

Statement of Information on the implementation of the Right To Information Act, 2005 in Tripura

1. INTRODUCTION

1.1 Back ground on the enactment of the RTI Act, 2005:

The Right to Information is a fundamental right, which is made up of different rights and responsibilities, namely;

*Every citizen's right to request information from the Government and even private bodies in some cases;

*The duty on the Government to provide the request for information, unless defined exemptions apply; and

*The duty on the Government to disclose proactively information that is of general public interest without the need for requests from citizens.

The Constitution of India has not specifically approved the right to information, but it has long been recognized by the Supreme Court of India as a fundamental right necessary for democratic functioning. Specially, the Supreme Court has recognized the right to information as an integral part of the right to freedom of speech and expression guaranteed by the Constitution under Articles 19 and 21.

Right to information is considered as the key to strengthening participatory democracy and developing people centered governance. Access to information held by the Public Authorities can empower the poor and weaker section of the societies to demand and get full details about public policies and actions, thus leading to their overall development and welfare. In absence of good governance, no developmental works can bring improvement in the quality of life of the citizens. Good governance has four elements: - transparency, accountability, predictability and participation. Transparency refers to availability of part information to the general public and clarity about functioning of the government institutions. Right to information allows for public scrutiny of government records and thereby arming citizens to be well informed about what the government does and how effectively, thus making the government for accountable. Transparency in government organizations makes them function more objectively and thereby enhancing predictability. Access to information about functioning of the government also enables citizens to participate in the governance

process effectively. In a fundamental sense, right to information is the basic need of good governance.

The grass root organizations and Civil Society Groups have campaigned for effective national right to information law since 1990. However, it was only in 2002 that the Central Government took a step forward passing the Freedom of Information Act, 2002. But the Act was never brought into force. In 2004 the newly elected United Progressive Alliance (UPA) Government promised to make the right to information more progressive, participatory and meaningful. In August 2004 the National Advisory Council (NAC) submitted a set of recommendation to the Government for amending the Freedom of Information Act.

On the recommendation of the NAC, in December 2004 the right to information bill was tabled by the Government in the Parliament. It was passed by the Lok Sabha on 11th May 2005 and by the Rajya Sabha on 12th May 2005. The ascent of the President was received on 15th June 2005 and the Act was notified in the Gazette of India on 21st June 2005. It came on the Statute Book as the Right to Information Act, 2005 (22 of 2005)-herein after referred to as the Act. The provisions of sub-section (1) of section 4, sub-sections (1) & (2) of section 5, sections 12,13,15,16,24,27 & 28 came into force from the date of Presidential ascent (15.06.2006) and the remaining sections of the Act became operational from the 12th October 2005 after the completion of 120 days from the date of Presidential ascent.

1.2. Salient features of the Act: - The Act in its preamble says to provide for setting up the practical regime of right to information for all citizens to secure access to information under the control of the Public Authorities in order to promote transparency and accountability in the working of every Public Authority. The whole Act is in light of democratic approach of participating government. The Act has made provisions for constitution of Central Information Commission and State Information Commissions for respective States as the appellate authorities. The statutory provisions are made in the Act for the right to information and all citizens possess such right. The information includes any material in any form, records, documents, samples, circulars, press releases, contacts, e-mails, electronic data etc. The main and important provisions under the Act is that the information can be obtained within thirty days from the date of request in normal case and if the information is a matter of life or liberty of a person then it can be obtained within 48 hours from the time of request. The right to information covers inspection of work, documents, records and taking their extracts or certified copies and information in the form of diskette, floppy, video cassette in electronic form, tapes or stored information in

computers etc. Certain information are exempted from disclosure in the interest of sovereignty and integrity of India, security of the State, friendly relation with the foreign states, forbidden by any court of law or tribunal, commercial confidence, trade secrets or intellectual property, fiduciary relationship, impede the process of investigation, personal information without having any public interest etc. The Public Authority is made under obligation to provide information on written request or request by electronic means on payment of prescribed fees. However, the citizen living below poverty line are exempted from payment of any fee for getting information. The Act provides restriction for third party information. The appeal against the decision of the Public Information Officer can be made to a senior officer in rank under the same Public Authority. The Central Information Commission is to be constituted by the Central Government and the State Information Commissions shall be constituted by the respective State Governments. The second appeal and complaint can be made to the Information Commission. The penalty for refusal to receive an application for information, for not providing information within the statutory period, for knowingly giving incorrect, incomplete or misleading information or for denial a request for information with malafide intention is Rs. 250/- per day, but the total amount of penalty shall not exceed Rs. 25,000/-. The Act provides that no court shall entertain any suit, application or other proceeding in respect of any order made under the Act and no such order shall be called in question otherwise than by way of appeal under the Act. The Act empowers both the Central and the State Governments for making rules to carry out the provisions of the Act and such rules should be laid before the Parliament in the case of Central Government and in the Legislative Assembly in the case of State Government. Provisions have also been made that the appropriate Government by notification in the Official Gazette may restrict intelligence and security organizations from the purview of the Act except that the information pertaining to the allegations of corruption and human rights violations shall not be excluded.

1.3. Objectives: - The main objectives of the Act are: -

- (i) To ensure citizen's access to information that are under the control of Public Authorities.
- (ii) To promote transparency in Government functioning.
- (iii) To promote higher standard of accountability in the working of every Public Authorities.
- (iv) Corruption free organizations.
- (v) Participatory Governance.
- (vi) People centered development.

- (vii) Information belongs to the public, not the Government.
- (viii) Replacement of the concept of secrecy by openness.

The Act empowers citizens in relation to the State and enhances their control over political processes. It acts as a deterrent against arbitrary exercise of official power. It empowers people to hold Public Authorities accountable for their actions on a regular basis. Well-informed citizens can also make better choices and are able to participate in Governance. Right to Information helps transform a representative democracy into a participatory democracy. It is through right to information that people can realize other rights. It is not surprising therefore that there is an unmistakable global trend towards citizens and civil society organizations raising the demand for right to information. They want to know how governments, private corporations and international organizations function, how decisions are made and how public resources are used.

2. OVERVIEW OF IMPLEMENTATION OF THE RIGHT TO INFORMATION ACT, 2005 IN THE STATE OF TRIPURA

2.1. Steps taken by the State Government for implementation of the Act: Immediately after enactment of the Act, the Chief Secretary, Government of Tripura vide notification No.F.3 (5)/GA (AR)/2005 dated 22.09.2005 had directed for different steps to be taken by the Departments and the Public Authorities under the State Government to ensure effective implementation of the Act.

2.2. Rules framed by the State Government: - In the exercise of the powers conferred by section 27 of the Act, the State Government framed rules for carrying out the provisions of the Act and notified the same vide No.F.3 (5)-GA (AR)/2005(L) dated 07.10.2005. In these Rules, rates of fees for providing information, mode of payment of fees by the applicants and the procedure to be followed by the State Information Commission in deciding appeals and complaints etc. are prescribed.

2.3. Organization kept out of purview of the Act by the State Government: - In exercise of the powers conferred by section 24(4) of the Act, the State Government vide No. F.3 (5) GA (AR)/2005/VI dated 27.09.2005 notified that the RTI Act, 2005 shall not apply to the Home (Police) Department of the Government of Tripura including its Forensic Science Laboratory provided that any information pertaining to the allegation of corruption and human rights violations of the Home (Police) Department shall not be excluded.

2.4. Constitution of Information Commission: - The Tripura Information Commission was constituted by the State Government vide notification No.F. 3(5)-GA(AR)/2005/P-III dated 10.10.2005. Thereafter, the following persons were appointed as the members of the Tripura Information Commission vide notifications No.F.3(5)-GA(AR)/2005/P-III dated 17.01.2006 and No.F. 3(5)-GA(AR)/2005/P-III dated 17.01.2006.

(a) Sri B.K.Chakraborty, IAS (Retd.)
State Chief Information Commissioner.

(b) Sri D.K.Daschudhuri, TJS (Retd.)
State Information Commissioner.

2.5. Commencement of functioning by the State Information Commission: - The Tripura Information Commission started functioning from 19th January, 2006, the date on which the Governor of Tripura

administered oath/affirmation to the State Chief Information Commissioner & the State Information Commissioner.

2.6. Designation of State Public Information Officers, State Assistant Public Information Officers and First Appellate Authorities (Upto 31.03.2006): -Governor's Secretariat, the Assembly Secretariat and different Departments of the State Government designated the State Public Information Officers (SPIOs), State Assistant Public Information Officers (SAPIOs) and the First Appellate Authorities in different Public Authorities under their control.

2.7. Proactive disclosure by Public Authorities: - Section 4(1)(b) of the Act requires all the Public Authorities to make proactive disclosure of 17 point information within 120 days of enactment of the Act. Most of the Public Authorities made such proactive disclosure.

2.8. Disposal of first appeal by the First Appellate Authorities under section 19(1) of the Act: - According to the reports received from different Departments, only two first appeals were preferred before the First Appellate Authority under the Agriculture Department, which however could not be disposed of within 31.03.2006.

2.9. Disposal of information request by State Public Information Officers upto 31.03.2006: - According to the reports received from different Departments, the details of disposal of information requests upto 30.03.2006 are given below: -

- No of requests received during the year - 47
- No of requests disposed - 38
- No of requests rejected - Nil
- No of requests allowed -39
- No of requests pending at the end of the year - 09

2.10. Summary of fees collected by the Public Authorities under various Departments upto 31.03.2006 is as follows: -

* Fee collected Section 6(1)	-Rs.470.00
* Fee collected Section 7(1)	-Rs. 1756.00
* Total collection	- Rs. 2226.00

3. TRIPURA INFORMATION COMMISSION – AN OVERVIEW

3.1. Tripura Information Commission- its role and powers: - The Information Commission has been made an independent and autonomous forum under the Act. The Commission has a number of key roles to play in ensuring that the RTI Act is an effective tool in assisting the citizens to access information. As per provisions of section 19(7) of the Act, the decisions of the Commission shall be binding. Specifically the Information Commission is responsible for: -

- (i) Handling complaints and appeals: - All citizens have the right to appeal or complaint to the Information Commission if their information needs under the Act have not been fulfilled. In reviewing the decisions, the Information Commission has broad investigating powers, including the right to see any document, even if an exemption has been claimed. It has also strong and binding powers to require public authorities to comply with the provisions of the Act. These include ordering release of information, appointment of SPIOs, management and improving records systems, provisions of awarding compensation to affected persons and the imposition of penalties to erring Public Information Officers.
- (ii) Monitoring implementation: - At the end of each year, the State Information Commission is to produce an annual report which shall be tabled in the State Legislature. Each report has to include application and appeal statistics as well as comments on implementation efforts and make recommendations for improvements. The Commission's annual report shall be based on the monitoring information furnished by each Department in relation to the public authorities within their jurisdiction under the appropriate Government and the competent authorities.
- (iii) Special human rights oversight: - The Home (Police) Department of the State Government has been exempted from the Act, except the information pertaining to the allegations of corruption of human rights violations. The information sought for in respect of allegations of violation of human rights shall be provided only with the approval of the Information Commission.

3.2. Names and contact numbers of the Information Commissioners are given below:

(a) Sri B.K. Chakraborty, State Chief Information Commissioner

Phone-(0381)-221-8021(O)/232-4637(R) /9436120039(M)

e-mail : SCIC-tic-tr@ nic. in

(b) Sri D.K.Daschauthuri, State Information Commissioner

Phone-(0381)222 6561(O) 232 7295(R) 9436120047(M)

Website of the Tripura Information Commission No: - www.tripura.nic.in.

3.3. Location: - The office of the Tripura Information Commission is located in the first floor of the Secretariat Annexe building, P.N. Complex, Gorkhabasti, Agartala- 799006, West Tripura.

3.4. Autonomy: - As per provisions of section 15(4) of the Act, the State Chief Information Commissioner and the State Information Commissioners are to exercise all powers and do all such acts and things under the Act autonomously without being subjected to directions by any other authority. Therefore, it is necessary that the State Information Commission be allowed the complete financial and administrative autonomy to ensure effective discharge of its duties and responsibilities.

3.5. Activities of the Tripura Information Commission: - After constitution on 19.01.2006, the Tripura Information Commission has received 40 complaints under section 18(1) and 19 appeals under section 19(3) out of which 36 complaints and all the appeals have been disposed of. The Commission had taken active participation in imparting training to SPIOs, SAPIOs and in development of awareness among the public with the cooperation of District Administration of South Tripura and North Tripura Districts and the GA(AR) Department, Government of Tripura. Both the State Chief Information Commissioner and the State Information Commissioner addressed the said workshops. In the workshops, besides designated SPIOs, SAPIOs and some heads of offices & institutions, representatives of Panchayat Raj Institution (PRI) bodies, journalists and non-government organizations participated.

CHAPTER-4

KEY ISSUES AND CHALLENGES

4.1. **Creating an enabling environment for implementation of the Act:-** An operational environment needs to be created for effective implementation of the Act by the State Government, which may include:-

- Framing of operational guidelines and rules.
- Uniform coding structure for classification of data and development of net works.
- Making a dedicated institutional arrangement for coordination, monitoring, review and evaluation of management of the Act.
- Making arrangement for public education and mass awareness campaigns.

(i) **Operationalisation and enforcement of the Act:** - These issues are required to be tackled by the individual Department and Public Authority, which may include:

- Designation of SPIOs, SAPIOs and First Appellate Authorities, directory of such SPIOs, SAPIOs and the First Appellate Authorities by the Public Authorities who have not yet done so.
- Development and institution of record management and information system within public authorities.
- Enabling pro-active disclosure under section 4(1)(b) of the Act by the Public Authorities and making information available with the SPIOs.
- Training and sensitization of SPIOs, SAPIOs, the First Appellate Authorities and other functionaries.

(ii) **Effective implementation and empowerment:** - These are broader issues that require to be tackled by the public authorities under individual department, which may include:

- Using RTI Act to improve transparency and accountability on the part of the field offices/ service delivery units of department.
- Improving service delivery to citizens through use of RTI.
- Public education efforts and mass awareness campaigns.

CHAPTER -5**COMMISSION'S OBSERVATIONS AND RECOMMENDATIONS**

5.1.1. **Legal and institutional changes:** - In exercise of the powers conferred by section 24(4) of the RTI Act, 2005, the State Government vide notification No.F.3(5)-GA(AR)/2005/VI dated 27.09.2006 specified that the RTI Act, 2005 shall not apply to the Home(Police) Department of the Government of Tripura including its Forensic Science Laboratory . It was also notified that the Act shall apply to the Home (Police) Department in respect of any information pertaining to the allegations of corruption of human rights violations (Appendix-III). This Commission found the aforesaid notification not consistent with provisions of the RTI Act, 2005 and, therefore, sent the following observations to the Chief Secretary, Government of Tripura vide communication No.F.4 (3)-SCIC/TIC/2006/ dated 7th March, 2006: -

" OBSERVATION OF THE TRIPURA INFORMATION COMMISSION ON THE NOTIFICATION ISSUED BY THE GOVERNMENT IN THE GA(AR) DEPARTMENT VIDE NO.F.3(5)-GA(AR)/2005/VI/ DATED 27.09.2005.

We have perused the notification referred to above as issued by the Government in the GA(AR) Department in exercise of the powers conferred by section 24(4) of the RTI Act (here-in-after referred to as the Act) where-in it is stated that the Act shall not apply to the Home(Police) Department, Government of Tripura including its Forensic Science Laboratory. Thus by this notification the whole affairs of the Home (Police) Department (which also includes the civil police, the police investigating agency and civil establishment of the police organization) are kept out of purview of the Act which is not the intention of the legislature. Section 24(4) of the Act empowers the State Government to keep only the intelligence & security organizations as established by the State Government out of the purview of the Act. The entire Home (Police) Department cannot be said to be an organization comprised exclusively with the intelligence & security Wings.

2. Therefore, We are of the considered view that the notification as referred to above is not consistent with the provisions of the section 24(4) of the Act and it is bound to curtail the civil right to information of a citizen as guaranteed by the Act. In the premises, this Commission considers it expedient to suggest that the Government of Tripura may review the notification, make suitable correction in it and issue revised notification in

the light of section 24(1) of the Act whereby the central intelligence & security organizations as specified in the schedule II of the Act are kept out of purview of the Act.”

5.1.2. The State Government, in exercise of the powers conferred on it by section 27 of the Act is to frame rules on several matters to carry out the provisions of the Act. In the meantime, the State Government vide notification No.F.3 (5)-GA (AR)/2005(L) dated 07.10.2005, framed rules in the matter of rates of fees, mode of payment of fees etc. (Appendix-II). The mode of payment of fees by the applicant has been prescribed to be paid in cash. This sole mode of payment may cause difficulties for the information seekers in sending their written request by post or e-mail. Considering these difficulties, some other alternative modes of payment of fee like in court fees, postal order and treasury challan may be included in the rules.

5.1.3. The Commission had sent a Comprehensive draft rules to the Commissioner & Secretary to the Government of Tripura, GA (AR) Department vide No.F.4 (1)/SCIC/TIC/2006/130 dated 02.05.2006 for taking appropriate action, which is pending for finalization. The State Government may consider for immediate finalization of the said draft rules after further consultation with this Commission and the State Law Department, if necessary.

5.2. **Systematic reforms of record management:** - It is observed that in most of the offices under the Public Authorities of the State Government, record management, computerization and net-working are not made systematically and in some offices such arrangements do not exist at all. The State Government may, therefore, take necessary steps for evolving systematic and uniform reforms for record management, computerization and networking by providing financial resources.

5.3. **Operationalisation enforcement:** - It is observed that some public authorities under several departments are yet to designate SPIOs, SAPIOs and the First Appellate Authorities although it was required to be done within 100 days of enactment of the Act. So, this exercise needs to be completed expeditiously. At the beginning of the every financial year, the designation of such SPIOs, SAPIOs and the First Appellate Authorities shall be updated. The appropriate Government has not yet prepared any directory of public authorities, SPIOs, SAPIOs and the First Appellate Authorities which is required to be done expeditiously. An institutional mechanism for coordination, monitoring and review is to be arranged by the State Government.

5.4. **Pro-active disclosure and transparency:** - It is observed that most of the public authorities under several departments of the State Government, High Court and Assembly Secretariat have not made pro-active disclosure as required under section 4(1) of the Act. The concerned public authorities are, therefore, required to take urgent steps as below: -

- Suo motu disclosure of information under section 4(1)(b) of the Act.
- Transparency in decision-making under section 4(1)(c) of the Act.
- Speaking orders under section 4(1)(d) to the affected persons.
- Wide dissemination of information under section 4(2), 4(3) and 4(4) of the Act.

5.5. **Capacity building and training:** - It is observed that the State Government has already published a handbook containing instructions for the SPIOs and SAPIOs, which is not adequate. Detailed guidelines are to be prepared and published by the State Government as required under section 26(2) of the Act. The State Government is required to develop and organize educational programmes to advance understanding of the public in particular of disadvantaged communities as to how to exercise the rights contemplated under the Act. The State Government is also required to train the SAPIOs, SPIOs and other officials and produce relevant training materials for use by the public authorities themselves. For these purposes, the State Government may extend adequate financial support and other resources to the public authorities.

5.6. **Support to the Tripura Information Commission:** - For efficient and smooth functioning of the Tripura Information Commission, the State Government may consider to extend the following support to the Commission on priority: -

- (i) Required number of posts at all level may be created and staff be provided accordingly. As required under section 16(6) of the Act, rules prescribing the terms and conditions of the services of the employees of the Commission are also to be framed.
- (ii) In order to ensure full-fledged functioning of the Commission, adequate office accommodation with furniture, required office equipments including computers with laser printers and scanners may be provided.
- (iii) Independence of the State Information Commission and effective discharge of its duties and responsibilities cannot be guaranteed without granting full financial and administrative autonomy. For allowing complete financial and administrative autonomy to the Tripura Information Commission, the following

steps including delegation of financial powers may be considered by the State Government at the earliest: -

- (a) Tripura Information Commission may be included in the definition of " Department" at rule 2(g) of the DFPRT 1994;
- (b) The State Chief Information Commissioner, Tripura Information Commission may be delegated with all powers of department under the DFPRT 1994;
- (c) The Secretary, Tripura Information Commission may be delegated with the powers of the head of department and head of offices of the Commission and be allowed to exercise all powers of head of office under DFPRT 1994;
- (d) Notwithstanding the provisions under Rule-9 of DFPRT, 1994, the Tripura Information Commission may be exempted from obtaining prior concurrence of the Finance Department in respect of the following items: -
 - o Hiring of vehicles at the rates and conditions specified by the State Finance Department from time to time.
 - o Installation of telephones, extension of existing telephones and provision of STD facilities subject to the entitlement specified by the State Finance Department from time to time.
 - o Purchase of furniture, fax machines, photocopiers and computers with accessories after observing all required formalities and subject to availability of fund.
 - o Purchase of newspapers and periodicals.

APPENDIX -IGOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (ADMINISTRATIVE REFORMS) DEPARTMENT

No.F.3 (5)-GA(AR)/2005

Dated, Agartala the 22nd Sept,2005MEMORANDUMSub: - Guidelines for implementation of the Right to Information Act, 2005

The Right to Information Act (RTI Act), 2005 received the assent of the President of India on 15.6.2005 and certain provisions of the Act, viz. Section 4,5,12,13,15,16,24,27 and 28 relating to preparations necessary for implementation of the Act came into force with immediate effect from the 15.6.2005 itself. Other provisions of the Act will come into force on the 120th day from 15th June 2005, i.e. on and from the 12th October 2005.

2. Several meetings of senior officials were taken by the Chief Secretary for implementation of the Act in the State and minutes of those meetings have also been circulated. A workshop was also held at SIPARD on the last 8.9.2005 on implementation of the Act and the senior officials of the State Government and Heads of Public Sector Undertakings, Corporations, Local Bodies, Organizations, etc also attended the workshop.

3. It has been decided by the Government that it will be responsibility of every Public Authority/ every Department, unit or office of the Government and the organizations under its control to implement the Act.

4. All Departments are, therefore, requested to take immediate action for implementation of the Act **according to the following schedule: -**

(1) Identification of Public Authorities in each Department:

The RTI Act impose on every " Public Authority" the obligation to implement the Act " Public Authority" has been defined in Section 2(h) of the Act. So, every department shall identify the public authorities under and specifically instruct the Public Authorities to take all step discharge the obligations imposed on it by the Act.

(2) Preparation and publication of information by every public authority on 16 points as laid down in section 4(1)(b).

Every public authority has to publish information on 16 specific points as laid down in section 4(1)(b) of the Act.

(3) Identification and notification of the State Public Information Officer (PIO) under section 5(1) and State Assistant Public Information Officer (APIO) under section 5(2) of the Act by every Public Authority.

- (a) A State Public Information Officer (PIO) and a State Assistant Public Information Officer (APIO) has to be identified and designated by each Public Authority for each of its administrative units or office.

- (b) Generally, there should be one PIO and one APIO for every unit or office. For example, there should be one PIO and one APIO for a Directorate, one PIO and APIO for District level office, one PIO and one APIO for a Sub-Divisional level or Block level office and so on. But if a senior officer is not available in any field level office, an APIO may be designated for that field level office and a senior officer of a higher level office may be designated as PIO.
- (c) In fact, official records in a Directorate or a State level office remain in the custody of the Director or the executive Head of an organization and the official records in the field level or branch office remains in the custody of the Head of that office. So, it will be easy and convenient to provide information to applicants, if the Director/ the Executive Head of an organization is appointed PIO in respect of the Directorate/ State level office of an organization. Similarly, in a Sub-Divisional level office or branch office/ field office, the Head of office under whose custody records are available may be designated as the PIO. Another officer subordinate to the Director or Head of office may be designated as the APIO.
- (d) If in a field office, there is no officer senior enough to handle the works of a PIO, one APIO for that office may be designated and senior officer of a higher level office, though at a different location, may be designated as PIO.
- (e) When it is difficult for the PIO to contact the common people in far of places, information will be made available to them through the APIO who is in a better position to contact the people from his office.
- (f) A PIO and a APIO must be warned that in addition to other obligations, an APIO has to transmit to his PIO an application which he receives from a person seeking information, within 5 days of its receipt and a PIO has to provide information to an applicant within 30 days of the receipt of the request. If the information sought concerns life and liberty of a person, the information has to be given within 48 hours of the receipt of the request. If no decision is given on a request for information within the time specified above it will be deemed to be a refusal to give information and the PIO shall be punishable under the Act.

(4) Identification and notification of Appellate Officer under section 19 by every Public Authority.

- (a) When any person is aggrieved by the decision of a PIO, the aggrieved person has a right under section 19 of the Act to prefer an appeal against the decision of the PIO. The Officer who will decide an appeal should be identified and notified by every Public Authority.
- (b) As provided in the Act an officer who is senior in rank to the PIO is to be an Appellate Officer. So, an officer under whose administrative control the PIO is placed may be appointed Appellate Officer.

(5) Constitution of a State Public Information Commission by the State Government under section 15 of the Act.

Action in this regard is being taken by the GA (AR) Department.

(6) Notification of Security and Vigilance agencies (which will be outside the purview of the Act) under Section 24(4) of the Act.

Action in this regard is being taken by the GA(AR) Department.

(7) **Making Rules under section 27 of the Act.**

Action in this regard is being taken by the GA(AR) Department.

(8) **Training of PIOs, APIOs and Departmental Appellate Officers.**

Every Public Authority has to impart training to its PIOs, APIOs and Departmental Appellate Officers so that they can efficiently exercise their powers and functions.

(9) **Organization of educational programmes/ awareness campaign by the Government under Section 26(1) of the Act.**

- (a) Educational programmes/ awareness campaign is to be organized for the purpose of advancing the understanding, particularly of the disadvantaged communities, as to how to exercise the rights contemplated under this Act.
- (b) The DM & Collectors may organize such educational programme in their respective Districts with the assistance of the State Legal Services Authority. The PIOs, APIOs and Departmental Appellate Officers may also be invited to remain present in such programmes/awareness campaign.
- (c) Initially the DM & Collectors may arrange at least one such programme/ awareness campaign by the next 5th October 2005.

(10) **Preparation of some practical guide/manual by the Government on the Right to Information Act.**

GA (AR) Department will prepare some guide/ manual on the RTI Act with the assistance of the Law Department.

5. The Secretaries-in-charge of the Departments **may complete action on all the points from Sl. No.(1) to (10) of Para-4 above by the next 5th October, 2005 and confirm action to the GA(AR) Department.**

6. The guidelines given above may not be equally applicable to all Departments/ Organizations. In such cases the Departments may devise their own principle which is not inconsistent with the provisions of the RTI Act.

Sd/-
(R.K. Mathur)
Chief Secretary to the
Government of Tripura

APPENDIX-II

GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (ADMINISTRATIVE REFORMS) DEPARTMENT
GOVERNMENT SECRETARIATE
AGARTALA

File No.F.3(5)-GA(AR)/2005(L)

Dated, Agartala the 7th Oct,2005**NOTIFICATION**

In exercise of the powers conferred by section 27 of the Right to Information Act, 2005 the State Government hereby makes the following rules for the purpose of carrying the purposes of the said Act, namely –

CHAPTER-I
Preliminaries

1. Short title and commencement

- (a) These rules may be called the Tripura Right to Information Rules, 2005.
- (b) They shall come into force on and from the date of their publication in the official gazette.

2. Definitions

In these rules, unless the context otherwise requires,

- (a) "Act" means the Right to Information Act, 2005.
- (b) "Government" means the Government of Tripura.
- (c) "Sample" means a specimen or a small part or quantity of any material to be supplied for any scientific testing or analysis for the purpose of ascertaining what the whole is like.
- (d) "Section" means Section of the Right to Information Act, 2005.
- (e) The words and expressions used in these rules but not defined shall have the same meaning as assigned to them in the Act.

CHAPTER-II**Rates of fees, mode of payment of fees, etc.**

3. Rates of fees for providing information

A person who makes a request for obtaining any information from a State Public Information Officer shall pay fee at the following rates: -

Item	Rate
(a) Application fee at the time of making the request for obtaining information.	Rupees Ten.
(b) Fee for copy of any information or record in paper.	(i) Rupees two per page (per impression) in A-4 or A-3 size paper or part thereof. (ii) Actual charge or cost price of a copy in larger size paper.

(c) Fee for samples or models.	Actual cost or price for samples or models.
(d) Fee for inspection of records.	No fee for the first hour or part thereof and Rupees five for every subsequent hour or part thereafter.
(e) For information to be provided in computer diskette or floppy.	Rupees fifty per diskette or floppy provided the computerized information is available.
(f) For information in printed publication.	At the price fixed for such publication or Rupees two per page of photocopy for extracts for the publication.

4. Mode of payment of fees by applicants

(1) An applicant shall pay the fees in cash against a money receipt to be issued by the State Assistant Public Information Officer concerned in **Form No-1** appended to these rules.

(2) The Assistant State Public Information Officer shall deposit into Treasury on weekly basis the amount so received by him as fees against the Receipt Head of Account that may be specified by the Finance Department and the State Assistant Public Information Officer must account for the same.

(3) Application fee has to be paid along with the application for obtaining information and the State Assistant Public Information Officer shall record on the body of the application that the applicant has paid the application fee of Rupees 10/- (Rupees Ten) vide receipt No..... dated..... and forward the application to the Public Information Officer within five days of its receipt.

5. Intimation about acceptance of application

(1) When the Public Information Officer accepts the application for providing the information as sought for, he has to send to the applicant intimation in **Form No.2** appended to these rules about the exact amount of additional fee to be deposited by the applicant along with a calculation as how the amount has been determined.

(2) The time taken by the applicant from the date of dispatch of the intimation for depositing the fee shall be excluded from the period of 30(thirty) days within which the Public Information Officer has to furnish the information.

6. Intimation about part supply of information or rejection of application

When a request for obtaining information is accepted for part supply of information or rejected by the Public Information Officer, the applicant shall be given intimation to that effect in **Form No.3** appended to these rules.

7. Proof of submission of application

The date on which the money receipt against payment of the application fee is issued in **Form No.1** as stated in sub-rule(1) of rule-4 shall be deemed to be the date of receipt of the application and the money receipt shall be a proof of receipt of the application for obtaining information.

8. Supply of information in electronic mode

Supply of information or copy of record in computer diskette or floppy shall depend on the availability of information in electronic form with the public authority and the facility for providing such information in diskette or floppy.

9. Supply of sample of any material

(1) In supplying sample of any material used by a public authority for any work, the State Public Information Officer shall intimate the applicant the date, time and venue when the applicant can obtain a sample of the material or inspect the information or work. The State Public Information Officer shall also give notice in writing to the authority who has got the work done or from whose custody the sample is to be taken.

(2) While supplying a sample all precautionary measures should be taken to prevent tempering with the sample and the sample should be properly packed and sealed in presence of witnesses and may be handed over to the applicant.

(3) At the time of inspection of any information or work, at least one official should remain present to supervise the inspection.

(4) For the purpose of obtaining a sample or making an inspection, the applicant may bring with him a helper of his choice.

10. Issue of certified copy.

Copy of information in the form of document or record may be certified to be copy of the original by the State Public Information Officer or the State Assistant Public Information Officer under his seal and signature.

CHAPTER-III

State Information Commission

11. Constitution of the State Information Commission.

(1) If there is any difference of opinion among the members of the three-member Committee constituted under sub-section (3) of section 15 of the Act to recommend names of suitable persons to be appointed State Chief Information Commissioner or State Information Commissioner(s), the decision of the majority shall prevail.

(2) The person who is appointed State Chief Information Commissioner or State Information Commissioner shall, before he enters upon his office by making or subscribing to an oath or affirmation under sub-section 16 of the Act, shall make a declaration in Form No-4 appended to these rules.

CHAPTER-IV

Disposal of appeals and complaints by the State Information Commission

12. Procedure to be followed by the State Information Commission:
- (1) Any person aggrieved by the decision of the First Appellate Authority may make a second appeal to the State Information Commission.
 - (2) The appeal shall be in the form of a memorandum in writing and shall contain the following particulars:
 - (a) The name and full postal address of the appellant;
 - (b) The full particulars of the first appellate authority against whose decision the appeal is filed;
 - (c) The name and full postal address of the third party, if any, involved in the case;
 - (d) The claim which the appellant made and the ground(s) on which the claim of the appellant was denied.
 - (e) The Ground(s) on which the appellant files the appeal.
 - (f) Relief sought by the appellant.
 - (3) The Commission shall follow the principles of natural justice and adopt its own procedure in deciding appeals and disposing of complaints.

Form No -1

Money Receipt
(See Rule 4)

Date.....

Receipt No.....

Received from Sri.....

S/o Sri..... ofVillage /

Town..... the

sum of Rs..... (Rupees) in cash on account of

..... (here mention the amount of
application fee or other fee)

Signature and designation of the official

Form No-2

Intimation of acceptance

(See Rule 5)

Office of the

Date:

No.

To

Sri.....

.....

(Full name & address of the applicant)

Ref: - Your application dated ... seeking information on

Dear Sir/ Madam,

With reference to your above-cited application I would inform you as follows: -

- a) The information which you have sought is now ready to be supplied to you.
- b) For inspection of the information/work/taking sample of material you may personally appear in the office of the on....at...a.m./p.m. along with a helper of your choice.
- c) You are requested to deposit an additional fee of Rs. .. (Rupees...) only within seven days of the receipt of this letter and take delivery of the information as sought for by you.
- d) The fee has been calculated in the following manner:
.....
- e) If you have any grievance about the above-mentioned amount of fee, you have a right to file an appeal against the amount charged or the form of access provided within a period of thirty days from the date of receipt of this letter.
- f) The full particulars of the appellate authority to whom you can make an appeal is given below:
.....

Yours faithfully

.....

(Name, designation, address, Phone No. etc)

Form No-3

Intimation about part supply of Information or rejection of application
(See Rule-6)

Office of the

File No.....

Date.....

To

Sri.....

.....

(Full name & address of the applicant)

Ref: - Your application dated..... seeking information on...

Dear Sir/ Madame,

With reference to your above- cited application I would inform you as follows:

a) Your application for the above-mentioned information has been rejected/ accepted for part supply of the information on the following ground(s):

i)

ii)

iii)

b) You may, therefore, get part information for which you are to deposit an additional fee of Rs..... (Rupees) only within seven days from the date of receipt of this letter.

c) The amount of the above-mentioned additional fee has been calculated in the following manner:

.....

d) If you have any grievance about the above-mentioned amount of fee/ rejection of the application / part supply of information, you have a right to file an appeal against the decision within a period of thirty days from the date of receipt of this letter.

e) The full particulars of the appellate authority to whom you can make an appeal is given below:

.....

Yours faithfully

.....

(Name, designation, address, Phone No. etc)

Form No- 4

Declaration to be made by the State Chief Information Commissioner or the State Information Commissioners before entering upon office.
[See Rule 10(2)]

I, Sri..... S/O
..... appointed to the office of the State Chief Information Commissioner/ State Information Commissioner vide No..... dated..... of the Department of the Government of Tripura, do hereby declare and solemnly affirm that I am not a Member of Parliament or Member of Legislature of any State or Union Territory or hold any office of profit nor am I connected with any political party or carrying on any business or pursuing any profession.

Date.....

(Signature of the declarant)

By Order etc.

Sd/-
L.H. Darlong
Addl. Secretary to the
Government of Tripura

APPENDIX-III

GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (ADMINISTRATIVE REFORMS) DEPARTMENT

No.F.3 (5)-GA(AR)/2005/VI

Dated, Agartala the 27th Sept,2005

NOTIFICATION

In exercise of the powers conferred by Section 24(4) of the Right to Information Act, 2005, it is hereby notified that the Right to Information Act, 2005 shall not apply to the Home (Police) Department of the Government of Tripura including its Forensic Science Laboratory;

Provided that the said Act, 2005 shall apply to the Home (Police) Department in respect of any information pertaining to any allegation of corruption and human rights violation.

Provided further that if the information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of the receipt of request.

2. This takes immediate effect.

Sd/-
(L.H.Darlong)
Addl. Secretary to the
Government of Tripura

APPENDIX -IV

GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (ADMINISTRATIVE REFORMS) DEPARTMENT

No.F.3 (5)-GA(AR)/2005/P-III

Dated, Agartala the 10th October, 2005

NOTIFICATION

In pursuance of Section 15(2) of the Right to Information Act, 2005 the Governor is please to decide that the Tripura Information Commission shall consist of one State Chief Information Commissioner and one State Information Commissioner to be appointed by the Governor.

2. The above decision take immediate effect.

By order of the Governor,

Sd/-

(S.C. Das)

Commissioner & Secretary to the
Government of Tripura

Appendix continued.....

GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (ADMINISTRATIVE REFORMS) DEPARTMENT

No.F.3 (5)-GA(AR)/05(P-III)/113

Dated, Agartala the 17th January, 2006

NOTIFICATION

In exercise of the powers conferred by section 15 of the Right to Information Act, 2005, the Governor of Tripura, on recommendation of the Select Committee constitute under section 15(3) of the said Act, is pleased to appoint Sri B.K.Chakraborty, a retired IAS Officer, the State Chief Information Commissioner of the Tripura Information Commission.

2. As provided under section 16(1) of the said Act, the terms of office of the State Chief Information Commissioner shall be 5 years from the date on which he assumes office or until he attains the age of 65 years, whichever is earlier.

By order of the Governor,

Sd/- (S.C.Das)
Commissioner & Secretary to the
Government of Tripura

GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (ADMINISTRATIVE REFORMS) DEPARTMENT

No.F.3 (5)-GA(AR)/05(P-III)

Dated, Agartala the 17th January, 2006

NOTIFICATION

In exercise of the powers conferred by section 15 of the Right to Information Act, 2005, the Governor of Tripura, on recommendation of the Select Committee constitute under section 15(3) of the said Act, is pleased to appoint Sri D.K.Daschaudhuri, a retired TJS Officer, the State Information Commissioner of the Tripura Information Commission.

2. As provided under section 16(1) of the said Act, the terms of office of the State Information Commissioner shall be 5 years from the date on which he assumes office or until he attains the age of 65 years, whichever is earlier.

By order of the Governor,

Sd/- (S.C.Das)
Commissioner & Secretary to the
Government of Tripura