

TRIPURA INFORMATION COMMISSION

ANNUAL REPORT FOR THE YEAR 2007-08

CHAPTER - I

INTRODUCTION

This annual report of the Tripura Information Commission covers the period from 1st April, 2007 to 31st March, 2008. The Right to Information Act, 2005 advanced in third year of its operation. This period is considered to be not adequate for making an overall assessment of the achievement of the objectives of the enactment of the said law. However, it can safely be said that the Act has brought some significant changes in the style of functioning of the public authorities under the appropriate government of the State of Tripura. It has made some in-roads in the work culture of the public authorities following the principle of openness in the public administration. The enactment of the law on RTI, no doubt evoked some sort of alertness among the public functionaries.

2. On the recommendation of this Commission, the Government of Tripura vide notification No. F.3(5)-GA(AR)/2006/(P-I)/1481-82 dated 09.08.2007 declared the State Institute of Public Administration & Rural Development (SIPARD) as the State Implementing Agency of RTI. A copy of the said notification is appended to this report. The SIPARD has been imparting training to all stakeholders under the RTI Act, 2005 for capacity building and also holding seminars and workshops with participation of different sections of the public for development of awareness on RTI Act and the TRTI Rules on regular basis.

3. During the period under report, the Government of Tripura framed comprehensive Rules for carrying out the purposes of the RTI Act, 2005 namely, the Tripura Right to Information Rules, 2008 repealing the Tripura Right to Information Rules, 2005. The said Rules have been published in the Tripura Gazette on 04.02.2008 and came into force from that date. A copy of the said Rules is appended to this report.

4. The maxim 'information is power' is gradually gaining popularity among the masses and different stakeholders, although not up to the desired level. A considerable number of citizens have consciously been hammering at the locked door of secrecy of the bureaucracy by applying the instrument of the power acquired under the Act and have succeeded in most cases to open the door. But, considering the vastness of the people and the area of operation, the number of requests made exercising the power to have access to the information is very negligible.

The obvious reasons are that the citizens did not have adequate education on the right to information and that the functioning of the Panchayat Raj Institution in Tripura is very transparent. Experiences show that the use of the Act is mainly confined within the public servants and a few non-government organizations. Very few media persons and individuals are found to take recourse of the RTI Act to have access to the information in public interest. The objective of involving the most disadvantaged groups has just started picking up. This Commission has come across instances of causing deliberate delay in responding to the request for information and denial disclosure of the information on flimsy ground by the State Public Information Officers on the plea of ignorance of the law relating to the RTI matters.

5. The condition of record management in most of the public authorities is very poor. Some of the stakeholders under some public authorities are found to be indifferent in record management for want of adequate legislation and knowledge. A good number of public authorities are also found to be indifferent in making proactive disclosure and to put them in public domain as required under section 4(1)(b) of the RTI Act, 2005, although it was required to be done within 120 days of the enforcement of the RTI Act on 15.06.2005. Most of the public authorities have not updated the information proactively disclosed as required by the Act. The recommendation of this Commission in this regard made in the annual report of the previous year is yet to be acceded to by the State Government. The Ministry of Personnel, Public Grievances & Pensions, Department of Personal Training, Government of India put much stress on maintenance of records and publication of information under the Right to Information Act, 2005 vide their Office Memorandum No. 1/18/2007-IR dated 21.09.2007. This Commission vide note No. F.4(3)-SCIC/TIC/2006 dated 31.10.2007 brought the contents of the said Memorandum to the notice of the Chief Secretary to the Government of Tripura for issuing necessary instructions to the heads of departments for compliance. Copies of both the correspondences are appended to this report. The improvement in the matter is yet to be measured.

6. The State Government is quite apathetic to accept the recommendation of this Commission made in its annual report of 2005-06 and 2006-07 in regard to extension of financial and administrative autonomy to the Tripura Information Commission. According to the RTI Act, 2005, the Information Commission is expected to work freely and fearlessly without interference from any corner. Without financial and administrative autonomy, free, fearless and impartial exercise of the powers by this Commission cannot be ensured to the estimation of the

people. The principle of natural justice demands that the justice should not only be done, but should be shown to have been done.

7. This Commission is, however, quite conscious of its responsibility to make the enactment of the RTI Act meaningful extending its all sorts of cooperation in building the capacity of the stakeholders under different public authorities and also to empower the citizens at large to educate them enabling to use the instrument of the power of information to achieve the objectives of the RTI Act namely, to bring transparency and accountability in the functioning of the public authorities and to ensure participation of the people in developmental works in order to improve their living condition. It is hoped that in the coming years, all the stakeholders namely, the appropriate government, the competent authorities, the public authorities and other stakeholders will rise to the occasion to overcome the hurdles and the shortcomings to make the objectives of the RTI Act successful.

CHAPTER – II

ACHIEVEMENTS

2.1.1: **Development of awareness on RTI among public:** The laws are made in the public interest to ensure enjoyment of the rights of citizens guaranteed by the Constitution. In order to establish a practical regime for enjoying one of such rights, which emanated from fundamental rights of freedom of speech and expression and the right of life and personal liberty by the citizens, the Right to Information Act, 2005 has been made by the Parliament in June, 2005. The right to information is also a human right as defined by the Protection of Human Rights Act, 1993 read with the International Covenant on Civil and Political Rights, 1966. Its achievement can be derived if the right is properly and adequately used in the practical field by the citizens. It is the undenial fact that the large sections of our people are either less educated or illiterate. Even the literate sections of the people are not well aware and conscious of their rights. Success of the democracy and good governance is largely dependent on the successful implementation of the RTI Act.

2.1.2. Considering the gravity and magnitude of the importance of the RTI Act, 2005, the Central Government through its Department of Personnel & Training has been taking keen interest to develop awareness on the RTI Act declaring the Centre for Good Governance, Hyderabad and the Yashwantarao Chavan Academy of Development & Administration, Pune as the National Implementing Agencies. They have been carrying out several programmes on training and education at central and state levels for capacity building and awareness on RTI among the people.

2.1.3. As suggested by this Commission, the Government of Tripura declared SIPARD as the Nodal Agency for implementation of the RTI Act within Tripura. The SIPARD on its own has been holding training and education programmes for the FAAs, SPIOs and the SAPIOs. It has also been holding workshops and seminars on RTI with the participation of media persons and member of the non-government organizations. For the said purpose, the SIPARD is being funded under the United Nations Development Project. As per suggestion of this Commission, the SIPARD placed funds with the District Magistrates & Collectors for making arrangements to conduct training programmes for both the officials as well as educational programmes for developing awareness on RTI among the people in rural areas. In the programmes organized by the SIPARD during the period under report, both the State Chief Information Commissioner and State Information Commissioner actively participated

and placed their presentation on the Act and the Rules as well as allied RTI related matters.

2.1.4. Besides the programmes arranged by the SIPARD after active persuasion by this Commission, the District Administration and some public authorities arranged training programmes and workshops for the Appellate officers, SPIOs and the SAPIOs designated by the respective public authorities during the period under report as described below. In all those programmes both the SCIC and the SIC attended, addressed the participants and made presentation on the RTI matters.

Date	Name of the authority organized programme	Place of training/ workshop	Participants
19.06.07	Press Information Bureau	Jirania Community Hall	Members of Self Help Groups
12.07.07	District Magistrate & Collector, North Tripura District, Kailashahar	Kailashahar Town Hall	SPIOs/Media Persons/ Members of PRI bodies.
28.09.07	Directorate of School Education	Panchayat Raj Training Institute	Headmasters/Asstt. Headmasters of High & Higher Secondary Schools.
29.09.07	Directorate of School Education	Udaipur Town Hall	Headmasters/Asstt. Headmasters of High & Higher Secondary Schools.
17.01.08	Directorate of Family Welfare & Preventive Medicine	Pragna Bhavan, Agartala	Doctors and others of Health & Family Welfare Department

2.2 Proactive disclosure by Public Authorities:

Section 4 (2) of the Act provides that it shall be a constant endeavour of every Public Authority to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of the RTI Act to obtain information. Keeping this provision in view, the State Government have issued instructions to the Public Authorities to publish information proactively which is a natural corollary of the citizen's right to information and forms the sine que non of transparent and accountable governance. Information received from the departments so far, only a few Public Authorities did make such disclosure upto 31.03.2007 and details of proactive disclosure made by the Public Authorities already found place in the annual report of 2006-07. Thereafter, no further report has been received by this Commission

updating the publication of information under section 4(1)(b) of the Act. The public authorities are required to take appropriate steps for updating the publication of information under section 4(1)(b) of the Act immediately.

2.3.1. Designation of FAAs, SPIOs AND SAPIOs AND FAAs:

One of the important functions of the public authorities is to designate the stakeholders, namely, the First Appellate Authorities, the State Public Information Officers and the State Assistant Public Information Officers as provided under sub sections (1) and (2) of section 5 and section 19(1) of the RTI Act, 2005. In the annual reports of 2005-06 and 2006-07, the names of such officers designated by several public authorities had already been articulated. During the year under report, Agartala Bench of Gauhati High Court designated the First Appellate Authorities, the State Public Information Officers and the State Assistant Public Information Officers for the High Court Registry at Agartala and the subordinate Courts in Tripura. The public authority of the Tripura Tribal Areas Autonomous District Council also designated the First Appellate Authorities, 126 numbers of State Public Information Officers and the State Assistant Public Information Officers for its different offices.

2.3.1. Failure to designate the stakeholders, namely, the First Appellate Authorities, the State Public Information Officers and the State Assistant Public Information Officers by the public authority is a ground for lodging complaint before the Information Commission under section 18(1) of the said Act. So, the public authorities are required to be more vigilant and should see that the posts of such stakeholders are not kept vacant for any moment.

2.4. Disposal of request for information by the SPIOs during the period under report:

Status of disposal of the requests for information by the State Public Information Officers based on the Annual Reports furnished by the different departments stands as under: -

Name of Department	No of Requests Received during the Year	No. of Requests Disposed	No. of Requests Rejected	No. of Requests allowed	No of requests pending at the end of the year
(1)	(2)	(3)	(4)	(5)	(6)
Tripura Public Service Commission	312	305	Nil	312	07

Agriculture Department	Nil	Nil	Nil	Nil	Nil
Animal Resources Deptt	03	03	Nil	03	Nil
C M Secretarial	05	05	Nil	05	Nil
Cooperative Societies	01	01	Nil	01	Nil
Education (SW & SE)	18	18	Nil	18	Nil
Education (Higher)	29	29	Nil	29	Nil
Education (School)	213	213	Nil	213	Nil
Education (YAS)	01	01	Nil	01	Nil
Election Department	04	04	Nil	04	Nil
Food, Civil Supplies & Consumer's Affairs	14	11	03	11	Nil
Forest Department	97	87	04	87	06
Fisheries Department	03	03	Nil	03	Nil
General Administration (AR) Department	22	22	Nil	22	Nil
General Administration (P&T) Department	18	18	Nil	18	Nil
General Administration (Pol) Department	01	01	Nil	01	Nil
General Administration (P& S) Department	01	01	Nil	01	Nil
General Administration (C&C) Department	02	02	Nil	02	Nil
1	2	3	4	5	6
Home (Jail) Department	11	10	Nil	11	01
Home (Police) Department	17	17	Nil	17	Nil
Health Department	27	25	02	25	Nil
Information, Cultural Affairs & Tourism	09	09	Nil	09	Nil
Industries & Commerce	31	25	01	30	05
Labour Department	Nil	Nil	Nil	Nil	Nil
Law Department	05	05	Nil	05	Nil
PW Department	21	21	Nil	21	Nil
Revenue Department	147	136	Nil	147	11
Science, Technology & Environment Department	01	01	Nil	01	Nil
Urban Development Department	16	16	01	15	Nil
Tripura Information Commission	05	05	Nil	05	Nil
Tripura Gramin Bank	07	07	Nil	07	Nil
Tribal Welfare Deptt.	08	08	Nil	08	Nil
Rural Development Deptt.	79	77	02	79	Nil
Total	1088	1065	13	1075	23

2.5. Summary of fees collected by the Public Authorities under various Department during the period under report:

Name of Department	Fee Collected Section 6(1)	Fee Collected Section 7(1)	Total Collection
Tripura Public Service Commission	3120.00	1674.00	4794.00
C M Secretariat	40.00	2.00	42.00
Cooperative Department	10.00	36.00	46.00
Animal Resources Department	30.00	42.00	72.00
Education (Higher)	260.00	468.00	728.00
Education (School)	1830.00	4234.00	6604.00
Education (YA&S)	10.00	0.00	10.00
Education (SW&SE)	60.00	476.00	536.00
Election Department	10.00	64.00	74.00
Forest Department	700.00	3528.00	4528.00
Food & Civil Supplies Department	120.00	233.00	353.00
Fisheries Department	30.00	66.00	96.00
General Administration (AR) Department	190.00	284.00	454.00
General Administration (P&T) Department	180.00	936.00	1116.00
General Administration (SA) Department	70.00	0.00	70.00
General Administration (P & S) Department	0.00	6.00	6.00
General Administration (C&C) Department	20.00	0.00	20.00
Health Services Directorate	250.00	282.00	532.00
ICAT Department	90.00	884.00	974.00
Industries & Commerce	310.00	1254.00	1564.00
Home (Police)	70.00	0.00	70.00
Home (Prison)	100.00	56.00	156.00
Law Department	50.00	81.00	131.00
P W D (WR)	10.00	0.00	10.00
Revenue Department	1400.00	2905.00	4305.00
Rural Development	750.00	Nil	750.00
Science & Technology Department	10.00	10.00	20.00
Tribal Welfare Department	110.00	106.00	216.00
Tripura Information Commission	50.00	52.00	102.00
Tripura Gramin Bank	70.00	0.00	70.00
Grand Total	10150.00	17679.00	27829.00

2.6. Disposal of first appeal under section 19(1) of the Act by the First Appellate Authorities during the period under report:

Name of the department	Appeals received for disposal			Appeals disposed of during the year			Pending at the end of the year
	Pending of previous year	Received during the year	Total for disposal	Allowed	Dismissed	Total	
TPSC	Nil	13	13	13	Nil	13	Nil
Education (School)	Nil	41	41	41	Nil	41	Nil

Food & Civil Supplies	Nil	03	03	03	Nil	03	Nil
Forest Deptt	Nil	03	03	03	Nil	03	Nil
GA(A/R)	Nil	07	07	07	Nil	07	Nil
Forest	Nil	03	03	03	Nil	03	Nil
Home (Prison)	Nil	03	03	03	Nil	03	Nil
Industries & Commerce	Nil	02	02	02	Nil	02	01
Rural Development	Nil	01	01	01	Nil	01	Nil
Revenue	Nil	04	04	04	Nil	04	Nil
Tribal Welfare	Nil	01	01	01	Nil	01	Nil
Grand Total	NIL	68	68	68	NIL	68	NIL

Remaining 37 departments are reported to have not received any first appeal by the public authorities under their respective control.

2.7. Disposal of complaint under section 18(1) and second appeal under section 19(3) of the Act by the Tripura Information Commission during the period under report:

Nature of cases	Cases received for disposal			Cases disposed of during the year			Pending at the end of the year
	Pending of previous year	Received during the year	Total for disposal	Allowed	Dismissed	Total	
Complaint u/s 18(1)	04	52	56	22	15	37	19
Second appeal u/s 19(3)	05	29	34	15	12	27	7

2.8 Non-submission of Annual Reports by certain departments: The Implementation status of the RTI Act by the Finance, Power, Panchayat, Rural Development and Public Works (R&B) departments could not be incorporated in this report as these departments have not submitted their annual reports for the year 2006-07 despite several reminders and persuasions.

CHAPTER – III

TRIPURA INFORMATION COMMISSION – AN OVERVIEW

3.1 **Structure of the Commission:** Tripura Information Commission is manned by two Information Commissioners including the Chief Information Commissioner. Particulars of the Chief Information Commissioner and the State Information Commissioner are as follows: -

Chief Information Commissioner:

Name	Address	Contact Number
Sri B.K.Chakraborty, IAS (Retd)	Pandit Nehru Complex: Gorkhabasti, Agartala- 799006	0381-2218021 (O) 0381-2324637(R) 09436120039 (M)

Information Commissioner:

Name	Address	Contact Number
Sri D.K.Daschaudhuri, TJS(Retd)	Pandit Nehru Complex: Gorkhabasti, Agartala- 799006	0381-2226561(O) 0381-2327295(R) 09436120047 (M)

Website number of the Tripura Information Commission:
www.tripura.nic.in

3.2. **Commencement**

The Tripura Information Commission started functioning from 19.01.2006, the date on which the SCIC and the SIC were administered oath by HE the Governor.

3.3 **Functions and duties of the Commission:**

- (i) Making enquiry into complaints made under section 18(1) of the Act and passing appropriate orders to redress the grievances of the information seekers.
- (ii) Hearing second appeal under section 19(3) and 19(4) of the Act.
- (iii) Awarding compensation under section 19(8)(b) and imposing penalty under section 20 of the Act in appropriate cases.
- (iv) Preparation of annual report on the implementation of the provisions of the Act and forward to the State Government for publication and laying before the House of the State Legislature.

(v) Making necessary recommendations to the State Government on the proper and effective implementation of the Act.

(vi) To deal with the requests for information pertaining to the allegations of human rights violations of the intelligence and security agencies exempted from the Act.

3.4 **Secretariat of the Commission:** As provided under section 16(6) of the Right to Information Act, 2005, the State Government have posted one TCS Officer to function as Secretary to the Commission. Besides, Commission has also been provided with the following category of staff on deputation from other departments:

- | | | |
|-------|-------------------------------|----------|
| (i) | Private Secretary,
Gr. III | - 1 No. |
| (ii) | PA-I | - 3 Nos. |
| (iii) | Office Supdt. | - 1 No. |
| (iv) | Assistant | - 1 No. |
| (v) | Driver | - 2 Nos. |
| (vi) | Group D | - 6 Nos. |

Address and Contact number of the Secretary, Tripura Information Commission: - Pandit Nehru Complex, Gorkhabasti, Agartala- 799006.
Phone – 0381- 222 4146 (O), 0381-2382378(R).

3.5 **Location:** The Tripura Information Commission is located in the 1st floor of the Secretariat Annexe building, Pandit Nehru Complex: Gorkhabasti, Agartala- 799006.

3.6. **Office Accommodation:** In the Secretariat Annexe building at P.N. Complex, Gorkhabasti, Agartala, two rooms have been allotted for the chambers of the State Chief Information Commissioner & the State Information Commissioner with inadequate furniture. One small room has been allotted for the Secretary of the Commission. Another small room has been allotted to accommodate the personal staff of the State Information Commissioner and the Secretary of the Commission and other officials, which is too small to accommodate all the staff. The Commission has not yet been provided with any conference room and a room for hearing with adequate furniture.

3.7. Budget allocation for the year under report:

No separate Head has been allotted for the Tripura Information Commission in the budget. Provision is now being made under the Head of Account of the GA (AR) Department bearing No. 2070-00-105-05-66. The outlay approved for the Tripura Information Commission during 2007-08 was as follows: -

(i)	Salary	= Rs. 20.00 Lakhs
(ii)	Traveling Expenses	= Rs. 1.00 Lakh
(iii)	Office Expenses	= Rs. 3.00 Lakhs
(iv)	Cost of fuel etc. & maintenance of vehicles	= Rs. 2.50 Lakhs
(v)	Hiring charges of private vehicle	= Rs. 1.25 Lakh
(vi)	Purchase of new vehicle	= Rs. 5.00 Lakh
(vii)	Expenditure for the private witness	= Rs. 0.10 Lakh
	TOTAL	= Rs. 32.85 Lakhs

3.8. Since inception, the Commission received 148 nos. complaints under section 18(1) of the Act and 99 nos. second appeals under section 19(3) of the Act. Out of that, the Commission has so far disposed 143 nos. complaints and 95 nos. second appeals.

CHAPTER – IV

COMMISSION'S OBSERVATIONS & RECOMMENDATIONS

4.1. **Previous unimplemented recommendations:** After constitution of the Tripura Information Commission, two annual reports for the years 2005-06 and 2006-07 were forwarded to the State Government. In those annual reports, some observations and recommendations were made. Although, the State Government took piecemeal steps towards implementation of some recommendations but, most of the recommendations are still to be implemented. Some of the recommendations are to be implemented by the Central Government and the rest by the State Government. So, this Commission considers it expedient to reiterate those unattended recommendations in this report below.

4.2. **Enforcement of decisions of the Commission:** Section 19(7) of the Act stipulates that the decisions of the Information Commission shall be binding. However, the Act is silent about the action to be contemplated in case there is non-compliance. There are instances of non-compliance of the orders passed by the Commission. Therefore, it is suggested that a new sub-section to the section 19 may be inserted empowering the Commission to enforce its decisions including penalizing the head of the Public Authority for continued contempt of its orders. The amount of penalty imposed or compensation awarded by the Commission should be made recoverable as an arrear of land revenue. It is, therefore, suggested that a separate section 20(A) may be added for the purpose.

4.2.1. **Systematic Reforms of Record Management:** Indexing of records is an integral part to locate important information either to meet the needs of the citizens or even for simple auditing or accounting purpose. In such a situation, if the managing and indexing of records are neglected, it would not be possible to effectively implement access to the information as contemplated in the Act. It is, therefore, critical to put strong procedure and guidelines in place for the implementation of a useful record management system though it would be impractical to expect uniformity is practiced across the public authorities, given the essential differences in the nature of their functioning, procedure and guidelines help to attain consistency in record keeping system. It is not that the record keeping system is not prevailing, but advancement towards e-governance having increased use of computers for storing data as well as for dissemination of information with a gradual shift to automated

environment will ensure overall efficiency and productivity in the era of transparent governance.

4.2.2. So far, the Department of I.T. with the assistance of the Ministry of Communication and Information Technology has set up Community Information Centers (CICs) in most of the Block Headquarters in the State. Taking into consideration the usefulness of those centers, the coverage net is further decided to improve which will cover the panchayats in rural area. Tripura Information Commission urges the Government to give this scheme a top priority if its intention is to see that every citizen is empowered access to information as per provisions of the Act. In addition, specific budgets must be sanctioned to all public authorities for creating framework for setting up an efficient record management system without which public authorities may not be able to provide information sought as per the provisions of the Act efficiently.

4.2.3. The Commission examined the 'Record Retention Schedule for Records Common to All Departments' published on 06.04.2000 by the General Administration (AR) Department, Government of Tripura under the signature of the then Chief Secretary Sri V.Thulsidas. The Commission is of the view that this schedule does not cover management and maintenance of all public records created by the agencies of the Government of Tripura, public sector undertakings, statutory bodies, corporations and commissions including the medical treatment records of the patients in government hospitals. Moreover, it is only an executive instruction for retention of records without having any legal cover for the responsibilities of the record creating agencies with respect to the arrangement, management, custody, disposal, deposit and preservation of and access to the public records. The above instructions also do not speak anything about the procedure as to how the destruction of public records is to be made. Therefore, the above schedule for record retention is considered to be inadequate having no legal force.

4.2.4. There exists a law namely, the Public Records Act, 1993 enacted by the Parliament and came into force on 01.03.1995 to regulate the management, administration and preservation of public records of the Central Government, Union Territory Administration, Public Sector Undertakings, Statutory Bodies, Corporations, Commissions and committees constituted by the Central Government or Union Territory Administration and the matter connected therewith and incidental thereto. For carrying out the purposes of the said Act, the Central Government has also framed the Public Records Rules, 1997, which include provisions for destruction of public records. We would, therefore,

advise the Government of Tripura to come forward and take immediate necessary steps for enactment of similar Act and Rules for regulating the management, administration and preservation of public records of the State Government, Public Sector Undertakings, the Statutory Bodies, Corporations, Commissions and Committees constituted by the State Government and the matters connected therewith and incidental thereto. The General Administration (AR) Department, Government of Tripura may take necessary initiative in the matter.

4.3. **Use of E- governance:** The use of e-governance for strengthening the RTI implementation is mutually beneficial. In fact, the RTI Act is India's first law and perhaps the only law that obligates the Government as provided under section 4(1)(a) to take up e-governance. Digitization of all Government Departments is considered vital to strengthen e-governance and quite important to address the information need of the citizens.

4.4. **RTI Education:** This Commission does not consider conducting training programmes and workshops for the information providers and development of public awareness as adequate and the only means of education on the right to information. In order to achieve the object and the enactment of the Act, education should be spread over among the masses and for that end, it is considered necessary to incorporate the subject RTI in the curriculum in schools and colleges as a long term measure. The Commission is, therefore, of the opinion that the RTI could be included as a subject at the degree and secondary levels while at the elementary levels, one page information on RTI can be provided in an appropriate place of the textbooks to attract the attention of the mothers of the children and other readers. However, the matters should be standardized so that there is no misinterpretation at any stage. Therefore, the task for preparation of materials and their inclusion in the textbooks may be entrusted upon the University for the colleges, Tripura Board of Secondary Education for the secondary and NCERT/SCRET for the elementary levels. The State Government should, therefore, come forward with specific decision in the matter.

4.5. **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 the 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.

4.6. 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.

- 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.
- Purchase of furniture, fax machines, photocopiers and computers with accessories after observing all required formalities and subject to availability of fund.
- Purchase of newspapers and periodicals.

4.7.1. Suggestions placed by this Commission in the National Conference held in New Delhi:

A conference of the Central Information Commission with the State Chief Information Commissioners and the State Information Commissioners was held at India International Centre, New Delhi on 17th October, 2007. The State Information Commissioner of this Commission attended the said conference. The following suggestions were put up on behalf of this Commission in the said conference for consideration and placing before the appropriate Governments for taking necessary steps:-

4.7.2. The autonomy: Information Commissions both at the Centre and the States should be granted financial and administrative autonomy for its free and fair functioning to ensure effective implementation of the RTI Act. The autonomy is needed so that they are not required to go to the Finance and the concerned administrative departments for funds and approval on several other matters. Therefore, it is suggested the "the Commissions may be directly funded by the Central Government after necessary deduction from the allocation of the concerned State at source. Alternatively, the State Commissions may be granted finance in the term of Grant-in-aid by the State Governments with charged budget."

4.7.3. Uniformity: It is experienced that there is no uniformity in providing the facilities to the SCICs and the SICs across the country due to lack of clarity in provisions of entitlement. In order to achieve uniformity in service conditions and other facilities of the SCICs and the SICs in the whole country, DoPT, Government of India may take initiative and special steps so that there may be a common law in this regard across the country, which shall be binding on all the State Governments.

4.7.4. Contempt Powers: The Commission should be empowered to enforce its decisions including penalizing the head of the Public Authority for continued contempt of its orders. Therefore, there is a need to augment the powers of the Commission so as to enable the Commission to enforce its decisions. The Commission already has the powers of a Civil Court for limited purposes. These powers should be widened so as to

enable the Commission to appropriately deal with the contempt matters. The RTI Act, therefore, needs to be amended suitably to incorporate required provisions in this regard.

4.7.5. **Awareness Programmes:** Emphasis needs to be given to generate more awareness. Therefore, adequate budget needs to be provided to conduct extensive educational programmes for the information seekers and the training programmes for the information givers.

4.7.6. **Meeting of Prime Minister with Chief Ministers to develop consensus on implementation of RTI:** Hon'ble Prime Minister may kindly consider to convene a meeting of all Chief Ministers in order to develop a consensus for effective implementation of the RTI Act in all the State across the country and to provide all necessary support accordingly.

4.8.1. **Improvement of the infrastructure for providing information:** It is experienced by this Commission in course of disposal of the complaints, the second appeals and the miscellaneous applications that the information seekers under the RTI Act, 2005 faced some hurdles and inconveniences in approaching the State Public Information Officers, the State Assistant Public Information Officers and the First Appellate Authorities for not taking appropriate measures in their respective offices. In order to ameliorate the above conditions and simplify the process of disposal of RTI requests seeking information, this Commission makes some recommendations for implementation by the appropriate authorities below.

4.8.2. All offices and administrative units should display notice boards at the entrance containing prominently the names and other contact details of the SPIOs, SAPIOs and the FAAs and it should be updated on regular basis.

4.8.3. In a situation when both the SPIO and the SAPIO are absent in the office, there exists no mechanism to handle the task of receiving the RTI applications. It is, therefore, suggested that link officers be identified in all offices to handle the RTI matters in the absence of SPIOs and the SAPIOs. The identity and other contact details of such link officers should also be prominently displayed at the entrance of all offices. This apart, RTI cells should be set up in all offices to exclusively deal with RTI matters.

4.8.4. Proactively disclosed information are even not easily accessible to the people knowledgeable about the RTI Act. In order to ensure

complete transparency in the functioning of the public authorities, all its offices must display information as much as possible on their notice boards. The entire compilation of information proactively disclosed by the public authority should be put in a file and be made available for free inspection in all its offices at a place easily accessible to every person. The State Government may adopt innovative methods of disseminating all proactively disclosed information in the public domain. One practical way of promoting transparency would be to make all proactively disclosed information at the district, sub-division and block levels available in hard copies for free inspection at all libraries set up or funded by the government.

4.8.5. Most of the SPIOs, SAPIOs and other officers are not well aware of their obligations and the procedures under the RTI Act. Therefore, it is necessary that the State Government may concentrate on improving the outreach of its training efforts at a sustainable basis. The senior officers of all public authorities should be adequately trained on RTI to develop them as resource persons so that they could in turn train the SPIOs, SAPIOs and other officials under their respective public authorities. This apart, educational programmes should also be conducted at regular basis at district, sub-division and block levels.

CHAPTER – V

HIGHLIGHTS OF THE DECISIONS TAKEN BY THE COMMISSION IN DECIDING COMPLAINTS UNDER SECTION 18(1) AND SECOND APPEALS UNDER SECTION 19(3) OF THE ACT

5.1 Appeal No-11 of 2007-08 between Sri Karunamoy Nath – Appellant vs. Director of Family Welfare & Preventive Medicine & others decided by this Commission on 22.11.2007.

Note: – Is the information pertaining to record of disciplinary proceedings subject to disclose? – Yes, if it does not cause any impediment to such enquiry.

1. Facts leading to this second appeal are that the appellant made a written request on 09.07.2007 depositing the requisite application fee to the State Public Information Officer (SPIO) in the Directorate of Family Welfare & Preventive Medicine (FWPM), Government of Tripura, Agartala seeking copies of all documents and notes of File No. VII (2)-RFL/06. In response, Dr. P. Chatterjee, SPIO in the Directorate of FWPM endorsed the copy of letter No.F.12(130)DCA/06/2929-31 dated 17.07.2007 of Sri M.K.Pal, Deputy Drugs Controller addressed to the SPIO in the Directorate of FWPM to the appellant vide his letter No.F.21(3-4)-RTI Act-Cell/DFWPM/2007/2699(2-1) dated 26.07.2007. Sri M.K.Pal, Deputy Drugs Controller in his letter referred to above expressed his views that the documents and the notes of the concerned file relate to disciplinary proceedings drawn against Dr. Karunamay Nath, Retd. Public Analyst, RFL under CCS (CCA) Rules, 1965 and the matter is pending with the Inquiring Authority appointed for the purpose. So, according to him furnishing the documents at this stage would impede the process of investigation i.e. the departmental inquiry, which is barred as per section 8(1)(VIII) of the Act. Being aggrieved with the above decision, the appellant preferred the first appeal to the First Appellate Authority (FAA) in the Directorate of FWPM on 17.08.2007. Dr. J. Muhuri, Joint Director & Director-in-charge of FWPM being the FAA vide his letter No.F.12(12-2)DFWPM/IEC/2005 dated 24.08.2007 informed the appellant that the decision of the SPIO (Deputy Drugs Controller) for not supplying the documents was appropriate as the matter was under investigation. Being dissatisfied with the above decision of the FAA, the appellant approached this Commission by way of this second appeal seeking appropriate redress for allowing him to get certified copies of all the documents and notes as sought for by him under his written request dated 09.07.2007.

2. Main issues for decision:

- (i) Are the decisions of the Respondent 1 & 3 being the FAA and the SPIO respectively in disposing of the written request and the first appeal maintainable?
- (ii) Is the appellant entitled to have access to the information sought for and if so, to what extent?

"7. Issue No.(I): We have carefully gone through the memorandum of appeal with the rejoinder thereto and the written representations of the Respondents. We have also perused the decisions of the Respondent 1,2 & 3 as communicated to the appellant. It transpires from the written representations of the Respondents that the Respondent 2 Sri M.K. Pal, Deputy Drugs Controller is also the Officer- in-charge of the Regional Food Laboratory (RFL), which is under the administrative control of the Director of FWPM, Government of Tripura and accordingly the said RFL is under the jurisdiction of the SPIO in the Directorate of FWPM and not the SPIO (Sri M.K.Pal, Deputy Drugs Controller) in the Directorate of the Health Services, Government of Tripura. The Respondents 1 & 3 also admitted this fact. It is admitted fact that the Respondent 3 being the SPIO in the Directorate of FWPM, instead of taking the decision by himself about disclosure of the information to the appellant as sought for, communicated to the appellant the decision about the fate of the written request taken by the Respondent 2 who was mere the custodian of the relevant file pertaining to the information sought for. On the other hand, the Respondent 2 being the custodian of the records expressed his views about entitlement of the appellant to have access to the information sought for, which was beyond his jurisdiction. The above irregularities in disposing of the written request of the appellant as committed by the Respondents 2 & 3 are contrary to the provisions of section 7 of the Act.

8. We have also perused the communication made by the Respondent 1 being the FAA to the appellant vide his letter No.F. 12(12-2)DFWPM/IEC/2005 dated 24.08.2007 in deciding the first appeal dated 17.08.2007 of the appellant, wherein the Respondent 1 simply stated that the decision of the SPIO (Deputy Drugs Controller) for not supplying the documents was appropriate as the mater was under investigation. In arriving at the said decision, the Respondent 1 admitted to have not noticed the appellant, which is against the principle of natural justice. In view of the above mentioned irregularities on the part of the Respondent 1, 2 & 3, the decisions taken by the Respondent 1 being the FAA and the Respondent 3 being the SPIO are not maintainable and liable to be set aside.

9. Issue No.(ii): Under his written request dated 09.07.2007, the appellant sought for certified copies of all the documents and notes of File No. VII(2)-RFL/06. The description of the information sought for is found to be vague and not categorical. He did not mention the names of the office and the custodian of the above mentioned file. However, as the Respondent 3 being the SPIO could have located and identified the file, we are not inclined to put importance about the custodian of the above mentioned file. It is quite rationale to assume that in one file there may be so many notes and correspondences on several subject matters and the information seeker may not be interested with all of them. So, it would be quite reasonable for the SPIO to render necessary assistance to the requester to identify all those notes and documents copies of which would be required by the latter.

10. Views of the Respondents 1,2 & 3 as to the non- entitlement of the appellant to get copies of the documents and the notes sought for showing reasons that as the file notes and the correspondences are related to the investigation pending with the Inquiry Authority and also with the High Court case, disclosure of such notes and the documents would impede the said investigation and the court case, is not tenable, because of the fact that they (Respondents) themselves held the views that the appellant would get the copies of such notes and the correspondences in course of hearing of the disciplinary proceedings drawn against him before the Inquiry Authority . As a matter of principle and in the interest of the principal of natural justice, the copies of all the papers and the documents liable to be used in connection with the disciplinary proceedings against a public servant are required to be furnished to him. So, there should not be any bar to supply copies of such papers and the documents to the delinquent government servant. The plea of the Respondents that since there had been an alternative scope of getting copies of the notes and the correspondences for the appellant in the disciplinary proceedings, such copies cannot further be supplied under the Act is not in accordance with the provisions of the Act. The merit of the information to be adjudged for disclosure under the provisions of the Act ignoring the fact whether such information is available to the appellant under provisions of any other rules and regulations. In view of the discussion made here in above, we are to hold that the appellant is entitled to have access to the copies of only those notes and the correspondences of file No. VII (2-RFL)/06, which are related to the disciplinary proceedings drawn against him, but not barred by any provisions of the Act. To ascertain the particular notes and the documents to be required by the appellant, the Respondent 3 being the SPIO is required to render necessary assistance to the former and thereafter on receipt of written clarification from him, the latter is to furnish authenticated copies of such notes and documents, if not barred by section 8 or any other provisions of the Act. This second issue is decided accordingly."

5.2 Appeal No-15 of 2007-08 between SW Kamal – Appellant vs. Conservator of Forests and another decided by this Commission on 05.03.2008.

Note: Offices of the FAA, SPIO and SAPIO during their absence from duties on any ground should not be allowed to remain vacant – alternative arrangement should be made.

1. The facts leading to this second appeal are that the appellant made a written request on 13.09.2007 to the State Public Information Officer (SPIO) in the office the Divisional Forest Officer (DFO), Northern Division, Kailashahar seeking two items of information under the Act. Having no response within the statutory period of 30 days from the concerned SPIO, the appellant preferred a first appeal on 19.11.2007 to the Conservator of Forests (CF), Northern Circle, Kumarghat being the First Appellate Authority (FAA) seeking appropriate redress to have access to the information sought for. But, the FAA also failed to respond to the first appeal within the statutory period. Hence, the appellant approached

this Commission by way of this second appeal for taking appropriate action under the Act for having access to the information sought for.

2. Issue for decision: As to whether the Respondents committed breach of the provisions of the Act and if so, whether they are liable to be penalized under section 20(1) of the Act.

Reasons for decision:

"8. It is admitted fact that both the Respondents made delay in disposing of the written request and the first appeal. The Respondent 2 being the SPIO conceded that his office received the written request of the appellant dated 13.09.2007 seeking information on 14.09.2007 and he decided the same on 14.01.2008 for disclosure of the information and provided the information to the appellant on 20.01.2008. Thus, about four months delay has been caused in providing the information. The Respondent 2 has explained that due to repeated spells of un-authorized absence of the Head clerk of the General Section of his office, the written request in issue was not produced before him in time, for which he could not dispose of the same within the statutory period. The explanation advanced by the Respondent 2 is not at all satisfactory. As per provisions of section 7(1) of the Act, the SPIO or SAPIO is under obligation to receive the written request seeking information under the Act directly by himself/herself and is responsible for disposal of the same within the statutory period as prescribed under the Act. Such responsibility of receiving the written request seeking information under the Act cannot be delegated to a subordinate staff and if it is so done, that will be at the risk of the concerned SPIO/SAPIO. In the present case, the Respondent 2 has surely failed to follow the prescribed procedure for receiving and disposing of the written request in issue. However, since it is the first case of breach of the relevant provisions of law on the part of the Respondent 2 and that ultimately he has provided the information, which ventilates his applicant-friendly attitude to disclose the information, we view above breach of law on his part leniently with the caution that he should be more careful and follow strictly the relevant provisions of law in dealing with such written request for information under the Act in future. Since, the Respondent 2 had no malafide intention to cause the delay, we do not consider it a fit case to penalize him invoking the provisions of section 20 of the Act.

9. The Respondent 1 has also admitted that there was violation of the relevant provisions of the Act for not disposing of the first appeal by the CF, Northern Circle, Kumarghat being the FAA within the statutory period. The explanation offered by him in his written representation as depicted in paragraph 4 above deserves consideration and we hold that since the office of the CF was vacant for certain period of time, it was not possible on the part of the present CF i.e. the Respondent 1 to decide the first appeal in time and, therefore, we find no breach of law to have been committed by the Respondent 1. But, we are constrained to observe that the head of the Public Authority of the Forest Department, Government of Tripura was under obligation to see that the office of the FAA, Northern Circle, Kumarghat was not left vacant for the period in question. It is the responsibility of the head of the Public Authority

to ensure that the authorities of the stakeholders under the Act like FAA, SPIO and SAPIO are not left vacant even for a while owing to absence of the designated FAA, SPIO and SAPIO either for remaining out of station on duty or proceeding on leave or any other ground whatsoever and alternative arrangement should be made forthwith for the period of such vacancy.

10. With the above observations, the issue is decided."

5.3 Appeal No-20 of 2007-08 between Sri Alak Debnath – Appellant vs. Director of Prisons & another decided by this Commission on 04.03.2008.

Note: In order to ensure transparency and fairness in the process of selection, record of measurement of height, chest and the endurance test should be maintained.

1. The facts leading to this second appeal are that the appellant submitted a written request on 19.11.2007 to the State Public Information Officer (SPIO) in the Prisons Directorate, Government of Tripura seeking 4 items of information under the Act depositing the requisite amount of application fee. Since the SPIO did not respond to the written request within the statutory period, the appellant preferred on 22.12.2007 a first appeal to the Inspector General of Prisons (IG, Prisons), Government of Tripura being the First Appellate Authority (FAA). But the FAA also failed to respond to the memorandum of first appeal till the date of lodging this second appeal although in the meantime, the statutory period for disposal of the first appeal elapsed. Hence, the appellant approached this Commission by way of this second appeal for appropriate redress to have access to the information sought for.

2. Main issues for decision:

- (i) Is the Respondent 2 being the SPIO under obligation to provide specific information against the first and second items as sought for by the appellant vide his written request dated 19.11.2007?

Reasons for decision:

"7. Issue No.(i):The appellant vide his written request dated 19.11.2207 sought for the following information under first and second items of information:-

- (i) Minutes/details of physical fitness i.e. height and chest as contemplated under Rule 7 of the RRs of general candidates.
- (ii) Minutes of the records of endurance test of each selected general candidate.

8. In response to the above requirements of the appellant, the contention of the Respondent 2 as intimated to the appellant vide his letter No.F.1(547)/IGP/07(P)/730 dated 02.02.2008 is as follows :-

"I would like to inform you that physical measurement of the candidates for the post of Warder (Male) has not been recorded. Candidates who have fulfill the requirement of physical measurement as per recruitment rules have

been allowed to take part in the endurance test. Applicants who have qualified in the endurance test have been allowed to sit for the written examination. Therefore, it is not possible to furnish the physical measurement of candidates and records of endurance test."

9. We have carefully examined the written representations of the Respondent 2. Although in his first written representation dated 16.02.2008, the Respondent 2 pleaded that no mark was recorded by the recruitment board for physical test and the endurance test of the candidates appeared for such test and only a penal of candidates who were found to have qualified was prepared and sent to the appropriate authority for appearing in the written test, but in his subsequent additional written representation dated 16.02.2008, he has categorically expressed his readiness to provide the information, if directed by this Commission.

10. We are unable to accept the plea taken by the Respondent 2 that no record of the measurement of height and chest and the endurance test of the candidates was maintained by the recruitment board for deciding their suitability for recruitment. The primary objective of taking tests of any kind of any candidate is to ensure transparency and fairness in the process of selection. At least a panel prepared by the recruitment board after taking measurement of height and chest and the endurance test of the candidates must be in existence and be available with the recruitment board or the appointing authority. Thus, the initial plea of non availability of the above information as taken by the Respondent 2 does not stand. However, ultimately the Respondent 2 being the SPIO conceded existence of such panel within his custody and expressed his readiness to provide the information. So, we are to hold that the Respondent 2 being the SPIO is under obligation to provide the above two information to the appellants free of cost."

5.4 Appeal No-18 of 2007-08 between SW Kamal – Appellant vs. Conservator of Forests, Southern Circle & another decided by this Commission on 05.03.2008.

Note: Can an SPIO charge cost of mandays required for preparation of copies of documents in addition to normal rate @ Rs.2/- per copy? – No.

1. The facts leading to this second appeal are that the appellant made a written request on 20.07.2007 to the State Public Information Officer (SPIO) in the office of the Divisional Forest Officer (DFO), Udaipur Forest Division, Udaipur seeking two items of information under the Act depositing application fee of Rs. 10/-. In response, Sri A. Dey, IFS, DFO, Udaipur Forest Division, Udaipur being the SPIO vide his letter No.F.4-13/RTI/UD-2005/646(A) dated 26.07.2007 sent intimation to the appellant expressing his intention to disclose the information and requiring the latter to deposit an amount of Rs. 37,440/- only being the additional fees for disclosure of information. Being aggrieved with the above decision of the SPIO, the appellant preferred a first appeal on 06.11.2007 to the First Appellate Authority (FAA) in the office of the Conservator of Forests (CF), Southern Circle, Udaipur. On receipt of the first appeal, Sri C.M. Debbarma, CF, Southern Circle, Udaipur being the FAA fixed up a date for hearing on the appeal on 11.12.2007,

but ultimately postponed the hearing and refrained from passing any order on the appeal although in the meantime the statutory period for disposal of the first appeal had already elapsed. Hence, the appellant preferred this second appeal before this Commission seeking appropriate redress.

2. Main issue for decision:

- (i) If the assessment of additional fees made by the Respondent 2 being the SPIO for disclosure of the required information was appropriate and justified? If not, what shall be the reasonable fees for disclosure of the information to be deposited by the appellant?

"7. The appellant sought for the following information: -

- a) Details list of timber logs in stock as on 15th July 2007 in your Division with details such as its log No, girth, length, species, year of felling/ seizure place at which kept, under which Range/ Beat office.
- b) Detailed list of sawn timber Pcs. in stock as on 15th July 2007 in your Division with details such as its pcs no. girth, length, species, year of felling/seizure place at which kept, under which Range/Beat Office.

8. Proviso to sub section (5) of section 7 of the Act lays down that the fees prescribed in sub section (1) of section 6 and sub sections (1) and (5) of section 7 of the Act shall be reasonable.

9. The Respondent 2 in order to make assessment of additional fees for disclosure of the above information charged wages of 468 mandays, apparently @ Rs.80/- per day, which comes to Rs. 37,440/- only. The nature of the information sought for is as such that they do not require the timber either in the form of log or sawn to be measured afresh by engaging labour. Such measurements are supposed to be available in the stock register of the concerned Forest Beat Office or the Forest Range Office. Similar information were sought for by a requester from the SPIO in the Northern Forest Division, Kailashahar who found no difficulty to furnish the information without charging the cost of engaging any extra labour. The Respondent 2 being the SPIO was at liberty to charge fee @ Rs.2/- per page for getting photocopy of the entries made in the relevant stock register or pages of the papers to be required for preparation of consolidated stock list, if any. It should be kept in mind by the concerned SPIO that providing information to the citizen under the Act is his statutory function. The fees to be paid by a requester for getting the information are prescribed in the Tripura Right to Information Rules, 2005 (for short the Rules). In the said Rules, no provision exists for charging cost of mandays for taking measurement of any log or sawn timber to ascertain stock position. In view of the above position of law, the decision of the Respondent 2 being the SPIO is held to be excessive, un-reasonable and not in accordance with the relevant provisions of the Act and the Rules and, therefore, is liable to be set aside.

10. The Respondent 2 being the SPIO did respond to the written request for information of the appellant immediately after it is received. But the appellant did not prefer the first appeal within the statutory period, therefore, the reason

for causing long delay in disposal of his request for information cannot be attributed to the Respondent 2. So, the appellant is not entitled to get exemption from payment of additional fees for disclosure of the information as provided under sub section (6) of section 7 of the Act. The Respondent 2 being the SPIO is, therefore, required to make fresh assessment of additional fees in the light of the discussion made in the preceding paragraph and intimate the same in the prescribed format denovo to the appellant allowing reasonable time to deposit the same and on receipt of such additional fees from the appellant, he is required to provide the information within a period of 15 days from the date of receipt of the additional fee."

5.5 Appeal No-08 of 2007-08 between Sri Haradhan Chhakraborty – Appellant vs. Controller of Weights & Measures & another decided by this Commission on 11.10.2007.

Note: Does the pendency amount an impediment to investigation to create a bar to disclosure of information under the Act – No.

1. The facts leading to this appeal are that the appellant made a written request on 23.04.2007 to the State Public Information Officer (SPIO) in the office of the Controller of Weights & Measures, Government of Tripura, Agartala seeking five items of information under the Act depositing requisite application fee. Sri D. Das, Assistant Controller of Weights & Measures being the SPIO in the office of the Controller of Weights & Measures, Government of Tripura, Agartala vide his order dated 17.05.2007 denied the information sought for against items (i) to (iv) on the ground that the disclosure of the information might impede the process of investigation/inquiry related to the matter, but the SPIO remained silent about the disclosure of information sought for against item No.(v). Being dissatisfied with the said order of the SPIO, the appellant preferred a first appeal on 16.06.2007 with the Controller of Weights & Measures, Government of Tripura being the First Appellate Authority (FAA). The FAA decided the first appeal vide his order dated 03.07.2007 upholding the decision of the SPIO.

3. Main issue for determination: -

- (i) Is the appellant entitled to have access to the information sought for vide his written request dated 23.04.2007?

"9. The appellant vide his written request dated 23.04.2007 sought for 5 items of information, which are quoted below: -

"(i) Departmental investigation report as regards corruption in disposal of seized goods from Controller's Office, Agartala on the 31-03-2006, as was published in all major local dailies and also admitted by the Honourable Revenue Minister in the floor of the Assembly in April, 2006 and in Press Conference on the 01-05-06.

(ii) Copy of show cause notice if any, given to the accused of incident 31-03-06, as mentioned and reply form the accused side.

(iii) Copy of investigation/ letter by Police personnel in regard to misappropriation on 31-03-06, to the Head of Department if any.

(iv) Copy of all actions including the last correspondence/action taken by the Department after reported corruption of 31-03-06.

(v) List of persons taking seized goods, along with copy of money receipts and challans if any on the 31-03-06."

10. Both the Respondents, while responding to the request for information and the first appeal denied disclosure of the above information under section 8(1)(h) of the Act on the ground that disclosure of information sought for might impede the process of investigation/inquiry related to the matter. As regards silence of the Respondent 2 about the information sought for at item (v) as agitated by the appellant, the Respondent 2 pleaded that it was an unintentional type mistake which ought to have been included in the same category of the exempted information and this plea has duly been accepted by the FAA. Thus, the fact remains that both the Respondents denied all the 5 items of information for the same reason as provided in section 8(1)(h) of the Act.

11. The Respondent 2 in his written representations categorically divulged that there exists no order of departmental proceeding against any employee of the office of the Controller of Weights & Measures, Government of Tripura in connection with the incident in issue of 31.03.2006 and no First Information Report was lodged with the police by the office of the Controller of Weights & Measures, Government of Tripura for investigation on the impugned occurrence of 31.03.2006. However, an enquiry was done by the then Controller of Weights & Measures, Government of Tripura and a report was recorded by him in the office file in the form of note which had been communicated to the higher authority. As decided by the authority, 3 employees have been transferred and 4 employees were served with show cause notices in connection with the said impugned incident relating to auction sale of the seized goods. The Respondent 2 in his rejoinder to the written representation dated 27.09.2007 conceded that he is in a position to provide the information as against items No. (i) to (iii) which would also fulfill the requirement of item No.(iv) of information. He, however stated that although he is in a position to provide the list of persons who purchased the seized goods in auction held on 31.03.2006, but he is not in a position to provide copies of money receipt or challan in connection with realization and deposit of money collected from auction sale held on 31.03.2006 as it appeared from the records that few receipts were prepared by the then cashier on that day which contained the name of persons, name of goods sold and the amount but the receipts in TR 5 were never issued.

12. It is established from the contention of the Respondent 2 that neither any departmental proceeding against any of the employees of the office of the Controller of Weights & Measures, Government of Tripura in connection with the disposal of seized goods held on 31.03.2006 was in progress nor any criminal investigation was pending with the police on the basis of any First Information Report lodged by the office of the Controller of Weights & Measures,

Government of Tripura. It is also revealed that the enquiry undertaken by the then Controller of Weights & Measures, Government of Tripura has already been concluded and report furnished, based on which 4 employees had been served with show cause notices, which was at best at the preliminary stage of departmental inquiry. So, the plea taken by the Respondents 1 & 2 to justify denial of information that disclosure of such information might impede the process of investigation does not stand. The decisions are misconceived and not tenable in law. Therefore, the decisions of both the Respondents are liable to be set aside.

13. As regards first item of information, it is revealed that the Controller of Weights & Measures, Government of Tripura after conducting the enquiry in respect of disposal of seized goods from the Controller's office on 31.03.2006, recorded a report in the file and now the Respondent 2 is in a position to provide the copy of the said report since the enquiry had already been concluded. We are of the view that since the enquiry conducted by the Controller of Weights & Measures, Government of Tripura has already been concluded and recorded the report in the form of a note in file, the appellant is entitled to have a copy of the said report as sought for.

14. In respect of second item of information i.e. " copy of show cause notice if any given to the accused of incident 31.03.2006 as mentioned and reply to the accused side" as sought for by the appellant, we are of the view that only the name of the persons who had been served with show cause notices may be provided to the appellant. The contents of the show cause notices and the replies thereto sent by the notice receivers may not be disclosed at this stage as such matter may lead to further departmental investigation by the concerned disciplinary authority. So, the appellant is entitled to have access to the information relating to the name of the persons who have been served with show cause notices in connection with incident of 31.03.2006.

15. As regards to the third item of information, since there exists no criminal investigation at the instance of the office of the Controller of Weights & Measures, Government of Tripura, the question of providing information against this item does not arise.

16. In regard to fourth item of information, it is submitted by the Respondent 2 that as decided by the department in connection with the alleged incident on 31.03.2006, the competent authority had already transferred 3 employees from the Head office to outlying stations and served show cause notices upon 4 employees of the said office. So the information to such extent may be provided to the appellant to which he is entitled.

17. Under fifth item of information, the appellant sought for the list of persons taking seized goods, along with copy of money receipts and challans, if any, on the 31.03.2006. The Respondent 2 submitted that the list of persons is available with his office but money receipts and challan are not available. So, he is not in a position to provide copies of money receipts and treasury challans. Since no record of money receipts and challans are available with the Respondent 2, the

question of providing such document does not arise. However, the list of persons purchased the seized goods as available with the Respondent 2 may be provided to the appellant to which he is entitled."

5.6 Appeal No-09 of 2007-08 between Mr. M.A.Khan – Appellant vs. Joint Secretary, Finance Department and another decided by this Commission on 19.09.2007.

Note: For speedy disposal of pension proposals of the officers belonging to All India Services, a gazetted officer in the Finance Department should be designated as Head of office.

1. Facts leading to this second appeal are that the appellant made a written request on 23.01.2007 to the State Public Information Officer (SPIO) in the Finance Department seeking 4 items of information under the Act. In response, Sri S. Bandopadhyay, Joint Secretary to the Government of Tripura, Finance Department being the SPIO provided the information to the appellant on 22.02.2007. Being aggrieved with the decision of the SPIO, the appellant preferred an appeal on 26.02.2007 to the FAA in the Finance Department. Having no response from the FAA in the Finance Department within the statutory period, the appellant preferred this second appeal before this Commission which was registered as Appeal No.2 of 2007-08 and decided on 25.05.2007, inter alia, with the following order: -

"7. It is, therefore, ordered that the Commissioner & Secretary to the Government of Tripura, Finance Department being the head of the Public Authority shall designate an officer who is senior in rank to the present SPIO in the Finance Department and endorse the memorandum of appeal in issue to him for disposal. The entire process of designating the FAA and disposal of the memorandum of appeal dated 26.02.2007 of Mr. M.A.Khan shall be completed within a period of 30(thirty) days from the date of passing of this order".

2. In compliance with the above order of this Commission, Sri D. Acharjee, Director, Small Savings & Institutional Finance, Government of Tripura was appointed as FAA in the Finance Department who thereafter decided the first appeal of the appellant registered vide Appeal No.1 of 2007-08 on 20.06.2007 with the following concluding order: -

" Now keeping in view the spirit of the RTI Act and the order passed by the Information Commission, dated 23rd May 2007, I feel that SPIO may send a more elaborate reply indicating the grounds and circumstances which caused delay in sending the final pension proposal of the petitioner to the AG. With this direction to the SPIO the petition is hereby disposed. The SPIO is directed to take necessary action within one month form the date of passing of this order".

3. It is agitated by the appellant that the FAA did not address in his order dated 20.06.2007 the points raised by him in the memorandum of appeal, instead the SPIO has been directed to supply some information, which were not sought for by him. Moreover, the SPIO did not comply with the order of the FAA within the period specified by the FAA in his order. Hence, the appellant

approached this Commission for review of the matter and to issue appropriate order directing the SPIO in the Finance Department to provide him specific information as sought for and also to penalize the SPIO under section 20 of the Act for willful denial of the information sought for.

Main issue to be decided:

- (i) Are the information provided to the appellant by the Respondent 2 being the SPIO adequate?

Reasons for decision:

"11. The information sought for by the appellant under his written request dated 23.01.2007 addressed to Sri S. Bandopadhyay, Joint Secretary to the Government of Tripura, Finance Department being the SPIO may be summarized as below: -

- (i) Who is to function as head of office for the performance of the functions as prescribed in Rule 58,59 and 60 of the CCS (Pension) Rules, 1972 (for short Pension Rules) in respect of All India Services Officers posted in Tripura. (first item)
- (ii) Specify the Rule under which a retiring Government servant is required to submit no demand certificate from the concerned Department and the Estate Officer, PWD before his retirement to get his pension proposal forwarded to the AG, Tripura when he is entitled to retain a Government quarter at least for 2 months at normal rent after his retirement. (second item)
- (iii) Photocopies of the notings of the files relating to the processing of the pension proposal of the appellant from the date of its receipt in the Finance Department on 17.01.2005 to 01.02.2006, the date on which the proposal was forwarded to the AG, Tripura. (third item)
- (iv) The date on which the Vigilance Clearance from the GA (AR) Department was received in the Finance Department for processing the pension proposal of the appellant and the date on which the Finance Department referred back seeking clarification, if any. To supply copies of the communications in this regard to the appellant.

12. In response to the written request dated 23.01.2007 of the appellant, the Respondent 2 vide his letter No.F.1(5)/JS/FIN/2005 dated 22.02.2007 supplied the following information to the appellant :-

"In acknowledging your letter referred above I would like to inform you that:

1) (i) *Normally Dy. Secretary/ Under Secretary FD are functioning to communicate Govt. decision etc. in this regard by virtue of post.*

(ii) *Public Works Department controls matters relating to rented accommodation etc. for Govt. quarters. However, as per Rules 75 of CCS Pension Rules, 1972, it shall be the duty of every retiring Govt. servant to clear all Govt. dues before his date of retirement.*

2) Pension proposal was received in the FD(Estt.) on 19th January, 2005 and after examination of the proposal process started w.e.f. 26-02-2005.

3) GA(SA) Deptt. does not communicate vigilance clearance report directly to the FD".

13. The first appeal registered as Appeal No.1 of 2007-08 preferred by the appellant against the above decision of the Respondent 2 being the SPIO was decided by Sri D. Acharjee, Director, Small Savings & Institutional Finance, Government of Tripura being the FAA in the finance Department by an order dated 20.06.2007, the concluding portion of which is quoted below: -

"3) It is observed that Mr. MA Khan had earlier submitted a petition to the SPIO seeking information relating to disposal of his pension proposal and reason for its delay in disposal. On examination of the petition, the SPIO had sent a reply to the petitioner vide letter No.F.1(5)/JS/FIN/2007, dated 22-02-2007. On careful examination of the reply sent by SPIO, it is observed that the same was brief and had not elaborated the grounds and circumstances under which delay was caused for sending the final pension proposal to the AG, which was the gist of the petition. Now keeping in view the spirit of the RTI Act and the order passed by the Information Commission, dated 23rd May 2007, I feel that SPIO may send a more elaborate reply indicating the grounds and circumstances which caused delay in sending the final pension proposal of the petitioner to the AG. With is direction to the SPIO the petition is hereby disposed. The SPIO is directed to take necessary action within one month from the date of passing of this order".

14. The Respondent 2 being the SPIO, in compliance with the order dated 20.06.2007 of the FAA furnished a reply to the appellant vide his letter No.F.1(5)-JS/FIN/2007 dated 20.07.2007, the contents of which run as follows :-

"I would like to refer the order passed by the Appellate Authority, Sri D. Acharjee, Director, Small Savings & Institutional Finance, Government of Tripura on 20th June, 2007 and like to inform you that in your letter dated 23rd January, 2007 you liked to know who is function as a Head of office of the performance of the functions as prescribed in Rule 58,59 and 60 of the CCS (Pension) Rules, 1972 in respect of the All India Service Officer as posted in Tripura. In reply dated 22nd February, I have already informed you that normally Dy. Secretary/Under Secretary to the Finance Department are functioning to communicate Govt. decision etc. in this regard by virtue of post. In this connection, I further mention here that as the Finance Establishment branch is not a separate department; no order has been passed declaring any officer as a Head of Department/ Head of office for Establishment Branch. Hence pension proposals are also being forwarded by the said Dy. Secretary/ Under Secretaries to the AG. This system is going on since 1987 i.e. inception of this department.

About no demand certificate, I have already informed vide my letter dated 22nd February, 2007 that Public Works Department controls the matters relating to rented accommodation etc. for Govt. quarter. However, as per Rules,

75 of the CCS (Pension) Rules, 1972 it shall be duty of every retiring Govt. servant to clear all Govt. dues before his date of retirement. I also informed you that P.W. Department is competent authority to answer the relevant rules and regulation about occupation/overstayal and rent etc.

Regarding delay in sending the pension proposal to the AG, Tripura, I have already informed you that the Pension Proposal was received in the Finance Department (Establishment) on 19th January, 2005 and after examination of the proposal process started w.e.from 26.02.2005. In this connection, I further mention here that the incumbent concerned retired from service on superannuation on 30.04.2005 and submitted his pension papers on 17th January, 2005 but on scrutiny of the service book/ service records an anomaly in the date of birth was found in the service date of birth of the concern officer was recorded as 15.4.1945 but in the Pension proposal submitted by you the date of birth was written 12.4.1945. Inconsistency of the date of birth was pointed out by the department to you by several correspondences. Hence, it took time to settle the matter by verification of original certificate. Moreover, Estate Officer PWD did not communicate clearance certificate from their end in respect of license fee etc. for occupation of government quarter by you. It was also a cause of delay of forwarding of pension papers to the AG, Tripura. However, considering the financial suffering, this department had forwarded your pension proposal to the AG for final settlement on 01-02-2006.

Matter relating to Vigilance clearance, I have already informed you that the GA(AR) Department does not communicate vigilance clearance report directly to the Finance Department, Establishment Branch. Normally, the GA(AR) Department communicate the same to the GA(P&T) Department and GA(P&T) Department inform Finance Department about vigilance clearance. Hence, the Finance Establishment Branch is not in a position to inform you the exact date on which Finance Department received the Vigilance Clearance from the GA(AR) Department".

15. The Respondent 2 being the SPIO, provided further information to the appellatant vide his letter No. No.F.1(5)-JS/FIN/2007 dated 03.09.2007 during the pendency of this appeal, contents of which are given below :-

"Copy of the above communications addressed to Secretary, State Information Commission and Chief Information Commissioner, Tripura Information Commission have been endorsed to me. **(a)** Reference cited at Sl. No.(i) is regarding your availability at Agartala for hearing in the Commission, the undersigned has got no comments in this regard. **(b)** Regarding reference at Sl. No.(ii) above "non-supply of information under Right to Information Act, 2005, violation of Commission's order- compliant therefore". The following are stated-

1. The information sought in Para 2 (i),(ii) and (iii) of above letters have already been provided by my earlier letters bearing No. 1(5)-JS(FIN)/07 dated 22-02-2007 and my letter of even number dated 20-07-2007 issued as per direction of Appellate Authority (copies enclosed).

2. Regarding Para (IV) of the above letter referred at reference ii, it is informed that :

- (a) *The file bearing NO.F.9(2)(12)/FIN(E)/88 on which matters relating to your vigilance clearance was dealt was not available in the Finance Department, Establishment Branch and it was under submission in connection with Court Case No.TS-66/2006 in the matter of Sri M.A.Khan vrs. State of Tripura.*
- (b) *From the said file it reveals that vigilance clearance was received in Finance Department, Establishment Branch on 15-06-2005 but it appears no forwarding letter or communication from GA(P&T) Department was enclosed with the said vigilance clearance.*
- (c) *Vigilance clearance was issued by GA(AR) Department to GA(P&T) Department on 11-04-2005 (copy enclosed), the same was available in Finance Department Establishment Branch on 15-06-2005.*
- (d) *Thereafter provisional pension proposal was submitted on 17-06-2005.*
- (e) *The matter was again referred to GA(P&T) Department and GA(AR) Department from Finance Department on 16-11-2005 seeking some clarifications which were received back in Finance Department from GA(AR) Department on 19-12-2005.*
- (f) *Subsequent to this final pension proposal was forwarded to AG, Tripura on 01-02-2006.*

3. *All necessary information in this regard has already been provided to you, it is presumed that this will satisfy your query in this regard".*

16. Let us now enter into the detailed discussion on item wise information. The first item of information sought for pertains to as to who is to function as Head of office in the Finance Department to carry out the functions as required under Rules 58,59 and 60 of the Pension Rules in respect of All India Service (AIS) Officers posted in Tripura. The final conclusion may be drawn from the three instalments of information furnished by the Respondent 2 against this query is that normally the Deputy Secretary / Under Secretary working in the Finance Department are functioning to communicate Government decision etc. in this regard by virtue of post and that as the Finance Establishment Branch is not a separate department, no order has been passed declaring any officer as Head of office for the Establishment Branch and, therefore, pension proposal are being forwarded by the said Deputy Secretary/ Under Secretary to the AG. This system is going on since 1987 i.e. inception of the department.

17. Considering it useful, we perused the relevant provisions of Rules 58,59 and 60 of the Pension Rules, which postulate that Head of Office has specific function to discharge for preparation of pension papers and sending them to the AG for finalization of pension payable to a retired Government servant starting from 2 years before the date on which the Government servant is due to retire on superannuation. The term 'Head of Office' has been defined in Rule 3 (1)(L) of the Pension Rules as thus :- "*Head of Office means a Gazetted officer declared as such under Rule 14 of the Delegation of Financial Power Rules, 1978, and includes such other authority or person whom the competent authority may, by order, specify as Head of office*". The term 'Head of office' has also been defined under Rule 2 (l) of the Delegation of Financial Power Rules, Tripura 1994

which runs as thus : “ *Head of Office means Government servant subordinate to the Head of Department declared by department of State Government or Head of Department to be Head of office in respect of an independent establishment*”.

18. In view of the above provisions of the Pension Rules and the Delegation of Financial Power Rules, Tripura 1994, the Head of the Department in the Finance Department, Government of Tripura is under obligation to declare by an order specifying a Gazetted officer as Head of Office to carry out the purposes of the provisions contained in Chapter VIII (Rules 56 to 73) of the Pension Rules. But it is admitted by the Respondent 2 that no such order has been made since the Finance Establishment Branch is not a separate department. This explanation, in our view, not acceptable as it is not in consonance with the relevant provisions of the Pension Rules. However, since in absence of a declared Head of Office, as per practice prevalent in the Finance Department, the Deputy Secretary / Under Secretary posted in the Department from time to time performs the functions as required under Rules 58,59 and 60 of the Pension Rules, the information provided by the Respondent 2 being the SPIO to the appellant in response to his written request for information in our view is adequate.

19. In this respect, we are constrained to observe that the Finance Department being vested with the responsibility to prepare the pension papers of the AIS officers and their forwarding to the AG for finalization of the payment of pension to a retiring Government servant, it should have made appropriate declaration by an order specifying an officer to be Head of Office in adherence to the provisions of the Pension Rules and other allied Rules. For the sake of brevity, we refrain from re-producing here the provisions of Rule 58,59 and 60 of the Pension Rules. The Principal Secretary to the Government of Tripura, Finance Department is, therefore, requested to make such order immediately keeping in view the relevant provisions in the corresponding Rules as mentioned above with intimation to this Commission.

20. Information sought for against second item pertains to disclosure of relevant provisions of any Rule by which a retiring Government servant is brought under obligation to obtain no demand certificate from the concerned Department or Estate officer, PWD before his retirement to get his pension proposal forwarded to the AG. The reply of the Respondent 2 in this respect is that PWD controls matters relating to rented accommodation etc. for government quarters and as per Rule 75 of the CCS (Pension) Rules, it shall be the duty of every retiring Government servant to clear all government dues before his date of retirement. After consulting Pension Rules, it is found that there is no existence of Rule 75 as the same has already been deleted long back by the Government of India, Department of Personal and Training and AR vide notification No. 6(1)-Pension(A)/79 dated 19.05.1980. So, the information provided by the Respondent 2 is absolutely incorrect. Provisions contained in Rules 71,72 & 73 of the Pension Rules made it obligatory for the Head of Office to ascertain and assess Government dues payable by a Government servant due for retirement and to make adjustment and recovery of the dues pertaining to

Government accommodation and other dues against the amount of the death-cum-retirement gratuity payable to the Government servant on his retirement. For the sake of brevity, the details of the above provisions are not re-produced here. In view of the above discussion, since the information provided by the Respondent 2 is not correct, he is required to provide the information in its true spirit.

21. The information sought for under third item is photocopies of notings of the file relating to the processing of the pension proposal of the appellant from the date of its receipt in the Finance Department on 17.01.2005 to 01.02.2006, the date on which the proposal was forwarded to the AG, Tripura. In fact, the Respondent 2 instead of furnishing the photocopy of the file notings, made endeavor to explain the reasons for delay in sending the proposal to the AG by the Finance Department, which was not at all required by the appellant. The FAA has also failed to appreciate the nature of information sought for in its true perspective. The Respondent 2 remained silent all through about providing the photocopy of the file notings, which amounted deemed refusal. However, it transpires from letter No.F.1(5)-JS(FIN)/2007 dated 20.07.2007, a copy of which has been endorsed to this Commission that the Respondent 2 provided photocopy of notes No. 142 & 143 of File No. 9(2) (12) F/Estt/88 to the appellant. The Respondent 2 did explain that above file notings had been furnished to justify the delay in sending the pension proposal by the Finance Department to the AG, Tripura. The appellant after receipt of the copy of the above information, in his last rejoinder dated 10.09.2007 insisted that he had not been provided with the photocopies of the relevant file notings as sought for and rested his claim for such information without mentioning anything about the adequacy of the file notings already furnished to him as mentioned above.

22. Having regard to the facts discussed here in above, we are of the considered view, firstly, that there is no legal bar in providing the photocopies of the file notings relating to processing of pension proposal of the appellant as sought for; secondly, that the Respondent 2 has not provided the information against the third item of information sought for and thirdly, that after partial disclosure of the file notings against other item of information, it remains unanswered what more file notings are required to be provided. We think it wise to give a chance to the Respondent 2 being the SPIO to render reasonable assistance to the appellant to choose and specify in writing the file notings that are required to be furnished to him and thereafter the Respondent 2 being the SPIO shall provide photocopies of those identified file notings to the appellant if not barred by any of the provisions laid down in section 8(1) of the Act, without charging any further fee.

23. As regards 4th item of information, the appellant in his rejoinder dated 10.09.2007 admitted to have satisfied with the latest information provided by the Respondent 2. So, this matter requires no further discussion.

24. To conclude our discussion and findings on the first two issues, we are to hold that the order dated 20.06.2007 passed by Sri D. Acharjee being the FAA is devoid of any merit and liable to be set aside. The decisions of the Respondent 2

as contained in his responses given on three occasions as discussed here in above, also suffer from impropriety especially in respect of 2nd and 3rd items of information. The Respondent 2 is under obligation to take appropriate action as observed in the discussion made here in above and in the concluding orders. Therefore, his decisions against 2nd and 3rd items of information are also liable to be set aside. The first and second issues are decided accordingly."

5.7 Appeal No-18 of 2007-08 between Sri Prabir Kumar Deb – Appellant vs. Secretary, Tripura Public Service Commission & another decided by this Commission on 31.03.2008.

Note: Has the TPSC authority to issue official instruction barring disclosure of certain information in exercise of its power of the head of the public authority ? – No.

1. Facts leading to this second appeal are that the appellant submitted a written request on 14.11.2007 to the State Public Information Officer (SPIO) in the Tripura Public Service Commission (TPSC) seeking certified copies of the answer scripts for all the compulsory and optional papers (8 papers in total) of TCS/TPS exam, 2007 depositing requisite application fee. In response, the SPIO sent an intimation on 13.12.2007 to the appellant stating that the latter's request for information has been rejected under the exemption clauses (e) & (j) of sub section (1) of section 8 of the Act. Being aggrieved with the above decision of the SPIO, the appellant preferred a first appeal to the First Appellate Authority (FAA) of the TPSC on 14.12.2007 seeking appropriate redress. Sri A.K. Poddar, Secretary, TPSC being the FAA vide his order dated 18.01.2008 rejected the request for providing certified Xerox copies of any evaluated answer scripts of any examination as per provisions of the section 8(1) of the Act. However, the FAA allowed the appellant to inspect his own evaluated answer scripts in presence of any competent officials of the Commission at the given time and place within a period of one month, if he applies in writing to the Controller of Examination, TPSC. Against the above order of the FAA, appellant preferred this second appeal before this Commission for having access to the information in the form he sought for.

2. Main issue for decision:

(i) Is the appellant entitled to have access to the information in the form he applied for?

Reasons for decision:

3. "The appellant requested for certified copies of the answer scripts for all the compulsory and the optional papers (8 papers in total) of TCS/TPS exam., 2007 of himself bearing Roll No-2957. Although the Respondent 2 being the SPIO rejected the request invoking the provisions contained in clauses (e) 7 (j) of sub section (1) of section 8 of the Act, but the Respondent 1 being the FAA allowed the appellant to inspect the answer scripts instead of furnishing the certified copies of the answer scripts. In order to justify his decision, the Respondent 1 referred to the order dated 07.10.2006 of this Commission passed in Appeal No-6

of 2006-07. He also relied on the instructions given by the TPSC in respect of furnishing information pertaining to any examination as it appears from the copy of the order dated 18.01.2008 of the FAA furnished along with his written representation. It is considered to be useful to reproduce below the relevant portion of the judgment and order passed by this Commission in Appeal No-6 of 2006-07 between Smt. Nila Bhattacharjee - Appellant and the Director of Higher Education, Government of Tripura (FAA):-

"8. Out of two modes of disclosure of information, the Respondent has already allowed the Appellant to inspect the evaluated answer scripts and also the tabulation sheets as requested for by the Appellant. But he has not allowed the request for supply of authenticated photocopies of the evaluated answer scripts and tabulation sheets containing the marks of the candidates under UR category appeared and had been successful in the TBJEE, 2005 and 2006. As regards supply of the authenticated photocopies of the evaluated answer scripts, the ground for refusal by the SPIO as well as the Respondent is that as per Regulation No. 10 and 11 (c) of the Examination Regulation Part- I of the TBJEE, such disclosure is not permissible. We have gone through the relevant provisions of the said Regulation, which runs as follows:

"10. Post- publication review of Answer script:

The Board do not keep any provision for post publication review of Answer script at any stage and so will not entertain any such application in this regard".

"11 (c). The Board shall not issue any certificate or marksheet to any candidate".

Since no provision has been kept for post publication review of the evaluated answer script in the relevant Regulation of the TBJEE and there is apprehension of making a settled position unsettled, it will not be wise to furnish authenticated photocopy of the evaluated answer scripts to any candidate. In view of the above position, we are of the view that authenticated copies of the evaluated answer scripts pertaining to the subjects of Physics, Chemistry and Biology in respect of the TBJEE 2005 and 2006 should not be supplied to the Appellant. The Respondent already allowed inspection of official records, which include those evaluated answer scripts. In the present case, the inspection of the evaluated answer scripts of a candidate is sought to be done by the mother of the candidate and as such there is no apprehension of invasion of privacy of others. So, order of the Respondent allowing inspection of the evaluated answer scripts is found to be justified."

4. It is also considered to be useful to reproduce below the administrative instructions of the TPSC in respect of providing information pertaining to evaluated answer scripts of any examination:-

" All the relevant judgments passed by the State Information Commission as well as relevant provisions of Right to Information Act, 2005 have been thoroughly perused.

In view of the provisions of Sec. 8(1) (e)&(j) of the Right to Information Act, 2005 the Commission is of considered opinion that the copy of any evaluated answers script of any examination so conducted by the Commission should not be supplied to any candidate on his demand inasmuch as this may give rise to legal and other complications and also may cause prejudice to the larger public interest. However, any such candidate may be allowed to inspect the evaluated answer script in presence of any competent official of the Commission at the given time and place to be decided by the competent authority as per provisions of the Right to Information Act, 2005.

Sd/-
(Dr. B.K.Kilikdar)
Member, TPSC

Sd/-
(J.M.Das)
Chairman, TPSC"

5. After careful appreciation of the judgment and order delivered by the Respondent 1 being the FAA referring the decision of this Commission taken in Appeal No-6 of 2006-07 and the instructions of the TPSC, we are of the considered view that the Respondent 1 being the FAA has rightly rejected the request of the appellant for providing certified copies of the evaluated answer scripts of all the compulsory and optional papers of TCS/TPS Examination, 2007 of the appellant himself and allowed the appellant to inspect his own evaluated answer scripts. The above order is fully inconsonance with the decision taken by this Commission in Appeal No-6 of 2006-07. Instructions given by the TPSC in respect of providing information pertaining to the evaluated answer scripts was, in fact, an administration instruction taken on the basis of the decision of this Commission. However, such administrative instruction of the public authority may be helpful, but cannot be a basis for any stakeholders under the Act like the SPIO or the FAA to decide any request seeking information or first appeal making reference in the body of the judgment and order.

6. The decision of the FAA suffers from the infirmity to the extent that he has allowed an option to the appellant for making further request in writing to the Controller of Examination, TPSC, which is not accordance with any provisions of the Act. It is only the SPIO empowered under the Act to provide the information to the requester. So, the Respondent 1 being the FAA should have given necessary instruction to the concerned SPIO for allowing the appellant to inspect his evaluated answer scripts in issue specifying the period within which the inspection is to be made done. Subject to the above modifications, the order dated 18.01.2008 passed by the Respondent 1 in the first appeal in issue is upheld."

5.8 Complaint No-49 of 2007-08 between Sri Harikumar P – Complainant vs. Retistrar, ICFAI University, Tripura decided by this Commission on 29.05.2008.

Note: Is ICFAI University, a private institution established under a law of the State Legislature a public authority? – Yes.

1. This complaint arises out of a written application dated 22.02.2008 of Sri Harikumar P (here in after referred to as the complainant) sent by post and received by this Commission on 13.03.2008. It is alleged by the complainant that the Institute of Chartered Financial Analysts of India (ICFAI) University Tripura, has been created under the ICFAI University, Tripura Act, 2004 made by the Tripura Legislative Assembly and, therefore, it is a public authority within the meaning of section 2(h) of the RTI Act, 2005 (for short the Act). But, the management of the ICFAI University Tripura has not yet designated the First Appellate Authority (FAA), the State Public Information Officer (SPIO) and the State Assistant Public Information Officer (SAPIO) as required under sections 19(1), 5(1) and 5(2) of the Act nor made publication of the information pro-actively as required under section 4(1)(b) of the Act. As a result, the information seekers are deprived of their legitimate rights to have access to the information held by the said public authority. The complainant requested this Commission to direct the public authority of the ICFAI University Tripura to designate the FAA, the SPIO and the SAPIO and also to make publication of 17-point information under section 4(1)(b) of the Act. The complainant also urged before this Commission to award compensation being the cost of lodging this complaint and also to impose penalty of Rs. 25,000/- upon the Registrar, the ICFAI University Tripura. Along with the complaint, the complainant furnished photocopy of the Tripura Gazette No. 36 dated 04.09.2004.

"Findings and decisions:

4. Having regard to the facts disclosed and the admission made in the written representations by the OP, we express our satisfaction about the steps taken by the Registry of the ICFAI University Tripura. However, the OP is directed to place the above notifications containing the names, designation, location of offices and all other contact details of the FAA, the SPIO and the SAPIO in their website and also to publish it at least in one daily national newspaper and two leading local dailies. Apart from this, the OP is also directed to display boards containing the names, designation, location of the offices and other contact details of the FAA, the SPIO and the SAPIO in conspicuous places of both their administrative office at Agartala city and the university campus at Kamalghat within a period of 15 days from the date of passing of this judgment and order. As regards publication of 17-point information as required under section 4(1)(b) of the Act, the OP urged for 60 days time to make the pro-active disclosure. After due consideration, the request for time of the OP is allowed with the direction that such publication of 17-point information shall be made within a period of 30 days from the date of passing of this judgment and order placing a copy of the same in their website. Reports of compliance of the above orders shall be submitted before this Commission immediately after compliance.

5. As regards the request of the complainant for awarding cost for lodging the complaint, we are to hold that there exists no provision in the Act for awarding such cost. From that apart, the complainant also failed to produce any evidence of suffering, any physical or mental injury and incurring any

pecuniary loss by him to justify the claim. So, the request of the complainant for cost of the complaint and compensation stands rejected.

6. The complainant also claimed for awarding penalty of Rs. 25,000/- upon the OP for latter's failure to take appropriate action towards implementation of the Act within the statutory period. The complainant also failed to establish that his any request for information under the Act was not responded to or denied by the OP malafidely or without any reasonable ground whatsoever to attract the provisions of Section 20(1) of the Act for imposition of penalty by this Commission. So, the request of the complainant for imposition of penalty also stands rejected."

5.9 Complaint No-07 of 2007-08 between Sri Sukhamoy Saha – Complainant vs. Under Secretary, Home Department decided by this Commission on 30.06.2007.

Note: Has the information commission authority to adjudge the validity of the declaration made by the State Government keeping certain organization out of the purview of the RTI Act, 2005? – No.

1. The facts leading to this complaint are that the complainant made a written request on 23.12.2006 to the State Public Information Officer (SPIO) in the Home Department, Government of Tripura seeking the following information under the RTI Act, 2005 (for short the Act) depositing Rs. 10/- as application fee in cash: -

- (i) Whether it is fact that the Chief Secretary (V. Tulsidas) had issued circular stating names of 500 Government employees working in various deptts. identifying them as linkmen with the extremists and as abetors. If it is so, the names of these persons stating the name of the departments with post and residential permanent and temporary addresses.
- (ii) What action Government took on the said circular?
- (i) In response to the said written request, Sri M. Chakraborty, Under Secretary to the Government of Tripura, Home Department intimated the complainant on 02.04.2007 that in 1998, a list of employees working in Government offices and Autonomous Bodies was prepared who had link with the extremists, but as per the latest information as received from the police, presently none of the employees of that list has link with the extremists.

In view of the above facts, the complainant approached this Commission for appropriate relief to have the access to the information, namely, the names of the persons with designation, name of the departments and permanent and temporary residential addresses.

2. Main points for decision:

- (i) Is the complainant entitled to have access to the information sought for?

- (ii) Does this Commission have any authority to adjudge the validity of the notification no. F.3 (5)-GA (AR)/2005/IV dated 27.09.2005 of the GA (AR) Department issued under section 24(4) of the Act?

Reasons for decision:

"7. For the sake of convenience, the first and second issues are taken together for discussion.

8. The subject matter of the information sought for by the complainant as described in paragraph -2 above relates to existence of a circular containing a list of some Government employees having link with the extremists in the State of Tripura claiming to have been issued by the Chief Secretary, Government of Tripura in 1998. No doubt, it is a sensitive matter involving threatening to the internal security of the State of Tripura supposed to be controlled by the state police under the Home Department. In response to the request of the complainant, the OP1 being the Under Secretary to the Government of Tripura, Home Department sent an intimation on 02.04.2007 stating that in 1998 a list of employees working in the Government Offices and Autonomous Bodies who had link with the extremists was prepared, but as per the latest information as received from the police, presently none of the employees of that list has link with the extremists. The complainant is not satisfied with the information furnished by the OP1. His contention is that the Home Department had carefully and intentionally avoided furnishing names and addresses of the persons having link with the extremists. It is also argued that the information sought for are related to human rights violations.

9. In his written representation, the OP1 submitted that the intimation sent on 02.04.2007 to the complainant was the decision of the Home Department, which was communicated by him administratively being the Under Secretary of that Department and not in accordance with the provisions of the Act. He added that at the relevant point of time, there was no designated SPIO in the Home Department for which he, as Under Secretary had to communicate the decision of the Department to the complainant. He further submitted that after being designated as SPIO in the Home Department on 10.04.2007, he paid a thorough look into the matter in consultation with the relevant provisions of the Act and now he holds the view that the information sought for by the complainant are exempted from disclosure for the following reasons: -

- (i) Disclosure of the information would prejudicially affect the security of the State of Tripura and thus exempted under section 8(1)(a) of the Act.
- (ii) Disclosure of the information would endanger the life and physical safety of some persons which is exempted under section 8(1)(g) of the Act.
- (iii) Disclosure of information sought for are not subject to disclosure as the State Government in the GA (AR) Department vide notification no.F.3(5)-GA(AR)/2005/IV dated 27.09.2007 has exempted the Home (Police) Department from the purview of the Act in exercise of the

powers conferred on it by section 24(4) of the Act except the matters pertaining to the allegations of corruption and human rights violations.

10. Confronting with the reasons justifying the refusal to disclosure of the information as advanced by the OP1, it is submitted by the complainant that the notification issued by the State Government under section 24(4) of the Act is contrary to the provision of the Act and it was beyond the competence and power of the State Government. The Home (Police) Department as a whole cannot be termed and treated as Intelligence and Security Organization. It is argued that any departure from following the provision of section 24(4) of the Act is bound to negate the very object of the Act. The complainant urged before the Commission to suspend the operation of the said notification.

11. It is fact that the State Government exempted the Home (Police) Department from the purview of the Act in exercise of the powers conferred on it by section 24(4) of the Act. Thus, the said notification as issued by the State Government has become a part and parcel of the Act having force of law. Hence, this Commission is under obligation to abide by the provisions of the said notification. This Commission being a quasi-judicial body does not have all powers that of a judicial body and, therefore, has no authority to adjudge and scrutinize the validity of the notification which has been issued in exercise of the powers conferred by law. Since the Home (Police) Department is kept outside the purview of the Act by the State Government, and the information sought for pertain to the said Department, such information are not subject to disclosure unless the information are found to be pertained to the allegations of corruption and human rights violations.

12. Now, we are to consider the next contention of the complainant that the information sought for are pertained to human rights violations. The subject matter of the information is only a list of persons having link with the extremist as prepared in 1998 by the then Chief Secretary of the State. It is not made clear by the complainant as to how the human rights of a citizen is violated by the above action of the State Government. In his rejoinder the complainant has not stated anything elaborately on this aspect nor his representatives appeared in hearing have submitted anything in this matter. So, we are unable to accept the contention of the complainant that there exists element of human rights violations in the information sought for.

13. It is further argued for the complainant that the OP1 has already disclosed partial information admitting issuance of a circular in 1998 by the then Chief Secretary, Government of Tripura, containing a list of persons having link with the extremists. So, there cannot be any bar to disclose the rest information i.e. the detailed particulars of such persons. It is the contention of the OP1 that he sent the aforesaid information to the complainant being the decision of the Department in his capacity as Under Secretary to the Home Department administratively and not under the Act. In view of the facts discussed above, it is noticed that the OP1 committed a mistake by not dealing with the written request of the complainant in accordance with the provision of the Act. It is the reality that the OP1 has two roles to play. Firstly, as the Under Secretary he is to

function administratively and secondly, to function as SPIO quasi-judicially under the Act. So, the two authorities cannot be equated. Since the complainant rested his right to have access to the information provided under the Act, the request for information is to be disposed of within the ambit of the Act and not as an extension to the wrong step taken by the OP1 disclosing partial information administratively prior to his designation as SPIO.

14. In view of the discussion made here in above, it is held that the complainant is not entitled to have access to the information sought for and that this Commission is devoid of any power and authority to adjudge and scrutinize the validity of the notification issued by the State Government in the GA(AR) Department vide no.F.3(5)/GA(AR)/2005/IV dated 27.09.2005."

5.10 Complaint No-02 of 2007-08 between Sri Mr. M.A. Khan – Complainant vs. Conservator of Forests, Northern Circle & another decided by this Commission on 15.05.2007.

Note: Is advance payment of additional fees for having information by an information seeker to the SPIO/SAPIO acceptable? – There exists no provision for advance payment in the RTI Act, 2005. Payment of additional fees in advance may not be accepted.

1. Gist of the allegation is that the complainant sent an amount of Rs. 20/- only along with his written request dated 15.01.2007 for information towards charges for providing information in advance in addition to the application fee of Rs.10/- to the Conservator of Forests, Northern Circle, Kumarghat. In the notice of intimation about supply of information in Form No.3, the Opposite Party (OP) Sri J. Singh, IFS, Conservator of Forests, Northern Circle, Kumarghat intimated the complainant, inter alia, the following: -

" Photocopy charges @ Rs.2/- per copy for 4 Nos= Rs.8/-, the entire amount including the excess amount of Rs. 12/- has been deposited to Treasury, hence the same can not be refunded".

3. The complainant challenged the above decision of the OP and requested this Commission to review the matter and issue appropriate order in this regard, which could become guideline for future cases.

4. Main point for decision:

Whether or not the OP is under obligation to return the excess amount of Rs.12/- only to the complainant being the requester, which was paid in advance?

Reasons for decision:

"6. It is revealed from the copy of the intimation letter No.5-45(1)/CFNC/RTI/2007/4071 dated 27.02.2007 of J. Singh, IFS, CCF, Northern Circle, Kumarghat addressed to the complainant, photocopy of which has been furnished by the complainant along with the complaint that while out of

advance amount of Rs. 20/-, only Rs. 8/- was appropriated being the charges of providing 4 sheets of documents containing information, but the entire amount of Rs. 20/- has been deposited to the Treasury for which the balance excess amount of Rs. 12/- could not be refunded to the complainant by the OP. This fact has also been admitted by the OP in his written representation. According to him, there is no provision in the Act for refund of money deposited by a requester on his own and in order to refund an amount of Rs.12/-only, the Government has to incur expenditure many times more than the claimed amount in the form of expenditure towards bank draft, postal charges, wastage of manpower etc. He claimed that he deposited the amount in the public interest.

7. It is true that there is nothing in the Act or in the Tripura Right to Information Rules, 2005 (for short the Rules) envisaging the provisions for payment of fees in advance before assessment and return of any excess amount to the requester. So, if any amount is paid in advance towards additional fee for providing information, the requester is to do so at his own risk. In the instant case, the advance amount of Rs. 20/- was sent by post by the requester leaving no scope for refusal by the State Public Information Officer (SPIO). So, the SPIO was duty bound to deposit the amount to the Treasury. Normally, the amount found in excess of the requisite fee cannot be denied to be refunded to the requester on any plea. The SPIO was under obligation to refund the amount found in excess of the requisite fee. But the pleas for not refunding the amount as mentioned by the OP in his notice of intimation to the complainant and in his written representation before this Commission deserve appreciation. Although there are specific provisions in Part-V of the Central Treasury Rules for withdrawal of any amount from the Government account, but the argument of the OP that when the amount to be withdrawn is too small and its withdrawal becomes more expensive than the amount to be drawn, refund of such amount may not be possible in the public interest cannot be brushed aside. Thus, the argument placed by the OP in support of his action of not refunding the excess amount in the instant case has sufficient justification. The complainant is to sacrifice the amount paid by him on his own in excess of the requisite fees considering the practical difficulties of its refund by the OP and also in the public interest. Accordingly, the complaint is liable to be dismissed."

5.11 Complaint No- 35 of 2007-08 between Syed Wasi Kamal – Complainant vs. Superintendent of Police, North Tripura District decided by this Commission on 11.06.2007.

Note: Can an SPIO under the Public Authority of the Director General Police, Government of Tripura refuse receipt of written request seeking information and application fee on the plea that the Police Organization is not covered by the RTI Act, 2005? – No.

1. Facts leading to the complaint are that the complainant submitted a written request on 07.11.2007 to the State Public Information Officer (SPIO) in the office of the Superintendent of Police (SP), North Tripura District, Kailashahar

seeking 5 items of information under the Act. In response, Sri U. Majumder, SP, North Tripura District, Kailashahar being the SPIO informed the complainant in writing vide letter No. 11,108-10/F8(132)/CS/ND/2007 dated 30.11.2007 that the nature of the information sought for by the latter did not come under the purview of the Act applicable for the Police Department. Being aggrieved with the above decision of the SPIO, the complainant submitted the present complaint before this Commission alleging that the SP, North Tripura District did not accept the application fee and sought for necessary decision on the view taken by the SP, North Tripura District being the SPIO.

2. Points for decision:

- (i) Is the complainant entitled to have access to the information sought for?
- (ii) Is there any irregularity committed by the OP being the SPIO in dealing with the written request dated 07.11.2007 of the complainant?

Reasons for decision:

"3. Both the points are taken together for discussion for the sake of convenience. At the very outset, in order to adjudge the entitlement of the complainant to have access to the information sought for, the description of the information as depicted in the written request dated 07.11.2007 are shown below:-

- (i) Certified copy of all the reports/incidents along with its enclosures (either GD entry/FIR or otherwise in any mode), if any, of theft/killing etc registered by BSF and or other private organization or any other Govt/private party regarding theft of assets by Bangladesh/Indian thieves/criminals at Murticherra Tea estate belonging to Murticherra Tea estate of Govt of India or State Govt in last 5 years.
- (ii) Internal notes/correspondences exchanged between the officers of Police stations/officer in charge/SDPO and or other higher authority in last five years concerning theft/dacoits at Murticherra Tea estate by Bangladesh criminals or by Indian thieves/criminals.
- (iii) Correspondences exchanged between the officers of Police with the Office of Sub-Divisional Magistrate/Office of District Magistrate/Divisional Forest officer and or other senior Police officials outside Kailashahar.
- (iv) Correspondences made with Govt of Tripura/ Govt of India pertaining to theft of assets at Murticherra Tea Estate, if any, in last five years.
- (v) Copy of investigation report made in last five years for theft/killing, if any.

4. It is alleged by the complainant that the OP did not accept the payment of application fee nor provided the information sought for.

5. The OP in his written representation dated 22.01.2008 pleaded that since the Home (Police) Department of Government of Tripura including its Forensic Science Laboratory was not under the purview of the Act except in respect of any information pertaining to the allegations of corruption and human rights violations, the complainant has been informed the reasons for denial of the

information sought for. However, he did not mention anything about non-receipt of payment of application fee from the complainant.

6. It is admitted fact that the Government of Tripura in the General Administration (Administrative Reforms) Department vide its No.F.3(19)-GA(AR)/2005 dated 27.09.2005 notified that the Act shall not apply to the Home (Police) Department of Government of Tripura including its Forensic Science Laboratory provided that the Act shall not apply to the Home (Police) Department in respect of any information pertaining to the allegations of corruption and human rights violations. The point as to whether any information pertains to the allegation of corruption or human rights violations or not is to be decided by an SPIO only after having a valid written request seeking information accompanying with the requisite application fee from any information seeker. So, the SPIO is under obligation to accept the application fee along with the written request for information and only after that he can take a decision on the merit of the written request seeking information. In the present case, on the allegation of the complainant about non-receipt of application fee by the OP, the latter advanced no written or oral statement. So, we are to accept the contention of the complainant that he had tendered application fee but not accepted by the OP. It undoubtedly amounts to violation of the provisions of section 6(1) of the Act.

7. After careful perusal of the description of the information as depicted in the written request by the complainant, none of the above 5 items of information are found to be specific containing full description of the information sought for by the complainant as to their existence within the custody of the public authority concerned. The pivotal question is whether or not the information sought for are related to any allegations of corruption or violation of human rights. It is not possible to ascertain from the description of the information given in the written request in issue. So, at the initial stage, it was imperative on the part of the concerned SPIO i.e. the OP to get the particulars of the information clarified providing necessary assistance to the requester i.e. the complainant as required under section 5(3) of the Act. After having such clarification from the complainant, the OP being the SPIO should have arrived at the decision about disclosure of the information keeping in view the contents of the notification No.F.3(19)-GA(AR)/2005 dated 27.09.2005 of the GA(AR) Department, Government of Tripura, which the OP failed to follow.

8. In course of hearing on the complaint, this Commission gave the complainant an opportunity of clarifying his position as to how the information sought for were pertained to either allegations of corruption or violation of human rights to make the OP being the SPIO liable to disclose the information. But even at this stage, the complainant failed to satisfy the requirement. So, this Commission is also not in a position to arrive at a decision about the entitlement of the complainant to have access to the information sought for.

9. Right to have proper and speedy investigation on an allegation of commission of a cognizable offence to be conducted by the State Police Organization is a human right as defined in section 2(d) of the Protection of

Human Rights Act, 1973. In broad sense, the description of the information given by the complainant in his written request dated 07.11.2007 appear to be related to lodging of complaint about commission of theft/dacoity of properties of Murticherra Tea estate during the last 5 years and the result of the investigation thereof, which might have some elements of human right violation, but for absence of adequate description of the information, it is rather difficult to take a conclusion if the information at all pertained to human right violations. Consequently, we are to hold that the complainant is not entitled to have any access to the information on the basis of his written request dated 07.11.2007.

10. The irregularities committed by the OP in handling the written request dated 07.11.2007 seeking information have already been discussed in paragraphs -6 and 7 above. So, the OP is directed to be more careful in future in dealing with any such written request seeking information pertaining to the allegations of corruption or violation of human rights of a citizen under the Act keeping in view the relevant provisions of the Protection of Human Rights Act, 1993 and other allied Acts and notifications in force."

5.12. Order passed on 13.07.2007 in the matter of an application of the General Manager, Tripura State Cooperative Bank Ltd. seeking exemption from implementing the provisions of the RTI Act, 2005.

Note: Can the Reserve Bank of India issue instruction declaring a State Cooperative Bank is not covered by the RTI Act, 2005?- No.

"This Commission issued a memorandum vide No.F.1(27)/TIC/2006/426 dated 08.05.2007 requesting all Heads of Departments and Public Authorities including the General Manager, Tripura State Cooperative Bank Ltd. (TSCB) considering the TSCB as a Public Authority for submission of annual report on the implementation of the RTI Act, 2005 (for short the Act) for the year 2006-07. In response, Sri A. Bhattacharjee, General Manager, TSCB (here in after referred to as the petitioner) sent a letter vide No. C-2/TSCB/PA/Estt/05/1892/07 dated 31.05.2007 addressed to the Secretary, Tripura Information Commission stating the National Federation of State Cooperative Banks Ltd. vide letter No. NFSCOB/G-23/2007-08/31 dated 23.04.2007 to have communicated the views of the Reserve Bank of India, Press Relations Division, Central Office, Mumbai that the Cooperative Banks are not covered by the Act. Relying on the said views, the petitioner urged before this Commission for exemption of the TSCB from implementing the provisions of section 25(1) of the Act.

2. We are of the view that the Reserve Bank of India (RBI) is not the competent authority to decide that the Cooperative Banks are not covered by the Act. However, the petitioner did not furnish any paper showing such views directly expressed by the RBI. Therefore, if the above views of RBI as communicated by the National Federation State Cooperative Banks Ltd. are true, we are constrained to observe that by doing so, the RBI has acted ultra-vires. It is the Central or State Information Commission who have the authority to decide as to whether or not any establishment is a Public Authority within the framework of the Act. Since, the petitioner is disclaiming the status of the TSCB as

a Public Authority, we consider it expedient to determine the issue - " Whether or not the TSCB is a Public Authority within the meaning of section 2(h) of the Act."

3. Section 2(h) of the Act defines 'Public Authority' as below:-

"Public Authority means any authority or body or institution of self-government established or constituted –

- a) by or under the Constitution;
- b) by any other law made by Parliament;
- c) by any other law made by State Legislature;
- d) by notification issued or order made by the appropriate Government , and includes any –
 - (i) body owned, controlled or substantially financed;
 - (ii) non-Government organization substantially financed directly or indirectly by funds provided by the appropriate Government,"

4. In order to ascertain the factual position about the constitution of the TSCB, control of the State Government over its functioning and other related matters, we have heard the petitioner in person on his appearance before this Commission on notice and also examined the material papers and documents submitted by the petitioner as required by this Commission. The petitioner divulged the following facts in writing:-

- (i) The TSCB is an Apex Cooperative Credit Society functioning as Apex Bank in two tiers cooperative structure in Tripura. It was registered as a Cooperative Society with limited liability under the title " Tripura State Cooperative Bank Ltd" on 21st January, 1957 as per provision of the Tripura State Cooperative Society Act 1358 (now Tripura Cooperative Society Act, 1974) along with its own bye-laws.
- (ii) The TSCB is an organization of cooperators in a credit movement under the control and guidance of the Registrar of Cooperative Society, Government of Tripura.
- (iii) The TSCB has been functioning as Bank since its registration and Reserve Bank of India has permitted to carry on business as Cooperative Bank as per provision of section 22 of Banking Regulation Act, 1949.
- (iv) The Board of Directors of the TSCB are elected in accordance with the provisions of sub sections (1) and (2) of section 65 of the Tripura Cooperative Society Act, 1974 and clause 15(a) of the bye-laws of the TSCB.
- (v) The Registrar of Cooperative Societies does exercise control/supervision on the functioning of the TSCB as powers conferred on him by section 74, 75, 79, 81 and 86 of the Tripura Cooperative Society Act, 1974.
- (vi) The TSCB received an amount of Rs. 54.17 Lakhs as share capital contribution from Government of Tripura during the last 5 years from 2002-03 to 2006-07.

- (vii) The Finance Department holds indirect control from time to time on financial matters on TSCB like creation of post, enhancement of DA to the employees, loan settlement scheme etc. as are referred to the Finance Department by the Registrar of Cooperative Society, Government of Tripura.

5. We have also gone through the copy of the bye-laws of the TSCB as amended upto 11.07.1974 as furnished by the petitioner. The following are the provisions noticed in the bye-laws for our purpose:-

- (i) Clause 10 lays down that the TSCB ordinarily obtains funds from the sources, inter-alia, by way of subsidy from the Government.
- (ii) Clause 12 down that with the approval of the Registrar of Cooperative Societies the Board of Directors may borrow money for the use of the TSCB.
- (iii) Clause 14 lays down that the General Body of the TSCB shall consist of members, inter-alia, the representatives of the State Government in the Board of Directors of the Bank.
- (iv) Clause 15 provides that the management of the TSCB shall vest in a Board in which there shall be 3 nominees of the State Government among others.
- (v) Clause 25 provides that there shall be an Executive Committee consisting of 3 members including the President and 2 other Directors elected by the Board from among themselves of whom at least 1 should be a Director nominated by the State Government.

6. It is also an established fact that the Registrar of Cooperative Societies is an officer appointed by the State Government.

7. In view of the factual position about the constitution, functioning and control of the TSCB as narrated above, it is clear that the TSCB is a body established by the Tripura State Cooperative Societies Act, 1957 (now Tripura State Cooperative Societies Act, 1974), a law made by the State legislature and it is controlled and substantially financed by the Government of Tripura. Thus, the TSCB possess almost all the ingredients to be a Public Authority as defined in section 2(h) of the Act.

8. We have already expressed our views that the RBI is not the competent authority to decide whether or not the State Cooperative Bank shall be covered by the Act. Considering all the factors stated and the analysis made above, we find no difficulty to arrive at the conclusion that the Tripura State Cooperative Bank Ltd. is a Public Authority within the meaning of section 2(h) of the Act and is fully covered by the Act. The TSCB being a Public Authority is, therefore, under obligation to implement all the relevant provisions of the Act."

APPENDIX - I

No. F. 3(5)-GA(AR)/2006(P-I)/1481-82
GOVERNMENT OF TRIPURA
GENERAL ADMINISTRATION (AR) DEPARTMENT

Dated, Agartala, 09th August, 2007

It has been decided by the State Government that SIPARD shall be the Implementing Agency of RTI Act, 2005 in the State of Tripura.

Henceforth, the SIPARD shall be responsible for organizing educational & training programmes, preparation of teaching materials including compilation and publication of the guidelines relating to RTI Act.

This shall have with immediate effect.

Sd/-
(A.Debnath)
Under Secretary to the Government of Tripura

To

1. The Director, SIPARD
2. The Secretary, Tripura Information Commission.

TRIPURA RIGHT TO INFORMATION RULES, 2008

[Made by the Government of Tripura vide notification No.F.3(5)-GA(AR)/2005(L) dated 29th January, 2008 of the General Administration (Administrative Reforms) Department, Government of Tripura and published in the Tripura Gazette in its extraordinary issue dated 04.02.2008].

CHAPTER – I : Preliminaries.

1. Short title and commencement:

- (a) These rules may be called the Tripura Right to Information Rules, 2008.
- (b) They shall come into force from the date of their publication in the official gazette.

2. Definitions: -

In these rules, unless there is anything repugnant to the subject or context: -

- (a) "Act" means the Right to Information Act, 2005.
- (b) "Administrative Department" means the General Administration (Administrative Reforms) Department of the Government of Tripura.
- (c) "Appellate Authority" means an officer senior in rank to the State Public Information Officer as designated by the public authority under section 19(1) of the Act.
- (d) "Commission" means the Tripura Information Commission.
- (e) "Form" means form appended to these rules in appendix.
- (f) "Government" means the Government of Tripura.
- (g) "Sample" means specimen for small part or quantity of any material to be supplied for any scientific testing or analysis for the purpose of ascertaining what the whole like.
- (h) "Secretary" means the Secretary of the Tripura Information Commission.
- (i) "Section" means section of the Act.
- (j) "Year" means the financial year from 1st April to 31st March.
- (k) 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

Public Authorities

- 3. **Publication of list of Public Authorities:** The Administrative Department shall publish a list of public authorities as defined in section 2(h) of the Act in Form No -1.
- 4. **Pro-active disclosure of information:** Each public authority shall connect through a network all over the country on different systems so that access to

such records is facilitated to the information showing the particulars of the functions and duties of the public authorities in Form No -2.

5. **Publication of directory:** The Administrative Department shall publish a directory showing the particulars of the public authorities, Appellate Authorities in each public authority, State Public Information Officers and State Assistant Public Information Officers designated by the different public authorities of the state within 6(six) months from 12th October, 2005 and the directory shall be updated immediately after any change is made.

CHAPTER -III

Disposal of request for information by State Public Information Officer/ State Assistant Public Information Officer

6. **Assistance to SPIO:** The public authority may allow the State Public Information Officer to entrust someone of his office for assisting him for maintaining registers and other official works in connection with the implementation of the provisions of the Act.

7. **Rates of Fees** : (1) Rates of fees for providing information shall be as follows:

Item	Rate
(a) Application fee at the time of making the request for obtaining information	Rupees ten
(b) Fee for 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 and a fee of Rs. 5/- for each subsequent hour or fraction thereof.
(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.

(2) **Mode of payment of fee:** Application fee which shall accompany the request for obtaining information under sub section (1) of Section 6 of the Act and further fees required to be paid under sub-sections (1) and (5) of Section 7 of the Act shall be paid by way of either in cash or treasury challan or Indian postal order.

8. **Form of request for information:** A request for information shall ordinarily be made in writing in Form No- 3. If the request is made orally, the State Public Information Officer or the State Assistant Public Information Officer to whom the

request is presented shall reduce it into writing in the prescribed form and obtain the signature/ thumb impression of the person-making request for information on it. The State Assistant Public Information Officer shall issue a receipt as appended to the bottom of the application form-making request for information. However, application in plain paper should also be accepted.

9. **Receipt for payment of fees:** The person-making request for information shall pay the application fee or furthers fee, if any, in any of the manner prescribed in sub rule (2) of Rule 7 against the money receipt to be issued by the State Assistant Public Information Officer or the State Public Information Officer as the case may be in Form No-4.

10. **Register of request for information:** On receipt of the request for information, it shall be entered into the register maintained for this purpose. In every application a year wise chronological number shall be put distinguishing its nature in the office of the State Public Information Officer or the State Assistant Public Information Officer as the case may be to whom the request is presented. The following registers shall be maintained for the purposes as shown against their names and on the body of the request for information, the chronological number shall be noted in the manner as mentioned against the name of the registers as shown below:

- (a) General register of request for information in the nature of copy/ extracts etc- GI/Sr-No/Year.
- (b) Register of request for information in the nature of inspection of records and taking notes etc- INS/Sr No/Year.
- (c) Register of request for information in the nature of sample/ model etc- SM/Sr No/ year.
- (d) Register of request for information in the nature of diskette/ floppy/ printed material – EI/Sr. No / year.

The registers as mentioned here-in-before at (a),(b),(c) & (d) shall be maintained in Form No-5,6,7, and 8 respectively.

11. **Maintenance of Cash Book and deposit of fees to Treasury:** Every State Public Information Officer or State Assistant Public Information Officer, as the case may be, shall maintain in his office a cash book in Form No-9 for receipt and deposit of fees paid by the person requesting for information. Fees received in a week shall be deposited to the treasury by challan by the State Public Information Officer or the State Assistant Public Information Officer as the case may be in the receipt head of accounts as may be specified by the Finance Department, Government of Tripura, on the first working day of the following week.

The cash book shall be signed duly by the State Public Information Officer or the State Assistant Public Information Officer as the case may be on every day of transaction.

12. **SAPIO to produce the requests for information before SPIO:** After registration of the request for information, the State Assistant Public Information Officer shall present it before the State Public Information Officer within 5 days of receipt of the request for information for disposal.

13. **Disposal of request for information by SPIO:** (1) If the request for information is found to be in order, the requisition for information may be sent to the custodian of the information directly if it is not available within the custody of the State Public Information Officer after making necessary entry in a register to be maintained in Form No-10 known as the Register of Requisition for Information in the office of the State Public Information Officer and on receipt of such requisition, the custodian shall at once forward such information in original to the State Public Information Officer.

(2) After receipt of the information from the custodian of such information, the State Public Information Officer shall determine further fees to be paid by the person-making request for information and show the details of such determination on the reverse side of the written request for information.

(3) When the State Public Information Officer accepts the application for providing information as sought for he has to send an intimation to the person for making request for information in Form No- 11 about the exact amount of further fees to be deposited by the person making request for information along with the calculation as to how the amount has been determined specifying a reasonable time by which such further fee is to be deposited.

(4) If in any request for information, interest of any third party relates, such third party shall be noticed in Form No-12 and be provided the opportunity of making submission before disclosure of the information as sought for as required under Section 11 of the Act.

(5) When a request for obtaining information is accepted for part supply of information or rejected by the State Public Information Officer, the applicant shall be given intimation to that effect in Form No- 13.

(6) If the State Public Information Officer or the State Assistant Public Information Officer on any working day remains out of office on any ground, he may authorize in writing a subordinate officer to receive any request for information together with application fee as well as further fee from any person.

(7) If any person presents any request for information to a State Public Information Officer or the State Assistant Public Information Officer held by another public authority the former shall transfer the request for information to the concerned public authority by a forwarding letter in Form No- 14 under intimation to the person-making request for information.

14. **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 and the facility for providing such information in diskette or floppy with the public authority.

15. **Mode of providing sample:** (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.

16. **Copy of information to be certified:** 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 under his seal, signature and date.

CHAPTER -IV

Constitution of the State Information Commission

17. **Recommendation for appointment of State Chief Information Commissioner and State Information Commissioner:** If there is any difference of opinion among the members of the three members' Committee constituted under sub-section (3) of Section 15 of the Act to recommend names of suitable persons to be appointed as the State Chief Information Commissioner or State Information Commissioner(s), the decision of the majority shall prevail.

18. **Subscription to oath or affirmation:** The person appointed as 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 (3) of Section 16 of the Act in the form set out for the purpose in the First Schedule to the Act, and shall also make a declaration in Form No - 15 appended to these rules.

CHAPTER -V

Disposal of complaint by the State Information Commission

19. **Lodging of complaint and its disposal** : (1) A complaint under Section 18(1) of the Act shall be made in plain paper directly to the State Information Commission addressing to the State Chief Information Commissioner containing the following particulars: -

- (i) name & address of the complainant;
 - (ii) name & particulars of the Public Authority/ First Appellate Authority/ State Public Information Officer against whom the complaint is lodged;
 - (iii) brief facts leading to the complaint;
 - (iv) relief sought for;
 - (v) any other information; and
- copies of the documents relied on by the complainant and referred to in the complaint shall accompany the complaint.
- (2) No fee is required to be paid for making a complaint.
- (3) On receipt of the complaint, the Secretary shall cause it to be entered in the complaint register in Form No- 16 and a year wise chronological number shall be put on the body of the complaint. It shall also be entered in the daily list of complaint/ appeals in Form No- 17 and be presented before the State Chief Information Commissioner.
- (4) In any case, if interest of any third party relates, such third party shall be noticed in Form No- 18 giving him an opportunity of making submission within a specific time to be fixed by the Commission and such submission shall be considered at the time of disposal of the complaint.
- (5) Summons to the opposite party shall be issued in Form No- 19.
- (6) The Complainant shall be noticed of the date of hearing of complaint in Form No-20.
- (7) The complainant or the opposite party may appear in hearing of the complaint either in person or through their duly authorized representatives unless their appearance is specially required by the Commission.
- (8) A daily cause list for hearing of complaint/appeal in the Commission shall be maintained in Form No- 21.
- (9) Summons to a witness may be issued in Form No- 22.
- (10) The deposition of a witness to a complaint or appeal for either of the parties or the Commission may be recorded in Form No- 23.

Chapter -VI

Appeal from order passed by the State Public Information Officer

20. **Lodging of first appeal and its disposal:** (1) Every appeal against the order passed by the State Public Information Officer under sub sections (1) and (2) of Section 19 of the Act shall be preferred in the form of memorandum in Form No- 24 signed by the appellant and presented to the State Assistant Public

Information Officer or State Public Information Officer or to the Appellate Authority. A copy of the written request seeking information and order appealed from shall accompany the memorandum of Appeal.

(2) On receipt of an appeal either directly or through the State Assistant Public Information Officer, the Appellate Authority shall enter it in a register of appeal in Form No-25.

(3) If in an appeal preferred to the Appellate Authority, interest of a third party relates, such third party shall be noticed in Form No-26 giving him an opportunity to make submission, if any, within a specific time to be fixed by the Appellate Authority and such submission shall be considered at the time of disposal of the appeal.

(4) No fee is required to be paid for preferring an appeal to the Appellate Authority under Sections 19(1) and 19(2) of the Act.

CHAPTER -VII

Appeal to the Commission

21. **Lodging of second appeal and its disposal** : (1) The second appeal under sub section (3) of Section 19 of the Act shall normally be submitted directly to the Commission in Form No-27. However, if such appeal is presented to the State Assistant Public Information Officer he shall forward it to the Commission at once with intimation to the appellant.

(2) Every second appeal made to the Commission shall be accompanied by the following documents, namely, -

- i) self attested copies of the judgment and orders against which the appeal is preferred;
- ii) copies of documents relied upon by the appellant and referred to in the appeal;
- iii) an index of the document referred to in the appeal.
- iv) any other information/documents, the Commission may ask for to decide the appeal.

(3) The Secretary shall maintain a register of second appeal in Form No- 28. A year-wise chronological number shall be put on the body of the appeal. The Secretary shall cause the appeal to be entered in the appeal register as well as in the daily list of complaint/ appeal.

(4) The memorandum of appeal shall set forth concisely and under distinct heads, the grounds of objection of the order appealed from without any argument or narrative and such grounds shall be numbered consecutively.

(5) The appellant or the respondent may appear in hearing of the appeal either in person or through their duly authorized representatives unless their appearance is specially required by the Commission.

(6) The respondent may be summoned in Form No-29. The appellant may be noticed of the date of hearing in Form No-20.

(7) For preferring an appeal to the Commission under Section 19(3) of the Act, no fee is required to be paid.

(8) Where memorandum of an appeal has not been drawn up specifying the grounds, it may be rejected or be returned to the appellant for the purpose of being amended within the time to be fixed by the Commission.

(9) Where the Commission rejects any memorandum of appeal, it shall record reasons for such rejection.

(10) When an appeal is presented after the expiry of the period of limitation specified in the Act, it should be accompanied by an application supported by a declaration stating the facts on which the appellant relies to satisfy the Commission that he had sufficient cause for not preferring the appeal within such period.

(11) The Commission, if sees no reason to reject the application, may admit and decide the appeal accordingly.

(12) If in an appeal, interest of any third party relates, he shall be noticed in Form No- 25 and be given an opportunity of making submission, if any, within a specific time to be fixed by the Commission and such submission shall be considered at the time of disposal of the appeal.

(13) The Commission shall fix a date for hearing of appeal and notice shall be served on the appellant and the respondent in the manner as provided for service of summons to appear and answer and all the provisions applicable to such summons and to proceedings with reference to service thereof shall apply to the service of such notice, as in the Code of Civil Procedure 1908.

22. **Dismissal of second appeal for default** : (1) Where on the date fixed, or on any other date to which the hearing to be adjourned, in spite of receipt of notice of the Commission to appear, the appellant does not appear when the appeal called on for hearing, the Commission may make an order that the appeal be dismissed. Such disposal on default shall not be construed as dismissal on merit.

(2) Where the appellant appears and the respondent does not appear, the appeal shall be heard in absence of the latter.

23. **Re-admission of appeal**: Where an appeal is dismissed for default, the appellant may apply to the Commission for re-admission of the appeal within a period of thirty days of such dismissal, and, where it is proved that he was

prevented by sufficient cause from appearing when the appeal was called on for hearing, the Commission may admit the appeal.

24. **Setting aside of ex-parte order:** Re-hearing of application of the respondent against whom ex-parte order made: Where an appeal is heard ex-parte, judgment is pronounced against the respondent, he may apply to the Commission within a period of thirty days of pronouncing the judgment to re-hear the appeal and if he satisfies the Commission that the notice was not duly served or he was prevented by sufficient cause from appearing when an appeal was called on for hearing, the Commission may re-hear the appeal.

25. **Judgment in complaint and appeal:** The judgment on the complaint or appeal under the Act shall be in writing and at the time of pronouncing the judgment, it shall be signed and dated by the Commission.

26. **Pronouncement of judgment:** (1) The judgment shall be pronounced in open office either at once or on a future day of which notice shall be given to the parties or their representative, if any.

(2) It shall not be necessary for the Commission to read out the whole judgment, but a copy of the whole judgment shall be made available for the parties immediately after the judgment is pronounced free of cost.

27. The Rules from 21 to 26 shall also apply, so far as may be, to appeals to the Appellate Authority.

CHAPTER-VIII

Secretariat of the Commission

28. **Secretariat:** (1) There shall be a secretariat in the Commission. The Secretary shall be the Chief Executive Officer of the Commission. All correspondences with the Commission other than filing complaints and appeal to the Commission shall be addressed to the Secretary and the Secretary shall make all correspondences on behalf of the Commission subject to approval of the Commission on policy matters.

(2) The Secretary shall authenticate copies of all judgment and orders passed by the Commission in deciding complaint, appeal and applications under the Act.

(3) The Secretary shall have the power to administer oath or affirmation to any person for making any affidavit in connection with any complaint or appeal or application preferred in the Commission under the Act.

(4) The Secretary shall also do the following functions on behalf of the Commission:

(a) to receive complaint, appeal and applications.

- (b) to call for records from any public authority, appellate authority and state public information officer as and when directed by the Commission.
- (c) to receive and dispose of any application for return of records and documents.
- (d) to maintain and sign the daily cause list.
- (e) to deal with all matters relating to service of notice, no service and defect of service.
- (f) to dispose of all application for copies of information relating to complaints and appeals.
- (f) to sign other registers and papers to be maintained in the office of the Commission.
- (g) any other duties as and when entrusted by the Commission.

(5) The Commission may authorize any other official of the Secretariat of the Commission to discharge the functions and duties of the Secretary in his absence from duties.

CHAPTER -IX

Miscellaneous

29. Report on the implementation of the provisions of the Act:

(1) Every State Public Information Officer and the Appellate Authority at the end of each year shall submit an annual report in Forms No-30 and 31 respectively to the concerned public authority by 30th April of the year.

(2) Every public authority shall submit an annual report for every year in Form No-32 to the concerned head of the department of the Government of Tripura, the Head of the General Administration (Administrative Reforms) Department, Government of Tripura and the Secretary to the Information Commission by 31st May of the following year.

(3) Every head of the department at the end of the each year shall submit a consolidated report in Form No- 33 on the implementation of the Act to the Commission by 30th June of the following year.

30. Disposal of complaint and appeal by the Commission: A complaint under Section 18 and an appeal under Section 19(3) of the Act may be disposed of either jointly by the State Chief Information Commissioner and the State Information Commissioner(s) together or independently by themselves as the State Chief Information Commissioner decides and allocates. When the State Chief Information Commissioner and the State Information Commissioner act in collegiate, the decision shall be unanimous.

31. If any request for information or appeal is not made in the forms prescribed by these rules, but contains the requisite materials, such request for information or appeal shall be admitted.

32. **REPEAL AND SAVINGS:** -

(1) The Tripura Right to Information Rules, 2005 are hereby repealed.

(2) Notwithstanding such repeal orders issued, action taken or anything whatsoever done under the rules so repealed shall be deemed to have been issued, taken or done under the corresponding provisions of these rules.

Form No 1

Department wise list of Public Authorities under section 2(h) of the RTI Act-2005.
(See Rule 3)

Name of the Department.....

Sl No	Category	Description of the Authority (name)	Location/ Address	Functions/ Duties of the Public authorities
1	By or under the constitution	1. 2.		
2	By any other law made by the Parliament	1. 2.		
3	By any other law made by State Legislature	1. 2.		
4	By notification issued or order made by the Govt. of Tripura	1. 2.		
5	Body owned/ controlled or substantially financed by the Govt. of Tripura	1. 2.		
6	Non Govt. Organization substantially financed by the Govt. of Tripura.	1. 2.		

Signature with designation

Form No-2

Detailed particulars of Public Authority
(See Rule 4)

Name of the Department.....

- 1.Name of the Public Authority:
- 2.Address:
- 3.Head of the Office
- 4.Parent Government Department:
- 5.Geographical jurisdiction:
- 6.Mission:
- 7.Vision:
- 8.Objectives:
- 9.Function:
- 10.Services provided in brief:
- 11.Physical Assets (Statement of lands/buildings and other Assets):
- 12.Organisations Structural Chart (Orgonogram) at each level- give linkage of jurisdiction & address, | Tel Nos. & office timings :
- 13.Weekly holidays and specific service timings:
14. Other information as mentioned in section 4(1)(b) of the Act:

Form No-3

APPLICATION MAKING REQUEST FOR INFORMATION UNDER THE RTI ACT 2005

(See Rule 8)

To

The State Public Information Officer

(Name of Office)_____

(Name of Public Authority)

1. Name with father's / mother's or :
husband's name of the person
making request for information
2. Address of communication with :
phone no. if any?
3. Whether citizen of India? :
4. Whether living below poverty line, if :
so, Card No.
5. Nature of information / sample / :
model / materials / to be provided
6. Mode of delivery :
7. Advance fee, if any paid :
Application fee :
Further fee, if any :
Total :
8. Name of any person other than the :
applicant whose assistance may be
required for seeking the information /
inspection.
9. Date of application :

(Signature of the applicant)

.....
Received an application requesting for information from Sri / Smt. _____
on _____ and entered in the register vide Sl. No. _____ to attend on
_____ for estimate of further fees.

Seal of office with

Signature with name and designation of the

date

officer receiving the application

Date of assessment of cost	Amount of fee/cost Details of estimate	Date by which fee/cost to be deposited	Actual date of payment of fee with receipt no. and date	Date on which information is ready for supply	Date of supply of information/samples etc	Signature of the person receiving the information /mode of supply

* If rejected, the reasons thereof with signature of the SPIO

Form No -4

Money Receipt
(See Rule 9)

Date.....

Receipt No.....

Received from Sri/Smt.....

S/D/W/O..... ofVillage

/Town..... the

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

account of application fee/further fee for providing information/
inspection fee/ fee for sample or model or floppy etc.

Signature and designation of the official

* Strike out the words not applicable.

Form No-5

REGISTER FOR APPLICATION FOR INFORMATION

(See Rule 10)

Name of Public Authority :

Name of the Office of SPIO :

Name of the SPIO :

Name of the SAPIO :

Sl. No.	Date of application	Applicant's Name with Father / Mother / Husband Name and address of communication	If citizen of India	If living below poverty line Card no.	Nature of Information required
1	2	3	4	5	6

In what form the information is required	Amount of fee paid				Date on which the information is ready for delivery	Actual date with mode of delivery
	Application fee	Further fee				
		Amount	Date of application	Date of deposit of further fee		
7	8	9	10	11	12	13

Signature of SPIO/ ASPIO receiving the application with mode	If rejected date with reasons in brief and signature of SPIO/ASPIO	Remarks
14	15	16

- To be maintained in the office of the SPIO / SAPIO by page marking and giving certificate thereof,

Form No-6

REGISTER FOR INSPECTION OF RECORDS

(See Rule 10)

Name of Public Authority :

Name of the Office of SPIO :

Name of the SPIO :

Name of the SAPIO :

Sl. No.	Date of application	Applicant's Name with Father / Mother / Husband Name and address of communication	If citizen of India	If living below poverty line Card no.	Nature of Records/ Documents / Files etc. to be inspected
1	2	3	4	5	6

Probable time required for inspection	Application Fee	Amount of fee paid			Name of official in whose presence the inspection is done with signature	Name of person by whom inspection is done if he / she is other than the applicant
		Further fee				
		Actual time required for inspection	Amount	Date of payment of further fees		
7	8	9	10	11	12	13

Date of inspection	Signature of SPIO / ASPIO with date	If the application is rejected, date and reason in brief with signature of SPIO	Remarks
14	15	16	17

* To be maintained in the office of the SPIO / SAPIO by page marking and giving certificate thereof,

Form No-7

REGISTER FOR SUPPLY OF SAMPLES / MODELS

(See Rule 10)

Name of Public Authority :

Name of the Office of SPIO :

Name of the SPIO :

Name of the SAPIO :

Sl. No.	Date of application	Applicant's Name with Father / Mother / Husband Name and address of communication	If citizen of India	If living below the poverty line Card no.	Nature of Sample or model required
1	2	3	4	5	6

Application fee	Amount of fee paid			Date on which the sample is ready for delivery	Actual date of delivery	Signature with date of SPIO / ASPIO
	Cost of samples / models assessed					
	Amount	Date of notification	Date of payment of cost			
7	8	9	10	11	12	13

Remarks
14

- To be maintained in the office of the SPIO / SAPIO by page marking and giving certificate thereof,

Form No-8REGISTER FOR SUPPLY OF INFORMATION IN COMPUTER DISKETTE OR FLOPPY OR IN PRINTED PUBLICATION

(See Rule 10)

Name of Public Authority :

Name of the Office of SPIO :

Name of the SPIO :

Name of the SAPIO :

Sl. No.	Date of application	Applicant's Name with Father / Mother / Husband Name and address of communication	If citizen of India	If living below poverty line Card no.	Nature of materials required to be provided with mode of supply
1	2	3	4	5	6

Amount of fee paid				Date on which the materials ready for supply	Actual date of delivery	Signature with date of SPIO or ASPIO
Application fee	Further fees					
	Amount	Date of notification	Date of payment			
7	8	9	10	11	12	13

Remarks
14

* To be maintained in the office of the SPIO / SAPIO by page marking and giving certificate thereof,

Form No-10REGISTER FOR REQUISITION OF INFORMATION INCLUDING SAMPLES, MODEL ETC.

{See Rule 13(1)}

Name of Public Authority :

Name of the Office of SPIO :

Name of the SPIO :

Name of the SAPIO :

Sl. No	No & Date of application requesting information	Description of the information to be furnished	Date on which the requisition is sent to the custodian for transmission	Name of the custodian of information	Date with signature of the custodian receiving the requisition
1	2	3	4	5	6

Date by which the information to be sent to the SPIO	Actual date of sending the information to the SPIO	Signature of the SPIO receiving the information	Date of return of the information etc. to the Custodian	Signature of the Custodian receiving back the original information	Remarks
7	8	9	10	11	12

Form No-11

Intimation of acceptance

{See Rule 13(3)}

Office of the

No.

Date :

To

Sri/ Smt.....

.....

.....

Ref: - Your application No..... dated

Dear Sir/ Madam,

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

- a) The information which you have sought for is now available for supply.
- b) You are requested to deposit an additional fee of Rs..... (Rupees) only within seven days of receipt of this letter.
- c) The fee has been calculated in the following manner: -
.....
.....
- d) 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
- e) The full particulars of the appellate authority to whom you can make an appeal is given below :
.....
- f) For taking delivery of the information you are requested to appear in the office of the undersigned on..... at a.m. / p.m.
- g) For inspection of the information /work/ taking sample of material you may personally appear in the Office of the..... on..... ata.m./ p.m. along with a helper of your choice if required.
.....

Yours faithfully,

(Signature with name, designation, address, Phone No. etc)

N.B. Strike out the items not applicable.

Form No- 12

Office of the State Public Information Officer

.....

.....

Notice to third party
{Under Rule 13(4)}

To

Sri/ Smt

S/D/ W/O.....

Vill

P.S.....

Ref: Request for information No

Whereas Sri/Smt. S/D/W/O
..... of Vill
.....P.S..... has
submitted a request under section 6 of the Right to Information Act,2005
for disclosure of information, namely ;.....

And

Whereas it appears that your personal interest may relate in
disclosure of the said information ;

You are, therefore, requested to submit your representation, if any,
against such disclosure of information either in writing or orally within 10
days of receipt of this notice to the undersigned.

Take notice that in default of your response within the time, the
request/ complaint will be disposed of in your absence.

Place:

Date : (Signature with name, designation, address, Phone No. etc)

Form No-13

Intimation about part supply of Information or rejection of application

{See Rule 13(5)}

Office of the State Public Information Officer

.....

No.....

Date.....

To

Sri/Smt.....

.....

.....

Ref: - Your application No.....dated.....

Dear Sir/ Madam,

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

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

- i)
- ii)
- iii)

b) For the part information 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:

- i).....
- ii).....
- iii).....

d) If you have any grievance about the above-mentioned amount of fee/ rejection of application / part supply of information, you have the 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 prefer an appeal is given below:

.....

Yours faithfully,

(Signature with name, designation, address, Phone No. etc)

Form No.14

.....

(Name of office of the SPIO)

Transfer of Request for information

{See Rule 13(7)}

To

(Name of the Public Authority)

Address:

Subject: Transfer of request for information

Sir,

A request of Sri/ Smt..... for information dated..... is transferred herewith for disposal from your end in accordance with the provision of the RTI Act 2005.

The requestor has paid application fee of Rs..... in cash to this office.

The following part informations as sought for by the requestor are being supplied from this office:

The remaining informations as sought for may please be supplied from your end.

Yours faithfully,

Enclo : As stated.

(Signature with name, designation, address, Phone No. etc)

Copy for information to:

(Name and address of the requester)

Form No- 15

Declaration to be made by the State Chief Information Commissioner or
the State Information Commissioners before entering upon office.
(See Rule 18)

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.

(Signature of the declarant)

Date.....

Form No- 16

REGISTER OF COMPLAINT INSTITUTED IN THE TRIPURA INFORMATION COMMISSION

(See Rule 15)

Sl. No.	Date of Complaint	Name with name of father / mother / husband of the Complainant and address of communication	Name of the Public Authority / SPIO concerning the complaint	Name with name of father / mother / husband of third party, if any,	Subject of the complaint
1	2	3	4	5	6

Order on the Complaint			Remarks
Name of Information Commissioner by whom the complaint is disposed of	Date of disposal	Result in brief	
7	8	9	10

N.B. After disposal of each complaint the Secretary of the Commission shall put his signature below the entries made in Column-9.

Form No17

Tripura Information Commission

P. N. Complex: Gurkhabasti: Agartala

Daily list of Complaints / Appeals

{See Rule 19(3)}

_____ day of _____, 200____.

Nature of Complaint/ Appeal as registered	Name of first complaint/ appellant	Name of the opposite party or Respondent	First date fixed	Purport of proceeding	Complaint No/ Appeal No. as per register

Secretary
Tripura Information Commission

Form No- 18

Notice to third party
{Under Rule 19(4)}

To
Sri/ Smt.....

S/D/ W/O.....

Vill

P.S.....

Ref: Complaint No

Whereas Sri/Smt. S/D/WO
..... of Vill
.....P.S..... has
submitted a complaint under section 18(1) of the Right to Information
Act,2005, copy of which is enclosed herewith; And

Whereas it appears that your personal interest may be involved in
disclosure of the said information ;

You are, therefore, requested to submit your representation, if any,
against such disclosure of information either in writing or orally within 10
days of receipt of this notice to the undersigned.

Take notice that in default of your response within the time, the
request/ complaint will be disposed of in your absence.

Place :

Secretary

Date :

Tripura Information Commission

Form No.19

Tripura Information Commission
P.N. Complex: Gurkhabasti: Agartala

(Summons to opposite party)
{See Rule 19(5)}

Complaint No-----/ -----

Shri/ Smt.....

Vs.

Complainant

.....
(Opposite party)

To
Shri.....

.....

A complaint under section 18(1) of the RTI Act

Whereas a complaint has been presented by
Shri/Smti.....
on the..... day of 200... and has been registered in this
Commission (a copy of the complaint is enclosed) ;

You are hereby summoned to appear either in person or by an
authorized person duly instructed on the day of 200.....
at 10.30 AM in this Commission to submit your representation, if any, for
hearing of the complaint.

Take notice that in default of your appearance on the day before
mentioned, the complaint will be heard and determined in your absence.

Given under my hand and seal of the Tripura Information
Commission this the ___ day of _____ 200__.

Secretary
Tripura Information Commission

Form No- 20

Tripura Information Commission
P.N. Complex: Gurkhabasti: Agartala

Notice to the Complainant / Appellant
{See Rule 19(6) and 21(6)}

To
Sri/ Smt.....
S/D/W/O.....
.....

Complainant/ Appellant

Ref :- Complaint/ Appeal arising out of an application/memorandum of appeal dated..... presented by Sri/Smt..... received by this Commission/ Appellate Authority.

Whereas the above-mentioned complaint/ appeal has been fixed for hearing on the day of 200... at a.m. ;

You are, therefore, requested to appear on the above-mentioned day and time before

Take notice that in default of your appearance on the day before mentioned, the complaint/appeal will be heard and determined in your absence.

Given under my hand and seal of this Commission this..... day of200....

Secretary
Tripura Information Commission

Form No-21

Tripura Information Commission

P.N. Complex: Gurkhabasti: Agartala

Daily cause list

{See Rule 19(8)}

The _____ day of _____, 200____.

Complaint No/ Appeal No. fixed for the day	Purport of the proceeding	Specific order passed in brief	If adjourned		Witness examined if any	
			next date	purport of proceeding	on contest	without contest

Secretary

Tripura Information Commission

Form No.22

Tripura Information Commission

P. N. Complex: Gurkhabasti: Agartala

(Summons To Witness)

{See Rule 19(9)}

Complaint/ Appeal No.

Shri/Smt.....

Vs.

.....

To

Shri/Smt.....

.....

A complaint under section 18(1) of the RTI Act 2005

An appeal under section 19(3) of the RTI Act, 2005

Whereas your attendance is required to depose on behalf of the complaint/ opposite party in the above complaint, you are hereby required to appear before the Tripura Information Commission on theday of, 200....at..... o' clock.

If you fail to comply with this order without lawful excuse, you will be subject to the consequence of non-attendance laid down in Rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Given under my hand and seal of the Tripura Information Commission this..... day of of 200.....

Secretary

Tripura Information Commission

N.B. Strike out the words not applicable.

Form No. 23

TRIPURA INFORMATION COMMISSION
P.N. Complex : Gorkhabasti : Agartala.
{See Rule 19(10)}

Complaint/ Appeal No _____

Present: Shri

Witness No..... for the complainant/ opposite party/ appellant/
respondent/ Information Commission deposed:

I,Sri/Smt _____
Son/Daughter/Wife of _____ aged _____ years,
_____ by religion _____ by profession, of
Vill _____, P.S. _____ District _____ swear /
solemnly declare that the evidence which I shall give in this case shall be
true; that I will conceal nothing; and that no part of my evidence shall be
false.

N.B. Strike out the words not applicable.

Form No.24

Memorandum of first appeal
{See Rule 20(1)}

(Name, designation & office address of the Appellate Authority)

Appeal No _____ of 200__

AB (add description & address of the appellant)_____
Appellant

Against

CD (add description & address of the respondent)_____
Respondent

EF (add description & address of the third party, if any)_____
Third Party

The above named appeal from the order passed in application
No.....

dated by the _____(name and
description of

the SPIO).....sets forth the following grounds of
objection

to the order appealed from, namely,

Relief sought for:

(Signature of the Appellant)

Form No- 25

REGISTER OF APPEAL INSTITUTED BEFORE THE APPELLATE AUTHORITY
{See Rule 20(2)}

Sl. No.	Date of appeal	Name with name of father / mother / husband of appellant and address of communication	Name of the State Public Information Officer against whose order the appeal is preferred	Order appealed from			Name with name of the father / mother / husband and address of communication of third party, if any
				Applica- tion no. and date	Date of order	Particulars of orders in brief	
1	2	3	4	5	6	7	8

Judgment in appeal		Remarks
Date	Result	
9	10	11

Form No- 26

*TRIPURA INFORMATION COMMISSION
P. N. Complex : Gorkhabasti : Agartala.

*Appellate Authority

.....
Notice to third party
{Under Rules 20(2) and 21(12)}

To
Sri/ Smt.....
.....
S/D/ W/O.....
Vill
P.S.....

Ref: Appeal No

Whereas Sri/Smt. S/D/W/O
..... of Vill
.....P.S..... has
submitted an appeal under section 19(1)/19(3) of the Right to Information
Act,2005 against the order passed by the state public information officer
..... / appellate authority in
request/ appeal no.....(a copy of which is enclosed); and

Whereas it appears that your personal interest may relate in the said
appeal;

You are, therefore, requested to submit your representation, if any,
in respect of the said appeal either in writing or orally within 10 days of
receipt of this notice to the undersigned.

Take notice that in default of your response within the time, the
appeal will be disposed of in your absence.

Date : * Secretary
Place : Tripura Information Commission

* First Appellate Authority

* Strike out the words not applicable.

Form No.27

Memorandum of Second Appeal before the Tripura Information
Commission
{See Rule 21(1)}

Before the State Chief Information Commissioner
Tripura Information Commission
P N Complex : Gorkhabasti : Agartala.

Appeal No TIC _____ 200__

AB (Description & address of appellant) _____ Appellant

Against

CD(Description & address of respondent) _____ Respondent

EF(Description & address of third party, if any) _____ Third Party

The above named second appeal from the judgment passed in appeal
No.....

on the date..... by the..... Appellate Authority at
..... (Place) sets forth the following grounds of objections to the
judgment appealed from, namely , _____

Relief sought for:

(Signature of the Appellant)

Form No-28

REGISTER OF APPEAL INSTITUTED IN THE TRIPURA INFORMATION COMMISSION

{See Rule 21(3)}

Sl. No.	Date of appeal	Name with name of father / mother / husband of appellant and address of communication	Name of the Appellate Authority against whose order the appeal is preferred	Name with name of father / mother / husband of third party, if any, involved in the appeal	Order appealed from		
					Case no.	Date of order	Particulars of order in brief
1	2	3	4	5	6	7	8

Judgement in appeal			Remarks
Name of the Information Commissioner by whom the appeal is disposed of	Date of disposal	Result in brief	
9	10	11	12

N.B. After disposal of each appeal the Secretary of the Commission shall put his signature below the entries made in Column-11.

Form No.29

Tripura Information Commission

P. N. Complex: Gurkhabasti: Agartala

Summons to Respondent

{See Rule 21(6)}

Appeal No_____

Shri/Smt-----Appellant

Vs

.....

..... Respondent

An appeal from the order dated.....
passed by
in first Appeal No...../

To

.....

.....Respondent

Whereas an appeal from the order dated..... passed by the Appellate Authority of in appeal No..... has been presented by the appellant Shri/Smt..... and has been registered in this Commission (a copy of the appeal is enclosed);

You are hereby summoned to appear either in person or by an authorized person duly instructed on the day of 200..... at 10.30 AM in this Commission to submit your representation, if any, for hearing of the appeal.

Take notice that in default of your appearance on the day before mentioned, the complaint will be heard and determined in your absence.

Given under my hand and seal of the Tripura Information Commission this..... day of of 200.....

Secretary

Tripura Information Commission

Form No-30

Annual report by SPIO to Public Authority.

{See Rule 29(1)}

Name & office address of the State Public Information Officer:

Report for the period from _____ to _____

A. No. of request received during the year.

No of requests pending at the beginning of the year	No of request received during the year				Total	Remark
	Directly	Through Post	Through APIO	Through other public authority		
(a)	(b-1)	(b-2)	(b-3)	(b-4)	(a+b)	

B. Nature of request received and disposed of.

No. of request received			No of request against which information supplied			No of request rejected			No. of request transferred	
With fees	Without fees	Total	With fees	Without fees	Total	With fees	Without fees	Total	For full information	For part information

C. No. of requests disposed off.

Total No. of Requests	No. of requests disposed off within time limit	No. of requests disposed off after time limit	No. of requests rejected	No. of request pending at the end of the month
(c)	(d-1)	(d-2)	(d-3)	(d-4)

D. Fees realized and particulars of compensation and penalties awarded by the Commission

Fees Realized			Compensation/ Penalties Imposed by State Information Commission				Disciplinary action recommended by the Commission- No of Cases	
Application fee	Further fee	Total	Compensation		Penalty		Recommended	Action taken
			Awarded	Satisfied	Imposed	Satisfied		

Form No- 31

Annual report by Appellate Authority to public authority.**{See Rule 29(1)}**

Name & office address of the Appellate Authority:

Name of the Public Authority:

Report for the period from _____ to _____

A. Appeals received:

No. of pending appeals at the beginning of the month	No. of appeals received		Total No. of appeals.
	Through APIO	Directly	
(a)	(b-1)	(b-2)	(a+b)

B. No. of appeals disposed of.

Total No. of appeals taken up for hearing	No. of Appeals disposed of			Appeals pending at the end of the year
	Within time limit	After time limit	Total	
(c)	(d-1)	(d-2)	(d-3)	(c-d)

Form No- 32

Annual Report by Public Authority to Department and Tripura Information Commission

{See Rule 29(2)}

Name of Public Authority:

Report for the period from _____ to _____

A. Disposed of applications.

No. of PIOs	No. of PIOs who have reported	No. of PIOs who have not reported	No. of applications received	No. of applications disposed off	No. of applications disposed off within time limit	No. of applications disposed off after time limit	No. of applications pending	Remarks
1	2	3	4	5	6	7	8	9

B. Nos. of Appeals disposed off

No. of Appellate Authority	No. of Appellate Authority who have reported	No. of Appellate Authority who have not reported	Total No. of appeals received	No. of appeals disposed off within time limit	No. of appeals disposed off after within time limit	No. of appeals pending.	Remarks
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)

C. Nature of request received and disposed of.

No. of request received			No. of request against which information supplied			No. of request rejected			No. of request transferred	
With fees	Without fees	Total	With fees	Without fees	Total	With fees	Without fees	Total	For full information	For part information

D. Fees realized and particulars of compensation and penalties awarded by the Commission

Fees Realized			Compensation/ Penalties Imposed by State Information Commission				Disciplinary action recommended by the Commission- No of Cases	
Application fee	Further fee	Total	Compensation		Penalty			
			Awarded	Satisfied	Imposed	Satisfied	Recommended	Action taken

Report by Ministry/ Department to the Tripura Information Commission for the period from
01.04.2007 to 31.03.2008
{See Rule 29(3)}

Name of the Department: _____
Report for the period from _____ to _____

A. Applications.

No. of public authorities	No. of PIOs		No. of request received	No. of requests disposed off	No. of requests disposed off after time limit	No. requests rejected (with provision of the Act)	Remarks
	Who have reported	Who have not reported					

No. of AAs	No. of AAs who have reported	No. of AAs who have not reported	No. of appeals received	No. of appeals disposed of within time limit	No. of appeals disposed off after time limit	No. of appeals pending	Remarks
1	2	3	4	5	6	7	8

B. Classification of Applications

No. of applications received directly	No. of applications received through post	No. of applications received through APIOs	No. of applications received through other APIOs	Total No. of applications for consideration	No. of BPL applications	No. of applications disposed off	No. of applications pending
1	2	3	4	5	6	7	8

C. Classifications of appeals

No. of appeals received directly	No. of appeals received through APIOs	Total No. of appeals under consideration	No. of BPL Applications	No. of appeals disposed off	No. of appeals pending
1	2	3	4	5	6

D. Nature of request received and disposed of.

No. of request received			No of request against which information supplied			No of request rejected			No. of request transferred	
With fees	Without fees	Total	With fees	Without fees	Total	With fees	Without fees	Total	For full information	For part information

E. Fees realized and particulars of compensation and penalties awarded by the Commission

APPENDIX - III

TRIPURA INFORMATION COMMISSION
PANDIT NEHRU COMPLEX: AGARTALA

No. F. 4(3)-SCIC/TIC/2006
October 31, 2007

A copy of the Office memorandum no. 1/18/2007-IR dated September 21, 2007 issued by the Ministry of Personnel, Public Grievances & Pensions, DoPT, Government of India is placed below. This memorandum deals with the obligation of the Public Authorities for maintenance of records and suo-moto disclosure of information under section 4 of the RTI Act, 2005.

2. Chief Secretary may kindly look into this and consider to issue necessary instructions to all the departments under the State Government for immediate compliance of the required provisions of the Act as referred to in the above office memorandum of the DoPT, Government of India. The departments may also kindly be directed to keep the Tripura Information Commissions informed about the action taken.

Encl: - As state above.

Sd/-
(B.K.Chakraborty)
State Chief Information Commissioner

Chief Secretary
Government of Tripura

No. 1/18/2007-IR
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

....

New Delhi, the 21st September, 2007

OFFICE MEMORANDUM

Subject: - Maintenance of records and publication of information under the Right to information Act, 2005.

Section 4 of the Right to Information Act, 2005 sets out a practical regime of transparency in the working of the public authorities by way of disclosure of as much information to the public as possible, suo-motu so that the public may not have to resort to section 6. It is an important part of the Act observance of which is essential for its effective implementation.

2. Clause (a) of sub-section (1) of the section makes it obligatory for every public authority to maintain all its records duly catalogued and indexed. Record management in accordance with this provision is an important step to enable the Public Information Officers to furnish information sought under the Act. The clause also requires the public authority to have its records computerized and connected through a network all over the country. The public authorities are expected to complete the requirements of this clause on top priority.

3. Clause (b) of the sub-section *ibid* mandates the public authorities to publish the information mentioned therein within one hundred and twenty days from the date of enactment of the Act. It is expected that all public authorities would have complied with this requirement already. If it has not been done, its compliance may be ensured without any further delay. Information so published should also be updated every year as provided in the Act.

4. It is obligatory for all the public authorities under clause (c) of sub section (1) of section 4 of the Act to publish all relevant facts while formulating important policies and announcing decisions affecting the public. They, under clause (d), are also obliged to provide reasons for their administrative or quasi judicial decisions to the affected parties.

5. Section 4 of the Act requires wide dissemination of every information required to be disclosed suo motu form and manner which is accessible to the public. Dissemination may be done through notice boards, news papers, public announcements, media broadcasts, the internet or any other means. While disseminating the information, the public authority should take into consideration the cost effectiveness, local language and the most effective method of communication in the concerned local area. The information should be, to the extent possible, available with the Public Information Officer in the electronic format which could be made available free of cost or at such price as may be prescribed. A copy of the document published, referred to in para 3, and also the copies of publications referred to in para 4 above, should be kept with an officer of the public authority and should be made available for inspection by any person desirous of inspecting these documents.

6. All the Ministries/ Departments etc. are requested to comply with the above referred requirements of the Act and also to issue necessary instructions to the public authorities under them for compliance of the same.

Sd/-
(K.G. Verma)
Director

1. All the Ministries/Departments of the Government of India.
2. Union Public Service Commissions/Lok Sabha Sectt/Rajya Sabha Secretariat/Central Vigilance Commission/ President's Secretariat/ Vice-President's Secretariat/Prime Minister's Office/Planning Commission/Election Commission.
3. Central Information Commission/ State Information Commission.
4. Staff Selection Commission, CGO Complex, New Delhi.
5. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
6. All officers/ Desks/Sections, Department of Personnel & Training and Department of Pension & Pensioners Welfare.

Copy to : Chief Secretaries of all the States/ UTs.