



## ANNUAL REPORT 2024-2025

**SIKKIM INFORMATION COMMISSION**  
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# **CONTENT**

	<i>Page</i>
<b>1. INTRODUCTION</b>	
<b>2. CHAPTER –I</b>	
(i) Sikkim Information Commission	1-3
(ii) Office Structure of Sikkim Information Commission	4
(iii) Powers and Functions	5-10
(iv) Swearing-in Ceremony of Hon'ble State Information Commissioner	11-12
(v) RTI Awareness Programme	13-18
(vi) RTI Week Celebration	19-21
(vii) 31 <sup>st</sup> NFICI Board of Governors Meeting	22-23
(viii) Swacchta Bharat Mission	24
<b>3. CHAPTER –II</b>	
(i) Complaints & Appeals received by the Commission and Section 4 of the Act	25-26
(ii) Section 4 of the Act	27
<b>4. CHAPTER –III</b>	
Information on Suo Motu Disclosure U/Section 25(3)	28-36
<b>5. CHAPTER –IV</b>	
Recommendation of the Sikkim Information Commission	37-38
<b>6. CHAPTER –V</b>	
List of Appellate Authority, SPIO/ASPIO of Sikkim Information Commission	39
<b>7. CHAPTER-VI</b>	
Statement of Appellate Authority/SPIO & ASPIO of Various Departments and PSUs	40-73
<b>8. CHAPTER-VII</b>	
Orders passed by the State Chief Information Commissioner and State Information Commissioner of the Sikkim Information Commission during the year 2024-2025	74-121
<b>9. CONCLUSION</b>	122



## **Introduction**

With an 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 Public Authority and to empower the citizen to fight against corruption, the RTI Act, 2005 was passed by Parliament on 12<sup>th</sup> May, 2005 and received Presidential assent on 15<sup>th</sup> 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 was constituted on 12/07/2006 vide Government of Sikkim Notification No.27/Gen/DOP dated: 05/08/2006. At present Shri Y.P Gurung, IFS Secretary (Retd.) is the Chief Information Commissioner and Shri Kuber Bhandari, Secretary (Retd.) 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 impartial manner.

The Annual Report for the year 2024-2025 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:-

<b>Sl.No</b>	<b>Post</b>	<b>Existing Strength</b>
<b>1.</b>	Secretary	<b>1</b>
<b>2.</b>	Director	<b>1</b>
<b>3.</b>	Deputy Secretary	<b>1</b>
<b>4.</b>	Accounts Officer	<b>1</b>
<b>5.</b>	Dy.Registrar cum Law Officer	<b>1</b>
<b>6.</b>	Sr. Private Secretary	<b>1</b>
<b>7.</b>	Private Secretary	<b>1</b>
<b>8.</b>	Stenographer Grade-I	<b>1</b>
<b>9.</b>	Sr.Accountant	<b>1</b>
<b>10.</b>	Jr. Accountant	<b>1</b>
<b>11.</b>	Accounts Clerk	<b>1</b>
<b>12.</b>	Programmer	<b>1</b>
<b>13.</b>	Office Superintendent	<b>3</b>
<b>14.</b>	Head Assistant	<b>1</b>
<b>15.</b>	Upper Divisional Clerk	<b>1</b>
<b>16.</b>	Office Assistant	<b>4</b>
<b>17.</b>	Driver	<b>7</b>
<b>18.</b>	Office Attendant	<b>5</b>

**List of Officers and staff posted in the Commission**

<b>Sl. No.</b>	<b>Name</b>	<b>Designation</b>	<b>Duration</b>
1.	1. Smt Roshni Rai, SCS 2. Shri Bhim Thatal, SCS 3. Smt. Jyotsna M. Karthak, SCS	Secretary Secretary Secretary	01.11.2023 to 17/12/2024 18/12/2024 to 17/02/2025 17/02/2025 to till date
2.	Mrs. Binita Thapa	Director	13/08/2024 to till date
3.	Ms Pranita Ghimiray, SCS	Deputy Secretary	06.06.2023 to till date
4.	Shri Goverdhan Pradhan	Accounts Officer	
5.	Smt Tshering Choden Bhutia	Law Officer	
6.	Shri Bhim Lal Nepal	Sr. Private Secretary	
7.	Smt Hem Kumari Tewari	Private Secretary	
8.	Mrs Pratiwa Bantawa	Sr. Accountant	
9.	Smt Sikha Rai	Office Superintendent-I	
10.	Smt Bishnu Bagdas	Office Superintendent-II	
11.	Smt Pramila Rai	Office Superintendent-III	
12.	Shri Raju Chettri	Stenographer-I	
13.	Shri Arjun Rai	Programmer	
14.	Shri Dawa Lama Tamang	Head Assistant	
15.	Shri Harka Raj Rai	Jr. Accountant	
16.	Shri Ashif Tamang	Upper Divisional Clerk	
17.	Shri Tenzing Lepcha	Office Assistant	
18.	Smt Netra Chettri	Office Assistant	
19.	Ms Rinzin Chhoden Bhutia	Accounts Clerk	
20.	Smt Khush Maya Sunar	Office Attendant	
21.	Shri Wangyal Bhutia	Office Attendant	
22.	Shri Padam Kumar Darjee	Driver	
23.	Shri Sanjeev Bardewa	Driver	
24.	Shri Bhim Kumar Chettri	Driver	
25.	Shri Sunil Rai	Computer Operator	
26.	Smt Dawa Lhamu Sherpa	Office Assistant	
27.	Smt Mary Rana	Office Assistant	
28.	Ms Maya Rai	Office Assistant (M.R)	
29.	Smt Manita Gurung	Office Assistant (Adhoc)	
30.	Ms Kalzang Palmoo Bhutia	Office Assistant (Adhoc)	
31.	Shri Dal Bdr. Chettri	Driver	
32.	Shri Sonam Dawa Bhutia	Driver	
33.	Shri Dupchen Machangpa	Driver	
34.	Shri Ashish Gurung	Driver	
35.	Ms Phuty Sherpa	Office Attendant	
36.	Shri Karma Thendup Bhutia	Office Attendant	
37.	Smt Narmita Gurung	Office Attendant	
38.	Smt Rebecca Gurung	Office Attendant (Adhoc)	
39.	Smt Lhaden Bhutia	Office Attendant (Adhoc)	
40.	Smt Ambika Rai	Security Assistant	
41.	Shri Ugen Gyatso Ladingpa	Security Assistant	
42.	Shri Kushal Gurung	Home Guard	
43.	Shri Gyalpo Lepcha	Chowkidar (M.R)	
44.	Smt Sarika Balmiki	Safai karmachari	

## Nature of Appointment of Employees in the Commission

### (A) Regular employees

Sl. No.	Category	Deputation	Transfer	Appointed in SIC
1.	Group – A		2	-
2.	Group –B	3	1	1
3.	Group–C	2	9	11
4.	Group - D	-	1	4

### (B) Muster Roll

Sl. No.	Category	No. of staff
1.	Group–C	01
2.	Group–D	01

### (C) Adhoc employe

Sl. No.	Category	No. of staff
1.	Group–C	02
2.	Group–D	02

### (D) SecurityAssistant/HomeGuard

Sl. No.	Category	No. of staff
1.	SecurityAssistant	02
2.	Home Guard	01

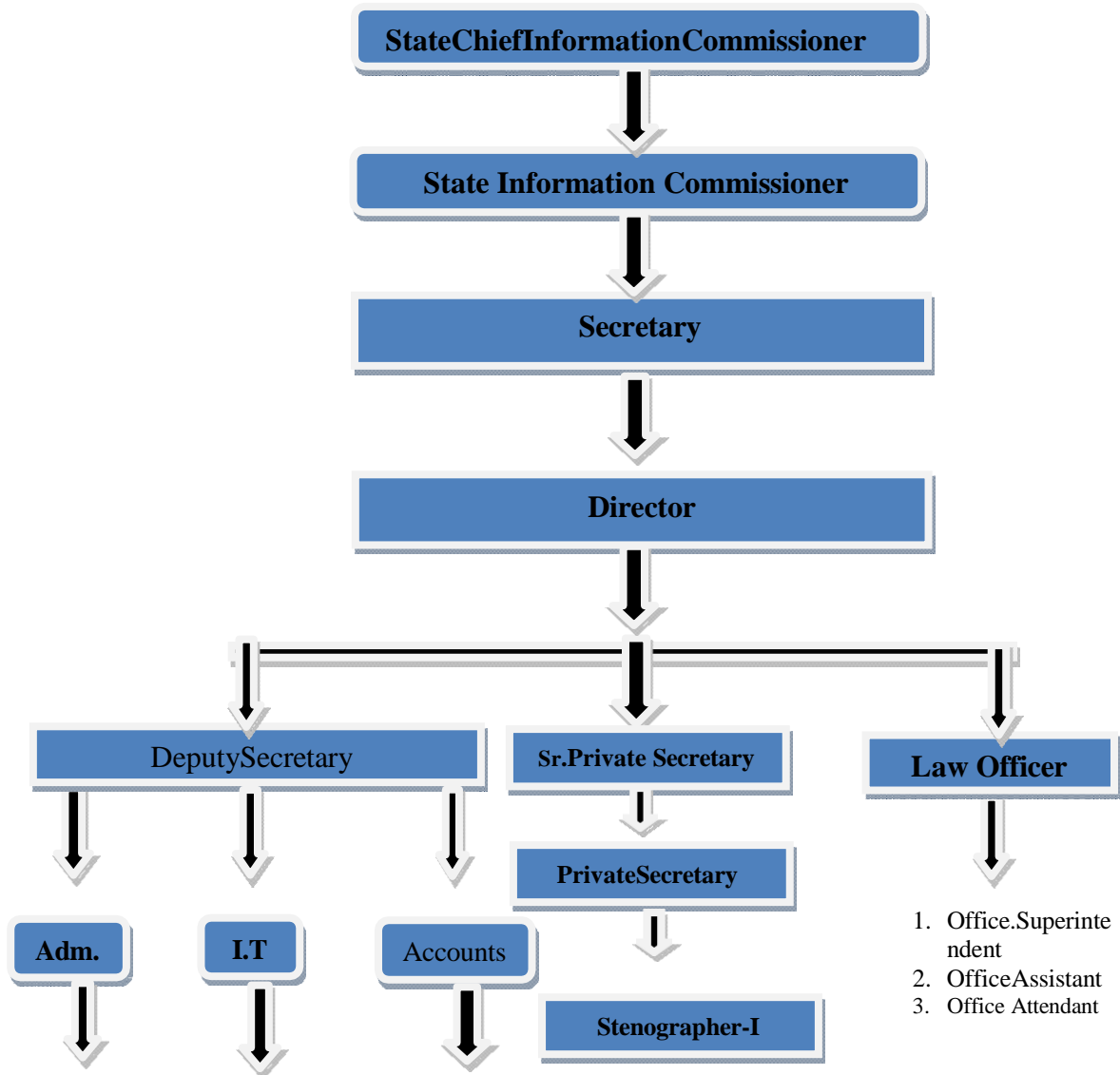
### (E) Safaikarmachari (Part Time)

Sl. No.	Category	No. of staff
1.	Safaikarmchari(Part time)	01

# OfficeStructure

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

## ORGANIZATIONAL CHART



1. Office Superintendent
2. H.A
3. U.D.C
4. L.D.C
5. Office Assistant
6. Office Assistant
7. Driver
8. Office Attendant
9. Home Guard
10. Chowkidar
11. Safaikarmachari(parttime)

1. Accounts Officer
2. Sr. Accountant
3. Jr. Accountant
4. Accounts Clerks

**(II) Powers and functions of the SCIC/SIC Officers and Employees of SICU/s4(1)(b)(ii)**

<b>Sl.No.</b>	<b>Name</b>	<b>Designation</b>	<b>Powers &amp; Functions</b>
1.	Shri Y.P.Gurung, IFS 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 Kuber Bhandari, BSc, MBA, LLB Secretary, (Retd.)	Information Commissioner	Under subsection (4) of section 15 of the Right to Information Act, 2005 the State Information Commissioners shall assist the State Chief Information Commissioner in the general superintendence, direction and management of the affairs of the State Information Commission.

## Administration

Sl. No.	Name	Designation	Duration	Duties/Responsibilities
1.	1.SmtRoshni Rai,SCS 2.ShriBhim Thatal,SCS 3.Jyotsna M. Karthak,SCS	Secretary Secretary Secretary	01.11.202to 17/12/2024 18/12/2024to 17/02/2025 17/02/2025to tilldate	She is the head of the Commissionandisin-chargeof alladministrativeandaccount works.Shecommunicateswith other State Information Commissions and Central InformationCommission.
2.	Mrs.BinitaThapa	Director	13/08/2024to till date	She is incharge of all the administrative works in the commission
3.	Ms Pranita Ghimiray,SCS	Deputy Secretary	06.06.2023 tilldate	Alladministrativeworks.State Public Information Officer of the Commission.
4.	ShriBhimLall Nepal	Sr.PrivateSecretary		Sr. Private Secretary to the State Information Commissioner. Manages the correspondence of the Information Commissioner and the Commission. Any other assignmentsasandwhendirected bythe Commission
5.	SmtHemKumari Tewari	PrivateSecretary		PS to Secretary. Manages the correspondence of the Secretary and the Commission. Any other assignmentsasandwhendirected bythe Commission
6.	ShriRajuChettri	StenographerGrade-I		PA to HCIC. Any other assignmenttasandwhendirected bytheStateChiefInformation Commissioner.
7.	ShriArjunRai	Programmer		IT related works of this Commission. Maintenance of monthly/yearly reports of the Commission. Updating of various records including the list of Transparency officers, Appellate Authority, State Public Information Officer and Assistant State Public Information Officerin computerized format. Maintenanceofthewebsiteinthe Commission.
8.	SmtSikha Rai	OfficeSuperintendent-I		Looks after the works pertaining to Administration. Supervises all the works of her subordinates. Maintains discipline and cleanliness.

9.	SmtBishnu Bagdas	OfficeSuperintendent-II	Deals with stationeries and clearing of all the bills along with administration works.
10.	ShriDawaLama Tamang	HeadAssistant	Deals with the maintenance of vehicles and other matters pertainingtoadministrative section.
11.	Shri Ashif Tamang	UpperDivisionalClerk	Processing file in Administrative matters, typing and any other assignmentsentrustedfromtime to time.
12.	ShriSunilRai	ComputerOperator	Assists the Assistant Programmer with works pertaining to I.T. Section.
13.	SmtDawaLhamu Sherpa	OfficeAssistant	She is the Record Keeper of the administrative section. She deals withdespatchandreceiptof letters and officer orders in the Administrative Section.
14.	MsMayaRai	OfficeAssistant(M.R)	All typing works of Administrative Section. MaintenanceofStockRegister
15.	SmtManita Gurung	OfficeAssistant(Adhoc)	Maintenance of file movement in the Administrative Section..
16.	MsKalzang PalmooBhutia	OfficeAssistant(M.R)	Attached to Administrative Section
17.	ShriWangyal Bhutia	OfficeAttendant	Attached to Accounts Section.Pay&AccountsDutyandPr ocess Server in the Legal Section.
18.	SmtKhushMaya Sunar	OfficeAttendant	AttachedtoSecretary
19.	MsPhuty Sherpa	OfficeAttendant	DakdutyandAdministrative Section.
20.	ShriKarma ThendupBhutia	OfficeAttendant	AttachedtoHCIC
21.	SmtRebecca Gurung	OfficeAttendant(M.R)	Attachedto HIC
22.	ShriGyalpo Lepcha	Chowkidar(M.R)	Heshallberesponsibleforsafe guardofOffice.
23.	SmtSarika Balmiki	Safaikarmachari(parttime)	CleanlinessoftheOfficepremises

## LegalSection

Sl. No.	Name	Designation	Duties/Responsibilities
1.	Smt Tshering ChodenBhutia	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.	SmtPramilaRai	OfficeSuperintendent-III	Looks after the legal section in the Commissions and deals with all files pertaining to legal matters. Maintain the list of nodal officers, matters related for implementation of Section 4 & other legal matters.
3.	ShriTenzing Lepcha	Office Assistant	Assist Law Officer with works pertaining to Legal Section.
4.	SmtNetraChettri	Office Assistant	Assist Law Officer with works pertaining to Legal Section.
5.	SmtMaryRana	Office Assistant	Dispatch and receipt of letter of legal section and processing of files of the Legal Section.
6.	Smt Narmita Gurung	OfficeAttendant	Attached to Legal Section

## AccountsSection

Sl. No.	Name	Designation	Duties/Responsibilities
1.	ShriGoverdhan Pradhan	AccountsOfficer	Drawing &Disbursing Creating and processing invoices. Cross-checking invoices with payments and expenses to ensure accuracy. Sending bills and invoices. Managing a Department's accounts payable and receivable. Tracking organization expenses and processing refunds.
2.	MrsPratiwaBantawa	Sr. Accountant	Sheisoverallin-chargeofall the accounts work in the Commission.
3.	ShriHarkaRajRai	Jr.Accountant	Preparation of salaryand looks after all works pertainingtoPRANALI.
4.	MsRinzinChhoden Bhutia	AccountsClerk	Assist Jr. Accountant for the preparationofsalaryandbills. MaintainsCashBook,SAR, CAR, Bill Register.
5.	SmtLhadenBhutia	Office Attendant (M.R)	Attached to Director and Accounts Section

## HomeGuardsPersonnelDeployedunderSIC

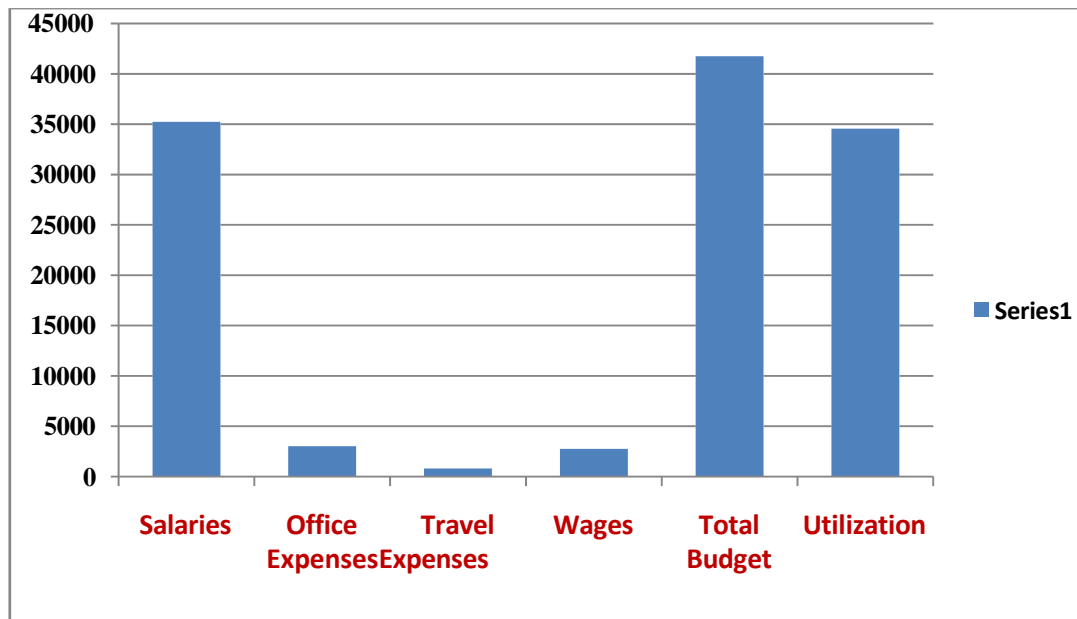
Sl.No.	Name	Designation	Duties/Responsibilities
1.	MsAmbikaRai	SecurityAssistant	Provide security
2.	Shri Ugen Gyatso Ladingpa	SecurityAssistant	Provide security
3.	ShriKushalGurung	HG	Providedsecurity

## FINANCE

### *DetailsofExpenditureincurredduringtheFinancialYear2024-2025*

(InThousandsofRupees)

Salaries	Office Expenses	Travel Expenses	Wages	Total Budget	Utilization
35222	2998	799	2727	41746	34545



## COMMISSIONWEBSITE

The name of the website of Sikkim Information Commission is <https://sicsikkim.nic.in> which is hosted in the NIC. 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's website. RTI application forms, format under Section 25(3) and other important RTI guidelines can be downloaded from the website. Sikkim RTI online e-filing for second appeal is also available in the ommission's website <https://sicsikkim.nic.in>.

**Swearing-in ceremony of the Hon'ble State Information Commissioner, Shri Kuber Bhandari on 14<sup>th</sup> August 2024 at Tashiling Secretariat. The oath was administered by Shri Y.P. Gurung Hon'ble Chief Information Commissioner in the presence of the Chief Secretary and Heads of Departments.**





**A visit of Chief Information Commissioner and State Information Commissioner to the office of the Centre Chief Information Commission.**



## **Awareness and Sensitization Programme in Sikkim from 22<sup>nd</sup> July to 6<sup>th</sup> July, 2024**

The Sikkim Information Commission (SIC) conducted 5 ( five) days sensitization programme on the Right to Information Act, 2005, targeting the grassroots level functionaries across various districts of the State from 2<sup>nd</sup> July to 6<sup>th</sup> July, 2024.

The programme kicked off at Block Administrative Centre, Kabi, Mangan District on 2<sup>nd</sup> July 2024. The second day programme was conducted in the multi-purpose hall, in the office of the Additional District Collector (Dev), Pakyong District, followed by third day programme at Block Administrative Centre, Duga, Pakyong District on 3<sup>rd</sup> & 4<sup>th</sup> July respectively. The fourth day programme was held at Block Administrative Centre, Temi, Namchi District on 5<sup>th</sup> July and the final day programme concluded at the State Institute of Rural Development, Karfector, for the participants from Gyalshing and Soreng Districts on 6<sup>th</sup> July 2024.

The programme was attended by the officials of the respective Block Administrative Centres, members of the Gram and Zilla Panchayats of the respective Block Administrative Centres, functionaries of the Gram Panchayats, local NGOs and Community Based Organization.

Smt. Tshering Choden Bhutia, Law Officer, Sikkim Information Commission, who was the resource person of the programme, sensitized the participants on the importance and the benefits of the Act. She also enlightened the public, that the Act promotes transparency and accountability in the working of the government. It also helps in containing corruption and working for the betterment of the public. The importance of time frame in receiving reply to the information under the RTI, Act i.e. 30 (thirty) days from the receipt of the application was highlighted.



**Date: 02/07/2024 Venue: BAC Kabi (Mangan District)**



**Date:03/07/2024 Venue:Additional District Collector(Dev), Pakyong District**



**Date:04/07/2024 Venue:Block Administrative Centre,Duga**



**Date:05/07/2024 Venue:Block Administrative Centre, Temi**



**Date:06/07/2024 Venue:State Institute of Rural Development, Karfector**

## **Awareness Programme on RTI Act- 2005 held in Soreng on 18 March 2025.**

Sikkim Information Commission organised an awareness programme on RTI (Right to Information Act, 2005) in Soreng District, at Rurban Complex Conference Hall on 18<sup>th</sup> March 2025.

The awareness programme aimed to educate individuals about the rights and responsibilities under the Right to Information (RTI) Act 2005. The programme highlighted the inception, significance and reason as to why and how one needs to exercise the Act, as the purpose of the Act is the foundation of transparency and accountability within the society, public and government authorities.

The programme began with Mr Santosh Kumar Alley Additional District Collectorate, Soreng welcoming the gathering and briefly highlighting the importance of the Act since its inception whilst mentioning the previous fruitful sessions of the programme.

The Resource Person Ms Tshering Choden Bhutia (Sikkim information Commission) briefed the house about the implementation of the Act and the basis of its inception.

She highlighted the need for the act in a democracy for the real sense of democracy to be felt and witnessed by the state and country.

The following topics were covered during the session:

1. The Introduction to RTI Act 2005: A brief overview of the act and its significance.
2. Key Provisions of RTI Act 2005: An in-depth explanation of the Act's key provisions, including the right to information, exemptions, and penalties.
3. Filing RTI Applications: A step-by-step guide on how to file RTI applications, including the format and fees.
4. Success Stories and Challenges: Real-life examples of how RTI has been used to bring about transparency and accountability.

Additionally there was an interactive Question and Answer session with the participants providing an insightful and sparking meaningful concern into the provisions of the act.

The key information derived from the programme were:

- The RTI Act 2005 is a powerful tool for citizens to demand transparency and accountability from government authorities.
- Citizens have the right to access information from government authorities, subject to certain exemptions.
- Filing RTI applications is a simple and straightforward process.

The programme was attended by HOD's of various Departments including BDOs, Panchayats and other Government officials.

The programme concludes by a vote of thanks conveyed by Mr Prem K. S. (SDMHQ).



**Date:18/05/2025 Venue:Soreng District,at  
Rurban Complex Conference Hall**

**(Sikkim Information Commission imparts awareness on Right to Information Act, 2005 in Gyalshing District on 19 March 2025.)**

An awareness programme on Right to Information Act, 2005 was organised by the Sikkim Information Commission in the Conference Hall of Zilla Panchayat Bhawan, Kyongsa, on 19<sup>th</sup> March 2025. Ms Tshering Choden Bhutia Deputy Registrar -cum- Law Officer Sikkim Information Commission was the Resource Person of the awareness programme accompanied by Ms Bishnu Bagdas (Office Superintendent) and Mr Arjun Rai (Programmer).

The awareness programme was aimed at educating and enhancing the pertinent knowledge of the attendees on the rights, responsibilities and provision under the Right to Information (RTI) Act 2005.

The daylong session highlighted on the significance of formal procedure that one needs to exercise under the Act, as the primary objective of the Act is to impart requisite awareness on transparency and accountability within the society, public and government authorities.

Resource Person Ms Bhutia through interactive and insightful session imparted attendees with the viable information on crucial sections and sub-sections of the Act. She even sensitised on the embedded provision under the Act and highlighted on extended facilities in purview of the Larger Public Interest.

The following topics were imparted to the attendees during the session:

The Introduction to RTI Act 2005, A brief overview of the act and its significance.

Key Provisions of RTI Act 2005, An in-depth explanation of the Act's key provisions, including the right to information, exemptions, and penalties.

Filing RTI Applications, A step-by-step guide on how to file RTI applications, including the format and fees.

Success Stories and Challenges, Real-life examples of how RTI has been implemented to bring about transparency and accountability.

The key information derived from the programme were:

The RTI Act 2005 is a powerful tool for citizens to demand transparency and accountability from government authorities.

Citizens have the right to access information from government authorities, subject to certain exemptions.



**Date: 19/05/2025 Venue: Conference Hall of Zilla Panchayat at Bhawan, Kyongsa**

### **Right to Information Week 2024 celebrated in the State of Sikkim**

Gangtok, October 08: Sikkim Information Commission (SIC) organised 'Right to Information Week 2024, with the motto, 'Hamara Faisla, Hamara Hisaab, Hum Janenge, Hum Jiyenge' at Chintan Bhawan, on 8<sup>th</sup> October, 2024.

The programme was graced by Hon'ble Deputy Speaker, State Legislative Assembly Smt Raj Kumari Thapa as the Chief Guest, Shri Kuber Bhandari, Hon'ble State Information Commissioner of Sikkim Information Commission, Shri Rinzing Chewang Bhtia, IAS, Secretary, Department of Personnel and Planning & Development Department, Smt Roshni Rai, Secretary, Sikkim Information Commission, Shri Suraj Chettri, Secretary, Law and Parliamentary Department, First Appellate Authorities, State Public Information Officers and students from various colleges.

Smt Raj Kumari Thapa, in her address, acknowledged SIC for organizing an impactful program. She emphasized the importance of the RTI Act, encouraging the youth to understand and utilise it fully. She urged students to use the scheme positively and avoid any misuse in the future.

Likewise, she congratulated all the National Service Scheme participants for their active enthusiasm for slogan competition. "Right to Information is a fundamental human right," she quoted.

Earlier, in her welcome address, Smt Roshni Rai highlighted the RTI Week celebration 2024, emphasising its goal to develop a strategy for advocacy and to disseminate the message of transparency and accountability.

Addressing the programme, Shri Kuber Bhandari, gave an overview of RIA Awareness Week as an event which is celebrated from 5<sup>th</sup> till 12<sup>th</sup> October 2024 every year across the country.

He further emphasized that the celebration underlines an individual's right to information as enshrined under Article 19 of the Indian Constitution, highlighting the benefits of a transparent and accessible government.

Subsequently, Smt Tshering Choden Bhutia, Law Officer at SIC, highlighted the importance of Public Authorities as bodies or institutions of self-governance that are established or constituted:

- \* by or under the Constitution
- \* by any other law made by Parliament
- \* by any other law made by State Legislature.
- \* by notification issued or order made by the appropriate Government.

Similarly, she also presented a flow chart of RTI Application, status on commission website, observation and recommendations of the Sikkim Information Commission.

She further elaborated on the status of RTI Act in Sikkim.

The programme also featured a prize distribution for the slogan competition, in which the volunteers of the National Service Scheme (NSS) participated.

The 1st position was secured by Ms Puja with cash prize of Rs 5000. Ms Susongmit Lepcha was awarded with cash prize of Rs 3000 for securing 2nd position, and Ms Yogeeta Subba with cash prize of Rs 2000 for securing the 3<sup>rd</sup> position.

The consolation prize was secured by Ms Prasansa Sharma and Ms Karina Giri with the prize amount of Rs 1000 each.

The Vote of Thanks was proposed by Shri Bhim Lall Nepal, Senior Private Secretary, Sikkim Information Commission.



**Prize Distribution to Students by the Hon'ble Deputy Speaker,  
Smt. Raj Kumari Thapa on observing the Right to Information Act, 2005 Week at  
Chintan Bhawan on 8<sup>th</sup> October 2024**

## **31<sup>st</sup> NFICI Board of Governors Meeting Held in Gangtok**

On December 4<sup>th</sup> Shri Heeralal Samariya, Chief Information Commissioner of India, Central Information Commission, chaired the 31<sup>st</sup> Board of Governors meeting of the National Federation of Information Commissions in India (NFICI) at a local hotel here in Gangtok.

The 31<sup>st</sup> Board of Governors meeting was held under the aegis of the Sikkim Information Commission. NFICI was registered in 2009 to facilitate coordination and mutual consultation between the Central Information Commission and the State Information Commissions constituted under the Right to Information Act of 2005.

The board meeting was attended by Chief Information Commissioners (CIC) of State Commissions selected to represent the various zones in the board, which include Shri Tripurari Sharan, CIC Bihar; Shri R Mahaboob Basha, CIC Andhra Pradesh; Shri Koijan Radhashyam Singh, CIC Manipur; Shri Susanta Kumar Mohanty, CIC Odisha; Dr Pradeep Vyas, CIC Maharashtra; Shri Vivek Sharma, CIC Uttarakhand; Shri Y P Gurung, Hon'ble CIC Sikkim; and Shri Kuber Bhandari, IC, SIC Sikkim.

The meeting was also attended by Brigadier Vipin Chakrawarti, Honorary Secretary of the NFICI, Shri Sarvottam Rana, Executive Secretary of NFICI, and Smt. Roshni Rai, Secretary of the State Information Commission of Sikkim.

During the board meeting, the members unanimously ratified the minutes from the 30<sup>th</sup> Board Meeting held in New Delhi the previous year. Following this confirmation, the discussion evolved into a series of significant conversations regarding the challenges various State Information Commissions encountered nationwide.

The board spent considerable time examining the budgetary allocations for NFICI. This examination encompassed an in-depth analysis of current funding levels, potential fiscal support increases, and strategies to optimise resource distribution among the commissions.

The Board participated in positive and constructive dialogues that focused on enhancing the effectiveness and outreach of the Right to Information Act 2005.

Numerous initiatives were proposed to raise awareness regarding citizens' rights under the Act and to improve the processes associated with information requests; thereby, ensuring the upholding of principles related to transparency and accountability. A collaborative spirit characterised the discussions to foster a more informed and engaged citizenry.

Shri Heeralal Samariya expressed his appreciation for the efforts of the Sikkim State Information Commission in organising the 31<sup>st</sup> Board of Governor's Meeting of NFICI in the state of Sikkim. The meeting concluded with a formal vote of thanks delivered by Dr. Pradeep Vyas, State Chief Information Commissioner of Maharashtra.



**31<sup>st</sup> Board of Governors's meeting of NFICI held at Gangtok, under the aegis of Sikkim Information Commission w.e.f 3<sup>rd</sup> to 5<sup>th</sup> December 2024.**

## SwacchataBaratMission

On 21<sup>st</sup>September 2024 at around 2:00 pm, the Swacchata pledge was taken by the officers and staff of Sikkim Information Commission.

Thereafter, cleanliness drive started in the complex of the Sikkim Information Commission, Old Secretariat. All the officers and staff worked with full zeal and enthusiasm in the cleanliness drive.

The front portion of the parking lot was cleaned and then the staff of the Commission joined the officers and staff of the Backward Class in clearing the weeds and debris of the plants from the terrace. Due to less manpower, two coolies had also been hired to clear the accumulated waste.



**Swacchatapledgetakenon21<sup>st</sup>September,2024andcleanlinessdriveintheOld SecretariatcomplexbytheOfficersandStaffofSikkimInformationCommission**

## CHAPTER-II

In the year 2009-2010- The three Public Authorities have been imposed penalties U/s 20(1) of the Act.

In the year 2010-2011-Two Public Authorities have been imposed penalties U/s 20(1) of the Act.

In the year 2012-2013- Six Public Authorities have been imposed penalties U/s 20(1) of the Act.

In the year 2014-2015- one public Authority has imposed penalties U/s 20(1) and four Public Authorities was awarded compensation U/s 19(8)(b) of the Act,

In the year 2015-2016-six Public Authorities have been imposed penalties U/s 20(1) of the Act, in the year 2016

In the year 2017-2018- Three Public Authorities have been imposed penalties U/s 20(1) and one Public Authority was made to pay compensation U/s 19(8) of the Act.

In the year 2019-2020-one Public Authority was imposed penalties U/s 20(1) of the Act.

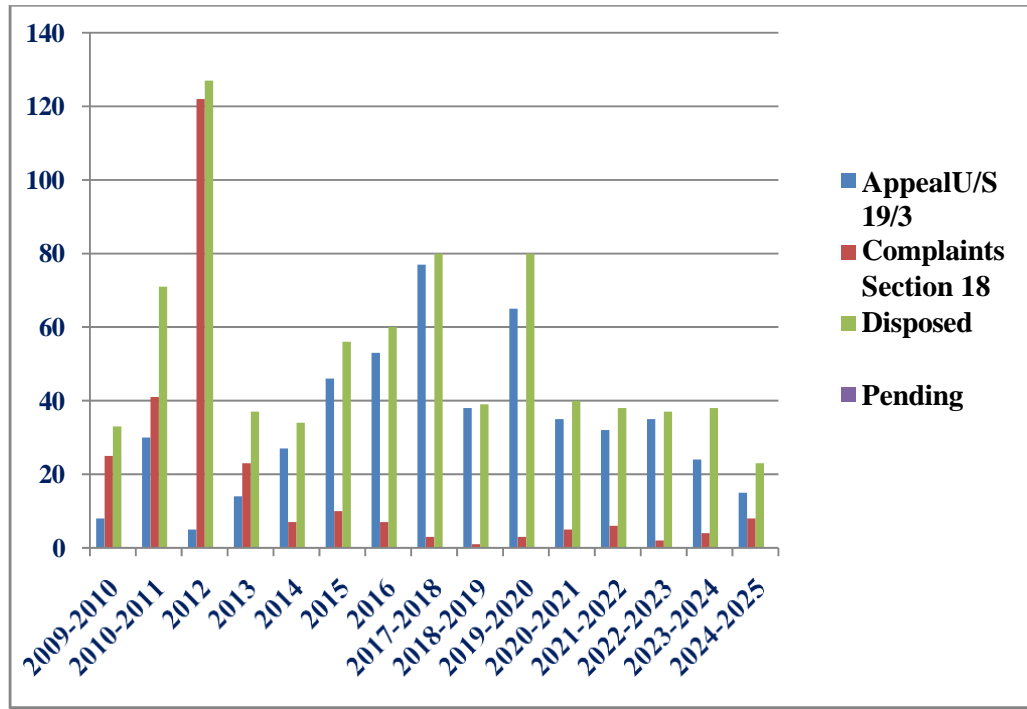
### Complaints & Appeals received by the Commission

The Status of R.T.I Complaints under Section 18 and Appeals under Section 19(3) filed and disposed of in the Commission from 2009-2025.

Sl.No	Year	Appeal U/S 19/3	Complaints Section 18	Disposed	Pending
1.	2009-2010	8	25	33	0
2.	2010-2011	30	41	71	0
3.	2012	5	122	127	0
4.	2013	14	23	37	0
4.	2014	27	7	34	0
5.	2015	46	10	56	0
6.	2016	53	7	60	0
7.	2017-2018	77	3	80	0
8.	2018-2019	38	1	39	0
9.	2019-2020	65	3	68	0
10.	2020-2021	35	5	40	0
11.	2021-2022	32	6	38	0
12.	2022-2023	35	2	37	0
13.	2023-2024	24	4	38	0
14.	2024-2025	15	8	23	0

That from 2121-2025 the Public Authorities were not imposed penalties under section 20 (1)(2) of the Act for not furnishing information within the times specified under subsection (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.



## **Section 4 of the Act**

That, as per the order passed by the Three Judge Bench of Hon'ble Supreme Court of India in the matter of Kishore Chand Jain Vs Union of India & Others, all the Public Authorities were requested to file their compliance report to the Commission for effective implementation of the mandate of Section 4 of the RTI Act dealing with the obligation of the Public Authorities. The audit of the proactive disclosure was conducted by the Commission, as per the compliance of the Public Authorities. The report in percentages as follows:

- |  |            |
|--|------------|
| 1. The name of the Nodal officer for ensuring Compliance with the proactive disclosure of guidelines.                      | <b>70%</b> |
| 2. To ensure that Public Authorities comply with the mandatory suo moto disclosure under Section 4 on the proactive basis. | <b>50%</b> |
| 3. To ensure that website disclosure of Public Authorities are complete, easily accessible as required by.                 | <b>30%</b> |
| 4. To send "Action Taken" Report to the Commission of Section 4.   | <b>80%</b> |
| 5. Compliance with the proactive disclosure guidelines its audit by third party and its communication to the Commission.   | <b>2%</b>  |

The Commission has taken serious note on this matter and has accordingly directed all the Public Authorities of the state to follow the Hon'ble Court order in letter and spirit.

### **The report of the Commission under Section 4 of the Act.**

1. There are 8 Public Authorities that have not filed their Compliance yet
2. There are 51 Public Authorities who have not uploaded their report as per the 17, manuals of Section 4 and direction of Hon'ble Supreme Court of India.
3. There are six Public Authorities who have almost compiled the Section 4 of the Act and the direction of Supreme Court, the name as follows:
  - i. Social Welfare Department.
  - ii. Information Technology Department.
  - iii. Law & Parliamentary Department.
  - iv. Printing & Stationary Department.
  - v. Sikkim Khadi & Village Industries.
  - vi. Health & Family Welfare Department.

**CHAPTER-III**  
**Information on Suo Motu Disclosure U/s 4(1)(b) provided by respective Public Authorities for the**  
**Reporting Year (1<sup>st</sup> April 2024-31<sup>st</sup> March 2025)**

**Under Section 25(3) of Right to Information Act, 2005**

Sl. No.	Name of the Departments/Months/Name of the SPIOs	No. of requests made to each public authority u/s 6(1) of Act Every Month				Application Fee 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 as per the Act Every Month		No of rejection of RTI application every month		Any facts which indicate an effort by the Public Authorities to administer and implement the spirit and intention of this Act/ S25(3) of Act Every Months	Recommendations for reform, including for the development, improvement, modernization, reform or amendment to this Act or other legislation or common law or any other matter relevant for operationalising the right to access information of Act u/s 25(3) (g) Every Month
		(i) Request for Information							Appeals		Under			
		For only seeking information	For only inspection of works & records	For only collection of samples & materials	(ii) under Life & Liberty to be provided within 48 hours				Disposed	Pending	Section (8) of Act	Section (9) of Act		
1	2	3				4	5	6	7	8	9	10	11	12
1	AATI	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
2	Animal Husbandary Deptt.	2	Nil	Nil	Nil	20	Nil	Nil	Nil	Nil	Nil	Nil	ATTACHED PAGE AS ANNEXTURE	ATTACHED PAGE AS ANNEXTURE
3	Agriculture Department	12	Nil	Nil	Nil	120	Nil	Nil	Nil	Nil	Nil	Nil		
4	Building & Housing Deptt.	22	Nil	Nil	Nil	220	Nil	Nil	6	Nil	Nil	Nil		
5	Commerce & Industries	2	Nil	Nil	Nil	20	Nil	Nil	2	Nil	Nil	Nil		
6	Cooperation Department	3	Nil	Nil	Nil	10	Nil	Nil	Nil	Nil	1	Nil		

7	Culture Department	Nil	Nil	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
8	Directorate of Fisheries	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
9	DES&ME	4	Nil	Nil	Nil	20	Nil	Nil	2	Nil	Nil	Nil		
10	District Collectorate Office	Nil	Nil	Nil	Nil	Nil	Nil	Nil	20	2	Nil	Nil	Nil	Nil
11	Deptt. Of Personnel	47	Nil	Nil	Nil	3754	Nil	Nil	5	Nil	Nil	Nil	Nil	Nil
12	Ecclesiastical Department	4	Nil	Nil	Nil	60	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
13	Education Department	82	Nil	15	260	260	Nil	Nil	6	Nil	Nil	Nil	Nil	Nil
14	Office of the Chief Electoral Officer, Baluakhani.	2	Nil	Nil	Nil	20	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
(i)	State Election Commission, Amdo Golai	1	Nil	Nil	Nil	10	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
15	Excise Department	4	Nil	Nil	40	Nil	Nil	Nil	1	Nil	1	Nil	Nil	Nil
16	Finance Department	8	Nil	Nil	Nil	80	Nil	Nil	7	1	Nil	Nil	Nil	Nil
(i)	Internal Audit	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
(ii)	Commercial Taxes Division,	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
(iii)	Treasury Pay & Accounts Deptt.	1	Nil	Nil	Nil	10	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
(iv)	Sikkim State Lotteries	6	Nil	Nil	Nil	150	Nil	Nil	1	Nil	Nil	Nil	Nil	Nil
17	Food & Civil Supplies Deptt.	Nil	Nil	Nil	Nil	5	Nil	50	Nil	Nil	Nil	Nil	Nil	Nil
18	Forest & Environment Department, Working Plan Circle	2	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

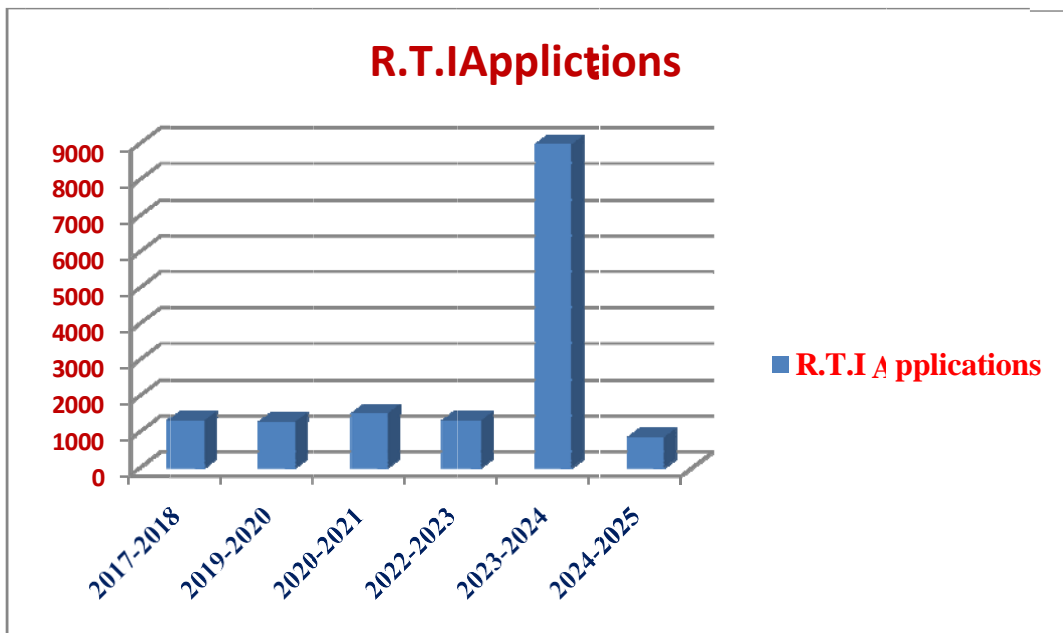
(i)	State Pollution Control Board-Sikkim Forest Deptt.	8	Nil	Nil	Nil	30	Nil	Nil	1	Nil	Nil	Nil	Nil	Nil
19	Gangtok Municipality Corporation GMC	33	Nil	Nil	Nil	330	Nil	Nil	11	Nil	Nil	Nil	Nil	Nil
20	Health & Family Welfare Department													
(i)	Birth & Deaths Deptt.	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
21	Home Department	49	Nil	Nil	Nil	410	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
22	Horticulture Department	7	Nil	Nil	Nil	1550	Nil	Nil	Nil	1	Nil	Nil	Nil	Nil
23	Information & Public Relation Department	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
24	Information Technology Department	2	Nil	Nil	Nil	200	Nil	Nil	2	Nil	Nil	Nil	Nil	Nil
25	Khadi & Village Industries Board	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
26	Labour Department	7	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
27	Land Revenue & Disaster Management Deptt.	26	Nil	Nil	Nil	760	Nil	Nil	5	Nil	Nil	Nil	Nil	Nil
28	Law & Parliamentary Affairs Department	8	Nil	Nil	Nil	260	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
29	Motor Vehicle Deptt.	13	Nil	Nil	Nil	130	Nil	Nil	Nil	1	Nil	Nil	Nil	Nil
30	Mines & Geology Department	3	Nil	Nil	Nil	30	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
31	Planning & Development Department	6	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
32	Police Department HQ	69	Nil	Nil	Nil	370	Nil	Nil	37	Nil	Nil	Nil	Nil	Nil
(i)	Office of the Director, Vigilance	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

33	PowerDepartment	38	Nil	Nil	Nil	Nil	380	Nil	Nil	Nil	Nil	Nil	Nil	Nil
34	Printing&StationeryDepartment	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
35	PublicHealthEngineeringDepartment,PHE	40	11	40	Nil	280	60	Nil	12	2	Nil	Nil	Nil	Nil
36	Roads&BridgesDepartment	57	Nil	Nil	Nil	570	1101	Nil	4	Nil	Nil	Nil	Nil	Nil
37	RuralDevelopmentDepartment,Gangtok	41	Nil	Nil	Nil	410	Nil	Nil	13	Nil	Nil	Nil	Nil	Nil
(i)	RuralDevelopmentDepartmentRavangla,Namchi	2	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
38	RajBhawan	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
39	SikkimPublicServiceCommission,SPSC	60	Nil	Nil	Nil	600	Nil	Nil	1	Nil	Nil	Nil	Nil	Nil
40	SikkimLegislativeAssambly	3	Nil	Nil	Nil	30	Nil	Nil	Nil	Nil	1	Nil	Nil	Nil
41	SkillDevelopmentDepartment,SHRAMBhawan	Nil	Nil	Nil	Nil	70	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
42	SIDICO	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
43	Science&TechnologyDepartment	12	Nil	Nil	Nil	90	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
44	SikkimInformationCommission													
45	SABCCO	2	Nil	Nil	Nil	50	10	Nil	1	Nil	1	Nil	Nil	Nil
46	Sports & YouthAffairsDepartment	4	Nil	Nil	Nil	40	1566	Nil	Nil	Nil	Nil	Nil	Nil	Nil
47	SikkimHousingAndDevelopmentBoard	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

48	SikkimStateElectricityRegulatoryCommission	5	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
49	StateBankofSikkim, SBS	9	Nil	Nil	Nil	90	Nil	Nil	Nil	Nil	3	Nil	Nil	Nil
50	SISCOBANK	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
51	SIMFED	7	Nil	Nil	Nil	60	Nil	Nil	1	1	Nil	Nil	Nil	Nil
52	Social Justice & Welfare Department	15	1	Nil	Nil	150	2667	Nil	Nil	Nil	Nil	Nil	Nil	Nil
53	Tourism & Civil Aviation Department	30	Nil	Nil	Nil	80	4225	Nil	Nil	Nil	Nil	Nil	Nil	Nil
54	Transport Department, SNT Division	8	Nil	Nil	Nil	260	Nil	Nil	2		Nil	Nil	Nil	Nil
55	Urban Development Department, UDD	20	Nil	Nil	Nil	30	274	Nil	13	7	Nil	Nil	Nil	Nil
56	Water Resource Department	17	Nil	Nil	Nil	Nil	Nil	Nil	12	51	Nil	Nil	Nil	Nil
57	Women & Child Development Dept.	10	Nil	Nil	Nil	100	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil

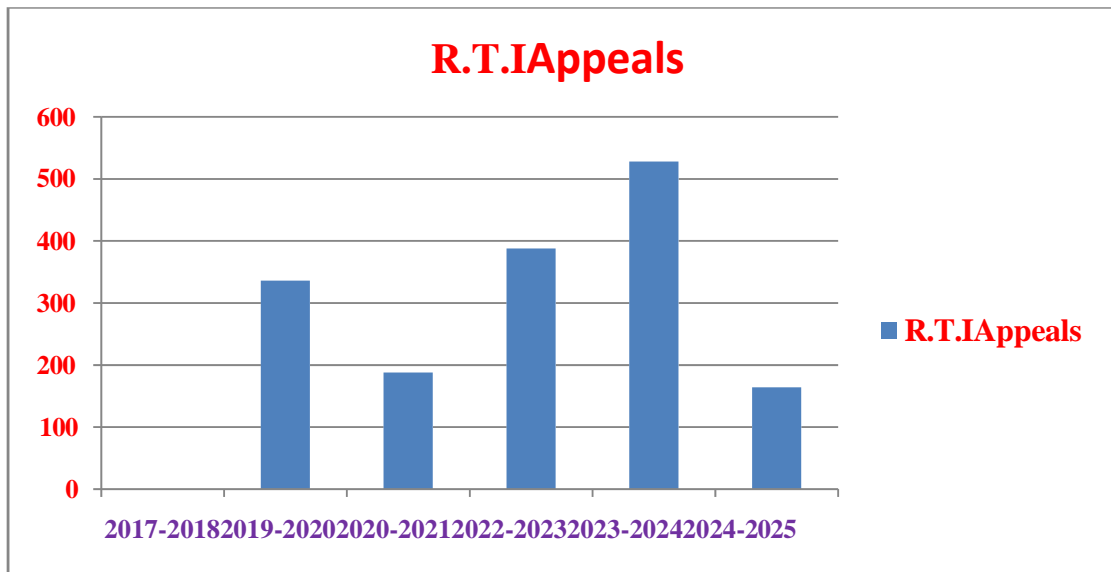
**Report under section 25 of the R.T.I Act, 2005 from 2017-2025 The number of R.T.I request received by Public Authorities**

Sl.No.	Year	R.T.I Applications
1	2017-2018	1325
2.	2019-2020	1293
3.	2020-2021	1514
4.	2022-2023	1321
5.	2023-2024	8996
6.	2024-2025	857



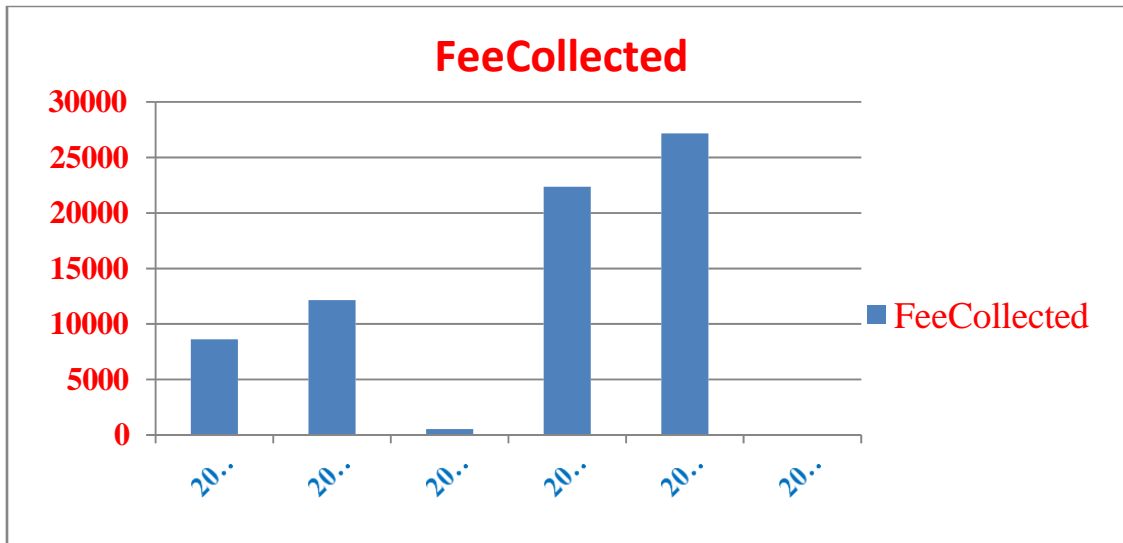
**The number of 1<sup>st</sup> Appeal U/S 19(1) received by Public Authorities**

Sl.No.	Year	R.T.I Appeals
1	2017-2018	0
2.	2019-2020	336
3.	2020-2021	188
4.	2022-2023	388
5.	2023-2024	528
6.	2024-2025	164



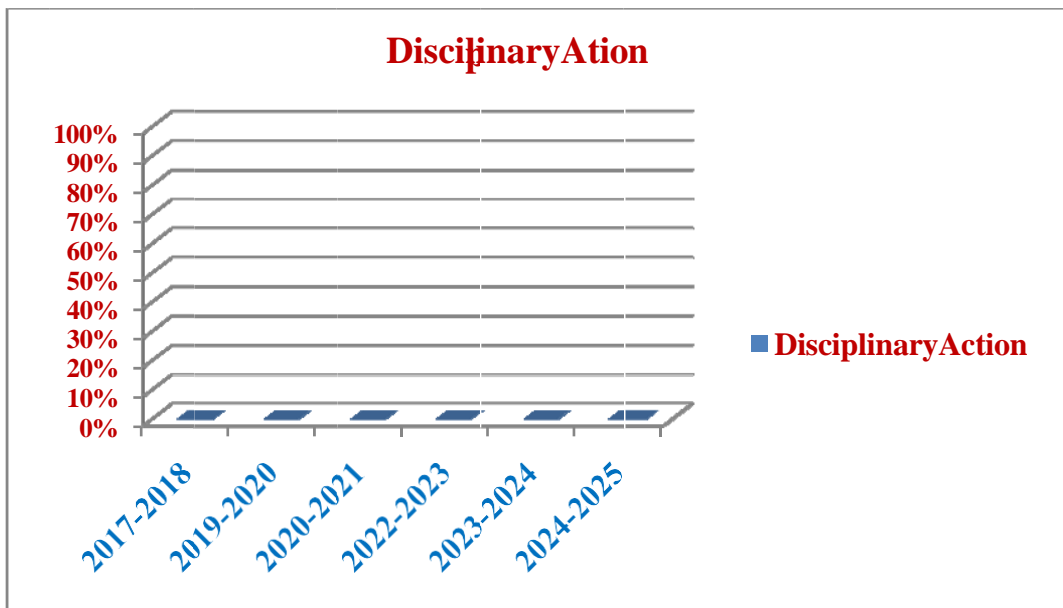
### The amount of fee collected

Sl.No.	Year	Amount
1	2017-2018	`8600/-
2.	2019-2020	`12138/-
3.	2020-2021	`525/-
4.	2022-2023	`22349/-
5.	2023-2024	`27159/-
6.	2024-2025	`0



**Particular of any disciplinary action taken against any officer in respect of the administration of this Act.**

Sl.No.	Year	Remarks
1	2017-2018	Nil
2.	2019-2020	Nil
3.	2020-2021	Nil
4.	2022-2023	Nil
5.	2023-2024	Nil
6.	2024-2025	Nil



## 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/ Departments for implementation 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:**

To appoint a Nodal Officer not below the rank of a Joint Secretary for ensuring compliance with the Proactive disclosure of guidelines. The nodal Officer may monitor the websites in order to ensure the quality and the quantity of online disclosure as well as to keep the websites updated and to ensure website disclosure to complete easily accessible, technology and platform neutral and convey the desired information in an effective and user friendly manner. The nodal Officer would work under the supervision of the Secretary/ HOD of the department.

The Audit of the Proactive disclosure package by a third party has to come out every year and communicate to the Sikkim Information Commission through publication on their own websites.

A chapter on the R.T.I Act, 2005 in Annual Report along with the details about compliance with proactive disclosure guidelines of the Department may kindly be ensured.

## **CHAPTER-V**

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

<b>Sl.No</b>	<b>Name</b>	<b>Designation</b>	<b>Remarks</b>
1.	1.Jyotsna M.Karthak, SCS	Secretary	Appointed as Transparency Officer & Appellate Authority
2.	M.sPranita Ghimiray, SCS	Deputy Secretary	Appointed as SPIO
3.	Smt Tshering Choden Bhutia	Dy.Registrar cum Law Officer	Appointed as APIO

## CHAPTER-VI

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

Sl.No.	Name of Public Authority	Name of SPIO & Designation	Email ID	Mobile No.
1.	ANIMAL HUSBANDARY & VETERINARY SERVICES DEPARTMENT, GANGTOK	Dr. Dipendra Raj Pradhan, Additional Director	<a href="mailto:dipendrapradhan12@gmail.com">dipendrapradhan12@gmail.com</a>	9635888399
		Dr. Sunita Joshi Gajmer, Joint Director	<a href="mailto:joshisunitagajmer@gmail.com">joshisunitagajmer@gmail.com</a>	8145883433
		<b>Name of Assistant State Public Information Officers and designation</b>	E-mail ID	Mobile No.
		Dr. Narda Mani Cintury, Additional Director, Gayzing District	<a href="mailto:doctornaresh1973@gmail.com">doctornaresh1973@gmail.com</a>	9733347890
		Dr. Anjala Pradhan, Additional Director, Pakyong District	<a href="mailto:dranjaa@gmail.com">dranjaa@gmail.com</a>	6297413367
		Dr. Kishor Thapa, Additional Director, Soreng District	<a href="mailto:kishorethapa@gmail.com">kishorethapa@gmail.com</a>	6295632486
		Dr. Zeruah Bhutia, Additional Director, Gangtok District	<a href="mailto:zeruahbhutia@gmail.com">zeruahbhutia@gmail.com</a>	9593378819
		Dr. Dichen Kaleon, Additional Director, Mangan District	<a href="mailto:dec2cher@gmail.com">dec2cher@gmail.com</a>	7872896066
		Dr. Arthhalal Rai, Additional Director, Namchi District	<a href="mailto:artharai23@gmail.com">artharai23@gmail.com</a>	9564260696
		<b>Name of Appellate Authority</b>	<b>E-mail ID</b>	<b>Mobile No.</b>
		Dr. Sonam Bhutia, Director	<a href="mailto:sonamrig@gmail.com">sonamrig@gmail.com</a>	9753380975
2.	AGRICULTURE DEPARTMENT, GANGTOK	<b>Name of SPIO &amp; Designation</b>	<b>E-mail ID</b>	<b>Mobile No.</b>
		Shri. R.P. Thapa, Director	<a href="mailto:rpthapaskm@gmail.com">rpthapaskm@gmail.com</a> fieldcrop.sikkim@gmail.com	7797882737
		<b>Name of Assistant State Public Information Officers and designation</b>	<b>E-mail ID</b>	<b>Mobile No.</b>
		Dr. Pratap Subba, Additional Director	Subbap76@yahoo.com	9733255160
		<b>Name of Appellate Authority</b>	<b>E-mail ID</b>	<b>Mobile No.</b>
		Shri. Mr. Tilak Gazmer, Principal Director,	<a href="mailto:tilakgazmer@gmail.com">tilakgazmer@gmail.com</a>	8172054678

3.	BUILDINGS & HOUSING DEPARTMENT, GANGTOK	<b>Name of SPIO &amp; Designation</b>	<b>E-mail ID</b>	<b>Mobile No.</b>
		Shri. Prem Dhoj Rai, Special Secretary	<a href="mailto:premdjraai@gmail.com">premdjraai@gmail.com</a>	7872958052
		Mrs. Pema Donka Bhutia, Additional Chief Engineer (G/M/P)	Pemadonkar@yahoo.com	9434357176
		Shri. Sonam Palden Wangdi, Additional Chief Engineer (N/S/G)	<a href="mailto:palden99@gmail.com">palden99@gmail.com</a>	9434080083
		Ms. Ashi Sonam Bhutia, Jt. Chief Architect-I	<a href="mailto:asonam@gmail.com">asonam@gmail.com</a>	8101215422
		Shri. Sonam T. Kaleon, S.E (Electrical)	<a href="mailto:stkaleon@yahoo.com">stkaleon@yahoo.com</a>	9832931337
		Shri. Hira Narayan Pradhan, Sr. Account Officer	buildingsddo@gmail.com	8145831520
		<b>Name of Assistant State Public Information Officers and designation</b>	<b>E-mail ID</b>	<b>Mobile No.</b>
		Mrs. Dipika Rai, Deputy Secretary	<a href="mailto:dikipikarai78@gmail.com">dikipikarai78@gmail.com</a>	9434235675
		Shri. Anil Chettri, S.E (S/G/N)	vaiebhau1972@yahoo.com	9002852120
		Shri. Phurba Bhutia, S.E (G/M/P)	<a href="mailto:phurba07@gmail.com">phurba07@gmail.com</a>	9434864261
		Shri. Basant Paudyal, S.E (Project/pig/staore)	<a href="mailto:basantp79@gmail.com">basantp79@gmail.com</a>	9434126940
		Shri. Obed Rai, Sr. Architech	<a href="mailto:obedbhokim@gmail.com">obedbhokim@gmail.com</a>	9933443442
		Ms. Tshering Chozum Bhutia, Account Officer	tchuzom@gmail.com	8617023136
		<b>Name of Appellate Authority</b>	<b>E-mail ID</b>	<b>Mobile No.</b>
		Shri. Yadunandan Gautam, Chief Engineer	yadugeeta1974@gmail.com	9434103194
4.	COMMERCE & INDUSTRIES DEPTT, GANGTOK	<b>Name of SPIO &amp; Designation</b>	<b>E-mail ID</b>	<b>Mobile No.</b>
		Shri. Topden Ongyal Zangpo, SCS, Joint Secretary Shri. Gopal K. Chettri, SCS, Joint Secretary		
		<b>Name of Assistant State Public Information Officers</b>	<b>E-mail ID</b>	<b>Mobile No.</b>
		Ms. Krishna Kr. Gurung, SCS, Deputy Secretary, (ADM) Shri. Hemant Khatiwada, Deputy Secretary, (Industries) Mrs. Poonam Khatiwara, Deputy Director, (Industries) Mrs. Meena Gurung, Sr. Accounts Officer, (Accounts) Mrs. Bimla Chittri, Assistant Director, (MSME)	Hemantkhatiwada10@gmail.com	9734902773
<b>Name of Appellate Authority</b>	<b>E-mail ID</b>	<b>Mobile No.</b>		
Ms. Choden Gyatso, SCS, Additional Secretary-cum-Director	<a href="mailto:mailchoden@gmail.com">mailchoden@gmail.com</a>	9609876534		

5.	COOPERATION DEPARTMENT,GANGTOK	<b>NameofSPIO&amp;Designation</b>	<b>E-mailID</b>	<b>Mobile No.</b>
		Shri.BenKumarSunwar,AdditionalRegistrar,HeadOffice	<a href="mailto:coopsikkim@yahoo.com">coopsikkim@yahoo.com</a>	9592385930
		Mrs.KesangYangki,AdditionalRegistrar,PakyongDistrict	<a href="mailto:pakyongcoop@gmail.com">pakyongcoop@gmail.com</a>	9832080818
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<b>58.</b>	<b>SIKKIMSTATEHUMAN RIGHTS COMMISSION, GANGTOK, AND DEVELOPMENT AREA.</b>	<b>NameofSPIO&amp;Designation</b>	<b>E-mailID</b>	<b>Mobile No.</b>
		Shri.AitaRajSubba,AssistantDirector/Courtmaster/DDO	<a href="mailto:aitasubba22247@gmail.com">aitasubba22247@gmail.com</a>	9593981422
		<b>NameofAssistantStatePublicInformationOfficersanddesignation</b>	<b>E-mail ID</b>	<b>Mobile No.</b>
		Shri.AitaRajSubba,AssistantDirector/Courtmaster/DDO	<a href="mailto:aitasubba22247@gmail.com">aitasubba22247@gmail.com</a>	9593981422
		<b>NameofAppellateAuthority</b>	<b>E-mailID</b>	<b>Mobile No.</b>
		Shri.SurajChettri,SSJS,Secretary	Chettrisuraj28@yahoo.com	9933445423

59.	STATEBANKOFSIKKIM, GANGTOK	<b>NameofSPIO&amp;Designation</b>	<b>E-mailID</b>	<b>Mobile No.</b>
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		<b>NameofAssistantStatePublicInformationOfficersanddesignation</b>	<b>E-mail ID</b>	<b>Mobile No.</b>
		Shri.KuncheokTenzingGM (C)	kuncheok@statebankofSikkim.com	9434022144
60.	SIKKIM STAE ELECTRICITY REGULATORY COMMISSION(SSERC)	<b>NameofAppellateAuthority</b>	<b>E-mailID</b>	<b>Mobile No.</b>
		Shri.JigmeWangchukBhutia,AdditionalDirector	<a href="mailto:jigme50@gmail.com">jigme50@gmail.com</a>	9733480001
		<b>NameofAssistantStatePublicInformationOfficersanddesignation</b>	<b>E-mail ID</b>	<b>Mobile No.</b>
		Shri.PemaRingZingGyansapa,AssistantDirector(Tariff)	<a href="mailto:gyansapa@yahoo.com">gyansapa@yahoo.com</a>	<b>8101550558</b>
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		PalchenD.chaktha	<a href="mailto:palchen.sserc@gmail.com">palchen.sserc@gmail.com</a>	9733151828
61.	SIKKIMINFORMATION COMMISSION	<b>NameofSPIO&amp; Designation</b>	<b>E-mailID</b>	<b>Mobile No.</b>
		Ms.PranitaGhimiray,DeputySecretary		
		<b>NameofASPIO&amp; Designation</b>		
		Smt.TsheringChodenBhutia,L.O		
<b>NameofAppellateAuthority&amp;Designation</b>	<a href="mailto:cicsikkim2023@gmail.com">cicsikkim2023@gmail.com</a>	8597396277		
Smt. Jyotsna M. Karthak, Secretary SCS	<a href="mailto:cicsikkim2023@gmail.com">cicsikkim2023@gmail.com</a>	7550918043		
<b>Name of Transparency Officer</b>	<a href="mailto:023@gmail.com">023@gmail.com</a>			
Smt.JyotsnaM.Karthak,SecretarySCS				
62.	STATE POLLUTION CONTROLBOARD-SIKKIM	<b>NameofSPIO&amp;Designation</b>	<b>E-mailID</b>	<b>Mobile No.</b>
		Shri.BindeyKumarChettri,PrincipalChiefScientificOfficer	<a href="mailto:cbindey@gmail.com">cbindey@gmail.com</a>	<b>9434257475</b>
		<b>NameofAssistantStatePublicInformationOfficersanddesignation</b>	<b>E-mail ID</b>	<b>Mobile No.</b>
		Shri.RanjanRai,ExecutiveEnvironmentalEngineer	<a href="mailto:spcbsikkim@gmail.com">spcbsikkim@gmail.com</a>	7407181551
		<b>NameofAppellateAuthority</b>	<b>E-mailID</b>	<b>Mobile No.</b>
Shri.NimaWangdiTamang,ChiefConservatorofForest,(HQ)	<a href="mailto:pccf-fewd@sikkim.gov.in">pccf-fewd@sikkim.gov.in</a>	9434153023		

63.	STCS	<b>NameofSPIO &amp; Designation</b> Shri.YashwantaKr.Subba(E.gangtok)		<b>Mobile No.</b> 9647854472
64.	SIMFED	<b>NameofSPIO &amp; Designation</b> Mr.TsheringTamang,Asstt.Manager(E.Gangtok) <b>NameofASPIO &amp; Designation</b> Mr.PrabinSharma,Asst.Manager(E.Gangtok)		<b>Mobile No.</b> 6297907310 7001747827
65.	WaterResourceDepartment, Gangtok.	<b>NameOfTransparencyOfficer&amp;Designation</b> Shri.RajivSubba,Pr.ChiefEngineer. <b>NameofASPIO &amp; Designation</b> Shri.JigmeDorjeeDenzongpa,AssistantEngineer(ManganDistrict) <b>NameofSPIO &amp; Designation</b> Shri.EmmanuelRai,SuperintendingEngineer (N/E)		
66.	RajBhawan	<b>NameofSPIO &amp; Designation</b> Shri.DiwasGautam,SCS		<b>9434318197</b>

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Complaint No. 02/SIC/2023 Dated 29.11.2023.**

Appellants : Mr. Ganga Ram Rai.

Vs.

State Public Information Officer: SPIO,  
Rural Development Department,  
Gangtok, East Sikkim.  
Date of Order: 25.01.2024.

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

The SPIO, Absent.

The ASPIO present along with BDO, Pakyong and two junior Engineers.

The ASPIO present has filed an Application along with the office order dated 19.1.2014 of Panchayat Sammelan, 2024 and has stated that the SPIO being one of the main organisers is busy in the said programme and the same is reflected in the order too.

The Submission as made by the ASPIO has been considered being on genuine ground and the SPIO is exempted for hearing.

That today is the date fixed for hearing in connection with the Complaint under section 18(1) of the Act.

During hearing the applicant has submitted that he was asked to pay sum of rupees 5 per page as a Xerox fee for the information sought by him. He has further submitted that, the amount which was asked from him to pay is not as per the Rule of the Sikkim State Right to Information (Regulation of Fee, Cost & Miscellaneous Rule 2005).

On the other hand the B.D.O, Shri. B.S. Limbooh has submitted that, he had done Xerox of copies from the market and the amount was charged at the rate of Rs 5/- per page, that is why, he had asked for Rs 5/- per page.

Having heard the parties and documents on record, it is seen that the SPIO has failed to comply with the Rule as mentioned in Sikkim State Right to Information (Regulation of Fee, Cost & Miscellaneous Rule 2005), however the application asking for the xerox fees was within the time limitation, as such, he is directed to provide the information within seven days from the date of hearing after charging the fees of Rs 2/- per page as mentioned in Rule (9) (A) (b) of Sikkim State Right to Information (Regulation of fees, Cost & Miscellaneous Rule 2005).

The ASPIO and junior Engineers, Pakyong is directed to go through the RTI Act and rule thoroughly, if in future such mistake repeats then the penalty/punishment mentioned under section 20 of the ACT will be imposed as per the Act.

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

Sd/-  
Chief Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 21/SIC/2023 Dated 27.12.2023.**

Appellants : Mr. Ganga Ram Rai.

Vs.

State Public Information Officer: SPIO,  
Forest Department,  
Gangtok, East Sikkim.  
Date of Order: 25.01.2024.

The Appellant Shri. Ganga Ram Rai..... Present.

The SPIO, Shri. Udai Gurung present along with Deputy Secretary.

The SPIO, Shri Udai Gurung has pressed the Application filed on 18.1.2024 by the SPIO, Shri. Karma Legshey and submitting that Shri. Karma Legshey has gone to attend Mid-Career Training Programme at Indian Institute, Bhopal w.e.f 20.1.2024 to 9.2.2024 because of which he is not in a position to appear for the hearing.

The submission of SPIO, Shri Udai Gurung has been considered and Shri. Karma Legshey is exempted for hearing.

That today is the date fixed for hearing in connection with your Appeal Application under section 19 (3) of the Act.

During hearing the applicant has submitted that he did not get the information as sought by him vide his RTI application dated 22.9.2023 which was being filed before the SPIO, Namchi, South Sikkim. He has further submitted that as per the order of First Appellate Authority he did not get the information.

On the other hand, the SPIO, Shri. Udai Gurung has submitted that the information as sought by the applicant has already been transferred to all the six divisions with a request to provide the information directly to the applicant.

Having heard the parties and documents on record, the SPIO is directed to transfer the applicant application dated 22.9.2023 once again to all the six divisions and to get the information from all the Divisions and to provide the Appellant on or before 25<sup>th</sup> feb'2024 with a copy to the Commission.

The Appellant can file a rejoinder Application, if he is not satisfied with the information within 15 days from the date of receipt of the information.

Sd/-  
Chief Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 21/SIC/2023 Dated. 27/12/2023**

Appellants : Ganga Ram Rai

Vs.

State Public Information Officer: SPIO,  
Forest Department,  
Gangtok, East Sikkim.  
Date of Order: 9.4.2024.

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

The DFO cum SPIO, Miss Peggyla Tshering. ....Present along with Shri. Sanjeev Kumar Rai  
Respondent.

That today is the date fixed for hearing in connection with the rejoinder application Dated. 29.2.2024.

During hearing, the applicant Shri. Ganga Ram Rai has submitted that he is not satisfied with the information of query No: 3 i.e. "the Royalty statement having royalty number, vehicle number is verified by the office of the undersigned and returned back to the party with royalty clearance."

On the other hand the respondent has submitted that the information sought is related to royalty deposited by the contractors involved in the works along the Km 18.735 to km 27.00 km, Km 7.00 to km 18.735 & km 79.350 to km 87.00 on Flaghill Madhulabala Dokala Road under 130 RCC. 764 BRTF in project Swastik in the state of Sikkim.

The Respondent has further submitted that the royalty clearance certificate issued by the Forest and Environment Department Govt. of Sikkim is a subject of Government Revenue which on no circumstances can be tampered without making due payment in the respective revenue head of the Government.

Such royalty clearance is subject to scrutiny in the office of Comptroller Audit General of India and the works concerned for which the royalty deposited is located in Pakyong District in the State of Sikkim. It is being executed by BRO and the further clarification with regard to the royalty clearance certificates submitted by the contractor at the time of submission of bills is re-verified by seeking confirmation from the office that furnished royalty clearance certificate to the contractor. For the ease of working, all the royalty amount deposited is paid in bulk after the quantity of non stock material is calculated from bill of quantity supported by estimate duly signed, and such deposits are made in the Revenue head 0406-01-101-03 Royalty from Forest produce. The bank receipt of the same being handed over to the applicant Shri. Ganga Ram Rai.

Having heard the parties and documents on record, it is seen that the information as provided by the respondent has fulfilled/satisfied the information as sought in the rejoinder, According to the instant cases can be disposed of.

Sd/-  
Chief Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 20/SIC/2023 Dated 7.12.2023.**

Appellants : Mr. Pratik Gautam.

Vs.

State Public Information Officer: SPIO,  
Law and Parliamentary Affairs Department,  
Gangtok, East Sikkim.

Date of Order: 25.01.2024.

The SPIO.... Absent

The SPIO, Smt. Sonam L. Bhutia present along with Assistant Government Advocate, Miss. Kriti Pradhan.

ASPIO has pressed the application filed by SPIO on the ground of her exemption along with the medical certificate of her son.

The application of SPIO has been considered being on genuine ground and exempted for today's hearing.

That today is the date fixed for hearing in connection with an Appeal Application under Section 19(3) of the Act.

During hearing the Appellant has submitted that he did not get the information as sought by him and he has further submitted that he is also not satisfied with the order passed by the First Appellate Authority, Law Department.

The Applicant has referred the judgement passed by Central Information Commission vide CIC/SA/A/2016/001065 dated 1.11.2016 and submitted that when the Legal counsels, Attorneys and Advocates are being paid from the Public exchequer, member of the Public has the right to know who is paid how much, for what and in which case.

On the other hand the legal retainer has submitted that the judgement is with pertained to the fees of Additional Solicitor General of India for his service to represent the Union of India before the Hon'ble Delhi High Court but this instant case is totally different, as he is asking for the fees paid to a particular Senior Advocate.

She has also referred the order passed by Central Information Commission on 30<sup>th</sup> August, 2013 and submitted that the professional fee of the Advocate is privileged information between the client and the Advocate, she has further stated that disclosing the information would damage the interest of the Advocate and it will have an adverse impact on the relationship with the Advocate.

Having heard the parties and the documents on record the Commission in view that when the SPIO and the First Appellate Authority puts in motion the third party reference, he/she is of a view that the information is not exempted, and is giving the chance to the third party to voice any objection which could be based on the exemption under the Act.

However they have failed to fulfil the procedure at the time of passing an order and did not inform the third parties after exercising the section 11 of the Act, therefore, the instant case has been remanded back before the First Appellate Authority for taking necessary action under the Act.

The Applicant has a liberty to file an Appeal under section 19 (3) of the Act if he is not satisfied with the information provided by the Public Authority

Sd/-  
Chief Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 22/SIC/2024 Dated 6.02.2024.**

Appellants : Mr. Jigme Dorjee Denzongpa.

Vs.

State Public Information Officer: SPIO,  
Takste International School,  
Gangtok, East Sikkim.  
Date of Order: 11.03.2024.

The Appellant, Shri. Jigme Dorjee..... Present.

That today is the date fixed for Preliminary Hearing.

During hearing, the applicant Shri. Jigme Dorjee has submitted that he is not satisfied with the information as provided vide No. 26/DC/2023/14 Dated 7.12.2023 stating that Denjong Charities is not a public authority under the ambit of Section 2 (h) of the Right to Information Act, 2005. The applicant has further submitted that the private bodies also fall under the RTI whether or not they are substantially funded or aided by the Government.

Upon considering the submission as made by the applicant and document on record, the Commission is of the view that the question arises in this case is a matter of law, as to whether the private schools come under RTI Act, 2005 or not.

Therefore, the applicant and respondent are directed to appear before the Commission for hearing with a counter statement supporting the statement as made by them regarding with the instant case.

Issue Notice to both the parties for hearing.

Sd/-  
Chief Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 22/SIC/2024 Dated. 06/02/2024** Appellants :

Jigme Dorjee Denzongpa

Vs.

Taktse International School,

Gangtok Sikkim.

Date of Order: 9.4.2024.

The appellant Shri. Jigme Dorjee Denzongpa. .... Present

Shri. Sonam Wongdi. Present on behalf of Taktse International School.

That today is the date fixed for hearing in connection with an appeal application under Section 19 (3) of the Act, during hearing the appellant has submitted that he is not satisfied with the information as provided by Shri. Sonam Wongdi Bhutia, Managing Trustee, Denzong Charities stating that Denzong Charities is not a Public Authority under the ambit of Section 2 (h) of the right to information Act, 2005. He has further stated that Denzong Charity trust run and administer Taktse International School, which is non profit Co- Education School. Therefore, they are exempted from paying tax to the government whereas the School collects a huge amount of money by way of collection of annually fees paid by parents who are tax payer. Taktse International School is the most expensive School in Sikkim and the fees structure is very high and expensive.

The Appellant also stated that the Director has not followed an adhere to instruction and guidelines as mandated by right to Information Act, and the reply of director is completely illegal and unacceptable to a rational citizens. The Appellant prayed that the information as sought by him may kindly be provided.

On the other hand an Advocate Miss. Neha appearing on behalf of respondent has submitted that the Taktse International School being a private school does not fall under the definition of Public Authorities and hence, is not obliged to provide information sought by Appellant. She has further submitted that the Taktse International is not established or constituted by or under the Constitution, by any law made by the Parliament, by any law made by the State Legislature, and by notification issued or order made by the appropriate government. The Taktse International School is not owned or controlled by the government, and the School does not receive substantial funding from the government and is a private school, being privately managed entity does not fit within the definitions of the Public Authorities. The School being a private school is entitled to autonomy and independently handles sensitive personal information about their students, faculty, and operations. Subjecting them to the RTI Act could potentially compromise the privacy rights of individuals associated with these institutions are prays for exemption from disclosure of such personal information.

Parties to appear for the next hearing on 15.5.2024

Having heard the parties and the documents on recorded, it is seen that both the parties have failed to produce any of the documents to substantiate their arguments therefore; the parties are directed to produce the documents in the next hearing to support their arguments. Issue Notice to the Director/ Principal of the school for the next hearing.

Sd/-

Chief Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 22/SIC/2024 Dated. 06/02/2024**

Appellants : Jigme Dorjee Denzongpa

Vs.

State Public Information Officer: SPIO, Taktse

International School,

Gangtok Sikkim.

Date of Order: 15.5.2024.

The appellant Shri. Jigme Dorjee Denzongpa. .... Present

Shri. Sonam Wangdi present on behalf of Denzong Charities along with his Advocate, Miss. Neha Gupta.

Miss. Pema Choden Bhutia and Rinchen Pakhrin present on behalf of Taktse International School.

That today is the date fixed for filing of documents by the parties.

That Miss. Neha Gupta on behalf of Shri. Sonam Wangdi has filed a letter no: 1182/Est II/HRDD Dated 11.11.2006 written by Joint Director (ADM) HRDD, Gangtok and a copy of Renewal of Provisional Registration Certificate No: 50/5/E/29/08/2009 Dated 6.6.2023, wherein, it has been stated that Taktse International School, Tintek Road, Pangthang, Gangtok District has been allowed to run Nursery to Class XII for the Academic session, 2023, December 2006 (session ending in December 2026) subject to the condition that school shall strictly adhere with all the condition laid down in Right to Education Act 2009 and Sikkim Education Act 2003.

That, Shri. Rinchen Pakhrin and Miss. Pema Choden Bhutia appearing on behalf of Taktse International School has submitted that they may be allowed some more time to file the documents. They have further submitted that, till today they had no knowledge as to why, they have been called for the hearing and what document to be filed on their behalf.

Having heard the parties and documents on record, it is seen that the Taktse International School had approach the Education Department for Registration of School, therefore, it is necessary to make the Education Department as a party in the instant case to come to the conclusion as to whether, Taktse International School, Tintek Road, Pangthang, Gangtok District comes under the ambit of RTI Act or not.

Issue Notice to the SPIO, Education Department for the next hearing. Time sought by Miss. Pema Choden Bhutia and Rinchen Pakhrin on behalf of School has been considered.

The parties to appear for the next hearing on 12.6.2024 and direct all the parties to file the relevant documents to substantiate their argument on or before 12.6.2024.

The Education Department is directed to file all the documents having in their possession of Taktse International School on the date of hearing.

Sd/-

Chief Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 22/SIC/2024 Dated. 06/02/2024**

Appellants : Jigme Dorjee Denzongpa

Vs.

State Public Information Officer: SPIO, Taktse

International School,

Gangtok, Sikkim.

Date of Order: 12.6.2024.

The appellant Shri. Jigme Dorjee Denzongpa. .... Present.

Shri. Sonam Wangdi present along with his Advocate, Miss. Neha Gupta.

Shri. Sonam Tashi Gyaltzen, Secretary, DCT/Taktse International School present along with Shri. Moses Tshering Lepcha on behalf of Respondent.

The SPIO cum Additional Director, Shri. L.D. Sharma, Education Department. .... Present.

That today is the date fixed for filing of documents by the parties as per the direction of the order dated 15.05.2023.

During hearing, Shri. Sonam Tashi Gyaltzen appearing on behalf of Taktse International School and Denzong Charities has filed the documents and submitted that he will appear for school and charities before the Commission till the final disposal of the instant case.

Shri. Sonam Wangdi has pleaded that he may be exempted from his personal appearance for the further hearing before the Commission.

The SPIO, Education Department, Shri L.D. Sharma has submitted that he may be granted some more time to file the documents as pertains to Taktse International School having in the custody of Education Department, Gangtok. He has further submitted that he works in the examination section where the registration certificates and renewal of provisional registration certificate is being handled. He has submitted that he has no knowledge whether the Education Department, Government of Sikkim is providing aids to the Taktse International School or not.

That, with regard to the Fund or Aid provided to the private school has been looked after by the Text Book Section of Education Department, Government of Sikkim.

Having heard the parties and documents on record it is seen that the SPIO, Education Department appearing today has only the knowledge of registration of school certificate. To come to the proper conclusion of the instant case, the concerned section of the Education Department, who has the knowledge as to whether the Education Department is providing aids to the concerned school or not is necessary to be summoned.

The Commission direct the concerned SPIO (Textbook) and the SPIO present to submit a report (as to whether the Taktse International School has been getting aids from the Education Department, Government of Sikkim) directly or indirectly and also to submit all the documents pertain to Taktse International School and Denzong Charities which are in the custody of Education Department, Government of Sikkim on or before 27.6.2024.

That, Shri. Sonam Tashi Gyaltsen appearing on behalf of Taktse International School and the Denzong Charities is directed to file a power of Attorney given by Taktse International School and the Denzong Charities to him for appearing before the Commission on behalf of them for the instant case.

The next hearing has been fixed on 11.7.2024.

The SPIO (Text Book and Examination Section) is directed to file the report as directed above on or before 27.6.2024 without fail.

Issue Notice to all the parties including SPIO, Examination and Text Book, Education Department, Gangtok, for the next hearing on 11.7.2024.

Sd/-  
Chief Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 22/SIC/2024 Dated. 06/02/2024**

Appellants : Jigme Dorjee Denzongpa

Vs.

State Public Information Officer: SPIO,  
Taktse International School,  
Gangtok Sikkim.  
Date of Order: 11.7.2024.

The appellant, Shri. Jigme Dorjee Denzongpa..... Present.

Shri. Sonam Wangdi present along with his Advocate, Miss. Neha Gupta..... Respondent No. 1

Shri. Sonam Tashi Gyaltzen, Secretary, DCT/ Taktse International School present along with  
Shri. Moses Tshering Lepcha..... Respondent No. 2

The SPIO cum Additional Director, Shri. L.D. Sharma, Education Department. .... Present.

The SPIO cum Joint Secretary, Smt. Asha Khatri, Education Deptt. Present.

That today is the date fixed for hearing in connection with an Appeal Application under section 19(3) of the RTI Act, 2005.

During hearing the applicant Shri. Jigme Dorjee Denzongpa has submitted that the information provided by the Respondent stating that Denzong Charities is not a Public Authority under the ambit of Section 2 (h) of the RTI Act, 2005 is contrary to the statutory provision as the Private School are under the supervision of District Education officer which is a statutory authority as such information sought for by the applicant should have been provided under the provision of RTI Act. He has further submitted that the school is run by the charity trust and non profit activity they do not pay tax to the Government. Since, the school/organization are exempted from tax they should be more transparent and accountable to parents who are major stakeholders. Taktse International School today is the most expensive school in Sikkim and the amount of money collected by the school is very high and substantial. The applicant being the parents of the student is entitled for the information. Since, people are more encouraged to put their children in Taktse International School because it is projected as non profit making school.

On the other hand Shri. Sonam Gyaltzen appearing on behalf of School and Denzong Charity Trust has submitted that the Denzong Charity Trust and Taktse International School is not a Public Authority under the ambit of Section 2(h) of RTI Act, 2005. He has further submitted that the Taktse International School is not owned or controlled by the Government and the School does not receive substantial funding from the Government and is a private school being privately managed entity does not fit within the definition of Public Authority, as such he prays for exemption from disclosure of information from RTI.

Shri. Sonam Gyatso has filed an affidavit signed by Dr. Anup Kumar Mukhopadhyay, Executive Director of Taktse International School stating that;

1. The school operates as a Private Institution.
2. The school receives no financial funding or support from the State Government or the Central Government of India.
3. All operational expenses, including infrastructure development, faculty salaries and student amenities are funded without Government aid.
4. The school is committed to maintain transparency in its financial operation and adheres to all applicable law and regulation regarding Private education institution.

That, Miss Neha Gupta appearing on behalf of Shri. Sonam Wangdi has submitted that the Taktse International School being a private school does not fall under the definition of Public Authority and hence, is not obliged to provide information as sought by appellant. She has further submitted that the Taktse International School is not established or constituted by or under the Constitution by any law made by the Parliament or by any law made by the State Legislature and by Notification issued or order made by the appropriate Government.

The Taktse International School is not owned or controlled by the Government and the school does not receive any funding from the Government since it is a private school, being a privately managed entity does not fit within the definition of the Public Authority.

The SPIO cum Joint Director appearing on behalf of Education Department has submitted that according to records, Education Department has not been providing any type of aids to the Taktse International School and the Denzong Charities. The SPIO cum Additional Director has filed;

1. A copy of Trust Deed.
2. Renewal of Provisional Certificate
3. and Land Parcha of Managing Trustees.

Having heard the parties and the documents on record, it is seen that the applicant has asked for the information from Shri. Sonam Wangdi Bhutia, The then Managing Trustee cum Treasurer, Denzong Charity Trust, Taktse International School, Pangthang, East Sikkim under Section 6 of the RTI Act, 2005.

That, Shri. Sonam Wangdi Bhutia, replied stating that Denzong Charities is not a Public Authority under the ambit of Section 2 (h) of the Right to Information Act, 2005.

The applicant has filed an appeal under section 19 (3) on the ground that he is not satisfied with the reply provided by Shri. Sonam Wangdi Bhutia and did not get the information of his RTI applications.

That, upon considering the documents i.e. Renewal Provisional Registration Certificate filed by the Respondents, the Taktse International School, Tintek Road, Pangthang, Gangtok District has been allowed to run Nursery to Class XII for the Academic Session year 2019-2021 (December) and 2023-December 2026 (session ending in December 26) subject to the condition that school shall strictly adhere with all the condition laid down in Right to Education Act, 2005.

It may be appropriate heretofore refer to the definition of the term—third party || in [Section 2\(n\)](#) of the RTI Act which reads as under:-

2(n). third party means a person other than the citizen making a request for information and includes a public authority.

Thus the term—third party || includes not only the public authority but also any private body or person other than the citizen making request for the information. The petitioner School, a private body, will be a third party under [Section 2\(n\)](#) of the RTI Act.

The above interpretation is in consonance with the provisions of [Sections 11\(1\)](#) and [19\(4\)](#) of the RTI Act. [Section 11](#) prescribes the procedure to be followed when a public information officer is required to disclose information which relates to or has been supplied by a third party and has been treated as confidential by the said third party. [Section 19\(4\)](#) stipulates that when an appeal is preferred before the CIC relating to information of a third party, reasonable opportunity of hearing will be granted to the third party before the appeal is decided. Third party as stated above includes a private body. As held above, a public authority is not a private body.

Information available with the public authority falls within [section 2\(f\)](#) of the RTI Act. The

A private body or third party can take objections under [Section 8](#) of the RTI Act before the public information officer or the CIC. In terms of [Section 11\(4\)](#) of the RTI Act, an order under [Section 11\(3\)](#) rejecting objections of the third party is appealable under [Section 19](#) of the RTI Act before the CIC.

last part of [section 2 \(f\)](#) broadens the scope of the term 'information' to include information which is not available, but can be accessed by the public authority from a private authority. Such information relating to a private body should be accessible to the public authority under any other law. Therefore, [section 2\(f\)](#) of the RTI Act requires examination of the relevant statute or law, as broadly understood, under which a public authority can access information from a private body. If law or statute permits and allows the public authority to access the information relating to a private body, it will fall within the four corners of [Section 2\(f\)](#) of the RTI Act. If there are requirements in the nature of preconditions and restrictions to be satisfied by the public authority before information can be accessed and asked to be furnished from a private body, then such preconditions and restrictions have to be satisfied. A public authority cannot act contrary to the law/statute and direct a private body to furnish information. Accordingly, if there is a bar, prohibition, restriction or precondition under any statute for directing a private body to furnish information, the said bar, prohibition, restriction or precondition will continue to apply and only when the conditions are satisfied, the public authority is obliged to get information. Entitlement of the public authority to ask for information from a private body is required to be satisfied.

[Section 22](#) of the RTI Act, reads:-

Section 22 of the RTI Act to have overriding effect.--The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the [Official Secrets Act, 1923](#), and any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

[Section 22](#) of the RTI Act is an overriding clause but it does not modify any other statute or enactment, on the question of right and power of a public authority to call for information relating to a private body. A bar, prohibition or restriction in a statutory enactment, before information can be accessed by a public authority, continues to apply and is not obliterated by [section 22](#) of the RTI Act. [Section 2\(f\)](#) of the RTI Act does not bring about any modification or amendment in any other enactment, which bars or prohibits or imposes pre-condition for accessing information from private bodies. Rather, it upholds and accepts the said position when it uses the expression—which can be accessed i.e. the public authority should be in a position and entitled to ask for the said information. [Section 22](#) of the RTI Act, an overriding provision does not mitigate against the said interpretation for there is no contradiction or conflict between the provisions of [Section 2\(f\)](#) of the RTI Act and other statutory enactments/law. [Section 22](#) will apply only when there is a conflict between the RTI Act and Official Secrets Act or any other enactment. As a private body, the Petitioner School is entitled to plead that they cannot be compelled to furnish information because the public authority is not entitled to information/documents under the law. The petitioner school can also claim that information should not be furnished because it falls under any of the sub-clauses to [Section 8](#) of the RTI Act. Any such claim, when made, has to be considered by the public information officer, first appellate authority and the CIC. In other words, private body will be entitled to the same protection as is available to a public authority including protection against unwarranted invasion of privacy unless there is a finding that the disclosure is in larger public interest.

[Section 8](#) of the RTI Act is a non-obstante provision which applies notwithstanding other sections of the RTI Act. In other words, [Section 8](#) over-rides other provisions of the RTI Act. [Section 8](#) stipulates the exceptions or rules when information is not required to be furnished. [Section 8](#) of the RTI Act is a complete code in itself. [Section 8](#) does not modify the term—information || as defined in [Section 2\(f\)](#) of the RTI Act. Whether or not [Section 8](#) applies is required to be examined when information under [Section 2\(f\)](#) is asked for. To deny —information || as defined in [section 2\(f\)](#), the case must be brought under any of the clauses of [Section 8](#) of the RTI Act. —Right to information || under the RTI Act is a norm and [Section 8](#) adumbrates exceptions i.e. when information is not to be supplied. It is not possible to accept the contention of the petitioner School that —information || as defined in [Section 2\(f\)](#) need not be furnished under the RTI Act for reasons and grounds not covered in [Section 8](#). This will be contrary to the scheme of the RTI Act. Information as defined in [Section 2\(f\)](#) of the RTI Act is to be furnished and supplied, unless a case falls under sub-clauses (a) to (j) of [Section 8\(1\)](#) of the RTI Act. Thus all information including information furnished and relating to private bodies available with public authority is covered by [Section 2\(f\)](#) of the RTI Act. Further, information which a public authority can access under any other law from a private body is also —information || under [section 2\(f\)](#). The public authority should be entitled to ask for the said information under law from the private body. Details available with a public authority about a private body are —information || and details which can be accessed by the public authority from a private body are also —information but the law should permit and entitle the public authority to ask for the said details from a private body. Restrictions, conditions and prerequisites imposed and prescribed by law should be satisfied. The question whether information should be denied requires reference to [Section 8](#) of the RTI Act.

The Taktse International School, Tintek Road, Pangthang, Gangtok, Managing Committee has been registered under Section 13 of the Sikkim Education Act, 2005 on 29<sup>th</sup> August, 2009 vide Registration No. 50/8/F/2009.

The State Government make the rules as per Section 76 of the Sikkim Education Act, 2005 vide Notification No: 07/07/Exam/HRDD-1 dated 16<sup>th</sup> July, 2005.

2. That as per the Sikkim Education Act and Rules, the Education Department has a right and is entitled to access some of the information from a private body under any other law.

The information with the government relating to the regulation and management of the Private School are covered under RTI Act. Hence, it means that a citizen can file an application for information to the Government authority under which it is registered or to the Government Department which controls it.

As per Section 6 of the Act only those information relating to the Private Entity could be attained which can be accessed by the Public Authority under any other law. Apart from it the person filing the application has to comply with the RTI format and its fee for attaining information and other rules mentioned in the Act.

However, private school can claim that information should not be furnished because it falls under any of the Sub-Clause to Section 8 of the RTI Act, any such, were made, have to be considered by the Public Information Officer.

Private body will be entitled to the protection and is available to a Public Authority including protection against unwarranted invasion of Privacy unless there is a finding that the disclosure is in larger interest.

For the reason stated above, the Commission direct that the applicant to file a RTI application before the Education Department. The Education Department can furnish the information as per the direction as mentioned above and as per the RTI Act, 2005.

In view of the above finding, the question whether the petitioner school is a Public Authority is left open and not decided.

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

Sd/-  
Chief Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWERSECRETARIAT,GANGTOK,SIKKIM**

**AppealNo.25/SIC/2023Dated.22.02.2024.**

Appellants : Mr. Chetan Sapkota.

Vs.

StatePublicInformationOfficer:SPIO, Directorate  
of State Lottery,  
Finance Department,  
Gangtok, East Sikkim.  
DateofOrder:11.03.2024.

The Appellant, Shri. Chetan Sapkota. .... Present.

The SPIO, Shri. Vishu Lama.....Present.

That today is the date fixed for hearing in connection with an Appeal Application under section 19 (3) of the RTI Act, 2005.

During hearing, the applicant, Shri. Chetan Sapkota has stated that he is not satisfied with the information as provided by the SPIO vide No. FIN/DSSL/IV/04/2018-19/363 Dated 27.12.2023.

Ontheotherhand,theSPIOhassubmittedthathehadfurnishedalltheinformationasperthe information available in the office.

Having heard the parties and documents on record, it is seen that, the reply of Query No. 3 is not satisfactory, the SPIO is directed to furnish a copy of license if the MOU has not been signed.

The Appellant has asked in query no. 4 and 9 for the details of Tax/GST or any other taxes deposited by such operation to the state as well as to the Central Government since the time it has been operated. The SPIO has answered stating that the payment of GST or any other taxes does not fall within the jurisdiction of the Directorate and as such, the Directorate does not have any record to furnish, The answer provided by the SPIO is not considerable in the eyes of law.

The SPIO during hearing has stated that details of Tax/G.S.T is in the possession of Commerce and Tax Division, therefore the SPIO is directed to obtain the information of tax and G.S.T or any other taxes deposited by such operation to the state as well as to the Central Government since operated and provide to the applicant.

The information as provided with query no. 17 is also not maintainable as per the Act because such information does not fall under section 8 of the Act, the applicant has asked for the daily selling data/amount by the outlets and the daily prize amount given by the outlets to the public in the state.

The SPIO is directed to obtain the said information from Golden Gaming International Private Ltd. (GGIPL) and furnish to the applicant.

The appellant has also argued that he is not satisfied with query nos. 11, 12 and 23. The SPIO has been directed to provide more documents on query no: 11 and 12 if available and for query no: 23 the SPIO is directed to obtain the detail of CSR utilize by the company and provide to the applicant.

The SPIO is directed to provide the information on or before 15.5.2024 without fail and file a compliance to the Commission for the compliance.

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

Sd/-  
Chief Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWERSECRETARIAT,GANGTOK,SIKKIM**

**AppealNo.25/SIC/2023Dated.22.02.2024.**

Appellants : Mr. Chetan Sapkota.

Vs.

StatePublicInformationOfficer:SPIO, Directorate  
of State Lottery,  
Finance Department,  
Gangtok,East  
Sikkim.DateofOrder:15.05  
.2024.

The Appellant, Shri. Chetan Sapkota. .... Present.

Thattodayisthedatefixedforfilingacompliance oforderdated11.3.2024.

The Principal Director, Directorate of State Lottery has filed a compliance on 13.5.2024along with an acknowledgement containing that the information was sent to the applicant by post on 13.5.2024.

The applicant has submitted that he did not get the information of the order dated 11.3.2024. TheapplicanthasbeendirectedtogotoStateLotteryOfficeandgettheinformation,ifheis not satisfied with the information, he can file a rejoinder application within fifteen days from the date of receipt of the information.

There is a total compliance of the order dated 11.3.2024, on the above observation the instant case is disposed off.

Sd/-  
Chief Information Commissioner  
SikkimInformation Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 25/SIC/2024 Dated. 22/02/2024**

Appellants: Shri. Chetan Sapkota and Others.

Vs.

State Public Information Officer: SPIO, Directorate  
of State Lottery,  
Finance Department,  
Gangtok, Sikkim.  
Date of Order: 04.09.2024.

The applicant, Shri. Chetan Sapkota. .... Present.

The Joint Secretary cum SPIO, Shri. Visu Lamapresent along with Deputy Secretary, Ms. Dechen D. Bhutia.

That today is the date fixed for hearing in connection with a rejoinder application filed on 24.7.2024.

During hearing, the applicant has submitted that he is not satisfied with the information of query Nos. 11, 12, 17 and 23 of his RTI application. He has further submitted that the Section as quoted for query No. 17 is not acceptable as per the Act.

On the other hand, the SPIO has submitted that he has furnished almost all the information as sought by the applicant and with regard to the rejoinder application he has filed a reply as provided by the Golden Gaming International Pvt. Limited.

Having heard the parties and the documents on record, it is seen that the information as reflected in a rejoinder application belongs to Golden Gaming International Pvt. Limited. As such, it won't be justified as per the RTI Act to pass an order without hearing the third party.

Therefore, issue Notice for hearing to the third party along with the concerned parties for the next hearing on 27.9.2024 at 11.a.m.

Sd/-  
Chief Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 25/SIC/2024 Dated. 22/02/2024**

Appellants: Shri. Chetan Sapkota and Others.

Vs.

State Public Information Officer: SPIO, Directorate  
of State Lottery,  
Finance Department,  
Gangtok, Sikkim.  
Date of Order: 27.09.2024.

The applicant, Shri. Chetan Sapkota. .... Present.

The Joint Secretary cum SPIO, Shri. Vishu Lama ..... Present.

Shri. Sudesh Joshi, Advocate present on behalf of Third Party.

That today is the date fixed for hearing in connection with the Rejoinder application.

Advocate, Shri. Sudesh Joshi had filed a Vakalatnama on behalf of third party.

During hearing Advocate, Shri. Sudesh Joshi has submitted that he may be granted fifteen days time as he is not having any of the case papers of the instant case except a copy of rejoinder application.

The submission as made by the Advocate, Shri. Sudesh Joshi being genuine in nature has been considered and granted fifteen days time.

To come up for further hearing on 23.10.2024 at 11 a.m.

Issue Notice to all the concerned parties for hearing on 23.10.2024 at 11 a.m.

Sd/-  
Chief Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 25/SIC/2024 Dated. 22/02/2024**

Appellants: Shri. Chetan Sapkota and Others.

Vs.

State Public Information Officer: SPIO, Directorate  
of State Lottery,  
Finance Department,  
Gangtok, Sikkim.  
Date of Order: 26.11.2024.

The applicant, Shri. Chetan Sapkota. .... Present.

The Joint Secretary cum SPIO, Shri. Vishu Lama ..... Present.

Shri. Sudesh Joshi, Advocate present on behalf of Third Party along with Arjun Sharma.

That today is the date fixed for hearing in connection with a rejoiner application dated 24.7.2024.

During hearing the applicant has submitted that he is not satisfied with the information of query Nos. 11, 12, 17 and 23.

On the other hand, the Advocate for the third party has submitted that, with regard to query No: 11 there are some 203 outlets spread all over the state out of which some are non-functional, however, they do not have a copy of license and the documents submitted by them to get such outlet license in the various places of Sikkim.

The SPIO has submitted that with regard to query no. 12 i.e. the names of the persons or the company those who are running online gaming and sports betting company has already been provided, however, the documents submitted to the Government while obtaining the valid license has been misplaced while shifting the office, as such, the documents could not be provided to the applicant.

The Advocate for the third party has further submitted that, the information as sought in query No: 17 cannot be provided because it falls under Section 8 (1) (d) and (j) of the RTI Act, 2005, as the information related to a third party the disclosure of which could harm the commercial confidence and trade secrets of a third party.

The information sought in query No: 23, has already been provided and if there is any further information in connection with query No: 23, the third party undertakes to provide.

The Advocate on behalf of third party has filed a Judgement passed by Central Information Commission in the case of Visnosh Priyakumar Vs. Central Public Information Officer, Raipur, Chennai.

The Judgement of Hon'ble Supreme Court i.e. CBSE Vs. Aditya Bandopadhyay.

The Judgement of Hon'ble High Court i.e. Dr. Naresh Trehan and Others Vs. Rakesh Kumar Gupta.

The case referred by the third party as mentioned above is with regard to the Income Tax, where in, the information has been denied to provide, as no larger public interest has been disclosed by the appellant in the matter.

In the case of CBSE Vs. Aditya Bandopadhyay, the third party has requested to refer para 63 of the judgement, which is not relevant for this instant case.

Looking at the provisions of the RTI Act, 2005, as contested in this case, are as under:

***Section- 8 (1):*** *Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen:*

(d) Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

***Section-8(1)(j):*** *information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:*

The Commission took note of the observations made by Hon'ble High Courts with regard to the afore-mentioned provisions of the RTI Act, 2005, as under:

7. “....The RTI Act, as per its Preamble, is to fulfill the constitutional goal, of establishment of a democratic republic, which requires an informed citizenry vital to its functioning, and to set out the practical regime for citizens to secure access to information under the control of Public Authorities. The Preamble to the Act itself notices that revelation of information may conflict with other public interest inter alia of preservation of confidentiality of sensitive information and the Act attempts to harmonize these conflicting interests “while preserving the paramountcy of democratic ideal”. . The ‘proviso’ aforesaid to Sections 8(1)(d) and 8(1)(j) which carves out an exception to the information exempt from disclosure, is one of the facets of such harmonization of conflicting interest. While information including commercial confidence, trade secrets or intellectual property or made available to Public Authority in fiduciary relation, has in recognition of the principle of “preservation of confidentiality of

*sensitive information” been exempted from disclosure, but such exemption is not available when “larger public interest warrants the disclosure of such information”. It thus cannot be said that the proviso taketh away what has been given under Sections 8(1)(d) and 8(1)(j). Notice may be taken of the recent judgment of the Apex Court in Central Board of Secondary Education Vs. Aditya Bandopadhyay (2011) 8 SCC 497. Though there was no challenge therein to the vires of the ‘proviso’ aforesaid to Sections 8(1)(d) and 8(1)(j), but the Hon’ble Supreme Court nevertheless noticed that such harmonization is essential for preserving democracy and that “it is difficult to visualize and enumerate all types of information which require to be exempted from disclosure in public interest” and that “the legislature has however made an attempt to do so” and further that “the Courts and Information Commissions enforcing the provisions of RTI Act have to adopt a purposive construction, involving a reasonable and balanced approach which harmonizes the two objects of the Act, while interpreting Section 8 and the other provisions of the Act”. The right to information was held to be a cherished right intended to be a formidable tool in the hands of responsible citizens to fight corruption and to bring in transparency and accountability.*

The Hon’ble High Court, Delhi in the case of General Manager Finance Air India Ltd & Anr Vs. Virender Singh (LPA No. 205/2012, Decided On: 16.07.2012)

8. “.... The RTI Act, as per its preamble was enacted to enable the citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. An informed citizenry and transparency of information have been spelled out as vital to democracy and to contain corruption and to hold Governments and their instrumentalities accountable to the governed. The said legislation is undoubtedly one of the most significant enactments of independent India and a landmark in governance.”

9. “...The exemption from disclosure provided for in Section 8 has to be seen in the said light. Section 8 is an exception to the otherwise regime of transparency and disclosure brought about by the Act. Naturally, the exemption cannot be allowed merely on the ground thereof being raised. It is for the public authority claiming exemption to lay foundation, of the information falling in one of the exempted categories.”

The Hon'ble High Court, Allahabad (Lucknow Bench) vide Writ Petition No. 3262 (MB) of 2008, in the case of Public Information Officer, Chief Minister's Office, Civil Secretariat, Government of U.P Vs State Information Commission and Others., held as under:

*“The perusal of the provisions of Section 8 reveals that there are certain informations contained in sub-clause (a),(b),(c),(f),(g) and (h), for which there is no obligation for giving such an information to any citizen, whereas informations protected under sub-clauses (d) ,(e) and (j) are though protected informations, but on the discretion and satisfaction of the competent authority, that it would be in larger public interest to disclose such information, such information can be disclosed. These informations thus are having limited protection, the disclosure of which is dependent upon the satisfaction of the competent authority that it would be in larger public interest as against the protected information interested to disclose such information.”*

With regard to Section 11(1) of the RTI Act, 2005, reliance can be made to the Hon'ble Supreme Court judgment in R.K Jain V Union Of India (2009) (8 SCC 273), wherein it was held as under:

*“...Any information sought by the Applicant in which third party information is asked, wherein third party may plead a privacy defence and the proper question would be as to whether divulging of such an information is in the public interest or not. whether the private defence is to prevail or there is an element of overriding public interest which would outweigh the private defence. The authority may take any decision but consideration is always given to public interest.”*

## **DECISION:**

Upon careful consideration of the submissions made by the parties, the Commission finds that the exemptions under Section 8(1)(d) and Section 8(1)(j) of the Right to Information Act, 2005, cannot be invoked arbitrarily or without sufficient justification. The Directorate of State Lottery, operating under the Finance Department of the Government of Sikkim, is tasked with the regulation and management of state lotteries, which contributes significantly to State revenue. Consequently, the information requested, in a generalized format, falls within the ambit of public disclosure. The respondent's inability to present adequate justification for seeking exemption under Section 8(1)(d) and Section 8(1)(j) has not been found legally tenable.

## **2. Right to Information and Public Interest:**

The Commission reiterates that the right of the public to be informed about the functioning of entities governed by Public Authorities must take precedence over any alleged commercial interest of such entities. Transparency, accountability, and fairness are paramount, particularly in matters involving public funds and government-administered schemes. As such, the Commission leans in favour of disclosure where larger public interest is evident.

### 3. DirectionstotheSPIOandThirdParty:

Inlightoftheabovefindings,theCommissionissuesthefollowingdirections:

- a. Query No. 11:  
The SPIO is directed to submit a detailed list of the 203 outlets, accompanied bycopies of their respective licenses, as sought under QueryNo.11
- b. QueryNo.12and17:  
The State Public Information Officer (SPIO) is directed to obtain the relevant information fromthe concerned third party/owner of the outlet and provide it to the appellatant.
- c. Query No. 23:

ThethirdpartyisfurtherdirectedtofurnishtheadditionalinformationrequestedunderQuery No. 23. This information shall be routed through the SPIO to ensure proper compliance with the provisions of the RTI Act.

The Commission emphasizes that these directions are issued in adherence to the objectives of the RTI Act, 2005, which seeks to promote transparency, accountability, and the fundamental right of citizens to access information. The SPIO and the concerned third party are hereby instructed to comply with the above directives and furnish the information within 21 days from the date of order and file a compliance before the Commission on or before 16.12.2024 without fail.

Withtheaboveobservationtheinstantcase hasbeen disposed of.

Sd/-  
State Chief Information Commissioner  
SikkimInformation Commission

Sd/-  
State Information Commissioner  
SikkimInformation Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 25/SIC/2024 Dated. 22/02/2024**

Appellants: Shri. Chetan Sapkota and Others.

Vs.

State Public Information Officer: SPIO, Directorate  
of State Lottery,  
Finance Department,  
Gangtok, Sikkim.  
Date of Order: 23.12.2024.

The third party has filed an application under order 47 Rule 1 of the CPC, 1908 for Review of order passed by the Commission vide order dated 26.11.24 with regard to query no: 11, 17 and 23 through Shri. Arjun Sharma.

That, in query no: 11 the applicant has sought for Details of the outlet under GGIPC such as names and address.

In query no: 17, Details of daily selling data/amount by the outlets and the daily prize amount given by the outlets.

In query no: 23, Details document address of the beneficiaries showing the exact amount contributed to CSR contributions, business practices and compliance with regulations.

The Commission had passed an order keeping in view the section 2(j) of the Right to Information Act, 2005 defines 'Right to Information as:

“right to information” means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to

1. inspection of work, documents, records
2. taking notes, extracts, or certified copies of documents or records
3. taking certified samples of material.
4. obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printout, where such information is stored in a computer or in any other device.

The information sought under 11, 17 and 23 are the information which is held by or under the control of Public Authority, as such, the Judgement of Hon'ble Supreme Court referred by the third party i.e. CBSE Vs. Aditya Bandopadhyaya cannot be referred for this case.

The application under section 47 Rule 1 of CPC, 1908 for review of order cannot be considered because the Commission does not have the power to review its own orders as the same has not been envisaged in the RTI Act, 2005. There is no error apparent in the order dated 26.11.2024.

Therefore, the SPIO and third party are directed to comply the order passed on 26.11.2024 and provide the information as per the order dated 26.11.2024 and file a compliance before the Commission on or before 1.02.2025 without fail

Sd/-  
State Chief Information Commissioner  
Sikkim Information Commission

Sd/-  
State Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 34/SIC/2024 Dated. 19/05/2024**

Appellants : Shri. Bibash Tamang & Others

Vs.

State Public Information Officer: SPIO, Roads  
& Bridges Department,  
Gangtok, Sikkim.

Date of Order: 11.7.2024.

The Applicant Shri. Bibash Tamang & Others. .... Present.

The Respondents, A.E. (R&B), Gangtok, Srijana Rai, A.E. (R&B), Gyalshing, Santosh Singh, S.E. (R&B), Mangan, Karma Gyurmie, S.E. (R&B), Pakyong, Nawaen Gurung, S.E. (R&B), G/M, P.N. Pulger, A.E. (R&B), Dentam Sub-Division, Ithungen Limboo, A.E. (R&B), Soreng Sub-Division, Bikash Chettri, D.E. (R&B), Soreng Sub-Division, Nayan Baraily, D.E. (R&B), Pakyong, Bikash Pradhan, J.E. (R&B), Pakyong, Kalzang G. Bhutia. Present.

That today is the date fixed for hearing in connection with an Appeal Application under section 19 (3) of the Act. The appeal is on the ground that the applicants are not satisfied with the information as provided by the Respondents in connection with their RTI application dated 11.1.2024.

During hearing the applicants have submitted that they are not satisfied with the information as provided by the Respondents. The Respondents have failed to provide the complete and satisfactory information in spite of the direction of First Appellate Authority vide his order dated 12.3.2024. They have further stated that they have failed to get the complete information from Pakyong Sub-Division, Yang Yang Sub-Division, Rabongla Sub-Division, Mangan Sub-Division, Gangtok Sub-Division, Jorethang Sub-Division.

The Singtam Sub-Division, National Highway, Kaluk Sub-Division, Geyzing Sub-Division and Soreng Sub-Division did not provide any of the information as sought by the applicants.

On the other hand, the Respondents have submitted that they have provided the information as sought by the applicants and they have an acknowledgement of that. The APIO, Soreng has submitted that, the submission as made by the Applicant is not true because he has provided the information and has an acknowledgement where the applicant has signed on it. The APIO, Kaluk has produced the acknowledgement of Information and submitted that she has submitted the information at Head Office, Roads and Bridges Department, Gangtok. The APIO, Singtam has produced the information during the hearing. The APIO, Jorethang has produced the forwarding note with a signature of the applicants and submitted that when they handed over the information to the applicants they have signed on it, however, he has failed to provide a proper forwarding note.

Having heard the parties and documents on record, it is seen that the applicants are not satisfied with the information of query nos. 2, 9, 10, 11 and 13 of the RTI application and the ground of unsatisfied have been mentioned in their Appeal Application under section 19 (3) of the Act.

The SPIOs/APIOs are directed to provide the information as sought by the applicants. If they are not in a position to provide information (unsatisfactory) then they can explain the applicants in detail as to why they are not in a position to provide the information.

The submission of applicants for Soreng Sub-Division cannot be considered because the APIO, Soreng has produced the acknowledgement signed by the applicants, therefore he is exempted from providing the further information. The APIO, Kaluk is directed to get the information from the Head Office and provide the same to the applicants. The APIO, Jorethang is directed to provide the information with a proper forwarding note. The APIO, Singtam is directed to hand over the information produced during the Hearing. The SPIOs/APIOs Geyzing and National Highway are directed to provide the information as sought by the applicant.

The SPIOs/APIOs of Pakyong Sub-Division, YangYang Sub-Division, Rabongla Sub-Division, Mangan Sub-Division, Gangtok Sub-Division, Jorethang Sub-division are directed to provide the information (unsatisfactory).

The SPIOs/APIOs are directed to provide the information with a proper forwarding note and file a compliance with an acknowledgement before the Commission on or before 31<sup>st</sup> July, 2024 without fail.

Sd/-  
Chief Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 05/SIC/2024 Dated. 08/07/2024**

Appellants : Shri. Deepkant Gajmer.

Vs.

State Public Information Officer: SPIO, District Collectorate, Gangtok, Sikkim. Date of Order. 04.09.2024.

The applicant, Shri. Deepkant Gajmer. .... Present.

The ADC cum SPIO, Shri. S. W. Bhutiapresent along with Seem Tamang, U.D.C. Respondent.

That today is the date fixed for hearing in connection with an Appeal Application 19(3) of the Act.

During hearing, the applicant Shri. Deepkant Gajmer has submitted that he did not get the information of his three RTI applications dated 15.4.2024. He has further submitted that he has also filed an appeal under section 19 (1) before the First Appellate Authority, District Collectorate on 29.3.2024 on the ground of not getting the information of his three RTI applications. However, inspite of his several request the First Appellate Authority did not take any steps of his Appeal Application under 19 (3) of the Act.

On the other hand, the SPIO has submitted that, he has joined recently as ADC, East and it has only been one month as he being appointed as SPIO, he has further submitted that, he may be granted some time to trace the information as sought by the applicant.

Having heard the parties and the documents on record it is seen that the Respondent has failed to provide the document and proper information as sought by the applicant in his three RTI applications. The submission as made by the SPIO has been considered being on genuine ground and provide twenty days time to provide the information as sought by the applicant.

The SPIO is directed to provide the information as sought by the applicant with a proper forwarding note on or before 27.9.2024 and to appear for hearing on 27.9.2024 at 11.a.m.

A copy of order to be supplied to the parties.

Sd/-

State Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 05/SIC/2024 Dated. 08/07/2024**

Appellants : Shri. Deepkant Gajmer.

Vs.

State Public Information Officer: SPIO, District Collectorate, Gangtok, Sikkim. Date of Order: 27.09.2024.

The applicant, Shri. Deepkant Gajmer. .... Present.

The Respondent. .... Absent as the notice was not served.

That on 27.9.2024, the applicant has filed a rejoinder before the Commission that the information received from the SPIO, DAC, Gangtok on the basis of the hearing before the Commission on 4.09.2024 is not satisfactory.

In connection with a rejoinder application a notice is to be issued to both the parties for hearing on 3.10.2024 at 11 a.m.

To come up for further hearing on 3.10.2024 at 11 a.m.

Sd/-  
State Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Complaint No.05/SIC/2024 Dated.08/07/2024**

Appellants : Shri. Deepkant Gajmer.

Vs.

State Public Information Officer: SPIO,  
District Collectorate,  
Gangtok, Sikkim.  
Date of Order: 03.10.2024.

The applicant, Shri. Deepkant Gajmer present along with Ms. Mukul Rani Parajuli.

The ADC cum SPIO, Shri. S.W. Bhutia present along with APIO, Shri. J.B. Subba, Ms. Malina Giri, Revenue Surveyor and Ms. Sonam Choden Bhutia, Head Surveyor, District Collectorate, Gangtok, East Sikkim.

That today is the date fixed for hearing in connection with rejoinder application filed on 27.4.2023.

During hearing, the applicant has submitted that the information which has been provided as per the order dated 4.9.2024 is not satisfactory and it has been reflected in a rejoinder application dated 27.9.2024.

On the other hand, the SPIO has submitted that these are the only information which the Public Authority has in possession of this instant case.

The Revenue Surveyor, Ms. Malina Girhas made the submission in detail with regard to the information as sought by the applicant.

The SPIO has submitted that, the applicant can go for the inspection of the document as available in the Public Authorities pertain to the queries as made by the applicant.

The applicant and Ms. Mukul Rani Parajuli has also agreed on the submission made by the SPIO.

Having heard the parties and the documents on record, it is seen that the SPIO has provided the information within a time period as directed in the order dated 4.9.2024, however, the applicant is not satisfied with the information. The submission as made above by the SPIO is reasonable and considerable, therefore, the SPIO is directed to inform the applicant about the date of inspection. The inspection be conducted as per the provision of RTI Act and Rules (The Sikkim State Right to Information (Regulation of Fee, Cost and Miscellaneous Rules 2005) and provide the compliance report before the Commission on or before 24.10.2024.

Sd/-  
State Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWERSECRETARIAT,GANGTOK,SIKKIM**

**Complaint No. 5/SIC/2024** Dated.08.07.2024.

Appellants : Shri. Deepkant Gajmer.

Vs.

StatePublicInformationOfficer:SPIO,  
District Collectorate,  
Gangtok, Sikkim.

That, applicant, Shri. Deepkant Gajmer has filed a rejoinder application stating that he didnot get the information of RTI application dated 26.6.2024 and 29.7.2024 i.e. the documents submittedby both the parties before the District Collectorate, in the case of Pani House land disputebetween Shri. Deepkant Gajmer Vs. Mrs. Chandra Maya Chettri.

On seeing the documents filed by the applicant, it is seen that, the case of Pani House landdispute between Shri. Deepkant Gajmer Vs. Chandra Maya Chettri was heard by the District Magistrate, Gangtok and passed an order on 21.2.2024 with a direction to both the parties to approach Civil Courts.

Therefore, considering the facts and circumstances, the SPIO is directed to provide the following documents as sought by the applicant;

1. ThecertifiedcopyoftheDistrictMagistrate-cum-Collectororders.
2. CertifiedcopyofhearingnotingsandcomprehensivereportssubmittedbytheRevenue Officer and Revenue Surveyor before District Magistrate cum Collector and
3. Certified copy of the documents submitted by the applicant, Shri. Deepkant Gajmer on or before 6.12.2024 without fail and file a compliance before the Commission on 6.12.2024.

Sd/-  
State Information Commissioner  
SikkimInformationCommission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Complaint No. 07/SIC/2024 Dated. 08/07/2024**

Appellants : Shri. Khagesh Agarwal.

Vs.

State Public Information Officer: SPIO,  
Gangtok Municipal Corporation,  
Gangtok, Sikkim.

Date of Order: 27.09.2024.

The Complainant, Shri. Khagesh Agarwal..... Present.

The SPIO, Shri. C. Rizal... Present.

That today is the date fixed for hearing in connection with a complaint under section 18 of the Act.

During hearing the SPIO has submitted that he has been appointed as SPIO recently as such, he may be granted sometime to go through the case file and to take appropriate steps on a complaint filed by the complainant.

On the other hand the Respondent has submitted that information provided vide Memo No: 221/GMC/2024 dated 1.8.2024 is not acceptable because the Public Authority has informed the complainant that he has no locus standi to ask for the information and threatened him of criminal proceeding under section 186 of IPC 1860.

Having heard the parties and documents on record it is seen that the SPIO has been appointed recently only, as such, the time sought by the SPIO has been considered and fix next date on 23.10.2024 at 11 a.m.

To come up for further hearing on 23.10.2024 at 11 a.m.

Sd/-  
State Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Complaint No. 07/SIC/2024 Dated. 08/07/2024**

Complainant : Shri. Khagesh Agarwal.

Vs.

State Public Information Officer: SPIO, Gangtok Municipal Corporation, Gangtok, Sikkim. Date of Order: 23.10.2024.

The Complainant, Shri. Khagesh Agarwal..... Present.

The APIO, Shri. Bishnu Thapa present on behalf of SPIO.

The APIO has filed a notesheet where in, it has been stated that the SPIO, Shri. Chiran Rizal has gone to New Delhi for the implementation of pilot programme NAKSHA which was scheduled on 21 and 22 October, 2024.

The appearance of SPIO is exempted being on genuine ground.

That today is the date fixed for hearing in connection with a Complaint under section 18 of the RTI Act.

In a complaint application, the complainant has prayed that the Commission may be pleased to pass an order as to how the Public Authorities entertain the RTI application and what are the procedures to be followed at the time of providing the information by the Public Authorities.

The applicant has further submitted that he has also filed an Appeal Application under section 19 (3) before the Commission a day before on the ground of not satisfied with the information as provided by the Public Authorities, Gangtok Municipal Corporation.

Having heard the parties and documents on record, it is seen that the Bazaar officer, Gangtok Municipal Corporation has provided the information to the complainant on 1.8.2024 stating that the information as sought by the complainant was with an intention to obstruct the work of government officials as dealt under section 186 IPC, 1860.

The information as provided by the Bazaar officer, Gangtok Municipal Corporation is totally out of Act.

As per Section 6 (1) of the RTI Act, 2005, (1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to-

(a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;

(b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, specifying the particulars of the information sought by him or her:

Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

(2) An application making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

In view of the Commission, the disclosure policy as drawn up by the Public Authority is contrary to the spirit of the RTI Act. Therefore, the Bazaar officer and the SPIO are directed to go through the RTI Act, in details and to entertain the RTI application as per the procedures mentioned in the RTI Act, 2005 and the Sikkim State Right to Information (Regulation of Fee, Cost and Miscellaneous) Rules 2005.

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

Sd/-  
State Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 36/SIC/2024 Dated. 19/09/2024**

Appellants : Mrs. Tshering Doma Lachenpa

Vs.

State Public Information Officer: SPIO, SABCCO,  
Gangtok, Sikkim.

Date of Order: 03.10.2024.

The applicant, Mrs. Tshering Doma Lachenpa present along with her Advocate, Shri. Leda T. Bhutia.

The General Manager (Deemed SPIO), Shri. Binod Ghatani present along with Shri. Kishore Shrestha, General Manager, Shri. Arun Gurung, Deputy General Manager, Shri. Durga Mangar, Deputy General Manager and Shri. J.B. Subba, Deputy Director Respondent.

That today is the date fixed for hearing in connection with an Appeal Application under section 19 (3) of the Act.

During hearing the Advocate, Shri. Leda Bhutia has submitted that the applicant has filed the RTI application before the SPIO, SABCCO on 5.4.2024.

On 29.4.2024 the applicant had received a transferred application stating that the SPIO, Smt. Indira Pillay had transferred the case of Mrs. Tshering Doma Lachenpa to the General Manager and the General Manager would provide the reply as sought by the applicant. In that transferred application, the SPIO has also mentioned that she had given the detailed observation in the official file, as such, the applicant may be allowed to see that observation.

The advocate for applicant has further submitted that the information provided by the General Manager is not satisfactory because the General Manager informed to the applicant vide Ref. No: 12/SABCCO/2024 – 25 dated 2.5.2024 that the information sought is denied as per Section 8 (1) (j) of the Act.

On the other hand, the deemed SPIO has submitted that the information sought by the applicant does not involve larger Public interest.

The deemed SPIO has further stated that the nature for asking, the information because her son, who had earlier been working on adhoc basis since 2018 and was regularized into SABCCO at 3 levels higher post, has been denied confirmation of service by collective decision of the Board of SABCCO. The applicant is using the RTI as a tool to pressurize and jeopardise the administrative work and also to harass those employees who had objected to the unfair regularization of the Applicants son at the higher post earlier.

Having heard the parties and document on record, it is seen that the applicant has filed a RTI application on 5.4.2024. The SPIO has transferred the RTI application to the General Manager with an intimation to the applicant on 29.4.2024. The General Manager has provided the information vide Ref. No: 12/SABCCO/2024-25 dated 2.5.2024.

The applicant being not satisfied with the information, she has filed an appeal under section 19 (1) before the First Appellate Authority on 31.5.2024. The First Appellate Authority had passed an order on considering the nature and content of information sought and also thereply given by the competent authority. The order stated that, the asking of information using the RTI Act at this stage, where the decision of the Board of SABCCO in respect applicants son is under process of execution and finalization, is clearly an attempt to interfere in the administrative matter of the corporation and is purportedly being made to exercise under influence and intimidate the management in this regard.

That, in the reply filed by the Managing Director vide Ref. No: 245/SABCCO/24-25 dated 6.9.2024 along with a copy of office order of Mr. Tenzing Dorjee Lachenpa wherein, Mr. Tenzing Dorjee Lachenpa to the post of Sr. Accountant/Jr. Manager w.e.f. 1.9.2021 is hereby declared invalid by way of collective decision of the Board.”

The applicant being the mother of Mr. Tenzing Dorjee Lachenpa has also been effected by a situation and above that when the information was provided by the deemed SPIO and at the time of passing an order by the First Appellate Authority, the case of her son (Mr. Tenzing Dorjee Lachenpa) was under process, now, it seem that the order has been passed, as such, upon considering the above reason and the Section 4 of the Act and the Judgement of the Hon'ble Supreme Court in Writ Petition No: 990 of 2021 in the case of Kishan Chand Jain Vs Union of India and Another wherein the Public Authorities have been directed to implement the mandate of Section 4 of the Right to Information Act, 2005.

Section 4 (1) related to the maintenance of all public records, duly catalogued are indexed for, easy accessibility of the information publishing particulars of the organisational structure, functions and duties of officers, procedures that are followed for decision making, salary structure, budget allocation, publication of facts relating to policies and announcements which includes providing reason for quasi-judicial decisions.

Sub-Section 2 mandate the Public Authority to take steps for providing information under clause (b) of Sub-Section (1) suo motu and further disseminate the said information for easy accessibility to the Public.

Upon considering the above reason and circumstances the deemed SPIO is directed to provide the information as per the Act, however, the applicant is not entitled for hypothetical question.

The deemed SPIO, General Manager is directed to provide the information of query nos. I and II.

For query Nos, III, IV and V, provide the Minutes of Meeting of 34<sup>th</sup>, 35<sup>th</sup> and 36<sup>th</sup> Board of Directors.

For query No: VI, provide the new Cadre Rules. For

query No: VII, provide the information.

For query No: VIII, provide new Cadre Rules.

For query No: IX, provide information in 'Yes' or 'No'. For

query No: X, provide information in 'Yes' or 'No'. For

query No: XII, provide the information.

For query No: XIV, provide first half of query, In RTI Act, not entitled for hypothetical question.

For query No: XV, provide information in 'Yes' or 'No'. For

query No: XVI, provide the information.

For query No: XVII, provide a copy of earlier Cadre Rules and new Cadre Rules. For

query No: XX, provide the information.

For query No: XXI, provide the information.

For query No: XXII, provide the information.

For query No: XXIII, provide the information in 'Yes' or 'No', if yes, provide the date, month and year when it was placed.

For query Nos: XXV and XXVI, provide the information excluding the documents of Ms. Tirtha Maya.

For query No: XXVIII, provide the information excluding the documents. For

query No: XXIX, provide the information excluding the documents. For

query No: XXXI, provide the information excluding the documents. For

query No: XXXII, provide the information excluding the documents.

The SPIO and the deemed SPIO is further directed to implement the mandate of Section 4 of the Right to Information Act, 2005 and upload the information in the website and send a compliance to the Commission within a month of receiving this order.

The deemed SPIO is directed to provide the information as per the order on or before 11.11.2024 and file a compliance before the Commission without fail.

Sd/-  
State Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWERSECRETARIAT,GANGTOK,SIKKIM**

**AppealNo.37/SIC/2024Dated.19.09.2024.**

Appellants : Shri. Jit Bahadur Rai

Vs.

StatePublicInformationOfficer:SPIO,  
District Collectorate,  
Gangtok, Sikkim.  
Date of Order: 03.10.2024.

TheapplicantShri.JitBahadur Rai.....PresentalongwithAdvocate,MissRubushaGurung.

TheADCcumSPIO,Shri.S.W.BhutiapresentalongwithAPIO,Shri.J.B.Subba,District Collectorate,  
Gangtok, East Sikkim.

During hearing, the Advocate, Miss. Rubusha Gurung appearing on behalf of applicant has submitted that he did not get the information as sought by him vide his RTI application dated 6.6.2024. She has further submitted that the First Appellate Authority also did not take any steps on an Appeal Application under section 19 (1) of the Act.

On the other hand, the SPIO has submitted that he may be granted some time to furnish the information as he has recently been appointed as SPIO.

Having heard the parties and the documents on record it is seen that the applicant has filed a RTI applicationon6.6.2024,however,hedidnotgettheinformationofhisRTIapplication,thereafter he has filed an Appeal under section 19(1) of the Act before the First Appellate Authority on 17.7.2024, the First Appellate Authority did not take any steps of an Appeal Application under section 19 (1).

That the submission as made by the SPIO has been considered on a genuine ground, as he has been appointed recently only, the time as sought by the SPIO has been considered with adirection to take a appropriate steps as per the RTI Act and file a compliance before the Commission on or before 24.10.2024.

Sd/-

State Information Commissioner  
SikkimInformation Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 37/SIC/2024 Dated. 19.09.2024.**

Appellants : Shri. Jit Bahadur Rai

Vs.

State Public Information Officer: SPIO,  
District Collectorate,  
Gangtok, Sikkim.  
Date of Order: 23.10.2024.

The Advocate, Miss Rubusha Gurung present on behalf of the applicant, Shri. Jit Bahadur Rai. The

ADC cum SPIO, Shri. S.W. Bhutia present..... Respondent.

That today is the date fixed for hearing in connection with a Rejoinder application on the ground that the applicant is not satisfied with the query no. 8 of his RTI application dated 6.6.2024.

During hearing, the SPIO has submitted that he has furnished almost all the information assought by the applicant, however, he could not trace the information as mentioned in query no. 8 in spite of his best efforts.

On the other hand, the advocate for the applicant had submitted that the information of query no.8 i.e. the copy of objection dated 4.3.2023 filed by the applicant Shri. Jit Bahadur Rai against the illegal transfer of land in the names of Shri. Dil Bahadur Rai and Miss. Sukmaya Rai who are the son and daughter of Lt. Man Bir Rai and the grandchildren of Lt. Haikam Singh Rai is very important to obtain. She has further submitted that, the applicant has a photocopy of that application dated 4.3.2023 and the same is shown before the Commission.

Having heard the parties and documents on record, it is seen that the SPIO has provided almost all the information except the query no. 8.

A copy of objection letter dated 4.3.2023 shows that the same had been filed before the District Collectorate and had received by the concerned officers. The applicant is directed to furnish a photocopy of objection letter dated 4.3.2023 to the SPIO and the SPIO is directed to verify and provide certified copy to the applicant.

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

Sd/-  
State Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWERSECRETARIAT,GANGTOK,SIKKIM**

**Complaint No. 8/SIC/2024** Dated.19.09.2024.

Appellants : Shri. Deepkant Gajmer.

Vs.

StatePublicInformationOfficer:SPIO,  
District Collectorate,  
Gangtok, Sikkim.  
Date of Order: 03.10.2024.

Theapplicant,Shri.DeepkantGajmerpresentalongwithMs.MukulRaniParajuli.

The ADC cum SPIO, Shri. S.W. Bhutia present along with APIO, Shri. J.B. Subba, Ms. Malina Giri, Revenue Surveyor and Ms. Sonam Choden Bhutia, Head Surveyor, District Collectorate, Gangtok, East Sikkim.

That today is the date fixed for hearing in connection withan Appeal Application under section 19 (3) of the Act.

During hearing, the applicant has submitted that he did not get the information of his two RTI applications dated 1.6.2024 and 26.6.2024.

On the other hand the SPIO has submitted that the information as sought by the applicant is athird party information and exempted as per section 8 (j) of the Act.

Havingheardthepartiesandthedocumentsonrecorditisseenhatonapplication dated 1.6.2024;

1. The applicant has asked for sale deed (Gift deed) lease deed will or any other related land deed document of boundary holders of the property at Pani House.
2. Parchaofalltheboundaryholders.

In application dated 26.6.2024 the applicant has sought for two sets of certified copies of the Register Page with the details of the sale deed. The sale deed is registered vide Book No: 1, Vol No: 1, Item No: 53 and year 1977.

The applicant has claimed that to go before the Civil Court, the above mentioned document are needed,however,hehasnotfiledanyofthesupportingdocumentstosupportthatheisentitledto get the information as mentioned in the two RTI applications therefore, he is directed to file the document to support his two RTI applications dated 1.6.2024 and 26.6.2024 on or before 24.10.2024.

Sd/-  
State Information Commissioner  
SikkimInformationCommission

**SIKKIM INFORMATION COMMISSION  
LOWERSECRETARIAT,GANGTOK,SIKKIM**

**Complaint No. 8/SIC/2024** Dated.19.09.2024.

Appellants : Shri. Deepkant Gajmer.

Vs.

StatePublicInformationOfficer:SPIO,  
District Collectorate,  
Gangtok, Sikkim.

The applicant has filed an application along with the documents as per the order dated 3.10.2024 passed by the Commission to support his RTI application, wherein, he has sought for sale deed (Gift Deed), lease deed, will or any other related land deed documents of boundary holders of the property at Pani House.

The applicant has filed a search report signed by Revenue Surveyor and Head Surveyor, Gangtok, Verification Report signed by Head Surveyor, Gangtok and the undertaking signed by the house owners and residents of Pani House, below, Shiv Mandir, NH10, Gangtok stating that they have been using a vacant plot of land belonging to the late Shri. D.K. Gajmer (IAS) as a public way to their residence.

Upon considering the document on record, the information as sought by the applicant, i.e. the size of plots owned by the boundary holder and the details of the boundary holder in the North, East, South & West direction as per the registered land deeds of the boundary holders to be provided the applicant on or before 6.12.2024 and file a compliance before the Commission on 6.12.2024 without fail.

Sd/-  
State Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 35/SIC/2024 Dated. 11.09.2024.**

Appellants : Mrs. Thinlay Ongmu Bhutia

Vs.

State Public Information Officer: SPIO,  
Excise Department,  
Gangtok, Sikkim.  
Date of Order: 24.10.2024.

The applicant, Mrs. Thinlay Ongmu Bhutia present along with her advocate, Shri. Bhaichung Bhutia.

The Additional Secretary cum SPIO, Smt. Samten Dolma Bhutia present along with legal officer, Shri. Pewa Hang Subba and legal retainer, Shri. Sonam Bhutia.

That today is the date fixed for hearing in connection with an Appeal Application under section 19 (3) of the Act.

During hearing the advocate on behalf of applicant has submitted that he is not satisfied with the information of query no. 1 and 3 as sought by the applicant in her RTI application dated 1.8.2024 because the SPIO had denied to provide the information of query no. 1 and 3 on the ground of Section 8 (1) (j) and 8 (1) (e) of the RTI Act, 2005.

He has further submitted that the applicant Smt. Thinlay Ongmu Bhutia is a legally wedded wife of Lt. T. Lachungpa, as such she is entitled to get the information as sought by her.

On the other hand, the SPIO has submitted that, as per the order of First Appellate Authority the Excise Department has taken the consent from the third party and on reply the third party has denied to furnish the information as sought by the applicant.

She has further submitted that the information as sought by the applicant falls under Section 8(1) (j) and 8(1)(e) of the RTI Act, 2005.

Having heard the parties and documents on record, it is seen that the SPIO has already furnished the information of query no. 2 and with regard to query no. 1 and 3 the information has been denied under Section 8 (1) (j) and 8 (1) (e) of the RTI Act, 2005, however, the applicant being the legal wife of the landowner, she is entitled to get a copy of N.O.C provided by the landowner and with regard to query no. 3 wherein she has sought for the documents submitted by the licensee at the time of obtaining the excise license. The applicant has mentioned in her appeal application at para 8 (b) the information sought by the appellant does not fall under Section 8(1)(j) and 8(1)(e) of the RTI Act, 2005 except the personal documents of Ms. Bhavana Subba (Diki) which includes her C.O.I, Voter Card and Adhaar Card, if any, as such, the SPIO is directed to provide the documents sought in query no. 3 excluding C.O.I, Voter Card and Adhaar Card of third party within 15 days i.e. 8.11.2024 and file a compliance before the Commission for compliance.

With the above observation the instant case is disposed

Sd/-  
State Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No.** 42/SIC/2024 Dated. 8.11.2024.

Appellants : Shri. Sangay Gyatso Bhutia.

Vs.

State Public Information Officer: SPIO,  
Rural Development Department,  
Gangtok, Sikkim  
Date of Order: 23.12.2024.

Shri. A. Shah, Advocate present along with Shri. Passang G. Sherpa and Shri. S. G. Sherpa for Applicant.

The SPIO, Smt. Koshi Kapil present along with APIOs, Divisional Engineer, Asst. Engineer and Junior Engineer for Respondent.

**Relevant facts emerging from Appeal:** 15.07.2024. RTI

application filed on 15.7.2021.

First Appeal filed on: 23.8.2024.

First Appellate order on: 22.10.2024.

2<sup>nd</sup> Appeal received on: 27.11.2024.

Information sought and background of the case;

The appellant filed on RTI application date: 15.7.2024.

Seeking information pertaining to Jal Jeevan Mission works in Sikkim;

1. Details of civil works completed/ongoing under Jal Jeevan Mission in Sikkim, including:
  - Location-wise list of projects
  - Cost of each project
  - Status of completion
  
2. Details of supply works completed/ongoing under Jal Jeevan Mission in Sikkim, including:
  - List of materials supplied
  - Cost of materials supplied
  - Details of suppliers/contractors involved

4. Information on the tendering process for civil lands supply works, including:
  - Tender notice details
  - List of bidders/contractors
  - Criteria for selection of contractors
  
5. Details of funds allocated/released for Jal Jeevan Mission works in Sikkim, including:
  - Total amount allocated
  - Amount released till date
  - Utilization certification details
  
5. List of officials responsible for monitoring and implementing Jal Jeevan Mission works in Sikkim.

With the above observation the instant case has been disposed of

**FactsemerginginthecourseofHearing;**

During hearing, the Advocate for the appellant has submitted that the information provided by the Public Authorities are incomplete and not satisfactory as they are in a disjointed and fragmented manner, because of which, it is impossible to understand or interpret. He has further submitted that the Ranka BAC did not provide any information in spite of paying the Xerox fees asked by the Public Authority. The Advocate for the applicant prayed that, the applicant be provided the information as sought by the applicant in a compiled and sorted manner.

On the other hand, the SPIO has submitted that the information as sought by the appellant falls under the jurisdiction of all the districts, as such, she had transferred to all the concerned officers with a direction to provide the information directly to the applicant from their side.

The officers appearing from the districts have submitted that the information falls under their jurisdiction have already been provided to the applicant.

The concerned officer of Ranka BAC has submitted that he did not get the money receipt of Xerox fees, which he had asked the appellant to deposit, as such, he did not supply the information of Ranka BAC.

**Decision:**

Upon perusal of the records, as well as, on the basis of the submission made during the hearing, it is seen that, the information which had already been supplied is not with a proper forwarding note and well-complied format. Therefore, the Commission directs the SPIO and all the officers present today to provide the information in a complied and sorted manner falls under their jurisdiction through SPIO on or before 7.1.2025 without fail and file a compliance before the Commission for compliance.

Sd/-  
State Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Appeal No. 43/SIC/2024 Dated. 8.11.2024.**

Appellants : Shri. Sangay Gyatso Bhutia.

Vs.

State Public Information Officer: SPIO,  
State Bank of Sikkim,  
Gangtok, Sikkim  
Date of Order: 23.12.2024.

Shri. A. Shah, Advocate present along with Shri. Passang G. Sherpa and Shri. S. G. Sherpa for Applicant.

Shri. Zigmee D. Bhutia, Legal Retainer present along with SPIO, Shri. Santi Ram Karki and APIO, Shri. Kunchok Tenzing for Respondent.

Relevant facts emerging from Appeal:

RTI application filed on: 17.7.2024.

SPIO replied on: 16.8.2024.

First Appeal filed on: 25.9.2024.

First Appellate order on: 28.10.2024.

Information sought and background of the case;

The Appellant filed on RTI application dated 17.7.2024 seeking information pertaining to:

- a. List of defaulters, who have failed to repay loans to State Bank of Sikkim, including: Name and address of defaulters, Loan amount and interest due and Date of loan sanctioned and last payment made, information pertaining name of the loan defaulters and the outstanding loan amount.
- b. Information of Types of project eligible for loans from State Bank of Sikkim, Criteria for loan approval and sanction, Interest rates and repayment terms.
- c. Details of loans taken from State Bank of Sikkim through various projects, including: Project name and location. Loan amount sanctioned and disbursed, Date of loan sanction and repayment status.
- d. Copies of documents related to Loan agreements and sanction letters, Defaulters list and recovery notices.

Having not received satisfactory information from the SPIO, the Appellant filed First Appeal date 25.9.2024. The First Appellate Authority had conducted the hearing on 28.10.2024 in presence of both the parties and passed an order. Since the Appellant is not satisfied with order of the First Appellate Authority, Appellant approach the Commission with the instant Second Appeal.

**FactsemerginginthecourseofHearing:**

During hearing the Advocate for the Appellant has submitted that, as per the provision of RTI Act, 2005, the appellant is entitled to get the information as sought by because he is an account holder of the Bank and the information sought falls under the larger Public Interest. He has further submitted that the information sought by the appellant has already been furnished in past, as per the order of the Commission in the case of Navin Kiran Pradhan Vs. State Bank of Sikkim.

Respondent has submitted that the information sought in query no: 1 is exempted under section 8 of the Act because the Bank being a financial institution providing loan to its customers is its primary business and to ensure commercial confidence of the customer is of utmost importance. The disclosure of the Personal and Commercial information of its customers would not only harm the business of the Bank but may also harm the competitive position of its customers. He, therefore, submitted that disclosure of such information of the customer would break the trust of the customer.

The SPIO has further submitted that, there are different categories of loan defaulters, some are circumstantial defaulter, some are marginal defaulter and some could not make loan re-payment due to COVID-19 pandemic effect.

The query asked in query no: 3 and 4 are vague, as such, the Public Authority was unable to reply the said queries.

**Decision:**

Upon perusal of the records as well as on the basis of the proceedings during hearing. It is seen that, the Double Bench of Commission has already passed an order on 4.11.2020 in the case of Navin Kiran Pradhan Vs. State Bank of Sikkim with a direction to provide the name of defaulters, grant of loan date and amount and outstanding amount should be revealed it being larger Public Interest and this could lead to safeguarding the economic and moral interest of the nation.

The Commission observes that revisiting the said order would amount to reviewing the earlier decision of the Commission, the same has not been envisaged in the RTI Act, 2005. The Respondent also failed to submit any of the Judgement of the Superior Court which overruled the order passed by the Commission on 4.11.2020.

Therefore, the Commission directed the SPIO to provide the information sought in query no: 1 and for query no: 3 and 4, which seems vague, just provide the specimen copy on or before 25.1.2025 and file a compliance before the Commission without fail. Commission also like to direct the applicant to use the information in a proper manner, otherwise the Public would lose faith and confidence in this 'Sunshine Act'.

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

Sd/-  
State Chief Information Commissioner  
Sikkim Information Commission

Sd/-  
State Information Commissioner  
Sikkim Information Commission

**SIKKIM INFORMATION COMMISSION  
LOWER SECRETARIAT, GANGTOK, SIKKIM**

**Complaint No. 4/SIC/2025** Dated 15.04.2025.

Appellants: Sukhim Mulbasi Surakchak Sangathan.

Vs.

State Public Information Officer: SPIO,  
District Collectorate,  
Namchi, South Sikkim.  
Date of Order: 29.04.2025.

Advocate: Ms. Kingzum Sherpa present for complainant, Sukhim Mulbasi Surakchak Sangathan (SMSS).

Office Staff, Shivani Rai, (SMSS) Present.

The matter was listed today for hearing in connection with a Complaint signed by the president of Sukhim Mulbasi Surakchak Sangathan (SMSS).

During hearing, the Advocate, Ms. Kingzum Sherpa submitted that the complainant is not satisfied with the information provided by the ADC cum ASPIO, Namchi, South Sikkim in connection with the RTI application dated 7.3.2025. She further submitted that the Section quoted by the ASPIO in the information furnished to Shri. Amrit Narayan Giri does not exist in the RTI Act and such a reference is misleading and erroneous.

Having heard a complainant and documents on record, the Commission at the outset before going into the merits of the case, adjudicated the aspect of maintainability of the instant complaint filed by the complainant entity.

In the opinion of the Commission, to decide the maintainability of RTI application filed by the complainant entity. It is appropriate to refer to the text of Section 3 of the RTI Act, 2005 and Rule 5 (2) of Sikkim State Right to Information (Regulation of Fee, Cost & Miscellaneous) Rule, 2005, which is as follows:

Section 3, Right to Information – subject to the provision of this Act, all citizens shall have the right to information.

Rule 5 (2) – Whatever form an application is received in, it shall include the following (i) Name, father's name, permanent address of the applicant (ii) Documentary proof of being a citizen of India ( Explanation - Certified copy of Certificate of Identification, Certified copy Sikkim Subject Certificate, Attested copy of Passport, Certified copy of Electoral Roll will suffice for this purpose).

The Right to Information Act grants access to information only to the citizens of India. It does not make provision for giving information to Corporations/ Associations/ Companies/ NGOs etc. which are legal entities/persons but not citizens. However, if an application is made by an employee or office bearer of any Corporations, Associations, Companies, NGOs etc. And the application includes name and citizenship details of the individual, information may be supplied to him/her. In such cases, it would be presumed that a citizen has sought information at the address of the corporation.

To serve a copy of the order to the SPIO, District Collectorate, Namchi, South Sikkim. The Commission dismissed the Complaint as being inadmissible and directed to file a fresh application before the concerned Department as the citizen of India.

Commission directs the SPIO, Namchi, District Collectorate to respond to queries based on relevant Act, Rules and Regulation of RTI Act, 2005

Sd/-  
State Information Commissioner  
Sikkim Information Commission

## **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 theState 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.