



TRIPURA INFORMATION COMMISSION
P.N. COMPLEX: GORKHABASTI: AGARTALA

Complaint No. TIC- 25 OF 2008-09

Sri Harendra Chandra Das

Vill & P.O. - Halahali

District- Dhalai.....Complainant

Vs.

1.Sri N.Barman, Director for Welfare of SCs & OBCs, Government of Tripura, Agartala (former State Public Information Officer).

2.Sri Uttam Mandal, Deputy Director for Welfare of SCs & OBCs, Government of Tripura, Agartala (present State Public Information Officer in the Directorate for Welfare of SCs & OBCs, Government of Tripura).

.....Opposite Parties

ORDER

Dated, 31.10.2008

The complainant Sri Harendra Chandra Das is absent by a petition dated 23.10.2008 (sent by fax and received by this Commission on the same date) on the ground of his illness supported by a medical certificate.

2. OP 1 Sri N.Barman, Director for Welfare of SCs & OBCs and the former State Public Information Officer (SPIO) in the Directorate for Welfare of SCs & OBCs, Government of Tripura and the OP 2 Sri Uttam Mandal, Deputy Director for Welfare of SCs & OBCs and the present SPIO in the Directorate for Welfare of SCs & OBCs, Government of Tripura appeared. They submitted no further written representation. Heard oral submissions made by both the OPs. The complaint is disposed of with the following findings and orders:-

(i) Perused the written complaint along with the copy of the written request dated 19.07.2008 seeking information under the RTI Act, 2005 (for short the Act) of the complainant, the information furnished by the concerned SPIO and the written representations of the OPs 1 and 2. The complainant sought for the following information vide his written request dated 19.07.2008:-

(a)Total Nos. of pump houses of diesel and petrol allotted for Tripura by IOC and AOC.

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- (b) Total Nos. of dealership of the pump houses of diesel and petrol reserved for SC in Tripura allotted by IOC and AOC.
- (c) Total Nos. of the distributorships of LPG allotted for Tripura by IOC and AOC.
- (d) Total Nos. of distributorships of LPG reserved for SC in Tripura allotted by IOC and AOC.
- (e) Total Nos. of ration shops in Tripura and the total nos. of ration shops allotted for SC in Tripura by the Government of Tripura.
- (f) Total Nos. SC population as per Panchayts registers of the Government of Tripura.
- (g) Total Government employees and total Gazetted officers in Tripura and total Nos. of Government SC employees and total Gazetted SC officers in Tripura.

(ii) In response to the above request of the complainant, the SPIO in the Directorate for Welfare of SCs & OBCs, Government of Tripura furnished the information on 13.08.2008 as 'Not available in the Department' against items 1, 2, 3, 4, 5 & 7 of the information sought for. However, the information sought against item 6 was supplied as 'Not available in this Department. However, as per 2001 population census, total SC population of the State is 5,55,724.'

(iii) The complainant in his written complaint dated 09.09.2008 submitted before this Commission, added two more information to be furnished by the concerned SPIO as mentioned at Sl No-7 and 8 of the written complaint, which were not included in his original written request dated 19.07.2008. So, this Commission cannot take any cognizance of allegation of the complainant for non supply of the above two information, namely, (a) total nos. of SC families and how many of them are given BPL and Antodaya Cards by the Government of Tripura and (b) total nos. of ideal houses sanctioned by IAY in Tripura and how many of those are allotted to the SC by the Government of Tripura.

(iv) After careful appreciation of the factual position narrated above, we are of the considered view that the decision of the SPIO as regards providing information under items 1, 2, 3, 4, 5 & 7 are not in accordance with the provisions of the Act. If the concerned SPIO finds that the above information are not available within his custody or within the custody of the same public authority, he should have transferred the written request to the concerned public authority in whose custody the information were

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supposed to be available as per provisions of section 6(3) of the Act. However, the information provided against item 6 of the written request of the complainant is considered to be adequate. The OP 1 verbally submitted that as regards information sought under item 7, the current figures are not available and for, this reason, the complainant was intimated as 'Not available in the Department.' However, there are some old figures available which can be provided to the complainant subject to direction of this Commission. In the circumstances, the OP 2 Sri Uttam Mandal, Deputy Director for Welfare of SCs & OBCs and the SPIO is under obligation to transfer the written request in issue as per provisions of section 6(3) of the Act and Rule 11(7) of the Tripura Right to Information Rules, 2008 in respect of the information sought for under items 1 to 5 and to furnish the available information as sought for under item 7 to the complainant.

(v) In fine, the OP 2 Sri Uttam Mandal, Deputy Director for Welfare of SCs & OBCs and the SPIO is directed to make transfer of the written request in issue of the complainant to the concerned public authority/authorities within a period of 5 days from the date of passing of this order in the light of the discussions made in the preceding paragraphs in respect of the information sought for under items 1 to 5 as mentioned in the written request dated 19.07.2008 of the complainant and that the latest available information shall be provided to the complainant against item 7 as mentioned in the said written request within a period of 15 days of this order.

3. Let copy of this order be sent to the complainant and the OPs.

4. Pronounced.

Sd/-

(D.K.Daschaudhuri)
State Information Commissioner

Sd/-

(B.K.Chakraborty)
State Chief Information Commissioner

Authenticated

10/3/108
(P. Chakraborty)

Secretary
Tripura Information Commission