**Prosecution of PIO / FAA/ Hon. IC**

1. **Section 15(4) RTI act.**

**“ The general superintendence, direction and management of the affairs of the State information Commission shall vest in the State Chief Information Commissioner who shall be assisted by the State Information Commissioners 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 authority under this act.”**

**Hence, the State Chief Information Commissioner cannot be silent spectator to the illegal and incorrect working of his subordinate Information Commissioner which is against the principles of RTI act. The State Chief Information Commissioner can take a stand that all benches are independent, hence can act in violation of all rules and regulations. s**

1. In practice the directions of Hon. State Chief Information Commissioners are blatantly violated and not followed. There a circular dt. 5.7.2012 was also issued accordingly.
2. It is also observed by RTI users that the PIO / FAA / Hon. IC blatantly violate the
3. Precedent and rules / guidelines issued by State Chief Information Commissioner.
4. The provisions of section 3, 4, 7(1), 7(9), 8, 11, 18, 19, 20 of RTI act.
5. Guidelines and direction / guidelines dt. 18.6.2012 of Hon. Ratnakar Gaikwad
6. Circulars issued by GAD / State Government.

1. **Sec. 21 RTI act: Protection of action taken in good faith**

“No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made there under.”

1. **Section 22 of RTI act: act to have over riding effect.**

“ the provisions of this Act shall have effect notwithstanding anything inconsistent there with contained in official secrets act 1923 ( 19 of 23), and any other law of the time being in force or in any instrument having effect by virtue of any law other than this Act.”

1. It clearly means that when there are set principles / procedure / guidelines / precedent laid by State Chief information Commissioner / RTI act the PIO / FAA/ Hon. Information commissioner shall strictly follow these directions. Or else the protection under section 21 of RTI act cannot be applicable / availed
2. The Hon. SC in CIC v/s State of Manipur has clearly laid down in para no. 35 that

**“It is well known when a procedure is laid down statutorily and there is no challenge to the  said statutory procedure the Court should not, in the name of interpretation, lay down a procedure which is contrary to the express statutory provision. It is a time honoured principle as early as from the decision in Taylor v. Taylor [(1876) 1 Ch. D. 426] that where statute provides for something to be done in a particular manner it can be done in that manner alone and all other modes of performance are necessarily forbidden.”**

Hence, any PIO / FAA/ Hon. Information Commissioner who disobey the direction laid down by the RTI act / rules / regulations/ guidelines & precedent laid down by State Chief Information Commissioner, cannot be said to have acted in good faith and have acted as intended to be done under this Act or any rule made there under.

1. **GAD circular 10.8.2009, PARA 10 AND 31.3.2008, 25.6.19**

The PIO and FAA shall implement all the provision of the Act. The Information Commissioners shall take stringent action in case the information has not been provided.

1. In view of above ingredients of section 21 of RTI act no protection from prosecution / legal proceeding can be granted to PIO/ FAA/IC under section 21 of RTI act if they have denied information and have passed any order which is not done in good faith or as is intended to be done under this ACT or any rule made there under. Hence, protection is granted to the PIO / FAA / Hon. IC only when these officers shall discharge their duties by
2. Acting in good faith.
3. Acting in accordance with law and as intended by RTI act.
4. The probable defense that could be taken by the PIO/FAA/HON.IC is
5. Acted in good faith.
6. Mistake due to over load of work.
7. This defense and above stand usually taken by the erring PIO/ FAA/ HON. IC will stand dismissed / nullified / demolished at the time of prosecuting those officers who willfully and deliberately fail to discharge their duties in view of our Prayers / Notes written below the RTI application and addressed to PIO / FAA / Hon. IC appeal memo / 2nd appeal memo asking these authorities to verify and comply with ingredients of sections mentioned therein.
8. In view of the notes and instructions being given by way of Prayers / Notes at foot of the document, the RTI user can conclusively prove that the illegal acts committed by PIO / FAA / Hon. IC are willful /deliberate and with dishonest intention to save and shield the accused / offenders from punishment/ fine/ prosecution.
9. The PIO/FAA/HON. IC can be prosecuted u/s 166, 167, 217, 218, 219, 409 IPC. In case of the FAA and Hon. IC the RTI user can also apply section 219 IPC, in the event, if the FAA / IC have corruptly delivered / pronounced incorrect / verdict / order / report in judicial proceedings which he knows it to be contrary to law.

**Section 219 IPC :public servant in a judicial proceeding corruptly making reportetc. Contrary to law.**

“ whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceedings , any report , order verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may be extended to seven years or with fine or with both.”

**This below mentioned para shall be added to each document**

All my formats are prepared by me to the best of my ability. My submission is with due respect and all humility, with no intention to cause hurt and injury to any individual and /or institution, but only in the interest of public at large. **In the event, if my submissions is incorrect, I shall be obliged if your office can educate me by furnishing relevant documents in support.** Without prejudice to my rights and contentions.