

STATE INFORMATION COMMISSION, MP

STATE INFORMATION COMMISSIONER SHRI RAHUL SINGH

SHOW CAUSE NOTICE, SUMMON & BAILABLE WARRANT OF PRODUCTION
UNDER SECTION 18, CPC (5 OF 1908), RTI ACT – 2005,
COMPLAINT NUMBER : C-0537/SIC/BURHANPUR/2021 COURT ROOM NO. 04

APPELLANT MR DINESH SADASHIV SONWANE

VERSUS

RESPONDENT 1 : DR VIKRAM SINGH VERMA CMHO BURHANPUR, MP

RESPONDENT 2 : MR AKASH TRIPATHI COMMISSIONER, DIRECTORATE
HEALTH SERVICES, SATPURA BHAWAN, BHOPAL, MP

1 The present Appeal 0683/SIC/BURHANPUR/2018 before the State Information Commission (hereinafter SIC) is being taken forward as a separate case where the SIC has been compelled to exercise powers as are vested in a civil court while trying suit under Code of Civil Procedure, 1908 by virtue of Section 18(3)(f) of the RTI Act read with Rule 8(6)(ii) of the MP Right to Information (Fees & Appeal) Rules, 2005. The issues involved in appeal include: (i) continued disregard and non-compliance of decision & orders of the SIC by Dr. Vikram Singh, Public Information Officer (hereinafter PIO) who is the Chief Medical & Health Officer (hereinafter CMHO), Burhanpur, and (ii) failure to take necessary appropriate action by the Commissioner, Directorate of Health Services, Satpura Bhawan (hereinafter Commissioner Health), who was ordered by the SIC to ensure recovery of penalty imposed on the PIO and ensure appearance of the CMHO before the SIC.

2 The relevant facts in the present appeal are that an RTI application was filed on 10-08-2017 with the PIO, Dr. Vikram Singh, CMHO, Burhanpur. On receiving no response from the PIO, the Appellant filed a first appeal where the First Appellate Officer (FAO) in his decision dated 07-10-2017 had directed the PIO to provide the information. Thereafter, the appellant aggrieved by the inaction of PIO had filed Second Appeal with the SIC on 22-03-2018, where the SIC issued numerous summons dated 18-10-2019, 29-11-2019, 27-12-2020, 21-09-2020, 02-11-2020, 16-12-2020 and 10-02-2021 to the PIO to appear before the SIC for the appeal proceedings. The PIO failed to attend any proceedings or produce any document in compliance with the summons without providing any justifiable reasons or lawful excuse.



The SIC in its decision dated 16-12-2020 had directed the PIO to provide the information to the Appellant & imposed a penalty of 25000 INR on the PIO for denial of information without any reasonable cause. Further, the SIC had reported to the Commissioner Health, who is the concerned disciplinary authority, to take necessary appropriate action for recovery to imposed penalty amount against the PIO, in case PIO fails to deposit the imposed penalty within one month from the date of receipt of penalty order issued by the SIC.

On observing non-compliance of the penalty order, the SIC, yet again, issued an order on 10-02-2021 directing the PIO to deposit the penalty amount. However, the PIO continued to ignore and defy the order of the SIC, which clearly reflects his intention to avoid compliance of the order of the SIC. In the order dated 10-02-2021, the SIC had, yet again, reported to the Commissioner Health to take action for recovery of imposed penalty against the PIO.

Thereafter, the SIC in its orders dated 07-04-2021, 07-06-2021, and 27-08-2021 had directed the Commissioner Health to initiate strict action for recovery of imposed penalty against the PIO. However, till today, the recovery of imposed penalty against the PIO is yet

to be ensured.

The SIC observes that the PIO has intentionally disregarded the decision and orders of the SIC, and is in violation of the provisions contained therein the Right to Information Act, 2005(RTI Act) and M.P. Right to Information (Fees & Appeal) Rules, 2005.

As per Rule 8(6)(i) of the M.P. Right to Information (Fees & Appeal) Rules, 2005, the PIO has been mandated to deposit the imposed penalty with the SIC within one month of the receipt of penalty order issued by the SIC.

- 4 As per Rule 8(6)(iii) of the M.P. Right to Information (Fees & Appeal) Rules, 2005, if the PIO fails to deposit the imposed penalty amount within the prescribed time limit, the SIC shall report to the concerned disciplinary authority to take disciplinary action and ensure recovery of imposed penalty amount against the PIO. The Rule finally states that order of the SIC under this Rule shall be binding on the concerned officer. As per Section 19 (7) of RTI Act 2005, the decision of the State Information Commission shall be binding. The Rule 8 (4) of the M.P. Right to Information (Fees & Appeal) Rules, 2005 also says the decision of the State Information Commission shall be final and binding.



The SIC has time & again issued numerous orders to report to the Commissioner Health, who is the concerned disciplinary authority, to ensure recovery of imposed penalty amount against the PIO. The failure to take necessary appropriate action by the Commissioner reflects his intention to ignore or avoid the compliance of the order of the SIC under the abovementioned rule which constitutes violation of Rule 8(6) (iii), Rule 8 (4) of MP RTI (Fees & Appeal) Rules, 2005 and Section 19 (7) of The RTI Act 2005 and directions of the SIC under section 19 (8) a of the RTI Act 2005.

- 5 The SIC observes that the conduct and demeanor of the PIO and the Commissioner Health clearly reflects apathetic disregard of the law passed by the Parliament for creating transparent and accountable governance. It is disheartening and disappointing to see Officers, who are responsible and obligated towards citizens under the RTI Act, are actively neglecting, violating, and obstructing the operation of the RTI Act, which is part of the Fundamental Right to Freedom of Speech & Expression under Article 19 (1) of the Constitution of India.

The SIC, as a statutory body established to promote and uphold the letter & spirit of the RTI Act, can't remain a mute spectator to such blatant repeated violation of the RTI Act. If such violations are not addressed properly, it will create a mockery of the law and institutions established to uphold the law.

- 6 Under the powers vested the SIC under Section 18(3)(f) of the RTI Act read with Rule 8(6)(ii) of the M.P. Right to Information (Fees & Appeal) Rules, 2005:

The SIC observes that the PIO, Dr. Vikram Singh, CMHO, Burhanpur was duly served with summons at numerous instances and has failed to attend in compliance with the summons. The SIC hereby issues a bailable warrant against the PIO, Dr. Vikram Singh, Chief Medical & Health Officer, Burhanpur to be present in person before the Commission explaining reasons for the continued non-compliance of the orders of the SIC, and ensure that the imposed penalty is deposited with the SIC within 15 days of receipt of this order. The Deputy Inspector General (DIG), Indore Division is hereby ordered to execute the bailable warrant to secure personal attendance of Dr. Vikram Singh, Chief Medical & Health Officer, Burhanpur before the SIC at 12 noon on October 11, 2021 in Court Room No. 4.



7 Under section 19(8)a of the RTI Act read with Rule 8(6)(iii) of the M.P. Right to Information (Fees & Appeal) Rules, 2005, the SIC summons Mr. Akash Tripathi, Commissioner, Directorate Health Services, MP, to appear in this court in person to produce all the documents upon which he intend to reply in support of his defence for disobeying the SIC's successive orders and failure to take necessary action for recovery of imposed penalty against the PIO. The SIC hereby summons Mr. Akash Tripathi to explain as to why the SIC should not report to the disciplinary authority of the Commissioner, Directorate of Health Services, to initiate disciplinary proceedings against him for not only violating Rule 8 (6) (iii) and Rule 8 (4) of MP Right to Information (Fees & Appeal) Rules 2005 and Section 19 (7) of RTI Act 2005 but also the Civil Service Conduct Rules. The Respondent, Mr Akash Tripathi is expected to send a copy of all supporting documents which he chooses to rely upon during the proceedings, at least three days prior to the hearing on October 11, 2021, via email to ic2indore@gmail.com


8 The SIC directs Mr. Akash Tripathi Commissioner, Directorate Health Services MP, under the Rule 8(6) (iii) of the MP Right to Information (Appeal & Fees) Rules 2005 to recover the imposed penalty from the PIO, Dr Vikram Singh, Chief Medical and Health Officer, Burhanpur, and deposit it with the SIC within 15 days of receipt of this order, and initiate disciplinary proceedings against the PIO. It must be noted that failure to comply with the above directions, the SIC will be compelled to exercise powers as are vested in a civil court by virtue of Section 18(3)(f) of RTI Act to compel your personal appearance before the SIC.

The SIC directs Mr. Akash Tripathi, Commissioner, Directorate of Health Services shall report personally to the Commission with the compliance report at 12 noon on October 11, 2021 in Court Room Number 4.

A copy of this order shall be marked to the Additional Chief Secretary, Department of General Administration, Vallabh Bhawan, Bhopal, and the Additional Chief Secretary, Health Services, Vallabh Bhawan, Bhopal.

PLACE: BHOPAL
DATED: 20/9/2021




RAHUL SINGH
STATE INFORMATION COMMISSIONER
MADHYA PRADESH



(पंजीकृत डॉक से)

क्रमांक/C-0537/SIC/Burhanpur/2021/Court-4/

भोपाल, दिनांक

प्रतिलिपि,

- (1) आवेदक श्री दिनेश सदाशिव सोनवणे,
सत्तेश्वर महादेव मंदिर,
के पास, डाकवाडी,
जिला बुरहानपुर (म०प्र०)
- (2) डॉ० विक्रम सिंह वर्मा,
लोक सूचना अधिकारी
मुख्य चिकित्सा एवं स्वास्थ्य अधिकारी,
बुरहानपुर जिला बुरहानपुर (म०प्र०)
- (3) श्री आकाश त्रिपाठी,
लोक प्राधिकारी एवं आयुक्त,
संचालनालय स्वास्थ्य सेवाएँ,
म०प्र० सतपुड़ा भवन, भोपाल
जिला भोपाल (म०प्र०)
- (4) उप पुलिस महानिरीक्षक,
इन्दौर संभाग,
इन्दौर (म०प्र०)
- (5) अपर मुख्य सचिव,
म०प्र०शासन,
सामान्य प्रशासन विभाग,
वल्लभ भवन मंत्रालय, भोपाल
- (6) अपर मुख्य सचिव,
म०प्र०शासन,
लोक स्वास्थ्य एवं परिवार कल्याण विभाग,
वल्लभ भवन मंत्रालय, भोपाल



(दिनेश कुमार दुबे)
अनुभवा अधिकारी
म.प्र.राज्य सूचना आयोग

MADHYA PRADESH STATE INFORMATION COMMISSION

WARRANT OF ARREST

(O.XVI, r.16 C.P.C. under Section 18(3) of RTI Act, 2005 & Rule 8(6)(ii) of the MP Right to Information (Fees & Appeal) Rules, 2005)

In the Court of Rahul Singh, State Information Commissioner

COMPLAINT No. 0537/SIC/BURHANPUR/2021

COURT ROOM NO. 04

APPELLANT	MR DINESH SADASHIV SONWANE
RESPONDENT 1	DR VIKRAM SINGH VERMA, CMHO BURHANPUR, MP
RESPONDENT 2	MR AKASH TRIPATHI, COMMISSIONER, DIRECTORATE HEALTH SERVICES, SATPURA BHAWAN, BHOPAL , MP

TO

Deputy Inspector General of Police,
Indore Division, Madhya Pradesh

Whereas Dr. Vikram Singh, Chief Medical & Health Officer, District Burhanpur, has been duly served with summons at numerous instanced but has failed to attend the compliance of the summons issued by the Madhya Pradesh State Information Commission. You are hereby ordered to arrest and produce the said Dr. Vikram Singh before the Court number 4 of the MP State Information Commission. Herein fail not. If the said Dr. Vikram Singh shall give bail himself in the sum of Rupees 5000/- to attend before me on the 11th day of October, 2021, at 12 noon, he may be released.

You are further ordered to return this warrant on or before 11/10/2021 with an endorsement certifying the day on and the manner in which it has been executed, or the reason why it has not been executed.

PLACE: BHOPAL
DATED: 20/09/2021



RAHUL
RAHUL SINGH
STATE INFORMATION COMMISSIONER
MADHYA PRADESH
RAHUL SINGH
M.P. STATE INFORMATION COMMISSIONER