



TRIPURA INFORMATION COMMISSION

**ANNUAL REPORT**

**2010-11**

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## Chapter I

### Introduction

**T**ripura Information Commission, with this edition, is preparing its sixth annual report. Other five reports, relating to the years 2005-06, 2006-07, 2007-08, 2008-09 and 2009-10 were prepared and forwarded to the State Government with recommendation to lay before the Tripura Legislative Assembly. The Right to Information Act, 2005 mandates preparation of the annual report so that the implementation of the provisions of the act is mirrored in that report and the appropriate Commission can suggest, recommend necessary steps if the Commission is of the opinion that the functions of the Public Authorities under this Act do not conform to the provisions or spirit of the Act. The Tripura Information Commission, in its previous reports had made several recommendations for ensuring the effective implementation of the Act in the State.

1.1.2 The Right to Information Act is a land mark citizen friendly legislature. Yet, it being so, the Tripura Information Commission, from the experiences it gathered, is of the opinion that fruits of the legislature are yet to be exploited by the mass people specially, the disadvantaged group. Public awareness about their right to access information held by the Public Authority in accordance with the provisions of the act depends mostly on the extent to what the citizens have been educated in RTI. The sincere and citizen friendly attitude of the information providers under the public authorities are the primary requirement of meaningful democracy with good governance. The appropriate government and the public authorities are mainly vested with the responsibility of building capacity through education and training of the stake holders under the public authorities and the development of awareness amongst the public at large as laid down under section 26 of the RTI Act. The citizens, at the grassroots level are not very much aware of the legislature and they seldom come to use the Right to Information Act. This is probably due to a lack of understanding about the Act by the disadvantaged group. However, by and large the response to the Act has been encouraging. Though, at present, the Right to Information Act is broadly being used by the educated citizens, notably employees of the government and other public funded bodies have been its most ardent users. The Tripura Information Commission has endeavored to strengthen the awareness generation programme, specially in disadvantaged group covering all the Sub-Divisions of the State and during the reporting period, the Commission has already covered all most all the Sub-

Divisions and some of the Sub-Divisions more than once. The efforts of the Commission alone are not adequate and awareness generation can not be the only tools to bring about desired improvement in the implementation of the provisions of the Right to Information Act. The provisions of the Act suggest that the appropriate Government is to look after certain areas concerning the proper implementation of the provisions of the Act and with out such action, the Act may not be implemented to the desired extent. The Tripura Information Commission in its previous reports made some specific recommendations to the State Government to consider those recommendations and to adopt as policy decision of the Government for proper implementation of the provisions of the Right to Information Act.

1.1.3 The record management, including cataloguing and indexing of records enabling easy access to information is an important aspect of the Right to Information Act. This is necessary to ensure timely disposal of request for information as provided under the Act. The Tripura Information Commission, in deciding certain appeals and complaints has observed that Public Authorities need to bring about substantial improvement in the management of records ensuring hassle free supply of information to the information seekers. As about destruction of records, though there is a Central Act and rules framed there on by the Central Government, the State Government is yet to adopt the said act or to enact its own act to regulate destruction or retention of records. The administrative orders now in force lack from legal point of view. This Commission, in several orders and judgments has discussed and suggested adoption /formulation of a suitable procedure for destruction and retention of records.

1.1.4. The compliance of the provisions of the act in the state, in spite of various constraints, is encouraging. The number of requests and appeals made to the SPIOs and to the Departmental Appellate Authorities compared to the previous years is larger. Similarly, information furnished by the SPIOs is also large compared to the previous years which means that the compliance of the provisions of the act in the state is better and the stake holders now better understand the provisions of the Act and this is indexed in the number of second appeals and complaint presented before this Commission during the reporting period. Though the number of requests has substantially gone up but comparatively, the number of 2<sup>nd</sup> appeal and complaint are not as well. The reasons behind are that the SPIOs are now more responsive and understand the provisions of the act better and requesters also get their required information within the time specified under the Act. The Commission may therefore, claim that the mission set up by it is gradually getting momentum.

1.1.5. Tripura Information Commission, as a matter of principle, gives quick response to the 2<sup>nd</sup> appeal and complaint and disposes, generally, in normal cases, with in a day or two of the date of hearing and in extra ordinary circumstances and in complicated cases, decision is given taking little bit more time. The Commission, during the reporting period, in one case only took about

six months time due to veracity of the case. The judgment and order of the Commission is web enabled and uploaded in the website [www.tripua.nic.in](http://www.tripua.nic.in).

1.1.6. The overall response of citizens towards use of the Right to Information Act in the state is encouraging. There is significant increase in the number of information seekers during the period under report as compared to the previous years. The response of the stake holders is also positive. Therefore, the information seekers need not to lodge 2nd appeal or complaint as many. The Commission expects that during the coming years, understanding about the RTI legislatures amongst the users and the stake holders would be better and the fruits of the legislature could be better exploited.

## **CHAPTER – II**

### **ACHIEVEMENTS**

2.1.1: **Development of awareness**. The fundamental principle of the Right to Information Act may be to bring about equality among all citizens by ensuring availability of information on the lawful actions of the public authority with a view to bring transparency in Government functioning. It intends to ensure fairness in the formulation and implementation of public policies. The civil society may feel that the Right to Information Act has brought privilege to them to make public officials responsible and accountable for their assigned tasks. It is believed that the Right to Information Act has given an excellent opportunity to the public in their respective fields to develop skill and to utilize for their betterment and the society as well. But the successful use of the legislature mostly depends on how the people utilize the legislature and how far they have made them equipped to utilize the act to exploit its fruits. The awareness and propagation of the Right to Information Act are therefore, the important tools to bring about desired goal of the legislature. Though the Act mandates that the appropriate Government within and extent of its resources may develop and organize educational programmes to advance the understanding of the people, in particular of disadvantaged communities as to how to exercise the rights contemplated under the Right to Information Act and the state Government also has taken necessary steps in that direction, the Tripura Information Commission felt that the Commission would also take necessary steps for propagation of the RTI and for education of the people of the state in Right to Information.

2.1.2. As suggested by this Commission, the Government of Tripura declared the State Institute of Public Administration and Rural Development as 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. In the programmes organized by the SIPARD both the State Chief Information Commissioner and the State Information Commissioner actively participated and placed their presentation on the Act and the Rules as well as allied RTI related matters.

2.1.3. Besides the programmes arranged by the SIPARD after active persuasions by this Commission, the District Administration and some public authorities arranged training programmes and workshops with the active support of the Tripura Information Commission for the Appellate Authorities, SPIOs and the SAPIOs designated by the respective public authorities during the period under report .

### **2.2.1 Proactive disclosure by Public Authorities:**

Section 4(2) of the RTI Act provides that it shall be a constant endeavor of every Public Authority to provide as much as 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 have made such disclosure upto 31.03.2011 and many Departments are yet to disclose information proactively. . The public authorities are required to take appropriate steps for updating the publication of information under section 4(1) (b) of the Act immediately.

### **2.2.2. Designation of FAAs, SPIOs AND SAPIOs:**

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.

2.2.4. 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. Designating the First Appellate Authority, State Public Information Officer and State Assistant Public Information Officer does not end the responsibility of the Public Authority. The changes take due to transfer, retirement etc. in the chair of the said authorities have to taken care of so that no chair of any of the aforesaid authorities remains vacant.

### **2.2.5 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: -

Sl. No	Name of Department (Public Authorities)	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	Agriculture Department	38	38	00	36	02
2	Animal Resources Deptt	07	07	00	07	00
3	Assembly Secretariat	17	17	00	17	00
4	C M Secretarial	07	07	00	07	00
5	Co-Operative Dept.	39	37	02	37	00
6	Director General of Police	52	43	09	43	00
7	Education (SW & SE)	37	31	00	31	06
8	Education (Higher)	49	49	00	49	00
9	Education (School)	2061	2061	00	2061	00
10	Education (YAS)	06	06	00	06	00
11	Election Department	15	15	00	15	00
12	Fisheries Department	03	03	00	03	00
13	Finance Department	63	63	00	60	03
14	Food, Civil Supplies & Consumer's Affairs	75	75	00	17	58
15	General Administration (AR) Department	58	58	00	58	00
16	General Administration (P&T) Department	42	42	00	41	01
17	General Administration (SA) Department	10	10	00	10	00
18	General Administration (Pol) Department	00	00	00	00	00
19	General Administration (C&C) Department	10	10	00	10	00
20	General Administration (P&S) Department	02	02	00	02	00
21	Governor Secretariat	00	00	00	00	00
22	Gowahati High Court	07	07	00	07	00
23	Home (Jail) Department	15	15	00	15	00
24	Home (Police) Department	90	90	00	87	03
25	Health Department	37	37	00	37	00
26	Handloom & Handicraft Dept.	02	02	00	02	00
27	Industries & Commerce	33	33	00	33	00
28	Information, Cultural Affairs & Tourism	13	13	00	13	00



29	ICFAI University	08	08	00	08	00
30	Law Department	08	08	00	08	00
31	PW Department	12	12	00	12	00
32	Panchayet Department	48	48	00	48	00
33	Revenue Department	1809	1809	00	1800	09
34	Science, Technology & Environment Department	24	24	00	24	00
35	TBSE	16	16	00	16	00
36	Tripura Public Service Commission	269	269	00	263	06
37	Tripura Information Commission	19	19	00	19	00
38	Tripura State Cooperative Bank Ltd.	03	03	00	03	00
39	Tripura Gramin Bank	06	06	00	06	00
40	TRP & PGP Dept.	00	00	00	00	00
41	Transport Department	20	20	00	20	00
42	Urban Development Department	93	93	00	83	10
<b>Total</b>		<b>5123</b>	<b>5106</b>	<b>11</b>	<b>5014</b>	<b>98</b>

NB. The following departments did not submit any Report despite repeated persuasion from the Commission :

- i. Forest department
- ii. Rural development department
- iii. Labour Department
- iv. Tribal welfare department

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

Sl. No	Name of Department (Public Authorities)	Fee Collected Section 6(1)	Fee Collected Section 7(1)	Total Collection
1	Agriculture Department	330	578	908
2	ARDD	70	228	298
3	Assembly Secretariat	130	510	640
4	C M Secretariat	70	10	80

5	Co-Operative Dept.	250	708	958
6	Director General of Police	320	40	360
7	Education ( SW&SE)	240	42	282
8	Education (Higher)	490	1659	2149
9	Education (School)	18870	3766	22636
10	Education (YA&S)	60	-	60
11	Election Department	40	-	40
12	Fisheries Department	30	82	112
13	Finance Department	530	110	640
14	Food, Civil Supplies & Consumer's Affairs	170	1266	1436
15	General Administration (AR) Department	430	226	656
16	General Administration (P&T) Department	420	1509	1929
17	General Administration (SA) Department	30	-	30
18	General Administration (C&C) Department	100	120	220
19	General Administration (P&S) Department	20	10	30
20	Gowahati High Court	70	-	70
21	Home (Jail) Department	120	100	220
22	Home (Police) Department	530	532	1062
23	Health Department	280	372	652
24	Handloom & Handicraft Dept.	10	-	10
25	Industries & Commerce	260	124	384
26	ICAT Department	90	146	236
27	ICFAI University	70	-	70
28	Law Department	80	105	185
29	P W Department	80	-	80
30	Pachayet	190	50	240
31	Revenue Department	15700	8523	24223
32	Science & Technology Department	90	08	98
33	TBSE	150	-	150
34	Tripura Public Service Commission	2610	168	2778
35	Tripura Information Commission	170	492	662
36	Tripura State Cooperative Bank Ltd.	20	-	20
37	Tripura Gramin Bank	60	-	60
38	Transport Department	150	-	150

39	Urban Development Department	930	-	930
<b>Grand Total</b>		<b>44260</b>	<b>21484</b>	<b>65744</b>

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

Sl. No	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	
1	Agriculture Department	00	00	00	00	00	00	00
2	Animal Resources Deptt.	00	00	00	00	00	00	00
3	Assembly Secretariat	00	00	00	00	00	00	00
4	C M Secretarial	00	00	00	00	00	00	00
5	Co-Operative Dept.	00	00	00	00	00	00	00
6	Director General of Police	00	05	05	05	00	05	00
7	Education (SW & SE)	00	00	00	00	00	00	00
8	Education (Higher)	00	01	01	01	00	01	00
9	Education (School)	00	00	00	00	00	00	00
10	Education (YAS)	00	00	00	00	00	00	00
11	Election Department	00	00	00	00	00	00	00
12	Fisheries Department	00	00	00	00	00	00	00
13	Finance Department	00	05	03	05	00	05	02
14	Food, Civil Supplies & Consumer's Affairs	00	00	00	00	00	00	00
16	General Administration (AR) Department	00	02	02	02	00	02	00

17	General Administration (P&T) Department	00	02	01	02	00	02	01
18	General Administration (SA) Department	00	01	01	01	00	01	00
19	General Administration (Pol) Department	00	00	00	00	00	00	00
20	General Administration (C&C) Department	00	00	00	00	00	00	00
21	General Administration (P&S) Department	00	00	00	00	00	00	00
22	Governor Secretariat	00	00	00	00	00	00	00
23	Gowahati High Court	00	00	00	00	00	00	00
24	Home (Jail) Department	00	01	01	01	00	01	00
25	Home (Police) Department	00	00	00	00	00	00	00
26	Health Department	00	01	01	01	00	01	00
27	Handloom & Handicraft Dept.	00	00	00	00	00	00	00
28	Industries & Commerce	00	01	01	01	00	01	00
29	Information, Cultural Affairs & Tourism	00	01	01	01	00	01	00
30	ICFAI University	00	00	00	00	00	00	00
31	Law Department	00	00	00	00	00	00	00
32	PW Department	00	00	00	00	00	00	00
33	Revenue Department	00	00	00	00	00	00	00
34	Science, Technology & Environment Department	00	00	00	00	00	00	00
35	TBSE	00	00	00	00	00	00	00
36	TPSC	00	02	02	02	00	02	00

37	Tripura Information Commission	00	02	02	02	00	02	00
38	Tripura State Cooperative Bank Ltd.	00	00	00	00	00	00	00
39	Tripura Gramin Bank	00	06	06	06	00	06	00
40	TRP & PGP Dept.	00	00	00	00	00	00	00
41	Transport Department	00	00	00	00	00	00	00
42	Urban Development Department	00	06	01	06	00	06	05
<b>Grand Total</b>		-	<b>36</b>	<b>28</b>	<b>36</b>	-	<b>36</b>	<b>08</b>

**2.2.8. 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)	07	118*	125	112	05	117	08
Second appeal u/s 19(3)	02	50	52	41	08	49	03

2.2.9 During the period under report, the number of application for information received by the State Public Information Officers was 5123.. There were 11 rejections during the period. Out of the 5123 applications received 5106 were disposed during the Year. . Amongst all the stake holders, **Education Department** with as many as 2061 applications had the highest number of application received by a single Department and this number amounts 40.61% of the total applications received during the period under report. **The Revenue department** is the 2<sup>nd</sup> highest recipient of the applications with a receipt of 1809 applications under the Act. The number of application received during the period under report is almost double the number application received corresponding

period of the last year. The number of 1<sup>st</sup> appeal received by the 1<sup>st</sup> Appellate Authority during the period under report is 36 only and this indicates that the applicants were not required to approach to the 1<sup>st</sup> Appellate Authority for information and the State Public Information Officers have better adapted the provisions of the RTI. Application fees received during the period under report amounted to Rs. 65744/- Tripura Information Commission received 118 number complaints and 50 applications admitted as 2<sup>nd</sup> appeal during the period under report and disposed of 117 complaints and 49 2<sup>nd</sup> appeals. This number corresponding to the last year is not higher and this means that the citizens are now not required to approach the Commission as many and they get the required information from the State Public Information Officers. This improvement has been sustained due to constant monitoring done by the Commission.

## **CHAPTER-III**

### **TRIPURA INFORMATION COMMISSION –AN OVERVIEW**

Constitution of the State Information Commission as mandated under sub-section (1) of Section 15 of the Right to Information Act, 2005, the State Government vide notification No 3(5)-GA(AR)/2005/P-III dated 10<sup>th</sup> October, 2005 constituted the Tripura Information Commission. The State government vide notification No F.3(5)-GA(AR)/2005/P-III dated 17<sup>th</sup> January, 2006 appointed Sri B.K.Chakraborty, IAS (Retd) and Sri D.K.Daschoudhuri, TJS (Retd) as the State Chief Information Commissioner and the State Information Commissioner respectively and functioning of the Commission started immediately after taking oath of office administered by His Excellency the Governor of Tripura on 19<sup>th</sup> January, 2005 by –

- i). Sri B.K.Chakraborty, IAS, (Retd) as the State Chief Information Commissioner
- ii). Sri D.K.Daschoudhuri, TJS (Retd) as the State Information Commissioner.

2. From 18<sup>th</sup> January 2011 the Commission has been headed by the following [ vide the GA[AR] deptt Notification no F.13[3]-GA[AR]/2010 dated 18<sup>th</sup> Jan 2011 ]

- i. Sri Shasi Prakash, IAS [ Retd] as the State Chief Information Commissioner
- ii. Smt Shyamalima Banerjee, IAS [ Retd] as the State Information Commissioner

#### **3.2.2 Location and Office accommodation of the Commission:**

The Tripura Information Commission is located in the first floor of the Secretariat Annex building, Pandit Nehru Complex, Gurkhabasti, Agartala-799006. The General Administration (SA) Department has spared 6(six) rooms to the Commission. 3 rooms are used as the chambers of the Chief Information Commissioner, Information Commissioner and the Secretary of the Commission. One room is earmarked for *Ejlas* of the Commission and 2 rooms are used for office of the Commission.

#### **3.3.1 Role and Power of the Commission :**

Tripura Information Commission is a quasi judiciary forum established as per provision of Section 15(1) of the Right to Information Act, 2005. It enjoys the power of the Civil Court as are vested in trying a suit under the Code of Civil Procedure and it can issue summon and enforce the attendance of a person and compel them to give oral or written evidence and to produce documents or things

requiring the discovery and inspection of documents; receiving evidence on affidavit; sending requisition for any public records and copies thereof from any court or office. The Commission has a number of key roles to play to ensure that the Right to Information Act is effectively assisting the citizens to have access to information, specially the disadvantaged group. The Information Commission is responsible for :-

**(i) Handling of Complaints and Appeals:** It is the duty and responsibility of the Commission to receive and enquire a complainant from any person who has been unable to submit a request for information to a Public Information Officer for reason that no such officer has been appointed; Public Information Officer has refused to receive and accept application for information or appeal; refused access to any information; has not given response to a request for information within specified time; PIO has demanded unreasonable fee; applicant believes that he has been given incomplete, misleading or false information. It is also the duty and responsibility of the Commission to receive Second Appeal filed against the decision of the First Appellate Authority within a period of 90 days from the date on which the 1<sup>st</sup> Appellate Authority disposed of the 1<sup>st</sup> appeal. In deciding the 2<sup>nd</sup> appeal, the Commission has the power to require the Public Authority to take steps to comply with the provisions of the RTI Act; pass direction to provide information in the same form in which information is sought for; direct the public Authority to designate State Public Information Officer and proactively disclose certain information; pass direction about record management and destruction of records; direct the public Authority to enhance the provision of training on the Right to Information for its officials; providing an annual report to the Commission by every Public Authority; require the Public Authority to compensate the complainant/appellant for any loss or other detriment suffered; impose penalty and recommend for instituting departmental proceeding against the erring Public Information Officers; reject the 2<sup>nd</sup> appeal.

**(ii). Monitoring of Implementation:** The annual report is required to be prepared by the State Information Commission partly based on the data to be furnished by the Public Authorities in form the annual report. The said report has to be furnished by the Public Authority after the end of each year. This is required as per provision laid down under section 25(2) of the Right to Information Act, 2005. The State Information Commission has to oversee the compliance of the said provision of the Act and suggest the Public Authorities about compliance of the provision of the Act. The State Information Commission may recommend specifying the steps which in its opinion is necessary to be taken by the public authorities in relation to the exercise of its function under the Act which does not conform with the provisions or spirit of the Act to promote such conformity.

**(iii). The Special Human Right Oversight:**

The provision contained under Section 24(4) of the Act, the State Govt., in exercise of the said power conferred upon it may exempt the intelligence and security organization from the purview of the Right to Information Act by issuing



notification in the official gazette time to time. The State Government, by virtue of the said power has exempted the Police Organization including its Forensic Laboratory from the purview of this Act. However, the information pertaining to the allegation of human right violation, the Police Organization also including its forensic laboratory is required to obtained approval of the State Information Commission to furnish information. That a part, the Police Organization including its Forensic Laboratory is also bound to furnish information pertaining to the allegation of corruption even then it is exempted from the purview of the Right to Information Act.

#### **3.4.1. Function of the Tripura Information Commission:**

(i). Tripura Information Commission decides both complaint under section 18 and second appeal under section 19(3) of the Right to Information Act. In course of deciding complaint as well as appeal, the Commission calls attendance of both the complainant/appellant and the respondent issuing notice and summon in the prescribed form allowing reasonable time for making written rejoinder and representation by the complainant/appellant and the respondent as the case may be and also for personal hearing.

(ii). The Commission does not consider personal appearance of the complainant/appellant mandatory. Even, in absence of the complainant/appellant, the Commission decides complainant/appeal on merit. The Commission generally decides no case with out having heard the respondent.

(iii). The Commission announces order concluding hearing and detailed judgment and order is pronounced normally on the same day or within a couple of days duly authenticated from the Commission and provides to the parties to the complaint and appeal either by hand or by post as opted by them. The copy of the judgment and order is also uploaded to the website of the Tripura Information Commission and judgment and order of the Commission is easily accessible to the citizens.

(iv). The Right to Information Act, 2005 does not provide time limit for deciding an appeal or a complaint. Tripura Information Commission insists on early disposal of the cases. Generally, the cases which are not complicated are disposed of after a single hearing which hardly takes a month. The complicated cases are being disposed of with in a span of time on an average 2(two) months of their institution with the Commission. Under exceptional circumstances, in one case only, the Tripura Information commission pronounced final judgment after six months.

(v). Tripura Information Commission does not close any case with out receiving compliance report from the stake holders. The Commission gets it ensured making special mention in the judgment and order for sending compliance report

specifying time limit. A case is finally closed having examined the compliance report and getting satisfied with action of the stake holders.

(vi). The proceedings of the Commission are held in congenial informal atmosphere to enable the requesters to feel free to present their cases and express their views with out any fear and apprehension.

(vi). The penal proceedings, the Commission takes up separately and the officers against whom allegations are brought to have violated the provisions of the Act are being allowed reasonable opportunity of being heard and the Commission decides the proceedings having heard the officers against whom allegations are brought.

(vii). Some times, citizens are in wrong notion that the Information Commission will provide redress to their ultimate grievances and they lodge complaint with the Commission or file appeal before the Commission. The Commission makes every effort at the time of hearing to convince them that the Commission is concerned with only grievances pertaining to information sought for. The redress against ultimate grievances may be sought for from the Department/ Organization concerned/ Other sources, as the case may be relevant.

(viii). For the propagation of the RTI and training of the stake holders, the Commission takes sincere initiative and gives suggestions to the Public Authorities where the stake holders lack to bring improvement. The Commission also gives suggestion to the Public Authorities about record management, indexing, cataloguing and computerizing of records.

**3.5.1. Budget Provision made for the Tripura Information Commission :-**

Rupees in thousand		
SI. No	Item of Expenditure	2010-11
1.	Salaries	4000
2.	Travel Expenses	100
3.	Office Expenses	180
4.	Purchase of Vehicle	-
5.	Cost of fuel and maintenance cost of vehicle	200
6.	Hiring charges of private vehicle	120
7.	Professional Services	600
	<b>Total</b>	<b>5200</b>

3.6.1 **Secretariat of the Commission:** In consistence with the provision laid down 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,

the Commission has also been provided with the following category of staff on deputation from the other departments:-

SL No	Designation	Number
1.	Private Secretary, Grade III	1
2.	P.A. Grade-I	3
3.	Office Superintendent	1
4.	Assistant	1
5	Driver	2
6.	Group D	6

Address and Contact Number of the Secretary, Tripura Information Commission:-  
Pandit Nehru Complex, Gurkhabasti, Agartala -799006. Phone – 0381-2224146  
(O), 0381-2382378 (R).

## CHAPTER-IV

### COMMISSION'S OBSERVATIONS AND RECOMMENDATIONS

4.1. **Previous unimplemented recommendations:** Tripura Information Commission in its annual reports for the year 2005-06, 2006-07, 2007-08, 2008-09 and 2009-10 forwarded to the State Government made some observations and recommendations. Although, the State Government has taken some steps for implementation of those recommendations, major recommendations of the Commission are yet to be implemented. Some of the recommendations are to be implemented by the Central Government and rest by the State Government. Therefore, this Commission considers it expedient to reiterate those unattended recommendations in this report also.

4.2. **Enforcement of decisions of the Commission:** Section 19(7) of the Right to Information Act, 2005 stipulates that the decision of the Information Commission shall be binding. The Act is however, silent about the action to be contemplated in case there is non-compliance. There are instances of non-compliances of the orders passed by the Commission. Therefore, it is suggested that a new sub-section to the Section 19 of the Act to 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 record 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 guideline 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 strong 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 Information Technology with the assistance of the Ministry of Communication has set Community Information Centers in most of

the Block Headquarters in the State. Considering the usefulness of those centers, the state government has decided to improve further coverage net including the panchayats in rural Tripura to disseminate development based information. Tripura Information Commission suggests the State Government to extend the facility to the citizens and empowered them to have access to information under the provisions of the Right to Information Act. In addition, specific budgets may be sanctioned to all the public authorities for creating framework for setting up an efficient record management system without which public authorities may not be able to provide required all information sought for as per provisions of the Act efficiently.

4.2.3. The Commission examined the 'Record Retention Schedule of Records Common to All Departments' published on 06.04.2000 by the General Administration (AR) Department, Government of Tripura . 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 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. This Commission, therefore, advises the Government of Tripura to come forward and take immediate necessary steps for enforcement of similar Act and Rules for regulating the management , administration and preservation of public records of the State Government , Public Sector Undertakings, 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 obliges 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**: The 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 RTI. 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 text books to attract the attention of the mothers of the children and other readers. However, the matter should be standardized so that there is no misinterpretation at any stage. Therefore, the task for preparation of materials and their inclusion in the text books may be entrusted upon the University for the colleges, Tripura Board of Secondary Education for the secondary and NCERT/SCERT 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 stakeholders 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). 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 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 maybe exempted from obtaining prior concurrence of the Finance Department in respect of the followings:-

- \* 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 Machine, Photocopiers and Computers With accessories after observing all required formalities and subject to availability of fund.

- Purchase of newspapers and periodicals.

