

Case :- WRIT - C No. - 14198 of 2010

Petitioner :- Brahm Singh
Respondent :- State Information Commissioner & Others
Petitioner Counsel :- N.L. Pandey
Respondent Counsel :- C.S.C.

Hon'ble V.K. Shukla,J.

Present writ petition has been filed by the petitioner for issuing a writ in the nature of mandamus commanding the State Information Commission, Lucknow to pass an appropriate order on the appeal in order to make available the information sought by the petitioner with regard to details about the membership fee as claimed by Umesh Kumar, and further for a direction in the nature of mandamus commanding the State Information Commission, Lucknow to take appropriate action.

Petitioner submits that he got an application received under the Right to Information Act, 2005 before the Deputy Registrar. On the said application being moved, the Deputy Registrar sent a letter to Umesh Kumar to make available the information as sought by the petitioner. Petitioner submits that the required information was not made available, as such appeal was filed under the Right to Information Act before the Registrar, Firms, Societies and Chits, Lucknow. In the said appeal notices had been issued on 30.09.2009 and 14.10.2009 was the date fixed. Petitioner has contended that in spite of the notices having been issued, Umesh Kumar did not make the information available, and in such a situation, the petitioner claims to have filed second appeal before the State Information Commission under the Right to Information Act, 2005, on 08.11.2009, and then present writ petition has been filed with the prayer mentioned above.

Right to information Act, 2005 is an Act to provide for setting out the practical regime of right to information for 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, and the same provides for constitution of Central Information Commission and State information Commission. The Act in question is a self contained Act, wherein Section 20 deals with penalties, when without reasonable cause information is not furnished and same also deals with disciplinary action. Once the Act in question is self contained Act, and penal clause is there with further authority to undertake disciplinary action and punish such an incumbent, then there is no occasion for this Court to proceed to issue any direction vis-a-vis under the Right to Information Act.

Consequently, writ petition is dismissed.

Order _____ **Date** :- 22.3.2010
SRY