



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

Complaint No. TIC- 34 OF 2008-09

Smt. Purnima Debnath
D/O Sri Manindra Ch. Debnath
Railway Colony, P.O. - Rajbari- 799252
Dharmanagar, North Tripura.....Complainant

Vs.

1.Smt. Sanchita Roy, Deputy Director, Directorate of Social Welfare & Social Education, Government of Tripura, Abhoynagar, Agartala (State Public Information Officer).

2. The Sub-Divisional Magistrate, Dharmanagar Sub-Division, Dharmanagar, North Tripura (State Public Information Officer).

.....Opposite Parties

ORDER


Dated, 10.12.2008

The complainant Smt. Purnima Debnath is absent without any step despite notice.

2. OP 1 Smt. Sanchita Roy, Deputy Director, Directorate of Social Welfare & Social Education, Government of Tripura, Agartala and the SPIO appeared and submitted a written representation. OP 2 the Sub Divisional Magistrate (SDM), Dharmanagar Sub-Division, Dharmanagar and the SPIO is absent. However, his written representation bearing No-3403-05/F 1(36)/SDM/DMN/07 dated 24.11.2008 sent by post and received by this Commission on 29.11.2008 is put up today and attached to records. A copy of the same with enclosure is furnished to the OP 1 for taking necessary steps. Another letter of the OP 1 bearing No.F.30(19)-SWE/GL/05/L-1(9) dated 27.11.2008 addressed to this Commission and received by this Commission on the same date is also put up today and attached to records.

3. Heard oral submission made by the OP 1. The complainant is disposed of with the following findings and orders:-

(i) The substratum of the case of the complainant is that in compliance with the direction given by this Commission in Complaint No. TIC- 22 of 2008-09 (between Smt. Purnima Debnath, complainant and the SPIO, Directorate of Social Welfare & Social Education, Government of Tripura, the OP), the complainant deposited the application fee of Rs. 10/-jn



the form of Indian Postal Order and sent by post on 13.10.2008 to the OP 1 being the SPIO. But, it is alleged by the complainant in her present complaint dated 11.11.2008 before this Commission that till that date, she received no information from the OP 1 being the SPIO as per direction of this Commission given in Complaint No. TIC -22 of 2008-09.

(ii) The OP 1 in her written representation submitted today stated that she received the application fee from the complainant by post only on 02.12.2008 and thereafter, on 10.12.2008, she sent a letter of intimation to the complainant to deposit additional fee of Rs. 2/- for providing the required information. She also divulged that both the first and the second items of information sought for by the complainant are now available in her custody and will be provided on receipt of the additional fee.

(iii) It reveals from the letter dated 24.11.2008 of the OP 2, the SDM, Dharmanagar Sub-Division, Dharmanagar addressed to this Commission that he collected materials from the Executive Officer, Dharmanagar Nagar Panchayat for providing the information against item No-2 i.e. the status of the application dated 26.07.2008 of the complainant requesting for sanction of pension. However, this information should have been provided by the OP 2 directly to the complainant since, the OP 1 being the SPIO transferred that part of the written request dated 11.04.2008 of the complainant instead of sending the materials pertaining to the information before this Commission.

(iv) It further reveals from the letter dated 27.11.2008 of the OP 1 that in pursuance of this Commission's direction given in Complaint No-TIC 22 of 2008-09, she sent a notice to the complainant on 01.10.2008 requesting to deposit the application fee of Rs. 10/- and the additional fee of Rs. 2/-. But, she did not receive any such fees from the complainant till that date (27.11.2008). She further mentioned that she transferred a copy of the written request dated 11.04.2008 of the complainant to the OP 2 for providing the second part of the information as per direction of this Commission.

(v) For a proper appraisal of the steps taken by the OPs 1 & 2, it would be useful to reproduce the direction given by this Commission on 26.09.2008 in Complaint No.TIC-22 of 2008-09, which are as follows:-

"7. Considering all aspects, we dispose of the complaint with the following orders:-

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- (i) The OP being the SPIO shall send a notice to the complainant within a period of 3 days from the date of passing of this order asking to deposit the application fee of Rs.10/- either in cash, or by Indian Postal Order or by treasury challan. Upon receipt of the application fee, the OP being the SPIO shall provide the first item of the information to the complainant within a period of 7 days and shall transfer a copy of the written request dated 11.04.2008 of the complainant with enclosure to the SDM, Dharmanagar within a period of 5 days requesting him to dispose of the written request of the complainant for disclosure of the second item of information in accordance with the relevant provisions of the Act and the Rules.
- (ii) The SDM, Dharmanagar being the SPIO, upon receipt of the copy of the written request dated 11.04.2008 of the complainant along with the enclosure from the OP, shall dispose of the written request for disclosure of the second item of the information within a period of 15 days strictly in adherence to the relevant provisions of the Act and the Rules."

(vi) After a careful appreciation of the factual position narrated above, it is established that although, the OP 1 being the SPIO requested the complainant to deposit the application fee in time as per direction of this Commission but, request to deposit the additional fee along with the application fee was irregular. Again, the OP 1 being the SPIO was asked to transfer the written request in issue to the SDM, Dharmanagar Sub-Division, Dharmanagar requesting to provide the second part of the information only after receipt of the application fee from the complainant. But, the OP 1 transferred the written request in issue to the SDM, Dharmanagar Sub-Division, Dharmanagar prior to receipt of the application fee from the complainant, which was another irregularity.

(vii) A copy of the letter No - 3403-05/F 1(36)/SDM/DMN/07 dated 24.11.2008 of the SDM, Dharmanagar Sub-Division, Dharmanagar addressed to this Commission is supplied to the OP 1. Now, the facts stand are that the complainant deposited the application fee, which reached to the OP 1 being the SPIO on 02.12.2008 but, no additional fee has been deposited by the former and that both the items of information required to be provided are now available with the OP 1 being the SPIO. This is also a fact that long delay has been caused after making the written request by the complainant seeking information under the RTI Act, 2005 (for short the Act) beyond the statutory period and considering this aspect we are of the view that the liability for such delay

was not attributable to the complainant and, therefore, it would be unwise to charge additional fee for providing the information upon the complainant. So, the OP 1 being the SPIO should not wait for payment of additional fee by the complainant as requested by her.

(viii). In fine, the complaint is disposed of with the order that the OP 1 being the SPIO should provide both the first and the second items of information to the complainant as sought for vide her written request dated 11.04.2008 within 3 days from the date of passing of this order free of charge under intimation to the OP 2 and a compliance report be sent to this Commission.

4. We consider it expedient to put on record the experience gathered by this Commission that the stakeholders for providing the information in the Directorate of Social Welfare & Social Education, Government of Tripura are not well acquainted with several provisions of the Act and the Tripura Right to Information Rules, 2008 (for short the Rules) and they committed many irregularities in dealing with the written request seeking information under section 7(1) of the Act and the first appeal under section 19(1) of the Act. In view of this position, the Commissioner & Secretary to the Government of Tripura, Social Welfare & Social Education Department being the head of the Administrative Department is requested to make arrangement for imparting training and education on the Act and the Rules to all the stakeholders namely, the First Appellate Authorities, the State Public Information Officers and the State Assistant Public Information Officers under the Department of Social Welfare & Social Education, Government of Tripura, Agartala.

5. Pronounced.

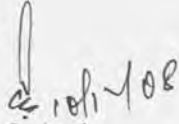
6. Let copy of this order be sent to the complainant and the OPs. Also send a copy of this order to the Director, Social Welfare & Social Education Department, Government of Tripura being the head of the Public Authority and the Commissioner & Secretary to the Government of Tripura, Social Welfare & Social Education Department, Agartala being the head of the administrative Department.

Sd/-
(D.K.Daschaudhuri)
State Information Commissioner

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



Authenticated


(S.C.Saha)
Secretary

Tripura Information Commission



Tripura Information Commission

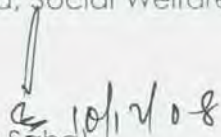
P. N. Complex: Gorkhabasti : Agartala

Complaint No. TIC-34 of 2008-09 | 1494-98

Dated, 10.12.2008

Copy to:-

1. Smt. Purnima Debnath, D/O Sri Manindra Ch. Debnath, Railway Colony, P.O.- Rajbari- 799252, Dharmanagar, North Tripura (Complainant).
2. Smt. Sanchita Roy, Deputy Director, Directorate of Social Welfare & Social Education, Government of Tripura, Abhoynagar, Agartala (State Public Information Officer) – OP 1.
3. The Sub-Divisional Magistrate, Dharmanagar Sub-Division, Dharmanagar, North Tripura (State Public Information Officer) – OP 2.
4. The Director, Social Welfare & Social Education Department, Government of Tripura, Agartala (Head of the Public Authority).
5. The Commissioner & Secretary to the Government of Tripura, Social Welfare & Social Education Department, Agartala.


(S.C.Saha)
Secretary

Tripura Information Commission