

STATE INFORMATION COMMISSION, MP

STATE INFORMATION COMMISSIONER SHRI RAHUL SINGH SHOW CAUSE NOTICE, SUMMON & BAILABLE WARRANT OF PRODUCTION UNDER SECTION 18 RTI ACT – 2005

APPEAL NUMBERS: A- 5653/SIC/REWA/2020, A-5156/SIC/REWA/2020, A-3923/SIC/REWA/2021, A-2193/SIC/REWA/2021, A-2194/SIC/REWA/2021, A-5523/SIC/REWA/2021

COURT ROOM NO. 08

APPELLANT 1: RAMAKANT TRIPATHI
APPELLANT 2: GYANENDRA GAUTAM
APPELLANT 3: PANKAJ KUMAR MISHRA
APPELLANT 4: GOPIKA PRASAD TIWARI

VERSUS

**RESPONDENT 1 :SURBHI DUBEY, PIO BLOCK PANCHAYAT
OFFICER, REWA, MP**
**RESPONDENT 2: SWAPNIL G WANKHADE, CEO, DISTRICT
PANCHAYAT, REWA, MP**
**RESPONDENT 3: COMMISSIONER, PANCHAYATRAJ
DIRECTORATE, ARERA HILLS, BHOPAL**

The present six Appeals including (1) A- 5653/SIC/REWA/2020, (2)A-5156/SIC/REWA/2020, (3) A-3923/SIC/REWA/2021, (4) A-2193/SIC/REWA/2021, (5) A-2194/SIC/REWA/2021, (6) A-5523/SIC/REWA/202 are being decided through this order by the State Information Commission (hereinafter SIC) to avoid multiplicity of proceedings for saving time and resources. In all the six appeals, the SIC has been compelled to exercise powers as are vested in a civil court while trying a suit under Code of Civil Procedure, 1908 by virtue of Section 18(3)(f) of the RTI Act 2005. The issues involved in these appeals include: (i) continued disregard and non-compliance of orders of the SIC by Mrs. Surbhi Dubey who is Block Panchayat Officer (hereinafter BPO) Rewa, Public Information Officer (hereinafter PIO) , (ii) failure to take necessary appropriate action by Mr. Swapnil G Wankhade who is CEO, District Panchayat Rewa



- 1 The relevant facts in the appeal A-3923/REWA/2021 are that the SIC through order dated 23/12/2021 had asked Mrs. Surbhi Dubey, PIO Janpad Panchayat Rewa to provide a very limited nature of information to the RTI Applicant within five days of the receipt of the order. Upon observing non-compliance of this order, the SIC through order dated 21/02/2022 using powers under Section 18(3)f of the RTI Act had asked PIO Surbhi Dubey to provide documents related to information sought before the SIC however PIO Surbhi Dubey didn't provide any information. The SIC in its numerous orders dated 23/12/2021, 19/01/2022, 25/01/2021, 21/02/2022, 17/03/2022 and 23/03/2022 summoned Surbhi Dubey to appear before the SIC. Despite six summons, repeated reminders, Mrs. Surbhi Dubey showed absolute defiance where she refused to provide information and appear before the SIC. The SIC issues final Show Cause Notice to the PIO Mrs Surbhi Dubey to explain why maximum penalty of Rs 25000 should not be imposed on her for wrongfully withholding the information despite the order of SIC.



- 2 The relevant facts in the appeal A-5523/REWA/2021 are that the SIC after the hearing on 16/12/2021 has passed an order on 23/12/2021 where PIO, Mrs. Surbhi Dubey, BPO, Janpad Panchayat Rewa, was directed to provide information to the RTI Applicant within ten days of the receipt of the order. The SIC issued show cause notice on 23/12/2022 to the PIO, Mrs Surbhi Dubey to explain why maximum penalty of Rs 25000 should not be imposed against her for wrongfully denying the information to RTI applicant. The SIC through its orders dated 23/12/2021, 25/01/2021, 15/02/2022, 28/02/2022, 17/03/2022 and 23/03/2022 summoned the PIO, Mrs. Surbhi Dubey to appear before the SIC. Despite six summons, show cause notices under Section 20, and repeated reminders to PIO, Mrs. Surbhi Dubey remains defiant and refuses to provide information and appear before the SIC.
- 3 The relevant facts in the appeal A-2193/REWA/2021 are that the SIC through order dated 14/12/2021 had asked PIO, Mrs. Surbhi Dubey, BPO Janpad Panchayat Rewa, to provide a information to the RTI Applicant within ten days of the receipt of the order. On 14/12/2021, the SIC issued show cause notice to the PIO, Mrs Surbhi Dubey to explain why maximum penalty of Rs 25000 should not be imposed against her for wrongfully denying the information to RTI

applicant. The SIC through its orders dated 14/12/2021, 10/01/2022, 17/01/2022, 28/01/2022, 22/02/2022, 17/03/2022 and 23/03/2022 summoned Mrs. Surbhi Dubey to appear before the SIC. Despite seven summons, show cause notice under Section 20 and repeated reminders, the PIO, Mrs. Surbhi Dubey remains defiant and refuses to provide information and appear before the SIC.

- 4 The relevant facts in the appeal A-5653/REWA/2020 are that on 06/12/2021, the SIC issued show cause notice to the PIO, Mrs Surbhi Dubey, BPO Janpad Panchayat Raipur Karchuliyan, Distrcit Rewa to explain why maximum penalty of Rs 25000 should not be imposed against her for wrongfully denying the information to RTI applicant. But the PIO, Mrs Surbhi Dubey refused to acknowledge show cause notice issued by the SIC. The SIC through its orders dated 6/12/2021, 19/01/2022, 25/01/2022, 22/02/2022, 17/03/2022 and 23/03/2022 summoned the PIO, Mrs. Surbhi Dubey to appear before the SIC. Despite seven summons, show cause notice under Section 20 and repeated reminders, the PIO Mrs. Surbhi Dubey shows complete disregard and refuses to comply with the orders of the SIC.



- 5 The relevant facts in the present appeal A-2194/REWA/2021 are that the SIC through it's order dated 14/12/2021 had asked the PIO, Mrs. Surbhi Dubey, BPO Janpad Panchayat Rewa, to provide information to the RTI Applicant within twenty days of the receipt of the order. The SIC issued show casue notice on 14/12/2021 to the PIO, Mrs Surbhi Dubey to explain why maximum penalty of Rs 25000 should not be imposed against her for wrongfully denying the information to RTI applicant. The SIC through its orders dated 14/12/2021, 10/01/2022, 17/01/2022, 28/01/2022, 22/02/2022, 17/03/2022 and 23/03/2022 summoned the PIO, Mrs. Surbhi Dubey to appear before the SIC. Despite seven summons, show cause notices under Section 20 and repeated reminders, the PIO Mrs. Surbhi Dubey has been abosultely defiant and refuses to provide information.

6 The relevant facts in the appeal A-5165/REWA/2020 are that the SIC issued show cause notice on 06/12/2021 to the PIO, Mrs. Surbhi Dubey, BPO Janpad Panchayat Rewa, to explain why maximum penalty of Rs 25000 should not be imposed against her for wrongfully denying the information to RTI applicant. But the PIO, Mrs Surbhi Dubey refuses to acknowledge the show cause notice issued by the SIC. The SIC through its orders dated 6/12/2021, 17/01/2022, 28/01/2022, 28/02/2022, 17/03/2022 and 23/03/2022 summoned Mrs. Surbhi Dubey to appear before the SIC. Despite six summons, show cause notice under section 20 and repeated reminders, the PIO Mrs. Surbhi Dubey remains defiant where she refuses to comply with the orders of the SIC or to appear before the SIC.

7 As per Rule 8(4) of the M.P. Right to Information (Fees & Appeal) Rules, 2005, the order of the State Information commission shall be final and binding.

8 The SIC takes cognizance of non-compliance of its order dated 25-01-2022 in appeal number A-5523/SIC/REWA/2021 wherein vide point number 5 the SIC under section 19 (2) ordered the Development Commissioner, Department of Panchayat & Rural Development, Bhopal to appoint a new PIO in place of Mrs. Surbhi Dubey, in Janpad Panchayat Rewa and Janpad Panchayat Raipur Karchuliyan. The SIC had also asked Principal Secretary, General Administration Department, to initiate disciplinary action against Surbhi Dubey as she had through whatsapp informed the SIC that "I am not responsible for anything hence no question of appearance before the SIC". In addition, Mrs Surbhi Dubey over phone also passed snide remarks over the working of SIC. Following this order, Mr. Jitendra Singh Chouhan, Deputy Secretary, General Administration Department, vide letter number F- 11-33/2022 dated 09-03-2022 had asked PIO Panchayat & Rural Development Department Secretariat, Bhopal to ensure compliance of the order of the SIC. The PIO Panchayat & Rural Development Department, Secretariat, Bhopal vide letter number 1607 dated 07/2/2022 asked Mr. Swapnil G Wankhade, CEO District Panchayat Rewa, District Rewa to ensure compliance of the order of SIC. The SIC observes that copy of the orders related to all the above mentioned appeals have been marked to Mr Swapnil G Wankhade as well. Despite numerous orders of the SIC, Mr Swapnil G Wankhade failed to ensure compliance of the order of the SIC. The failure on



Mr. Swapnil G Wankhade to secure compliance reflects blatant disregard and disrespect of the orders of the SIC which amounts to violation of Rule 8(4) of the M.P. Right to Information (Fees & Appeal) Rules, 2005 and violation of Civil Service Conduct Rules.

- 9 The SIC observes that the conduct and demeanor of the PIO Mrs. Surbhi Dubey and the CEO Jila Panchayat Rewa, 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.



- 10 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.
- 11 The SIC observes that the PIO, Mrs. Surbhi Dubey, BPO, Janpad Panchayat Rewa & Raipur Karchuliyan, district Rewa, was duly served with a total of 38 summons in all the six appeals combined at numerous instances and has failed to attend the SIC proceedings in compliance with the summons to give satisfactory replies, and has not given the required information to the applicants in all the above-mentioned appeals and stands clearly in violation of the provisions contained therein the Right to Information Act, 2005 (RTI Act). The conduct of Mrs Surbhi Dubey, has led to collapse of the entire mechanism of RTI Act in Janpad Panchayat Rewa and Raipur Karuchuliyan. The SIC hereby issues a bailable warrant against the PIO, Mrs. Surbhi Dubey, Block Panchayat Officer, Janpad Panchayat Rewa & Raipur Karchuliyan, district Rewa to be present in person before the Commission explaining reasons for the continued non-compliance of the orders of the SIC and also to provide compliance report of all the orders of the SIC in all the six appeals.

12 The Deputy Inspector General (DIG), Rewa Division, Mr Mithlesh Kumar Shukla is hereby ordered to execute the bailable warrant to secure personal attendance of Mrs. Surbhi Dubey, Block Panchayat Offcier, Janpad Panchayat Rewa & Raipur Karchuliyan, district Rewa before the SIC at 12 noon on 21 April, 2022 in Court Room No. 08, 2nd Floor 35-B Soochna Bhawan, Arera Hills, Bhopal

13 Under section 18 of the RTI Act, the SIC summons Mr. Swapnil G Wankhade, CEO, District Panchyat, District Rewa to appear in this court in person on 21 April, 2022 to produce all the documents before the commission, upon which he intend to reply in support of his defence for disobeying the SIC's orders to appoint a new PIO replacing Mrs. Surabhi Dubey and also to initiate disciplinary action against Mrs Surabhi Dubey. The SIC hereby summons Mr. Swapnil G Wankhade to explain as to why the SIC should not report to the disciplinary authority ie the Commissioner, Directorate of Panchayat, to initiate disciplinary proceedings against him for violating Rule 8(4) the MP Right to Information (Fees & Appeal) Rules 2005.

14 The SIC directs Mr. Swapnil G Wankhade, CEO, District Panchayat, District Rewa to appoint a new PIO replacing Mrs. Surabhi Dubey with immediate effect. 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.

15 A copy of this order shall be marked to the Principal Secretary, Department of General Administration, Vallabh Bhawan, Bhopal, and the Commissioner Panchayatraj Directorate, Arera Hills, Bhopal Madhya Pradesh.

PLACE: BHOPAL

DATED: 25/03/2022



STATE INFORMATION COMMISSIONER
MADHYA PRADESH

RAHUL SINGH

RAHUL