Act, 2005. The SPIO further submitted that the information which had been provided to the applicant are the only information as they are having in their possession, hence, he prays that he may be granted some more time to provide the information in a form as sought by the applicant as he has to transfer the application to all the concerned Public Authority.

“Section 18 of the Act, to the extent it is relevant, provides that it shall be the duty of the Commission to receive and enquire into a complaint from any person who has been refused access to any information requested under the Act or who has not been given a response to a request for information or access to the information within the time limit specified under the Act.” It is therefore, obligatory for the Commission to decide such a complaint on merit.

The scope of the powers of the Commission under section 18 of the Act by the Hon'ble Supreme Court in Central Information Commission Vs. State of Manipur.

That the Commissioner had no power to direct the respondent to furnish information since such power could be exercised only in term of section 19 of the Act. The Commissioner was accordingly directed to dispose of the complaint in accordance with law being aggrieved by the order passed by the Divisional Bench the Chief Information Commissioner preferred an appeal by special leave, Rejecting the appeal filed by the Commission, the Apex Court inter alia, held as under.

The question which falls for decision in this case in the jurisdiction if any, of the Information Commissioner under Section 18 in directing disclosure of Information. In the impugned judgement of the Divisional Bench, the High Court held that the Chief Information Commissioner acted beyond his jurisdiction by the impugned order. The Information Commissioner has no power to provide access to the information which has been requested for by any person but which has been denied to him. The only order which can be passed by the Central Information Commission or the State Information Commission, as the case may be, under section 18 in an order of penalty provision under section 20. However, before such order is passed the Commissioner must be satisfied that the conduct of the Information officer was not bonafied.

In view of the above referred order pronouncement of the Appeal Court, there can be no dispute that while considering a complaint made under section 18 of the Act, the Commission cannot direct the concerned CPIO to provide the information which the complainant had sought from him. Such a power can only be exercised when a second appeal in form of sub-section (3) of section 19 is preferred before the Commissioner.

However in the instant case, after considering the grievance expressed by the petitioner and the ground of information being on larger Public Interest, instead of deciding the complaint on merit the Commission direct the concerned SPIO to provide information of all the public authorities including PSU in a complete form as sought by the complainant in his RTI application dated 10.2.20 as of dated 17.6.20 without fail by 17.7.2020. It is expected that the Commission hence forth will decide the complaint on merits, of course, it would be open to the Commission to give such a direction while entertaining a second appeal under Sub-Section (3) of section 19 of the Act.

To come up on 17.7.2020 for filing of compliance report by the SPIO.

ORDER

Appeal No. 0 5/SIC/2020

File Date: 26/02/2020.

Appellant: Shri. Dhan Bahadur Rasaily.

Vs.

State Public Information Officer: District Collectorate, DAC, Gangtok, East Sikkim.

Date of Order: 19.06.2020

The applicant, Shri. Dhan Bahadur Rasaily -Present.

The SPIO----Absent.

On behalf of SPIO, the Head Assistant, Smt. Prabha Rai present and filed an adjournment of hearing date on the ground that the SPIO has been transferred recently and no one has been appointed as an SPIO yet. She further submitted that the APIO is engaged in Quarantine centre related work.

The adjournment application has been considered being on genuine ground.

It is seen that the applicant had filed his RTI application before the SPIO on 23.12.2019, but he did not get any information from the SPIO, thereafter he had filed an appeal application u/s 19(1) before the First Appellate Authority on 30.1.2020. The First Appellate Authority also failed to entertain his appeal application as per the procedures laid down in the Act.

The Court said “After the Right to Information Act was enacted and brought into force, every government servant who is designated as the State Public Information officer and Assistant Public Information officer are bound to discharge the duty entrusted on him/her under the Act. He/She cannot decline to take any action on the request under the Right to Information Act on the ground that he/she has other duties to attend to.

The Commission held that in the view of such evident, leading to non – compliance of specific direction as mentioned in the RTI Act, 2005 and deliberate obstruction to the flow of information, a show cause Notice is to be issued to the SPIO for explaining as to why under Section 20(1) and 20(2) of the RTI Act should not be initiated against him. The SPIO and APIO are further directed to file a proper report on the next date without fail.

To come up for further hearing on 10.7.2020.

ORDER

Appellant : Shri. Dhan Bahadur Rasaily.

Vs.

State Public Information Officer: District Collectorate, DAC, Gangtok, East Sikkim.

The applicant, Shri. Dhan Bahadur Rasaily present along with his two brothers shri I.K.Rasaily and Shri Dil Bahadur Rasaily

The APIO cum SDM, East, Shri Tshering Bhutia...present.

During hearing, the applicant shri Dhan Bahadur Rasaily submitted that he did not get the information as sought by him vide his RTI application dated 23/12/2019. He has further submitted that his appeal application u/s 19(1) filed it before the First Appellate Authority on 3.2.2020 he not been entertained by the First Appellate Authority.

The applicant has filed an application requesting for enquiry into the instant matter as per the provision of Sections 18 (1) (2) and (3) of the Act.

The APIO, Shri Tshering Bhutia submitted that the SPIO Shri Jamyang C.Namgyal has been transferred recently and in his place no one has been replaced, as such, no other officer has been appointed as an SPIO yet.

He further submitted that the SPIO has forwarded the entire case papers of shri Bhim Bahadur Kami to the Land Revenue and Disaster Management Department vide Memo No:69/DC(E)/2020 dated 16.6.2020

The SPIO on the basis of the letter memo no:69/DC(E)2020 dated 16.6.2020 he has transferred the RTI application u/s 6(3) .of the Act to the SPIO of Land Revenue and Disaster Management, East Sikkim with a request to furnish the information as sought by the Applicant,

Upon hearing the submission Made by the parties and the documents on record. The Commission has directed the APIO cum SDM Tshering Bhutia to come with the explanation on the next date as to why the case paper of Bhim Bahadur Kami has been forwarded to the Land Revenue Department and as to why the information as sought by the applicant has not been furnished to the application since it was in District Collectorate till 16.6.2020.

Issue Notice to the SPIO, Land Revenue Department for the next hearing with a direction to furnish a Counter Statement as to why the transferred Application of APIO cum SDM Shri Tshering Bhutia Dated 22.6.2020 has not been entertained.

To come up for next hearing.

ORDER

Appellant : Shri. Dhan Bahadur Rasaily.

Vs.

State Public Information Officer: District Collectorate, DAC, Gangtok, East Sikkim.

Date of Order: 08.10.2020

The applicant, Shri. Dhan Bahadur Rasaily present.

The SPIO cum ADC, Shri. Milan Subba present along with SDM, Shri. Tshering Bhutia.

During hearing the applicant submitted that he did not get the information as per the direction by the Commission.

On the other hand the SPIO submitted that the case file pertaining to the information as sought by the applicant has been forwarded to the head office, LR&DMDM vide letter no. 69/DCE/2020 dated 16.6.2020.

The Land Revenue and Disaster Management Department has filed an application before the Commission stating that certified copy of note sheet containing NSP No. 1 to 10 and a copy of order sheet containing pages 1 to 8 and all case report of Mr. Bhim Bahadur Kami handed over to Ms. Phurba Diki.

The Commission inquired from applicant about Ms. Phurba Diki. The applicant submitted that Ms. Phurba Diki is his legal representative. He further submitted that he has not received any of the information from his legal representative.

Upon the submission made by the parties the Commission directs the SPIO and APIO to obtain the information from Land Revenue and Disaster Management Department and furnish the applicant by 19.10.2020 without fail.

With the above observation the instant case has been disposed of.

ORDER

Appeal No. 28/SIC/2021

File dated. 20/11/2020.

Appellant : Mr. Ganga Ram Rai.

Vs.

State Public Information Officer: Police Department, GOS, Gangtok, East Sikkim. Date of Order: 25.01.2021

The applicant, Shri. Ganga Ram Rai..... Present.

The SPIO, Shri. Rodent Thapa Present.

The third party, Shri Prakash Gajmer, Shri Jiwan Gajmer and Shri Santosh Gajmer..... Present.

That today is the date fixed for hearing in connection with an appeal application filed by the applicant u/s 19(3) of the RTI Act.

During hearing the applicant submitted that he did not get the information sought by him vide his RTI application dated 26.02.2020. He has further submitted that the information as sought by him falls under the larger public interest.

On the other hand the SPIO has submitted that the application of the applicant has been transferred to District Collectorate, East as they being the issuing authority of the Certificate of Identification (COI).

That Shri. Prakash Gajmer, Shri. Jiwan Gajmer and Shri. Santosh Gajmer being asked by the Commission, they have put an objection to provide their information being sought by the applicant.

Having heard the parties and documents on record the Commission in view that the information as sought by the applicant i.e. Certificate of Identification of the above named person which were used by them at the time of getting their job before the Police Department and the same is lying before the Public Authority of the Police Department is considered to be public documents. The information is already on public record and most often their documents pertain to Government servant. Public servants have been used to answering questions raised in parliament and legislature and readily provided information and when the information goes out on their forum, it is already made public so, when the PIOs have a doubt, the law requires them to consider.

It is clearly mentioned under section 8I (j) which said that “provided that the information which cannot be denied to the parliament or a state legislature shall not be denied to any person”.

The High Court and Supreme Court has clearly mentioned in their order regarding the matter.

The High Court of Sikkim before the Double Bench has passed an order on 3.12.2019 in the case of Biraj Adhikari vs. State of Sikkim and others to recommend issuance and digitization of COI in the smart card format containing of relevant information. Hence, once the matter becomes a matter of public record, the right to privacy no longer subsists.

The Commission feels that the information sought i.e. Certificate of Identification of Mr. Prakash Gajmer, Mr. Jivan Gajmer and Mr. Santosh Gajmer which are available with a Public Authority (Police Department) is covered by the RTI Act, the applicant has been directed to provide COI of above named person within fifteen days from the date of hearing and file a compliance of the same before the Commission.

With the above observation the instant case has been disposed of.

ORDER

Appeal No. 11/SIC/2021

Dated. 26/02/2021.

Appellant : Mr. Sonam Wangdi.

Vs.

State Public Information Officer: State Bank of Sikkim, GOS, Gangtok, East

Sikkim. Date of Order: 25.03.2021

The applicant, Shri. Sonam Wangdi .Present.

The First Appellate Authority, Shri. P.Wangdi Bhutia, SPIO, Shri. Santi Ram Karki, APIO, Shri. Kuncheok Tenzing and Shri. Karma Tshering Bhutia, A.M.(legal) Present.

That Today is date fixed for hearing in connection with an appeal application u/s 19(3) of the Act which is pending before the Commission for disposal.

During hearing the applicant has submitted that he did not get the information as sought by him vide his RTI application dated 14.12.2020.

On the other hand the First Appellate Authority, Shri. P.Wangdi Bhutia and ASPIO, Shri. Kuncheok Tenzing have submitted that the gist of appellant case is solely on the strength of letter written by Shri. Rajnath Singh the then Home Minister of India. They further submitted that during the period of demonetisation the State Bank of Sikkim was not provided fresh issuable currency chests located in Central Bank of India and State Bank of India, Gangtok, East Sikkim. Since State Bank of Sikkim ran short of issuable currency notes, it was not in a position to allow withdrawal of cash to its account holders. The matter was appraised to the Government of Sikkim and the same seems to have apprised to the Union Home Minister. There is no recent history of blanket freezing of accounts as high as fifty two thousand accounts at a time in India. In the case of State Bank of Sikkim, withdrawal of cash could not be allowed to its saving/current accounts customer and the same is referred to as frozen. In fact due to unavailability of issuable currency notes these accounts went into virtual frozen state. It is submitted that there was no instance of any accounts being frozen in the State Bank of Sikkim during the period of demonetisation for any criminal reason. It is further submitted that usage of word frozen in the letter could have been used to denote inability to withdrawal cash from accounts.

However in the written synopsis of the First Appellate Authority and the SPIO it has been reflected that the information as sought by the appellant relates to personal as well as third parties information and disclosure of the same could hamper the interest of the bank and prejudice the bank in its business competency.

Having heard the parties and the documents on record the Respondents have failed to provide the specific reply of the information sought by the applicant. Therefore they are directed to file a proper and specific reply on or before 27th April 2021.

Issue Notice to the parties for further hearing on 27.04.2021.

ORDER

Appellant : Shri. Sonam Wangdi Bhutia.
Vs.

State Public Information Officer: State Bank of Sikkim,GOS, Gangtok,East Sikkim.

Date of Order:17.08.2021

The applicant,Shri. Sonam Wangdi, IAS (Retired) Present.

The SPIO, Shri. Santi Ram Karki present along with Shri. Karma T. Bhutia (AM (Legal), Shri. L.D. Kharel(S. Inspector) and Shri. Zigme Dorjee Bhutia (Legal).

That Today is date fixed for hearing and filing a report/decision being taken by the Board of Directors of State Bank of Sikkim in connection with the questions documents being asked by the applicant.

The Respondent has filed a report stating that the documents sought by the applicant has already been uploaded in the Google drive by Mr. Navin Kiran Pradhan and is under public domain. He further submitted that the information sought by the applicant relates to personal as well as third party information, disclosure of the same could hamper the interest of the bank and prejudice the bank in its business competency and could harm the banks commercial confidence and the judiciary relationship. The respondent also stated that the applicant has no major relationship with the State Bank of Sikkim and he has failed to furnish any concrete evidence at larger public interest.

In the Report, the respondent also reflected that in compliance of the order of the Commission the said matter had appraised before the Board of Directors in its 175th board meeting held on 9.7.2021. The Board of Directors unanimously resolved the issue that the bank should be guided by the wisdom of Hon'ble Information Commission in the matter of R.T.I application of Shri. Sonam Wangdi Bhutia (Applicant).

On the other hand the applicant has submitted that the information as sought by the applicant falls under the larger public interest because the money in the bank belongs to the public.

Having heard the parties and documents on record the Commission rules that the Commission has already passed the order with regard to the similar types of information as sought by the applicant in the case of Navin Kiran Pradhan Vs State Bank of Sikkim. Therefore, the State Bank of Sikkim is directed to follow the law of precedent and to compliance the order of Commission being passed while entertaining the similar nature of cases in future.

The SPIO is directed to furnish the information sought by him within fifteen days from the date of hearing to file compliance before the Commission by 31.9.2021 without fail.

With the above observation the instant case has been disposed of.

CHAPTER-VIII

LIST OF DEPARTMENTS WHO HAVE COMPLIANCE UNDER SECTION 4 OF RTI ACT, 2005

Sl.No	Department	Website
1.	Animal Husbandry Department	sikkim-ahvs.gov.in
2.	Agriculture Department	http://www.sikkimagrisnet.org/ http://www.sikkimorganicmission.gov.in
3.	Corporation Department	http://www.cooperation.sikkim.gov.in
4.	Commercial Tax Department	sikkimtax.gov.in
5.	DESM&E	https://www.desmesikkim.nic.in/
6.	Departmental of Personnel	http://www.sikkimdop.gov.in
7.	Election Department	www.ceosikkim.nic.in
8.	Excise Department	http://www.excise.sikkim.gov.in
9.	Forest Department	
11.	Finance Department	www.sikkimfred.gov
11.	Food & Civil supplies Department	http://www.sikkimfcs-cad.gov.in
12.	Gangtok Municipal Corporation	https://www.gmsikkim.in
13.	Home Department	http://www.home.sikkim.gov.in
14.	Health Department	http://health.sikkim.gov.in
15.	Horticulture Department	http://www.sikkim-horti.org
16.	Information of Public Relation Departt.	www.ipr.sikkim.gov.in
17.	Information Technology Department	www.sikkim.gov.in
18.	L R & D M	http://www.sikkimlrdm.gov.in
19.	Law & Parliamentary Affairs Departt.	https://www.sikkim.gov.in/departments/law-parliamentary-affairs-department
20.	Labour Department	http://www.labour.sikkim.gov.in
21.	Mines & Geology Department	http://www.sikkimmines.gov.in
22.	Pay & Accounts Department	www.sikkimfred.gov.in
23.	Police Department	http://sikkimpolice.nic.in
24.	Planning & Developing Department	https://sikkim.gov.in/departments/development-planning-economic-reforms-affairs-department
25.	Printing & Stationary Department	https://sikkim.gov.in/departments/printing & stationary department
26.	R. D. D Department	https://rmdd.sikkim.gov.in

27.	Roads & Bridges Department	http://www.sikkim-roadsandbridges.gov.in
28.	Sikkim State Lotteries	http://www.sikkimlotteries.com
29.	S.P.S.C.	http://www.spsckm.gov.in
30.	State Pollution Board	https://skocmms.nic.in
31.	State Election Commission	http://secsikkim.com
32.	SIDICO (Sikkim Inds. Devl. & Invst. Corp) LTD.	http://secsikkim.com
33.	Sports & Youth Affairs Department	http://www.syasikkim.org
34.	Sikkim Housing & Devl. Deprtt.	http://www.shdb.nic.in
35.	Sikkim State Electricity Regulatory Commission	http://www.sserc.in
36.	Tourism Department	http://www.sikkimtourism.gov.in
37.	Urban Development Department	https://udhd.sikkim.gov.in
39.	Water Resources Department	http://sikkim-waterresources.gov.in

Conclusion

The purpose of the Act is to as to empower the citizen, promote transparency and accountability in the working of the Public Authorities. Contain corruption and make the democracy work for the people in real sense.

The Sikkim Information Commission conducts efficient, fair and confidential examination of complaints and appeals of the public and individuals. The goal of our work is to maximize compliance with the Act while fostering disclosure of public sector information.

Now we can proudly say that R.T.I Act ensures that the people has put in power remain answerable to us always as by no means can they use public funds arbitrarily. It is one of the most powerful legislation in the hands of the people that empower them to seek information from the public Authorities/Government.

The Sikkim Information Commission is hopeful that all the Public Authorities in the State shall take up steps to fulfil its obligations in right earnest and that the Commission shall perhaps be in a position to cover all the fulfilment of the provisions of the Act by all the Public Authorities in toto, in its subsequent Annual Reports.