



**TRIPURA INFORMATION COMMISSION**  
**Annual Report 2015-2016**



*RTI-transparency in governance*

**TRIPURA INFORMATION COMMISSION**  
Secretariat Annexe Building  
Pandit Nehru Complex, Agartala, Tripura

## SYNOPSIS

|   |                                      |      |
|---|--------------------------------------|------|
| I | (i) No. of First Appellate Authority | 156  |
|   | (ii) No. of SPIO                     | 1551 |
|   | (iii) No. requests received          | 3601 |
|   | (iv) No. of requests disposed        | 3577 |
|   | (v) No. of request pending           | 24   |
|   | (vi) No. of requests rejected        | 31   |

### 2. Classification of information:

|      |  |     |
|------|--|-----|
| I    | Highest number of petitions under service related information is received by the Directorate of Health Services          | 142 |
| ii   | Highest number of petitions under project related information is received by the Panchayat Department                    | 130 |
| iii  | Highest number of petitions under government scheme related information is received by the Panchayat Department          | 252 |
| iv   | Highest number of petitions under government policy related information is received by the Panchayat Department          | 21  |
| v    | Highest number of petitions under examination related information is received by the Directorate of Health Services      | 21  |
| vi   | Highest number of petitions under service delivery related information is received by the Directorate of Health Services | NIL |
| vii  | Highest number of petitions under land related information is received by the Department of Forests                      | 84  |
| viii | Highest number of petitions under recruitment related information is received by the Tripura Public Service Commission   | 383 |
| ix   | Highest number of petitions under any other information is received by the Home Department                               | 236 |

### **3. Total Fees Collected**

**Rs.65,756.00**

# ANNUAL REPORT: 2015-16

## Chapter- 1

### Introduction

1.1 The Tripura Information Commission came into existence in the year 2006 and started functioning from 19<sup>th</sup> January, 2006 after the passage of the land mark legislation the Right to Information Act, 2005. Under Section 25(1) of the RTI Act, the State Information Commission shall, as soon as practicable after the end of each year, prepare a report on the implementation of the provisions of this Act during the year and forward a copy thereof to the appropriate government. It is mandated that all the departments in relation to public authorities within their jurisdiction shall, under section 25(2) of the Act, collect and provide such information to the State Information Commission to prepare the annual report and comply with the requirements concerning the furnishing of that information and keeping of records. The present report is for the year 2015-16 and is the XI<sup>th</sup> Annual Report of Tripura Information Commission.

1.2 This Annual Report indicates the work of receipt and disposal of applications seeking information under RTI Act during the year by the various State Public Information Officers (SPIOs), disposal of the first appeals and status of receipt and disposal of second appeals as well as complaints by the Tripura Information Commission.

1.3 During the year the Commission is headed by Shri K.V.Satyanarayanaa, IAS (Retd), State Chief Information Commissioner who has been functioning since 27.9.2014.

1.4 The Tripura Right to Information Rules, 2008 were promulgated vide Notification No.F.3(5)-GA(AR)/2005(L) dated 29.1.2008. The Government of Tripura in the General Administration (Administrative Reforms) Department vide Notification No.F.3(5)-GA(AR)/2005/VI dated 27.9.2005 which was further amended by Notification dated 13.7.2015, exempted the Home(Police) Department including

Forensic Science Laboratory from the purview of the provisions of the Act except allegations of corruption, human rights violation and administrative functions not relating to security and intelligence. Copies of these Notifications are annexed to this report.

1.5 Tripura Information Commission has made provisions for online filing of second appeals and complaints under the RTI Act. It is noteworthy that this provision for filing online appeals/complaints is being availed by the citizens. It has been the endeavour of the Commission to dispose appeals and complaints expeditiously. The Commission's orders are also uploaded on its Website. ([www.rtitripura.nic.in](http://www.rtitripura.nic.in))

1.6 During the year, the Commission has organized a State Level Workshop for the SPIOs and other stakeholders at Agartala on 25.3.2016 in which Shri R.K. Mathur, IAS (Retd), Chief Information Commissioner, Central Information Commission, New Delhi graced the occasion as the Chief Guest and delivered the keynote address. Awareness programmes on RTI were held in all the districts of the State in the year 2015-16 in collaboration with SIPARD. On all such occasions, the participants were oriented on the effective implementation of the various provisions of the RTI Act with emphasis on transparency and accountability. At times, public representatives were invited to grace the programmes. Such workshops on RTI were organized at Belonia, Sepahijala, Khowai, Agartala, Udaipur, Ambassa, Dharmanagar and Kailashahar in which participants including SPIOs and SAPIOs were enlightened about their role and responsibilities under the RTI Act. The Secretary, Tripura Information Commission acted as 'resource person' in the above programmes.

## Chapter-II

### TRIPURA INFORMATION COMMISSION DURING 2015-16

2.1 The Tripura Information Commission has completed more than 10(ten) years of its existence having come into force with effect from 19.1.2006. The State Information Commission was constituted to exercise powers and perform its functions as laid down under the RTI Act, 2005. Under Section 15(4) of the Act, the

general superintendence, direction and management of the affairs of the State Information Commission rests with the State Chief Information Commissioner who should exercise all powers and do all such acts and things which may be exercised or done by the State Information Commission autonomously without being subjected to directions by any other authority under the Act.

2.2 Under Section 16(6) of the RTI Act, the State Government shall provide such officers and staff as may be necessary for the efficient performance of its functions. The powers and functions of the State Information Commission were laid down in Chapter-V of the RTI Act. The Commission has got powers to receive and enquire into any complaints under section 18 of the Act. The State Information Commission while enquiring into any matter under Section 18(2) is vested with the powers of a civil court under the Code of Civil Procedure, 1908.

2.3 The State Information Commission is the second appellate authority under section 19(3) of the Right to Information Act. The second appeal lies on the orders of the First Appellate Authorities (FAAs) under Section Section 19(3) as under:

*" A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received with the State Information Commission.*

*Provided that the State Information Commission may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. "*

2.4 Under section 19(5) of the Act, the onus to prove that denial of request for information was justified shall lie on the SPIO who denied the request.

2.5 In disposal of complaints and appeals, the Commission calls for attendance of the Complainants/Appellants and the Respondents by issuing notice in Form-20 and Summons in Form-29 of the Tripura Right to Information Rules, 2008.

2.6 The hearing is conducted in presence of the parties and order of the Commission is pronounced in the open court before the parties and detailed order is issued generally on the same day and if the same is not issued on the same day, the

date for issue of orders is also specified and intimated. The copy of the order is provided to the parties free of cost and also uploaded on the Website of the Commission. Some of the significant orders of the Commission are annexed to this report.

2.7 During the year, the Commission had only the State Chief Information Commissioner. The Secretariat of the Commission has the following staff:

Table: 1

As on 31.3.2016

| SL No | Designation     | Number |
|-------|-----------------|--------|
| 1.    | SA&JS           | 1      |
| 2.    | PS-IV           | 1      |
| 3.    | PA-I            | 2      |
| 4.    | Section Officer | 1      |
| 5.    | Driver          | 1      |
| 6.    | Group-D         | 3      |
| 7.    | Night Guard     | 1      |

The Commission has approached the State Government for additional staff.

2.8 The GA(AR) Department is the Administrative Department of the Tripura Information Commission and places the Budget proposal of the Commission before the Finance Department of the State Government. Budget for 2015-16 is as under:

Table: 2

BUDGET FOR THE COMMISSION FOR 2015-16

*Rs. in thousands*

| Sl.No. | Item of Expenditure    | Budget Estimate<br>2015-16 |          | Revised Estimate<br>2015-16 |          |
|--------|------------------------|----------------------------|----------|-----------------------------|----------|
|        |                        | Plan                       | Non-Plan | Plan                        | Non-Plan |
| 1      | i)Salaries             | 0                          | 4900     | 0                           | 8900     |
|        | ii)Wages               | 0                          | 200      | 0                           | 175      |
|        | ii)Travel Expenses     | 0                          | 450      | 0                           | 338      |
|        | iv)Electricity Charges | 0                          | 250      | 0                           | 250      |

|  |          |             |          |              |
|--|----------|-------------|----------|--------------|
| v)Office Expenses                      | 0        | 395         | 0        | 297          |
| vi)Cost of fuel, etc.                  | 0        | 250         | 0        | 188          |
| vii)Hiring charges of private vehicles | 0        | 200         | 0        | 150          |
| vii)Other contractual services         | 0        | 0           | 0        | 150          |
| <b>Total</b>                           | <b>0</b> | <b>6645</b> | <b>0</b> | <b>10448</b> |

2.9 The Commission has also designated the SPIO and FAA for the Commission. The Website of the Commission ( [www.rtitripura.nic.in](http://www.rtitripura.nic.in)) also gives the list of the SPIOs and FAAs and the Commission makes every effort to update the list.

### Chapter-III

## Implementation of the RTI Act, 2005

3.1 The Tripura Information Commission collects information from the Public Authorities and the Departments about implementation of the RTI Act. Department/Organisation-wise First Appellate Authorities and State Public Information Officers are given in the Table – 3 below. This report is based on information furnished by the Departments/Organisations. There are 57 Public Authorities and 156 First Appellate Authorities and 1551 State Public Information Officers from whom the information has been collected in respect of 2015-16. Department-wise number of SPIOs and FAAs are as under:

Table: 3

| <u>SL.No.</u> | <u>Name of Department</u>            | <u>FAAs</u> | <u>SPIOs</u> |
|---------------|--------------------------------------|-------------|--------------|
| 1.            | Agriculture Department               | 2           | 45           |
| 2.            | Panchayat Department                 | 20          | 137          |
| 3.            | Rural Dev. Department                | 1           | 1            |
| 4.            | Directorate of Health Service        | 4           | 15           |
| 5.            | Directorate of Family Welfare & P.M. | 9           | 115          |
| 6.            | PWD (R&B)                            | 10          | 40           |
| 7.            | Chief Conservator of Forests         | 7           | 13           |

|     |   |            |             |
|-----|---|------------|-------------|
| 8.  | Directorate of Secondary Education                  | 8          | 682         |
| 9.  | Directorate of Higher Education                     | 1          | 36          |
| 10. | Directorate of Social Welfare & SE                  | 1          | 9           |
| 11. | Directorate of Elementary Education                 | 1          | 1           |
| 12. | Directorate of Youth Affairs & Sports               | 1          | 19          |
| 13. | Home Department                                     | 8          | 39          |
| 14. | Tripura Public Service Commission                   | 1          | 1           |
| 15. | Directorate of Industries & Commerce                | 6          | 22          |
| 16. | Directorate of Food Civil Supplies & CA             | 2          | 23          |
| 17. | Agartala Municipal Corporation                      | 1          | 12          |
| 18. | PWD (WR)  | 5          | 14          |
| 19. | Transport Department                                | 1          | 2           |
| 20. | Revenue Department                                  | 9          | 23          |
| 21. | High Court of Tripura                               | 1          | 1           |
| 22. | G.A.(P&T) Department                                | 1          | 1           |
| 23. | Directorate of Welfare for ST                       | 6          | 6           |
| 24. | Department Of Cooperation                           | 8          | 18          |
| 25. | Law Department                                      | 1          | 1           |
| 26. | ARDD  | 1          | 10          |
| 27. | Tripura Board of Secondary Education                | 1          | 1           |
| 28. | SSA Rajya Mission                                   | 1          | 2           |
| 29. | Science, Tech. & Environment Deptt.                 | 6          | 11          |
| 30. | Department of Fisheries                             | 6          | 26          |
| 31. | Prisons Directorate                                 | 1          | 14          |
| 32. | GA(SA) Department                                   | 1          | 1           |
| 33. | GA (AR) Department                                  | 1          | 1           |
| 34. | GA (P&S) Department                                 | 1          | 1           |
| 35. | GA(C & C) Department                                | 1          | 1           |
| 36. | Urban Dev. Department                               | 1          | 1           |
| 37. | Governors Secretariat                               | 1          | 1           |
| 38. | Assembly Secretariat                                | 1          | 1           |
| 39. | Directorate of Fire Service                         | 1          | 1           |
| 40. | Directorate of Information & Cultural Affairs       | 1          | 31          |
| 41. | Directorate of Labour                               |            | 1           |
| 42. | Election Department                                 | 1          | 1           |
| 43. | Planning & Coordination 4Department                 | 1          | 2           |
| 44. | Directorate of Handloom , Handicrafts & Sericulture | 1          | 6           |
| 45. | Factories & Boilers Organisation                    | 1          | 3           |
| 46. | TRP &PTG Deptt.                                     | 1          | 4           |
| 47. | Tribal Research & Cultural Institute                | 2          | 2           |
| 48. | TTAADC  | 1          | 82          |
| 49. | Directorate of SC & OBC Welfare                     | 1          | 1           |
| 50. | Tripura Information Commission                      | 1          | 1           |
| 51. | Departmental Inquiries                              | 1          | 1           |
| 52. | Lokayutka   | Nil        | 1           |
| 53. | Vigilance Organisation                              | Nil        | 1           |
| 54. | Tripura Police Accountability Commission            | 1          | 1           |
| 55. | Tripura State Co-operative Bank Ltd.                | 1          | 63          |
| 56. | Tripura Gramin Bank                                 | 1          | 1           |
| 57. | ICFAI University                                    | 1          | 1           |
|     | <b>Total</b>  | <b>156</b> | <b>1551</b> |



3.2 During the year under report, the State Information Commission has received information from the above 57 Public Authorities covering the SPIOs and FAAs from the respective Department. During the year, 3601 RTI Applications were received seeking information of which 3577 requests were disposed of which 31 applications were rejected. However, 24 cases were pending for disposal at the end of the year. The status of disposal Department/Public Authority-wise is indicated in the following table:

Table: 4

Disposal of requests for information by the SPIOs during the year 2015-16:

| Sl. No | Name of Department                    | No. of FAA | No. of SPIO | No. of Requests Received during the Year | No. of Requests Disposed | No. of Requests Rejected | No. of Requests allowed | No. of requests pending |
|--------|---------------------------------------|------------|-------------|--|--------------------------|--------------------------|-------------------------|-------------------------|
| 1      | 2                                     | 3          | 4           | 5  | 6                        | 7                        | 8                       | 9                       |
| 1.     | Agriculture Department                | 2          | 45          | 59                                       | 57                       | NIL                      | 57                      | 2                       |
| 2.     | Panchayat Department                  | 20         | 137         | 481                                      | 481                      | 7                        | 474                     | NIL                     |
| 3.     | Rural Dev. Department                 | 1          | 1           | 15                                       | 15                       | NIL                      | 15                      | NIL                     |
| 4.     | Directorate of Health Services        | 4          | 15          | 289                                      | 289                      | NIL                      | 289                     | Nil                     |
| 5.     | Directorate of Family Welfare & P.M.  | 9          | 115         | 86                                       | 86                       | 1                        | 85                      | Nil                     |
| 6.     | PWD (R&B)                             | 10         | 40          | 93                                       | 88                       | 3                        | 85                      | 5                       |
| 7.     | Chief Conservator of Forest           | 7          | 13          | 261                                      | 261                      | 3                        | 258                     | NIL                     |
| 8.     | Directorate of Secondary Education    | 8          | 682         | 215                                      | 215                      | NIL                      | 215                     | Nil                     |
| 9.     | Directorate of Higher Education       | 1          | 36          | 64                                       | 64                       | NIL                      | 64                      | Nil                     |
| 10.    | Directorate of Social Welfare & SE    | 1          | 9           | 94                                       | 94                       | NIL                      | 94                      | Nil                     |
| 11.    | Directorate of Elementary Education   | 1          | 1           | 7  | 7                        | NIL                      | 7                       | Nil                     |
| 12.    | Directorate of Youth Affairs & Sports | 1          | 19          | 4  | 4                        | NIL                      | 4                       | NIL                     |

|     |   |   |    |     |     |     |     |     |
|-----|---|---|----|-----|-----|-----|-----|-----|
| 13. | Home Department                         | 8 | 39 | 335 | 327 | 8   | 319 | 8   |
| 14. | Tripura Public Service Commission       | 1 | 1  | 383 | 383 | NIL | 383 | NIL |
| 15. | Directorate of Industries & Commerce    | 6 | 22 | 59  | 59  | NIL | 59  | NIL |
| 16. | Directorate of Food Civil Supplies & CA | 2 | 23 | 223 | 223 | 4   | 219 | NIL |
| 17. | Agartala Municipal Corporation          | 1 | 12 | 64  | 64  | NIL | 64  | Nil |
| 18. | PWD (WR)                                | 5 | 14 | 26  | 26  | NIL | 26  | Nil |
| 19. | Transport Department                    | 1 | 2  | 109 | 109 | NIL | 109 | Nil |
| 20. | Revenue Department                      | 9 | 23 | 42  | 42  | NIL | 42  | Nil |
| 21. | High Court of Tripura                   | 1 | 1  | 48  | 48  | NIL | 48  | Nil |
| 22. | G.A.(P&T) Department                    | 1 | 1  | 61  | 61  | NIL | 61  | Nil |
| 23. | Directorate of Welfare for ST           | 6 | 6  | 42  | 41  | NIL | 41  | 1   |
| 24. | Department of Cooperation               | 8 | 18 | 45  | 45  | NIL | 45  | Nil |
| 25. | Law Department                          | 1 | 1  | 32  | 32  | NIL | 32  | Nil |
| 26. | ARDD                                    | 1 | 10 | 35  | 35  | NIL | 35  | Nil |
| 27. | Tripura Board of Secondary Education    | 1 | 1  | 23  | 23  | NIL | 23  | NIL |
| 28. | SSA Rajya Mission                       | 1 | 2  | 23  | 23  | 1   | 22  | Nil |
| 29. | Science, Tech. & Environment Department | 6 | 11 | 57  | 57  | NIL | 57  | NIL |
| 30. | Department of Fisheries                 | 6 | 26 | 24  | 24  | NIL | 24  | Nil |
| 31. | Prisons Directorate                     | 1 | 14 | 26  | 26  | NIL | 26  | Nil |
| 32. | GA(SA) Department                       | 1 | 1  | 18  | 17  | NIL | 17  | 1   |
| 33. | GA (AR) Deptt.                          | 1 | 1  | 17  | 17  | NIL | 17  | Nil |
| 34. | GA (P&S) Deptt.                         | 1 | 1  | 8   | 8   | NIL | 8   | Nil |
| 35. | GA(C & C) Deptt.                        | 1 | 1  | 6   | 6   | NIL | 6   | Nil |
| 36. | Urban Dev. Deptt.                       | 1 | 1  | 17  | 17  | NIL | 17  | Nil |

|     |  |            |             |             |             |           |             |           |
|-----|--|------------|-------------|-------------|-------------|-----------|-------------|-----------|
| 37. | Governor's Secretariat                             | 1          | 1           | 12          | 12          | NIL       | 12          | Nil       |
| 38. | Assembly Secretariat                               | 1          | 1           | 18          | 17          | NIL       | 17          | 1         |
| 39. | Directorate of Fire Service                        | 1          | 1           | 13          | 13          | NIL       | 13          | Nil       |
| 40. | Directorate of Information & Cultural Affairs      | 1          | 31          | 11          | 11          | NIL       | 11          | Nil       |
| 41. | Directorate of Labour                              | 1          | 1           | 9           | 9           | NIL       | 9           | Nil       |
| 42. | Election Department                                | 1          | 1           | 11          | 11          | NIL       | 11          | Nil       |
| 43. | Planning & Coordination Department                 | 1          | 2           | 2           | 2           | 1         | 1           | Nil       |
| 44. | Directorate of Handloom, Handicrafts & Sericulture | 1          | 6           | 3           | 3           | NIL       | 3           | Nil       |
| 45. | Factories & Boilers Organisation                   | 1          | 3           | 13          | 13          | 2         | 11          | Nil       |
| 46. | TRP &PTG Deptt.                                    | 1          | 4           | 9           | 9           | NIL       | 9           | Nil       |
| 47. | Tribal Research & Cultural Institute               | 2          | 2           | 6           | 6           | NIL       | 6           | Nil       |
| 48. | TTAADC   | 1          | 82          | 39          | 38          | NIL       | 38          | 1         |
| 49. | Directorate of SC & OBC Welfare                    | 1          | 1           | 17          | 15          | NIL       | 15          | 2         |
| 50. | Tripura Information Commission                     | 1          | 1           | 10          | 10          | NIL       | 10          | Nil       |
| 51. | Departmental Inquiries                             | 1          | 1           | 4           | 4           | 1         | 3           | Nil       |
| 52. | Lokayukta  | Nil        | 1           | 2           | 2           | NIL       | 2           | Nil       |
| 53. | Vigilance Organisation                             | Nil        | 1           | 2           | 2           | NIL       | 2           | Nil       |
| 54. | Tripura Police Accountability Commission           | 1          | 1           | Nil         | Nil         | NIL       | Nil         | Nil       |
| 55. | Tripura State Co-operative Bank Ltd.               | 1          | 63          | 14          | 11          | NIL       | 11          | 3         |
| 56. | Tripura Gramin Bank                                | 1          | 1           | 8           | 8           | NIL       | 8           | Nil       |
| 57. | ICFAI University                                   | 1          | 1           | 7           | 7           | NIL       | 7           | Nil       |
|     | <b>Total</b>                                       | <b>156</b> | <b>1551</b> | <b>3601</b> | <b>3577</b> | <b>31</b> | <b>3546</b> | <b>24</b> |

3.3 It is seen from the statement above that the largest number of applications were from Panchayat Department followed by Tripura Public Service Commission, Home Department and Health Department in that order.

3.4 The Commission has analysed the category of information sought as to service related information, project related information, scheme related information, information relating to examination, delivery of services, land issue, recruitment related information and other information. The information is provided in Table - 5 below:

## Classification of Information sought by the petitioners/Information Seekers

| Name of Department                      | Service related information | Project related information | Govt. Scheme related information | Govt. policy related information | Examination related information | On delivery of services by Govt. Department | Land related issues | Recruitment related information | Any Other |
|---|-----------------------------|-----------------------------|----------------------------------|----------------------------------|---------------------------------|---|---------------------|---------------------------------|-----------|
| Agriculture Department                  | 20                          | 10                          | 10                               | Nil                              | Nil                             | Nil   | Nil                 | 10                              | 9         |
| Ranchayat Department                    | 31                          | 130                         | 252                              | 21                               | 5                               | Nil   | 3                   | 2                               | 37        |
| Rural Dev. Department                   | Nil                         | Nil                         | 10                               | Nil                              | Nil                             | Nil   | Nil                 | 1                               | 4         |
| Directorate of Health Service           | 142                         | 16                          | 12                               | 9                                | 21                              | Nil   | Nil                 | 26                              | 63        |
| Directorate of Family Welfare & P.M.    | 9                           | Nil                         | 1                                | 10                               | 4                               | Nil   | Nil                 | 2                               | 60        |
| PWD (R&B)                               | 32                          | 31                          | 5                                | 5                                | Nil                             | Nil   | 7                   | Nil                             | 13        |
| Chief Conservator of Forest             | 30                          | 1                           | 8                                | 2                                | 3                               | Nil   | 84                  | 3                               | 130       |
| Directorate of Secondary Education      | 90                          | 10                          | 20                               | 5                                | 5                               | Nil   | 2                   | 25                              | 58        |
| Directorate of Higher Education         | 27                          | Nil                         | 3                                | 6                                | 5                               | Nil   | Nil                 | 14                              | 9         |
| Directorate of Social Welfare & SE      | 10                          | 4                           | 9                                | 4                                | Nil                             | Nil   | Nil                 | 2                               | 65        |
| Directorate of Elementary Education     | 2                           | 1                           | Nil                              | Nil                              | 2                               | Nil   | Nil                 | 2                               | Nil       |
| Directorate of Youth Affairs & Sports   | 4                           | Nil                         | Nil                              | Nil                              | Nil                             | Nil   | Nil                 | Nil                             | Nil       |
| Home Department                         | 73                          | Nil                         | 2                                | 5                                | 3                               | Nil   | 1                   | 15                              | 236       |
| Tripura Public Service Commission       | Nil                         | Nil                         | Nil                              | Nil                              | Nil                             | Nil   | Nil                 | 383                             | Nil       |
| Directorate of Industries & Commerce    | 30                          | 5                           | 10                               | 5                                | Nil                             | Nil   | 5                   | Nil                             | 4         |
| Directorate of Road Civil Supplies & CA | 10                          | Nil                         | 20                               | 2                                | Nil                             | Nil   | 8                   | 8                               | 175       |
| Agartala Municipal Corporation          | 6                           | 3                           | 11                               | 4                                | Nil                             | Nil   | 3                   | 6                               | 31        |
| PWD (WR)                                | Nil                         | Nil                         | Nil                              | Nil                              | Nil                             | Nil   | Nil                 | Nil                             | 26        |
| Transport Department                    | 1                           | Nil                         | 7                                | Nil                              | Nil                             | Nil   | Nil                 | 2                               | 99        |
| Revenue Department                      | 2                           | 2                           | 1                                | 8                                | Nil                             | Nil   | 20                  | 1                               | 8         |
| High Court of Tripura                   | Nil                         | Nil                         | Nil                              | Nil                              | Nil                             | Nil   | 2                   | 14                              | 32        |

|     |   |     |     |     |     |     |     |     |     |     |
|-----|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| 22. | G.A.(P&T) Department                                | 58  | Nil | Nil | Nil | Nil | Nil | Nil | 1   | 2   |
| 23. | Directorate of Welfare for ST                       | 10  | NIL | 4   | 12  | 1   | NIL | 1   | 3   | 11  |
| 24. | Department of Cooperation                           | 2   | Nil | Nil | Nil | Nil | Nil | Nil | Nil | 43  |
| 25. | Law Department                                      | 17  | 1   | 4   | 4   | Nil | Nil | 3   | 3   | Nil |
| 26. | ARDD  | 15  | 2   | 2   | Nil | 4   | Nil | Nil | 3   | 9   |
| 27. | Tripura Board of Secondary Education                | 3   | Nil | Nil | Nil | 16  | Nil | Nil | 2   | 2   |
| 28. | SSA Rajya Mission                                   | 9   | 12  | Nil | Nil | Nil | Nil | Nil | 2   | Nil |
| 29. | Science, Tech. & Environment Deptt.                 | 5   | 3   | 6   | Nil | Nil | Nil | Nil | 5   | 38  |
| 30. | Fisheries Department                                | 6   | 2   | 12  | Nil | Nil | Nil | Nil | Nil | 4   |
| 31. | Prisons Directorate                                 | 2   | NIL | 1   | 1   | Nil | Nil | Nil | 2   | 20  |
| 32. | GA(SA) Department                                   | 9   | Nil | Nil | 7   | Nil | Nil | Nil | Nil | 2   |
| 33. | GA (AR) Deptt.                                      | Nil | Nil | Nil | Nil | Nil | Nil | Nil | Nil | 17  |
| 34. | GA (P&S) Deptt.                                     | 1   | Nil | Nil | Nil | Nil | Nil | 2   | 5   | Nil |
| 35. | GA(C & C) Deptt.                                    | 2   | Nil | Nil | Nil | Nil | Nil | Nil | 2   | 2   |
| 36. | Urban Dev. Deptt.                                   | 1   | 1   | 2   | 2   | Nil | Nil | Nil | 3   | 8   |
| 37. | Governor's Secretariat                              | 1   | Nil | Nil | Nil | Nil | Nil | Nil | Nil | 11  |
| 38. | Assembly Secretariat                                | 12  | 1   | 1   | 1   | Nil | Nil | Nil | Nil | 3   |
| 39. | Directorate of Fire Service                         | 12  | Nil | Nil | Nil | Nil | Nil | Nil | 1   | Nil |
| 40. | Directorate of Information & Cultural Affairs       | 2   | Nil | Nil | Nil | Nil | Nil | Nil | Nil | 9   |
| 41. | Directorate of Labour                               | 1   | Nil | 1   | Nil | Nil | Nil | Nil | Nil | 7   |
| 42. | Election Department                                 | 7   | Nil | Nil | Nil | Nil | Nil | Nil | Nil | 4   |
| 43. | Planning & Coordination Department                  | 2   | Nil | Nil | Nil | Nil | Nil | Nil | Nil | Nil |
| 44. | Directorate of Handloom , Handicrafts & Sericulture | Nil | Nil | 1   | Nil | Nil | Nil | Nil | 2   | Nil |
| 45. | Factories & Boilers Organisation                    | Nil | Nil | Nil | Nil | Nil | Nil | Nil | Nil | 13  |
| 46. | TRP &PTG Deptt.                                     | 4   | Nil | 1   | 1   | Nil | Nil | Nil | 3   | Nil |
| 47. | Tribal Research & Cultural Institute                | 3   | Nil | 1   | Nil | Nil | Nil | Nil | 2   | Nil |

|     |  |            |            |            |            |           |            |            |            |             |
|-----|--|------------|------------|------------|------------|-----------|------------|------------|------------|-------------|
| 44. | TTAADC                                   | 35         | 1          | 1          | Nil        | Nil       | Nil        | 1          | 1          | Nil         |
| 45. | Directorate of SC & OBC Welfare          | 3          | Nil        | 4          | 9          | Nil       | Nil        | Nil        | 1          | Nil         |
| 46. | Tripura Information Commission           | Nil        | Nil        | Nil        | Nil        | Nil       | Nil        | Nil        | Nil        | 10          |
| 47. | Departmental Inquiries                   | 1          | Nil        | Nil        | Nil        | Nil       | Nil        | Nil        | Nil        | 3           |
| 48. | Lokayukta                                | Nil        | Nil        | Nil        | Nil        | Nil       | Nil        | Nil        | Nil        | 2           |
| 49. | Vigilance Organisation                   | 1          | Nil        | Nil        | Nil        | Nil       | Nil        | Nil        | Nil        | 1           |
| 50. | Tripura Police Accountability Commission | Nil        | Nil        | Nil        | Nil        | Nil       | Nil        | Nil        | Nil        | Nil         |
| 51. | Tripura State Co-operative Bank Ltd.     | 2          | 1          | 1          | Nil        | Nil       | Nil        | Nil        | Nil        | 10          |
| 52. | Tripura Gramin Bank                      | 1          | Nil        | 2          | Nil        | Nil       | Nil        | Nil        | Nil        | 5           |
| 53. | IOFAI University                         | 1          | Nil        | Nil        | Nil        | 5         | Nil        | Nil        | Nil        | 1           |
|     | <b>Total</b>                             | <b>747</b> | <b>237</b> | <b>425</b> | <b>123</b> | <b>74</b> | <b>Nil</b> | <b>142</b> | <b>557</b> | <b>1296</b> |

3.4 Under the RTI Act, a citizen desiring to obtain information shall make an application with prescribed fees. Rule 7 of Tripura Right to Information Rules, 2008 prescribes Rs.10/- as the application fee. However, no fee is chargeable for the people belonging to BPL category as per proviso of section 7(5) of the RTI Act. The Tripura Right to Information Rules, 2008 have also prescribed the additional fees to be paid by the information seeker which is Rs.2/- per page of information as per section 7(1) read with Rule 7 of Tripura Right to Information Rules, 2008. The status of fees collected by the various Public Authorities during the year 2015-16 is as under:

| Sl. No | Name of Department                   | Fees Collected u/s 6(1) (in Rs.) | Fees Collected u/s 6(2) (in Rs.) |
|--------|--------------------------------------|----------------------------------|----------------------------------|
| 1      | 2                                    | 3                                | 4                                |
| 1.     | Agriculture Department               | 450                              | 628                              |
| 2.     | Panchayat Department                 | 1990                             | 9200                             |
| 3.     | Rural Dev. Department                | 80                               | 394                              |
| 4.     | Directorate of Health Service        | 2360                             | 6620                             |
| 5.     | Directorate of Family Welfare & P.M. | 290                              | 714                              |
| 6.     | PWD (R&B)                            | 720                              | 2164                             |
| 7.     | Chief Conservator of Forest          | 332                              | 4650                             |

|     |  |      |      |
|-----|--|------|------|
| 8.  | Directorate of Secondary Education                     | 2150 | 2385 |
| 9.  | Directorate of Higher Education                        | 620  | 643  |
| 10. | Directorate of Social Welfare & S. E                   | 340  | 432  |
| 11. | Directorate of Elementary Education                    | 30   | 14   |
| 12. | Directorate of Youth Affairs & Sports                  | 40   | 00   |
| 13. | Home Department  | 2125 | 2723 |
| 14. | Tripura Public Service Commission                      | 3810 | 104  |
| 15. | Directorate of Industries & Commerce                   | 380  | 299  |
| 16. | Directorate of Food Civil Supplies & CA                | 1450 | 530  |
| 17. | Agartala Municipal Corporation                         | 540  | 1060 |
| 18. | PWD (WR)   | 140  | 40   |
| 19. | Transport Department                                   | 1140 | 00   |
| 20. | Revenue Department                                     | 400  | 50   |
| 21. | High Court of Tripura                                  | 430  | 00   |
| 22. | G.A.(P&T) Department                                   | 440  | 1366 |
| 23. | Directorate of Welfare for ST                          | 300  | 326  |
| 24. | Department of Cooperation                              | 330  | 612  |
| 25. | Law Department   | 290  | 38   |
| 26. | ARDD   | 270  | 249  |
| 27. | Tripura Board of Secondary Education                   | 230  | 00   |
| 28. | SSA Rajya Mission                                      | 280  | 3680 |
| 29. | Science, Tech. & Environment<br>Department             | 220  | 124  |
| 30. | Fisheries Department                                   | 80   | 304  |
| 31. | Prisons Directorate                                    | 150  | 146  |
| 32. | GA(SA) Department                                      | 180  | 66   |
| 33. | GA (AR) Department                                     | 80   | 00   |
| 34. | GA (P&S) Department                                    | 80   | 384  |
| 35. | GA(C & C) Department                                   | 20   | 86   |
| 36. | Urban Dev. Department                                  | 10   | 00   |
| 37. | Governor's Secretariat                                 | 160  | 00   |
| 38. | Tripura Legislative Assembly Secretariat               | 160  | 196  |
| 39. | Directorate of Fire Service                            | 100  | 00   |
| 40. | Directorate of Information & Cultural<br>Affairs       | 60   | 384  |
| 41. | Directorate of Labour                                  | 100  | 68   |
| 42. | Election Department                                    | 90   | 00   |
| 43. | Planning & Coordination Department                     | 20   | 00   |
| 44. | Directorate of Handloom , Handicrafts &<br>Sericulture | 00   | 00   |
| 45. | Factories & Boilers Organisation                       | 100  | 410  |
| 46. | TRP &PTG Department                                    | 60   | 116  |
| 47. | Tribal Research & Cultural Institute                   | 10   | 00   |
| 48. | TTAADC   | 360  | 00   |
| 49. | Directorate of SC & OBC Welfare                        | 100  | 46   |
| 50. | Tripura Information Commission                         | 100  | 00   |
| 51. | Departmental Inquiries                                 | 40   | 00   |
| 52. | Lokayukta  | 20   | 28   |
| 53. | Vigilance Organisation                                 | 00   | 00   |



|     |  |               |               |
|-----|--|---------------|---------------|
| 54. | Tripura Police Accountability Commission | 00            | 00            |
| 55. | Tripura State Co-operative Bank Ltd.     | 100           | 00            |
| 56. | Tripura Gramin Bank                      | 80            | 00            |
| 57. | ICFAI University                         | 40            | 00            |
|     | <b>Total</b>                             | <b>24,477</b> | <b>41,279</b> |

Table 7

3.5 Disposal of First Appeals: Section 19(1) of the RTI Act has provision for filing first appeal if any information seeker is aggrieved by the order of the SPIO. Any person who, does not receive information within the time prescribed under section 7 or aggrieved by decision of SPIO under Clause-(a) of sub-section(3) of Section 7, may file the first appeal within 30 days to the First Appellate Authority so nominated who is senior in rank to SPIO. Under Section 19(6) of the Act, an appeal under sub-section (1) of Section 19 shall be disposed of by the FAA within 30 days of the receipt of the appeal or within such extended period not exceeding a total of 45 days from the date of filing thereof as the case may be for reasons recorded in writing. During the year 2015-16, 169 first appeals were filed with the FAAs of which 164 were disposed of.

## Chapter-IV

### Appeals and Complaints to the Commission

4.1 The Tripura Information Commission is mandated under Section 18(1) of the RTI Act, 2005 to receive complaints and enquire into the complaints. The relevant provisions of Section 18(1) are reproduced below:

*" 18(1): Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission, as the case may be, to receive and inquire into a complaint from any person-*

*(a) who has been unable to submit a request to a Central Public Information Officer or State Public Information Officer, as the case may be either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public information Officer or State Assistant Public*

*Information Officer as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or senior officer specified in sub-section (1) of Section 19 or the Central Information Commission or the State Information Commission, as the case may be;*

- (b) who has been refused access to any information requested under this Act;*
- (c) who has not been given a response to a request for information or access to information within the time limit specified under this Act;*
- (d) who has been required to pay an amount of fee which he or she considers unreasonable;*
- (e) who believes that he or she has been given incomplete, misleading or false information under this Act; and*
- (f) in respect of any other matter relating to requesting or obtaining access to records under this Act ”.*

In addition to receipt and disposal of complaints, the Commission has the appellate jurisdiction to receive second appeals arising out of the orders/decisions of the SPIOs and FAAs. The relevant Section 19(3) is reproduced below:

*"Section 19(3): A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the State Information Commission. Provided the State Information Commission may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time”.*

4.2 During the year 2015-16, the Commission has received 171 Appeals/Complaints and disposed of 170 cases. A comparative statement on the year-wise position of receipt and disposal of appeals/complaints is as under:

Table: 8

**STATUS OF APPEALS & COMPLAINTS RECEIVED/DECIDED BY THE COMMISSION OVER  
THE YEARS**

| <b><u>FINANCIAL YEAR</u></b> | <b><u>APPEALS/COMPLAINTS<br/>RECEIVED DURING THE<br/>YEARS</u></b> | <b><u>APPEALS/COMPLAINTS<br/>DECIDED DURING THE<br/>YEARS</u></b> |
|------------------------------|--|---|
| 2005-06                      | 0  | 0   |
| 2006-07                      | 47   | 47  |
| 2007-08                      | 86   | 86  |
| 2008-09                      | 86   | 86  |
| 2009-10                      | 86   | 86  |
| 2010-11                      | 140  | 140   |
| 2011-12                      | 94   | 94  |
| 2012-13                      | 40   | 40  |
| 2013-14                      | 43   | 43  |
| 2014-15                      | 104  | 104   |
| 2015-16                      | 171  | 170   |

## **Chapter-V**

### **Suggestions and Recommendations**

Under Section 25(3)(g) the Tripura Information Commission shall give its recommendations as part of the Annual Report. The Commission would like to make a few recommendations this year as well:-

- i) It is seen that of the 3601 cases were received for information, 3577 cases were disposed by allowing the information and 31 cases were rejected. However, the number of appeals arising out of this to the First Appellate Authorities and Appeals/Complaints to the State Information Commission indicate that the information has been given wholly or partially to the satisfaction of the information seekers. The Heads of Departments of the Government should sensitize the SPIOs/FAAs under them for prompt and expeditious disposal of the

applications under RTI Act duly keeping the provisions of the Act in view.

- ii) It is seen that some of the First Appellate Authorities in some cases have not been conducting hearing while disposing the first appeals. It is also noticed that some of the appeals were not disposed within the prescribed time of 30 days resulting in escalation of the matter to the Commission by way of filing second appeals and complaints. The FAAs should be asked by the respective Department to dispose of the applications promptly within the prescribed period giving due opportunity to the parties.
- iii) Section 4(1)(b) mandated that every Public Authority shall publish information relating to the items listed in that section. This pro-active disclosure is required as per Section 4(1)(b) of the Act. It is seen that while the various Departments have got the Websites, the information as are required under 4(1)(b) is not available on many Departments' Websites. Pro-active disclosure of information in a digitized regime will significantly reduce the filing of RTI Applications seeking information by the citizens as they can freely access such information from the Websites. The Commission suggests that the Government directs the Departments for taking necessary steps for proactive disclosure under Section 4(1)(b) of the RTI Act in a time bound manner.

.....

(10) 7/17/05

**GOVERNMENT OF TRIPURA**  
**GENERAL ADMINISTRATION (AR) DEPARTMENT**

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

Dated, Agartala, the 27<sup>th</sup> Sept., 2005

NOTIFICATION

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

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

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

2. This takes immediate effect.

(L. H. Dablong)  
Addl. Secretary to the  
Government of Tripura

Copy to:-

- 1) The Special Secretary to the Governor, Tripura, Raj Bhavan, Kanchaban, Agartala.
- 2) PS to all Ministers.

Dated, Agartala the 13<sup>th</sup> July, 2015

**NOTIFICATION**


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

Provided that the said Act, 2005 shall apply to the Home (Police) Department in respect of any information pertaining to any allegation of corruption and human rights violation and the administrative functions not related to security and intelligence.

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

This is issued in supersession of the earlier notification issued vide even number date 27<sup>th</sup> September, 2005.

This takes immediate effect.

  
(A. Debbarma)  
13/7/15  
Joint Secretary to the  
Government of Tripura

\* To

\_\_\_\_\_  
\_\_\_\_\_

Copy to:

1. The Secretary to the Governor Tripura, Raj Bhavan Kunjaban Agartala.
2. The PS to All Ministers.
3. The PS to the Chief Secretary.
4. The All Heads of Departments.

etc



**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala - 799 006

Appeal No. TIC- 61 & 70 of 2015-16

Shri Babul Chandra Barman, S/o Surja Kumar Barman, Vill: Rajendranagar,  
PO: Kemtali, District: Sepahijala, Tripura, PIN-799 115.

.....Appellant

**VERSUS**

1. Shri P. Debbarma, Registrar of Cooperative Societies, Palace Compound, Agartala (FAA).
2. The Deputy Registrar of Cooperative Societies, O/o the Registrar of Cooperative Societies, Palace Compound, Agartala (SPIO).
3. The President, Rudrasagar Udbastu Matsyajibi Samabaya Samiti Ltd. Rajghat, Melaghar, Sepahijala District, West Tripura.
4. The Secretary, Rudrasagar Udbastu Matsyajibi Samabaya Samiti Ltd. Rajghat, Melaghar, Sepahijala District, Tripura.

.....Respondents

In the matter of an Appeal under section 19(3) of the Right to Information Act, 2005.

PRESENT

**Shri Kasthala Venkataa Satyanarayanaa, IAS (Retd)**  
State Chief Information Commissioner

1. For the Appellant: Shri Babul Ch. Barman, the Appellant.
2. For the Respondents: Shri P. Debbarma, First Appellate Authority  
Shri Chhatrajit Debbarma, SPIO
3. Date of filing Appeal: 14.9.2015 and received by the Commission on the same date.
4. Date of Hearing : 7.11.2015 and 23.12.2015
5. Date of Judgment and Order: 30.12.2015

## ORDER

The brief facts of the case are that the Appellant, Shri Babul Ch. Barman filed an application in Form -3 seeking information from the SPIO, O/o the Registrar of Cooperative Societies on 24.6.2015. The information sought by him was certified true copy of the Cash Book pages (both receipt side and expenditure side) of the Rudra Sagar Udbastu Matsyajibi Samabaya Samiti Ltd for the period from 23.3.2014 to 7.4.2014. Upon receipt of the application, the SPIO vide his letter dated 30.6.2015 informed the Appellant that the said documents are not available in his office and accordingly he was not able to supply.

2. Being aggrieved, the Appellant filed the first appeal with the Registrar of Cooperative Societies who is the First Appellate Authority stating that the under Section of 2(f) of the RTI Act, information includes information relating to any private body which can be accessed by an public authority under any other law for the time being in force and since the Registrar of Cooperative Societies is a Public Authority, he can access various information as the Registrar of Cooperative Societies under the Tripura Cooperative Societies Act, 1974 and that Cash Book being an important document can be accessed by the Registrar and the Registrar is even empowered to take possession of the records and books of a Society if the Society refuses to produce such records.

3. The First Appellate Authority heard the matter on 10.8.2015 and passed order stating that the Society has objective of economic development of the members of the Society and that the Society is formed by the capital from share capital contribution of the members. Being a business organization, the Registered Cooperative Societies under Section 32 of the Tripura Cooperative Societies Act, 1974 "every member of a society shall be entitled to inspect free of cost, at the society's office during office hour or any time fixed for the purpose by the society, a copy of this Act, the Rules and Bye-laws, the fist audited annual Balance Sheet including Audit notes, if any, Profit & Loss Accounts, the list of member of the committee, the register of the members, the minutes of General Meeting and those portion of the books and records in which his transaction with the society have been recorded ". Sub Section 2 of the same also says that the Society shall furnish to a member on request in writing and on payment of such fees as may be prescribed there for a copy of any of the documents mentioned in the foregoing sub-section within one month from the of payment of such fees.

4. The Registrar who is the First Appellate Authority has also stated in his order that the Registrar being a statutory authority has an obligation for audit, inspection and election of the respective society. He had held that under Section 32 (1) inspection of records is limited as prescribed in that Section and that too to only

  
\_\_\_\_\_



Society members and as the Appellant is not a member of the Society and the transaction relating to any member can only be disclosed to that member and not other members. He also opined that that the Cash Book of a Society is an internal document of the Society and has to be considered in commercial confidence of the Society and he had in his order claimed exemption under Section 8(d) of the RTI Act which reads as under:

*"Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information".*

5. Aggrieved by that order, the Appellant, Shri Babul Ch. Barman filed the second appeal on 14.9.2015. In his second appeal, he had claimed that the FAA has erred in passing the order by not appreciating the fact that the Registrar of Cooperative Societies is a Public Authority who can access various information under the Tripura Cooperative Societies Act, 1974 and Rules made there-under and that Cash Book is an important document to which the Registrar has access. Besides, stating the same arguments which he had raised during hearing with the FAA, the Appellant had stated in his second appeal that the appellant not being a member of the concerned cooperative society, for rejecting information is a lame excuse not to provide information and that right of a member of a Cooperative Society to obtain information under Section 32 of the Tripura Cooperative Societies Act which is legal right while the Appellant's right to get information from the Cooperative Societies under RTI Act is a superior constitutional right and that the provisions of the Cooperative Societies Act cannot override the provisions of the RTI Act.

6. The Commission have found that there are adequate grounds to admit the appeal and has admitted the appeal as TIC-61 of 2015-16. In the meantime, another petition was also filed separately by Shri Babul Ch. Barman, the Appellant as second appeal seeking the same information which was admitted as Appeal TIC-70 of 2015-16 and since this two cases are for same information asked by the same person, they have been merged together as Appeal TIC-61 & 70 of 2015-16 for the purpose of passing orders by the Commission.

7. The Appeal TIC-61 was heard on 7.11.2015. The Appellant Shri Babul Ch. Barman was represented by the Learned Counsel Shri S.C.Das and from the Respondents' side the Registrar of Cooperative Societies being FAA and also the SPIO of the office of the Registrar of Cooperative Societies were present. During hearing following were the arguments made by the Ld Counsel for the Appellant:

- i) The learned Counsel for the information seeker pleaded that in the light of Section 22 of the RTI Act, the RTI Act should have an overriding jurisdiction over other Acts like Official Secrets Act or any other Act, the RTI Act should



- prevail irrespective of provision of any other Act and hence his client should not be denied the information.
- ii) Learned Counsel also raised about Section 2(f) of the Act which deals with the definition of information in which he had specifically drawn the attention to the portion that information relating to any private body which cannot be accessed by the public authority in any other law for the time being in force. The Cooperative Registrar can access the information. It is within the meaning of information of the Act. The Society cannot claim any objection.
  - iii) The learned Counsel also raised that the land which is held by the Rudrasagar Udbastu Matsyajibi Samabaya Samiti Ltd about which information was sought from the Registrar was allotted by the Government free of cost and hence it cannot be claimed that it is free from governmental control.
  - iv) The learned Counsel also pleaded that his point is not about Rudrasagar Udbastu Matsyajibi Samabaya Samiti is a public authority or not as he did not make the application to the Society but to the Registrar who is a public authority and expect the Registrar to provide the information about the Society as the Society is regulated by the Registrar of Coop. Societies.
  - v) The Counsel also raised that the SPIO in his reply to the information seeker merely stated that the information is not available in his office and if desired, the information seeker may approach the Society and that he had not pleaded anything about information not statutorily accessible by the public authority and he cannot plead the same at this stage.
  - vi) The FAA had disposed of the appeal stating that Section 32 of The Tripura Cooperative Societies Act prescribed the right of every member of the Society for inspection of the documents, etc as prescribed therein and that the Registrar of the Cooperative Societies is a statutory authority with obligation for audit, inspection and election of the Society and under Sec.32 inspection of records is limited to the members only and as the person is not the member of the Society and as the cash book is a internal document of the Society it is to be considered in commercial confidence of the Society and hence the Registrar rejected the appeal.
  - vii) The Ld Counsel also drawn attention to the Rule 67 of the Cooperative Societies Act and Sections 75,76 and 77 of the Act.

8. The Respondents have pleaded that Shri Babul Ch. Barman, the Appellant, had no locus-standi to access the Cash Book in the light of sub-section 32 (1) of Tripura Cooperative Societies Act and that the appeal is rejected as the information sought by him is not in the normal course of regulatory exercise of the powers of the Registrar of Cooperative Societies. The Respondents have also cited the decision of the Hon'ble Supreme Court of India in Thalappalam Ser. Coop. Bank Ltd. & Others Vs State of Kerala & Others in Civil Appeal No.9020, 9029 & 9023 of 2013 .



9. The Ld. Counsel for the Appellant sought time to go through the cited judgment of the Hon'ble Supreme Court and accordingly the case was postponed and posted to 23.12.2015 and Appeal TIC-70 of 2015-16 also was clubbed and posted for 23.12.2015.

10. On 23.12.2015, the Appeal TIC-61 and 70 of 2015-16 were taken up for hearing. The Appellant Shri Babul Ch. Barman was present though his Ld. Counsel Shri S.C. Das was not present. From the Respondents' side Shri P. Debbarma, Registrar of Cooperative Societies and FAA and Shri Chhtrajit Debbarma, Deputy Registrar of Cooperative Societies and SPIO were present.

11. No new arguments were made by the Appellant during the hearing on 23.12.2015 and hence the case was proceeded based on the arguments rendered during hearing on 7.11.2015. Now, the issues to be considered for taking a decision are:

i) Whether information of a private body like Cooperative Societies falls within the meaning of information for non-members of a Society seeking information under the RTI Act;

ii) Since the Appellant is not claiming that the Cooperative Society is a Public Authority, but seeking information from the SPIO of the Registrar of Cooperative Societies, whether the Registrar of Cooperative Societies who can have access to the information is duty bound to provide the information;

iii) Whether the specific provision of the Tripura Cooperative Societies Act shall not be applicable in the light of the RTI Act;

iv) Since the FAA claimed exemption from provision of information under Section 8(d) of RTI Act, 2005, whether such information is exempted or not;

12. Now, the Commission carefully considered whether the information of a private body which can be accessed by a Public Authority can be supplied under the RTI Act. In the case of Cooperative Societies Act, some information relating to Society like Cash Book is not an information which normally obtained by the Registrar of Cooperative Societies but only have access to such information for the purpose of audit, inspection and inquiry under the Tripura Cooperative Societies Act. Similarly, when an inspection is ordered by the Registrar of Cooperative Societies under Section 81 or 82, the persons authorized to conduct the inquiry or inspection shall proceed to inspect the relevant books of accounts and other documents in possession of the Society or any of its officers, member, agents or servant and ..... as mandated under Section 73(4) of the Act. Thus, the audit and inspection is conducted but these are not records which are sent to the Registrar of Cooperative Societies in normal times and hence the Commission holds that while



the Registrar has powers under various circumstances like audit, inquiry or inspection under Tripura Cooperative Societies Act, these are not the information that are normally available with the Registrar and hence need not be obtained and supplied to the information seeker.

13. Section 32 (1) of the Tripura Cooperative Societies Act specifically states that "every member of a society shall be entitled to inspect free of cost, at the society's office during office hours, or any time fixed for the purpose by the society, a copy of this Act, the rules and the bye-laws, the last audited annual balance sheet including audit notes, if any the profit and loss account, the list of the members of the committee, the register of members, the minutes of general meetings, the minutes of committee meetings and those portions of the books and records in which his transactions with the society have been recorded". This cannot be extended to a non-member particularly when no public interest was cited.

14. The FAA has stated that the information is exempted under Section 8(d) of the RTI Act which is as under:

*"Information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information".*

15. It is true that even under the Tripura Cooperative Societies Act, a member can obtain information only relating to his transactions which have been recorded. Hence, the member's right is only to see the records for which his transaction have been recorded and it cannot be extended to a non-member and everybody's transaction can be access. The Society also indulges in trading activity and hence there is no reason that it could be disclosed harming the position of a third party, more particularly when no public interest have been prima facie shown by the Appellant.

16. In so far as the applicability of the Supreme Court Judgment cited by the Respondents, the judgment in Civil Appeal No.9017 of 2013, the Hon'ble Supreme Court had held that the Cooperative Societies registered under Kerala Cooperative Societies Act will not fall within the definition of the Public Authority as defined under Section 2(h) of the RTI Act. In view of the above, the Cooperative Society is not a Public Authority under the RTI Act. However, since in this particular case Shri Babul Ch. Barman had asked for the information from the SPIO, Office of the Registrar of Cooperative Societies, the SPIO is under obligation to give the information only if it is of such nature that is normally submitted and held by the Registrar of Cooperative Societies and not with particular reference to inspection, audit or inquiry. Hence, the Commission holds that the information as sought by Shri Babul Ch. Barman relating to Rudra Sagar Matsyajibi Samabaya Samiti Ltd. vide his applications for information



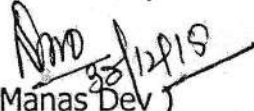
dated 24.6.2015 need not be disclosed by the SPIO of the office of the Registrar of Cooperative Societies, Government of Tripura, Palace Compound, Agartala.

17. With the above order, the Appeals stand dismissed.
18. Let copy of this order be sent to the Appellant and the Respondents free of cost.

Sd/-

( **Kasthala Venkataa Satyanarayanaa** )  
State Chief Information Commissioner

Authenticated by:

  
( Dr. Manas Dev )  
Secretary  
Tripura Information Commission

**TRIPURA INFORMATION COMMISSION**

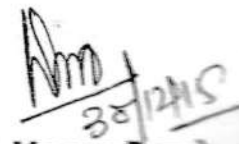
Pt. Nehru Complex, Gurkhabasti  
Agartala – 799 006

Appeal No. TIC- 61 & 70 of 2015-16 / 6-10

Dated : 30.12.2015

Copy to:

1. Shri Babul Chandra Barman, S/o Surja Kumar Barman, Vill: Rajendranagar, PO: Kemtali, District: Sepahijala, Tripura, PIN-799 115.
2. Shri P. Debbarma, Registrar of Cooperative Societies, Palace Compound, Agartala (FAA).
3. The Deputy Registrar of Cooperative Societies, O/o the Registrar of Cooperative Societies, Palace Compound, Agartala (SPIO).
4. The President, Rudrasagar Udbastu Matsyajibi Samabaya Samiti Ltd. Rajghat, Melaghar, Sepahijala District, West Tripura.
5. The Secretary, Rudrasagar Udbastu Matsyajibi Samabaya Samiti Ltd. Rajghat, Melaghar, Sepahijala District, Tripura.

  
( Dr. Manas Dev )  
Secretary

Tripura Information Commission



**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti

Agartala – 799 006

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Appeal No. TIC-40 of 2015-16

---

Smti. Shampa Sen, D/o Shri Santosh Kumar Sen, Joynagar, Vivekananda Lane, PO: Agartala, 799 001, West Tripura.

.....Complainant

**VERSUS**

1. Shri B.K.Hrangkhawl, AGM (O&M), Corporate Office, Tripura State Electricity Corporation Ltd, North Banamalipur, Agartala (FAA)
2. Shri Subhas Chakraborty, Deputy General Manager, Corporate Office, Tripura State Electricity Corporation Ltd. Bidyut Bhawan, B.K.Road, Banamalipur, Agartala, West Tripura. (SPIO)

.....Respondents.

---

In the matter of an Appeal under Section 19(3) of the RTI Act,2005.

**PRESENT**

**Shri Kasthala Venkataa Satyanarayanaa, IAS (Retd)**

State Chief Information Commissioner

For the Appellant: Smti. Shampa Sen, the Appellant.

For the Respondents: 1.Shri Subhas Chakraborty, SPIO.

2.Shri B.K.Hrangkhawl, FAA.

Date of filing appeal: 22.06.2015 and received by the Commission on the same date.

Date of hearing: 16.7.2015

Date of order: 16.7.2015

## ORDER

The Appellant, Smti Shampa Sen, filed application dated 6.4.2015 under RTI with the SPIO of TSEC Ltd. seeking information as to whether Shri Santanu Das, Sr. Manager absented himself from duty from 13.11.2014 to 26.11.2014 and subsequently from 19.12.2014 to 21.12.2014 submitting leave application. If so, supply copy of the leave application with date of receipt by TSECL. In addition, she also had asked two more information at SI/No.2 and 3. The SPIO vide his letter dated 25.4.2015 replied to the RTI application dated 6.4.2015 against item no.1 of her query. However, he had not supplied the certified copy of the leave application stating that it concerns with the third party and is not agreeing with the disclosure of the information.

2. The Appellant preferred appeal before the First Appellate Authority stating that the SPIO has failed to appreciate the fact that the services of a person is for the public interest and hence the leave application made by Shri Santanu Das cannot be called third party information and are kept in the public domain in the safe custody and every citizen has a right to receive this documents. The First Appellate Authority had also upheld the decision of the SPIO for not providing the copy of the leave application as this was exempted under Section 8(1)(j) of the RTI Act. He also stated that if the leave application is required in connection with any other case, the information can be obtained by approaching the appropriate court of law which can direct the disclosure of the information.

3. Aggrieved by this, Smti. Shampa Sen filed second appeal before the Tripura Information Commission and the case was heard on 16.7.2015. In her grounds of appeal, she stated that the SPIO and FAA have failed to appreciate that the Appellate herein was sexually assaulted by Shri Santanu Das against whom an FIR was registered at West Agartala Women Police Station and to avoid arrest, Shri Das absconded himself from service and was not traceable by the Police and that the leave application is essential as the Police could not detect the whereabouts of the offenders and that the SPIO and FAA failed to appreciate that the services of Shri Das is for public interest and that the said information cannot be considered as third party information.

4. The case was heard. The Appellant has pleaded the same arguments which was pleaded in her appeal petition. The fact of absence of Shri Santanu Das from duty after submitting application was replied in the affirmative by the Tripura State Electricity Corporation Ltd. The SPIO did not agree to share a copy of the leave application. The leave application may contain information relating to place of stay during leave period and reasons for availing leave which are personal information to the person. Since leave application was submitted by an employee to his employer

in a fiduciary relationship and contains personal information, the same cannot be divulged. However, it is open to the Appellant to approach investigating agency to seek the information about the stay of the Appellant from the Tripura State Electricity Corporation.

5. With the above observations, the appeal stands disposed of.
6. Let copy of this be sent to the Appellant and the Respondents free of cost.

Sd/-

( **Kasthala Venkataa Satyanarayanaa** )  
State Chief Information Commissioner

Authenticated by:

( **Bimal Riang** )  
Secretary  
Tripura Information Commission

**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala - 799 006

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Appeal No. TIC-40 of 2015-16/2675-2677

Dated : 16.7.2015

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Copy to:

1. Smti. Shampa Sen, D/o Shri Santosh Kumar Sen, Joynagar, Vivekananda Lane, PO: Agartala, 799 001, West Tripura.
2. Shri B.K.Hrangkhawl, AGM (O&M), Corporate Office, Tripura State Electricity Corporation Ltd, North Banamalipur, Agartala (FAA)
3. Shri Subhas Chakraborty, Deputy General Manager, Corporate Office, Tripura State Electricity Corporation Ltd. Bidyut Bhawan, B.K.Road, Banamalipur, Agartala, West Tripura. (SPIO)

  
( **Bimal Riang** )  
Secretary

Tripura Information Commission





**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala – 799 006

Appeal No. TIC-37,38 & 39 of 2015-16

1. Shri Sanatan Talukdar, IFS, Principal Chief Conservator of Forests, Government of Tripura, Aranya Bhavan, Gurkhabasti, Agartala
2. Shri Prabir Bhattacharjee, IFS, CCF O/o the PCCF, Aranya Bhavan, Gurkhabasti, Agartala.
3. Shri Debashis Chakraborty, IFS,CCF, O/o the PCCF, Aranya Bhavan, Gurkhabasti, Agartala.

.....Appellants

**V E R S U S**

1. Shri Y.Kumar,IAS, Secretary to the Government of Tripura, GA(AR) Department, Secretariat, Agartala, (FAA).
2. Smti. Shibani Dey, Under Secretary, GA(AR) Department, Government of Tripura, Secretariat, Agartala.(SPIO).

.....Respondents

In the matter of an appeal under Section 19(3) of the RTI Act,2005.

**PRESENT**

**Shri Kasthala Venkataa Satyanarayanaa, IAS (Retd)**  
State Chief Information Commissioner

For the Appellants: Shri Prabir Bhattacharjee and  
Shri Debashis Chakraborty, the Appellants.

For the Respondents: Shri Ajit Debbarma, Joint Secretary, GA(AR) Department, FAA.  
Smti. Shibani Dey, Under Secretary, GA(AR) Department,  
(SPIO).

Date of filing appeal: 8.4.2015 and received by the Commission on 13.4.2015.

Date of hearing: 16.7.2015

Date of order: 16.7.2015

## ORDER

The Appellants filed applications seeking two items of identical information from the SPIO of GA(AR) Department on 22.1.2015. In item no.1, they have referred to a letter addressed to the Principal Secretary to Hon'ble Chief Minister from the Forest Department seeking information as to whether the letter had been forwarded to the GA(AR) Department; if so, copies of notes, comments and correspondences made on the above letter of the Forest Department. In the second query, they have asked for notes and correspondences made in the GA(AR) Department on three letters written by the Appellants from the File No.19(400)/Vig/For-2001/P/Con on 26.12.2014 addressed to the Chief Secretary and Secretary, GA(AR) Department, Government of Tripura in connection with a vigilance case.

2. The SPIO disposed of the applications within 30 days claiming exemption u/s 8(1)(h) which deals with exemption from disclosure of information which impedes the process of investigation or apprehension or prosecution of offenders.

3. The Appellants went in appeal to the First Appellate Authority of the GA(AR) Department who disposed of the appeals with an order on 27.3.2015 stating that with regard to item no.1, no such letters were received in the GA(AR) Department and asked the Appellants to give more details to properly ascertain the letter on which they are seeking information. In so far as the item no.2 is concerned, the FAA directed the SPIO to furnish the information as asked by the information seekers. Thereafter, the SPIO asked the Appellants to deposit additional fees.

4. The Appellants filed second appeals before the Commission on 8.4.2015 stating that the FAA was influenced by the misinformation given by the SPIO in respect of item no.1 of the RTI application and that the direction given by the SPIO for submission of additional fees was unjustified. The Commission admitted the second appeals and fixed 16.7.2015 for hearing. Summons were issued to the Respondents and notices to the Appellants for appearance.

5. During hearing, from the Appellants' side Shri Sanatan Talukdar was not present without any step. Shri Prabir Bhattacharjee and Shri Debasish Chakraborty were present. From the Respondents' side, Shri Ajit Debbarma, Joint Secretary, GA(AR) Department & FAA and Smti. Shibani Dey, Under Secretary, GA(AR) Department and SPIO were also present.

6. During the course of hearing, Shri Prabir Bhattacharjee and Shri Debasish Chakraborty have stated that the SPIO has claimed exemption u/s 8(1)(h) whereas during the course of hearing before the First Appellate Authority she had submitted that the particular letter mentioned in item no.1 was not available in the record as received. The SPIO stated that when the information was given by her initially, the

information about forwarding of this letter could not be ascertained as the relevant file was on the move. However, since the matter relates to a specific receipt entry, she checked up the records and the said letter was not received from the Chief Minister's Secretariat. In so far as the second item is concerned, she asked to deposit additional fees of Rs.20/- from each of the Appellants for giving the information.

7. It is seen that the SPIO did dispose of the applications within the prescribed time. However, for the entire gamut of information, she sought exemption u/s 8(1)(h) which was challenged before the FAA. The FAA had passed orders without formal hearing, stating that in so far as item no.1 is concerned it is not available and sought more details on the referred letter for ascertaining the letter properly. With regard to item no.2, the FAA has asked the SPIO to furnish the information.

8. Since the subject and action of the Respondents is common, the appeals were heard together and common orders are passed by the Commission.

9. It is seen that the SPIO had averred before the Commission that the cited letter referred in the applications for information at query no.1 was not forwarded to the GA(AR) Department and hence the information could not be given. However, in case of item no.2, the SPIO cannot ask for deposit of additional fees as the information sought to be furnished is beyond the period of 30 days and hence, the Commission directs the SPIO to furnish the information to the Appellants free of cost within one week from the date of this order.

10. With the above directions, the appeals stand disposed of.

11. Let copy of this order be sent to the Appellants and the Respondents free of cost.

Sd/-

( **Kasthala Venkataa Satyanarayanaa** )  
State Chief Information Commissioner

Authenticated by:

 17/07/15  
( **Bimal Rieng** )

Secretary

Tripura Information Commission

**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti

Agartala - 799 006

Appeal No. TIC-37,38 & 39 of 2015-16/2670-2674 Dated : 16.07.2015

Copy to:

1. Shri Sanatan Talukdar, IFS, Principal Chief Conservator of Forests, Government of Tripura, Aranya Bhavan, Gurkhabasti, Agartala
2. Shri Prabir Bhattacharjee, IFS, CCF O/o the PCCF, Aranya Bhavan, Gurkhabasti, Agartala.
3. Shri Debashis Chakraborty, IFS, CCF, O/o the PCCF, Aranya Bhavan, Gurkhabasti, Agartala.
4. Shri Ajit Debbarma, Joint Secretary to the Government of Tripura, GA(AR) Department, Secretariat, Agartala, (FAA).
5. Smti. Shibani Dey, Under Secretary, GA(AR) Department, Government of Tripura, Secretariat, Agartala.(SPIO).



**( Bimal Rieng )**

Secretary

Tripura Information Commission



**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti

Agartala – 799 006

Appeal No. TIC-48 of 2015-16

1. Shri Krishna Kumar Rupini, S/o, Late Ajit Kumar Rupini, Vill : Vidyamanik Rupinipara, PO: Manu, PS: Dhalai, Tripura-799275

.....Appellants

**V E R S U S**

1. The Joint Secretary to the Government of Tripura, GA(AR) Department, Secretariat, Capital Complex, Agartala, (FAA)-799006.
2. The Deputy Secretary, GA(AR) Department, Government of Tripura, Secretariat, Capital Complex, Agartala (SPIO)-799006.

.....Respondents

In the matter of an appeal under Section 19(3) of the RTI Act,2005.

**PRESENT**

**Shri Kasthala Venkataa Satyanarayanaa, IAS (Retd)**

State Chief Information Commissioner

For the Appellants: Shri Sanjit Debbarma, representing the Appellant.

For the Respondents: Smti. Shibani Dey, Under Secretary, GA(AR) Department, (SPIO).

Date of filing appeal: 9.7.2015 and received by the Commission on the same date.

Date of hearing: 3.10.2015

Date of order: 3.10.2015

The Appellant, Shri Krishna Kumar Rupini filed an application before the State Public Information Officer, office of the PCCF, Tripura on 2.3.2015 seeking certain items of information. Out of the information he sought for, two items i.e. point number 11 and 12 relate to GA(AR) Department and hence the SPIO office of the PCCF, Tripura had transferred the relevant queries in the application to the SPIO of the GA(AR) Department on 23.3.2015. The SPIO of GA(AR) Department did not supply the required information on the ground that these are third party information and the third party had raised objection. Though initially, then SPIO informed the Appellant to inspect the records and take copies of required document.

2. Having failed to obtain information from the SPIO of GA(AR) Department, the Appellant filed first appeal before the First Appellate Authority and the FAA also stood by the decision of the SPIO vide order dated 18<sup>th</sup> May, 2015 and no information was supplied.

3. Being failed to get any relief from the SPIO and the FAA, the Appellant filed the second appeal before the Tripura Information Commission on 9.7.2015. Having found good grounds to admit the appeal, the Commission has admitted the second appeal as Appeal TIC-48 of 2015-16 and issued summons to the Respondents and notice to the Appellant to appear before the Commission on 3<sup>rd</sup> October, 2015. at 11.30 AM.

4. In his second appeal, the Appellant had stated that information about serial number 11 and 12 were denied to him both at the level of SPIO as well as FAA stating that the information is a third party information. He claimed that he had asked for the entire file of Vigilance Case registered against the present PCCF, Shri Sonatan Talukdar when he was posted as DFO, Kanchanpur and also a copy of withdrawal of order of vigilance case against Shri Sonatan Talukdar, PCCF, Tripura by the Vigilance Department. He stated that the information was denied on grounds of third party objecting to the supply of information. He claimed that since the information is not a personal information of Shri Sonatan Talukdar as he has got a clean chit from the Government, by disclosing the information it could be proved that the Government might have instituted false vigilance case and thirdly if such cases are denied as third party, what information the public would get from the Government.

5. During hearing, Smti. Shibani De who is the SPIO of the GA(AR) Department, argued that the information is a third party information and the third party vehemently objected against disclosure of such information. She also pointed out that the Appellant has also failed to show any public interest that could be served by disclosing such information and pleaded not to share this information.



6. The Vigilance Case instituted against an employee by the employer is between them and disclosure of information would be unwarranted invasion of privacy.


7. The Commission after hearing both the parties decided to dismiss the appeal as the information asked for is exempted under Section 8(1)(e) and (j) as no larger public-interest could be established by the Appellant for disclosure of this third party information.

8. Let copy of this order be sent to the Appellant and the Respondents free of cost.

Sd/-

( **Kasthala Venkataa Satyanarayanaa** )  
State Chief Information Commissioner

Authenticated by:

  
21/10/15  
(Dr. Manas Dev)  
Secretary  
Tripura Information Commission

**TRIPURA INFORMATION COMMISSION**

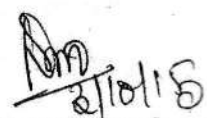
Pt. Nehru Complex, Gurkhabasti  
Agartala - 799 006

Appeal No. TIC-48 of 2015-16 / 3057-59

Dated : 3.10.2015

Copy to:

1. Shri Krishna Kumar Rupini, S/o, Late Ajit Kumar Rupini, Vill : Vidyamanik Rupinipara, PO: Manu, PS: Dhalai, Tripura-799275
2. The Joint Secretary to the Government of Tripura, GA(AR) Department, Secretariat, Capital Complex, Agartala, (FAA)-799006.
3. The Deputy Secretary, GA(AR) Department, Government of Tripura, Secretariat, Capital Complex, Agartala (SPIO)-799006.

  
21/10/15  
(Dr. Manas Dev)  
Secretary

Tripura Information Commission



**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala – 799 006

Appeal No. TIC-50 of 2015-16

1. Shri Thaithak Reang, S/o Late Debram Reang, PO; Upanagar, PS: Ambassa, Dhalai, Tripura – 799 289.

.....Appellant

**V E R S U S**

1. The First Appellate Authority, District Project Management Authority, O/o the District Project Director, Indo-German Development Cooperation Project, Jawaharnagar, Ambassa, Dhalai, Tripura.
2. The State Public Information Officer, District Project Management Authority, O/o the District Project Director, Indo-German Development Cooperation Project, Jawaharnagar, Ambassa, Dhalai, Tripura.

.....Respondents

In the matter of an Appeal under section 19(3) of the Right to Information Act, 2005.

**PRESENT**

**Shri K.V.Satyanarayanaa, IAS (Retd)**  
State Chief Information Commissioner

1. For the Appellant: Shri Anthony Debbarma, representing the Appellant.
2. For the Respondents: Shri Suman Das, Addl. District Project Officer (SPIO).
3. Date of filing Appeal: 9.7.2015 and received by the Commission on the same date.
4. Date of Hearing : 04.09.2015
5. Date of Judgment and Order: 04.09.2015



## ORDER

Shri Thaithak Reang, the Appellant, filed an application before the SPIO, Office of the District Project Director, Indo-German Development Cooperation Project, Jawaharnagar, Ambassa, Dhalai, Tripura seeking five items of information on 6.4.2015. The SPIO responded to the RTI queries of the information seeker and replied to him vide letter dated 2.5.2015 stating that information as sought for is either not maintained/available or the queries are not specific. Thereafter being aggrieved, he filed first appeal on 18.5.2015 before the First Appellate Authority of the Indo-German Development Cooperation Project, Ambassa. The FAA passed his orders on 9.6.2015 supporting the stand taken by the SPIO. Having been dissatisfied with the orders of the FAA, the Appellant, Shri Thaithak Reang filed second appeal before the Commission on 9.7.2015 seeking direction of the Commission upon the SPIO and FAA for supply of the information to the Appellant. The Commission admitted the second appeal and posted the case for hearing on 4.9.2015.

2. During the hearing, the Appellant, Shri Thaithak Reang was not present. However, he was represented by Shri Anthony Debbarma for which prior approval of the Commission was obtained. Both the parties were heard.

3. The first query regarding Patta land records of 70 VDPIC members, the SPIO stated that Patta documents of VDPIC members are not available with the DPMA office and they do not maintain the record. As such, the Commission feels that there is no further information to be shared with the Appellant.

4. With regard to query no.2, the information seeker wanted the names and address of the persons who had attended the VDPIC meetings held on 9.8.2010 and 10.4.2011 from among the 70 VDPICs. They denied the information claiming exemption under Section 11 of the RTI Act. The Commission after hearing the pleadings of the parties, directed that this may be inspected by the information seeker on a date to be fixed and copies need not be given. Accordingly, it has been agreed that the information seeker would visit the office of the SPIO on 21.9.2015 at 11.00 am for inspection. No copies need be given except seeing the list of people attended the meetings and as maintained by the concerned VDPIC for this purpose. The SPIO will ensure the information is brought by the concerned VDPIC to the SPIO on the appointed date for inspection by the information seeker.

5. With reference to query no.3, the SPIO informed already that the Patta documents of the persons who attended VDPIC meetings are not available in the DPMA office. Since documents are not available, the Commission passes no further direction to supply the Patta documents of the VDPIC members.





## TRIPURA INFORMATION COMMISSION

P. N. Complex: Gorkhabasti  
Agartala - 799 006

Appeal No. TIC - 82 of 2015-16

Shri Bikramjit Debbarma, S/o Late Badal Debbarma, Dhaleshwar Road No. 1,  
Dhaleshwar, Agartala - 700 007, West Tripura.....Appellant

### VERSUS

1. The Director, Directorate of Tribal Welfare, Government of Tripura,  
Gorkhabasti, Agartala, Tripura(FAA).
2. The Joint Director, Directorate of Tribal Welfare, Government of Tripura,  
Gorkhabasti, Agartala, Tripura(SPIO) .....Respondents

In the matter of an Appeal under section 19(3) of the Right to Information Act,  
2005.

PRESENT

**Shri Kasthala Venkataa Satyanarayanaa, IAS(Retd)**  
State Chief Information Commissioner

For the Appellant: Shri Samarjit Bhattacharjee for  
Shri Bikramjit Debbarma

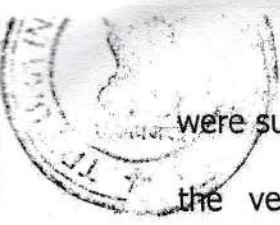
For the Respondents: Shri Rabindra Reang, IAS, Director, TW & FAA  
Shri Santosh Das, Joint Director, TW & SPIO

### ORDER

**Dated : 15.03.2016**

Sri Bikramjit Debbarma, filed an application with SPIO, Directorate of  
Tribal Welfare for information seeking copies of affidavits sworn in by Sri  
Rathindra Debbarma, Nandadulal Debbarma and Narendra Ch. Deb which

*Amo*



were submitted before the State Level Scrutiny Committee in connection with the verification of caste status of Shri Santanu Debbarma, S/o late Monomohan Debbarma. The application was filed on 18.8.2015 by Shri Bikramjit Debbarma.

2. The SPIO who is the Joint Director, Tribal Welfare Directorate informed the information seeker by his letter dated dated 17.9.2015 that the relevant file in connection with the enquiry proceedings about the caste status of Shri Santanu Debbarma, S/o late Monomohan Debbarma could not be traced out and that he was not in a position to supply the required information.

3. Being aggrieved by the order of the SPIO (Joint Director, Tribal Welfare) stating that the information is not available, Sri Bikramjit Debbarma filed the first appeal u/s 19(1) of the RTI Act before the Director, Tribal Welfare (Member-Secretary, State Level Scrutiny Committee), who is also First Appellate Authority on 8.10.2015. The FAA in his order dated 16-11-2015 directed the SPIO (Joint Director, Tribal Welfare) to take necessary action for searching the document again and to be supplied to the appellant within 14(fourteen) days i.e. by 30.11.2015. The SPIO (Joint Director, Tribal Welfare) had issued a letter to Sri Santanu Debbarma on 19.11.2015 asking him to submit representation if any regarding disclosure of information. Shri Santanu Debbarma in his letter dated 23.11.2015 has submitted his representation stating not to give any information as it belongs to his personal affairs. However, the SPIO (Joint Director, Tribal Welfare) informed that the concerned file could not be traced out in spite of thorough searching.

Rmo

4. Being aggrieved by these, Shri Bikramjit Debbarma filed a second appeal before the Commission on 8.1.2016. The case was heard on 5.2.2016. The Commission has taken very serious view for non-traceability of the record and directed the Respondents to trace out the record and fixed the case for next hearing on 15.3.2016.

5. On the date of hearing Shri Santosh Das, SPIO (Joint Director, Tribal Welfare) and Shri Rabindra Reang, IAS, Director, Tribal Welfare (Member-Secretary, State Level Scrutiny Committee) informed the Commission that one file containing Affidavits traced out. In their representation before the Commission dated 11.3.2016 they stated that search team finally located the file on 29.2.2016 and it is found that the Affidavit submitted by Shri Nandadulal Debbarma and Shri Narendra Chandra Deb which were submitted before the SLSC in connection with verification of caste status of Shri Santanu Debbarma only are available. Affidavit of Shri Rathindra Debbarma in connection with verification of caste status of Shri Santanu Debbarma is not available. The FAA in his order dated 16.11.2015 had already directed the SPIO for searching the documents to supply the information to the Appellant. They have reiterated the same during the hearing. The Commission is of the opinion that the Affidavits submitted in connection with verification of caste status is not a personal matter of Shri Santanu Debbarma and there is outweighing public interest to disclose the information.

6. Hence, the Commission, after considering the facts of the case and the representation of third party filed with the SPIO and the direction of the FAA, hereby directs the SPIO to supply the copies of affidavits filed by of Shri Nandadulal




Debbarma and Shri Narendra Chandra Deb to the Appellant within 5(five) days from the date of issue of this order. The Commission notes that the Respondents have taken long time to locate the file for supply of information to the Appellant. Had they made thorough search earlier, to supply the information to Appellant could have taken long back and the second appeal would not have been filed before the Commission. SPIO is advised to be more prompt for disposal of RTI applications in future.

Sd/-

**(Kasthala Venkataa Satyanarayanaa)**  
State Chief Information Commissioner

Authenticated by:

  
15/3/16  
( Dr Manas Dev )  
Secretary,  
Tripura Information Commission


**TRIPURA INFORMATION COMMISSION**  
P. N. Complex, Gorkhabasti, Agartala – 799 006

Appeal No. TIC-82 of 2015-16 /367-369

Dated : 15.03.2016

Copy to:-

1. Shri Bikramjit Debbarma, S/o Late Badal Debbarma, Dhaleshwar Road No. 1, Dhaleshwar, Agartala – 700 007.
2. The Director, Directorate of Tribal Welfare, Government of Tripura, Gorkhabasti, Agartala, Tripura(FAA).
3. The Joint Director, Directorate of Tribal Welfare, Government of Tripura, Gorkhabasti, Agartala, Tripura(SPIO).

  
15/3/16  
( Dr Manas Dev )

Secretary,  
Tripura Information Commission



**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti

Agartala - 799 006

Appeal No. TIC - 93 of 2015-16

Shri Shri Krishna Kumar Rupini, S/o, Late Ajit Kumar Rupini, Vill : Vidyamanik  
Rupinipara, PO: Manu, PS: Dhalai, Tripura-799289.

.....Appellant

**VERSU**

1. The First Appellate Authority, Office of the Sadar Forest Sub-divisional Officer, Sadar Sub-division, Government of Tripura, Near Ramthakur Girls' H/S School, Jagaharimura, Agartala.
2. The State Public Information Officer, Office of the Sub-divisional Forest Officer, Mandai, West Tripura.

.....Respondents.

In the matter of an Appeal under section 19(3) of the Right to Information Act, 2005.

**PRESENT**

**Shri Kasthala Venkataa Satyanarayanaa, IAS (Retd)**  
State Chief Information Commissioner

For the Appellant: Shri Krishna Kumar Rupini, the Appellant.  
For the Respondents: Shri Santosh Debbarma, SDFO, Mandai ( SPIO).  
Date of filing appeal: 13.11.2015  
Date of hearing: 28.3.2016  
Date of order: 28.3.2016



## ORDER

The Appellant, Shri Krishna Kumar Rupini, had applied to the SPIO, Teliamura on 17.7.2015 seeking some information about the number of forest villages, total area of each forest village and name and address of the family members and also copies of the Patta land. The Appellant belongs to BPL category and had filed same kind petition to several Sub-divisional Forest Officers seeking voluminous information about the number of forest villages, total area of each forest village and name and address of the family members and also copies of the Patta land running hundreds and thousands of names. He is an inhabitant of Dhalai district but he filed petitions seeking same kind of information from several SDFOs. The Commission had already decided earlier in Appeal Nos. TIC- 78 and 79 of 2015-16 which were on the same nature. Shri Krishna Kumar Rupini filed the second appeal on 13.11.2015 before the Commission which was admitted and posted for hearing today. On the date of hearing, the Appellant, Shri Krishna Kumar Rupini, was present along with his assistant, Shri Anthony Debbarma.

2. The Appellant did not show prima facie any public interest though the Anthony Debbarma stated that he would like to know about the land details of forest villages of the indigenous people for which they asked the information.

3. Shri Santosh Debbarma, SDFO, Mandai and SPIO who was present from the Respondents' side, stated that the case was originally filed with the SDFO, Teliamura. Since SDFO, Mandai office was newly created the application was sent to him 22.8.2015 and in his capacity as SPIO to supply the information to the Appellant. The SPIO, Mandai stated during hearing that the information asked by Shri Krishna Kumar Rupini is "not available". Commission directs that since other Forest Sub-divisions can supply, there is no reason why it is not available in Mandai Forest Sub-divisions. The SPIO should collect for supply of the information as per orders of the Commission within 15 (fifteen) days to the Appellant.

4. The information asked is about the number of forest villages, total area of each forest village and name and address of the family members and also copies of the Patta land. After considering the contentions made by the Appellant, the Commission orders that the total area of each forest village along with number of family members in each forest village and the area of the forest villages should be supplied to the Appellant, Shri Krishna Kumar Rupini within 15 days by collecting information or record from SDFO, Teliamura. The names and address of the persons living in the forest villages and copies of Patta land need not be given as the names/address of family members of the forest villages and the copies of Patta documents are voluminous third party information involving large number of people



and the Commission does not find any outweighing public interest for accessing this information by the Appellant.

5. Commission directs that as the forest villages are creation of the law, the Secretary to the Government in charge of Forest Department and the P.C.C.F. should take steps to place data about the forest villages like the number of forest villages, total area of each forest village, sketch maps of the forest villages, etc on the public domain within 6 (six) months so that it would be accessible to the public.

6. With the above orders, the appeal stands disposed of.

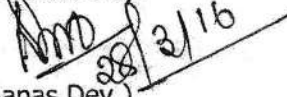
7. Let copy of this order be sent to the Appellant and the Respondents. A copy of this order should also be sent to the Secretary, Forest Department, Government of Tripura and Principal Chief Conservator of Forests, Government of Tripura for their information and needful action as advised in Para 5 above.

Sd/-

( **Kasthala Venkataa Satyanarayanaa** )

State Chief Information Commissioner

Authenticated by:

  
( Dr. Manas Dev )  
Secretary  
Tripura Information Commission

**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti


Agartala - 799 006

Appeal No. TIC - 93 of 2015-16/409-411

Dated : 28.3.2016

Copy to:

1. Shri Shri Krishna Kumar Rupini, S/o, Late Ajit Kumar Rupini, Vill : Vidyamanik Rupinipara, PO: Manu, PS: Dhalai, Tripura-799289.
2. The First Appellate Authority, Office of the Sadar Forest Sub-divisional Officer, Sadar Sub-division, Government of Tripura, Near Ramthakur Girls' H/S School, Jagaharimura, Agartala.
3. The State Public Information Officer, Office of the Sub-divisional Forest Officer, Mandai, West Tripura.

  
( Dr. Manas Dev )  
Secretary

Tripura Information Commission





**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala – 799 006

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Complaint No. TIC-09 of 2015-16

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Shri Premananda Singha, S/o Late Brajabalak Singh, Abhoynagar, Agartala –  
799 005, West Tripura.

.....Complainant

**V E R S U S**

Shri Dasarath Jamatia, Executive Engineer \*(GPF & Pension), Department of  
Power, Government of Tripura, Bidyut Bhavan, Banamalipur, Agartala

.....Opposite party.

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In the matter of a Complaint under Section 18(1) of the RTI Act,2005.

**PRESENT**

**Shri K.V.Satyanarayanaa, IAS (Retd)**  
State Chief Information Commissioner

For the Complainant: Shri Premananda Singha, the Complainant.

For the Opposite party: Shri Dasaratha Jamatia, Executive Engineer, GPF &  
Pension), Department of Power, TSECL. Bidyut Bhavan,  
Banamalipur, Agartala

Date of filing Complainant: 7.3.2015 and received by the Commission on same date.

Date of hearing: 23.5.2015

Date of order: 23.5.2015

**ORDER**

A complaint was received from Shri Premananda Singha stating that he had  
filed an RTI Application with the SPIO. O/o the Executive Engineer, GPF & Pension,  
Department of Power, Banamalipur on 7.3.2015 and that he did not get any

response to his RTI application and the SPIO denied to receive the application and suggested to post the application.

2. Aggrieved by that Shri Premananda Singha filed a complaint on 20.4.2015 with the Tripura Information Commission. The Commission admitted it as a complaint and posted for hearing on 23.5.2015 at 11.30 AM.

3. The Executive Engineer, GPF & Pension, Department of Power Shri Dasarath Jamatia who is the SPIO was present from the side of Opposite party and the Complainant Shri Premananda Singha was present. The Executive Engineer pleaded that when the person came with the application, it was found that the information is related to the Tripura State Electricity Corporation Ltd (TSECL) and the Complainant was asked to approach the TSECL as because he was not fully conversant with the provisions of the RTI Act. He had further pleaded that the non acceptance of the application was not out of any willful disobedience. Shri Premananda Singha, Complainant, also agreed that he is not pressing for imposition of any penalty but sought the information.

4. The Commission heard both the sides and found that the information asked for by the Complainant is not specific as he had used the terms 'long period' which is not specific. He was advised to prefer another application with TSECL seeking information reducing it into a specific query without ambiguity, so that required information could be supplied. Shri Premananda Singha also raised about his own case of encashment of unutilized leave as he retired in January, 2015. The Executive Engineer informed that he had in fact received the proposal for encashment of unutilized leave from the TSECL as after 2013 the system is changed and it is the Executive Engineer who should sanction the encashment of unutilized leave of deputed employees of the Power Department to the TSECL. After drawal, the fund is placed to the concerned DGM of TSECL for making payment to the pensioners. In the particular case of Shri Premananda Singha, the application is under process and within a period of one month, the fund would be drawn and placed with the DGM, TSECL for payment to the Complainant. As such, the Opposite party is directed to take proactive steps as assured.

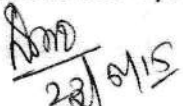


5. As regards the information asked by the Complainant, he is advised to reduce the information into specific queries leaving no ambiguity. He may file a fresh application accordingly with the SPIO of the TSECL, if he chooses.
6. In view of this, the Commission finds no ground to issue any further directions on the complaint.
7. With this order, the complaint case stands disposed of.
8. Let copy of this be sent to the complainant and the Opposite party.

Sd/-

**( K.V. Satyanarayana )**  
State Chief Information Commissioner

Authenticated by:

  
23/5/15  
( Dr Manas Dev )  
Secretary  
Tripura Information Commission

**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala – 799 006

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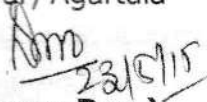
Complaint No. TIC-09 of 2015-16

Dated : 23.5.2015

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Copy to:

1. Shri Premananda Singha, S/o Late Brajabalak Singh, Abhoynagar, Agartala – 799 005, West Tripura.
2. Shri Dasarath Jamatia, Executive Engineer (GPF & Pension), Department of Power, Government of Tripura, Bidyut Bhavan, Banamalipur, Agartala

  
23/5/15  
**( Dr Manas Dev )**  
Secretary  
Tripura Information Commission



**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala – 799 006

Complaint No. TIC-66 of 2015-16

Shri Abhishek Debnath, S/o Shri Anjan Debnath, Vill & PO: Panisagar, North Tripura District, Pin-799 260

.....Complainant

**VERSUS**

1. The Superintendent of Police, North Tripura District, Dharmanagar, North Tripura (SPIO).

.....Opposite party.

In the matter of a Complaint U/S 18(1) of the RTI Act. 2005

**ORDER**

Dated: 18.3.2016

The fact of the case in brief is that Shri Abhishek Debnath had filed an RTI Application dated 5.12.2015 before the SDPO, North Tripura, Dharmanagar seeking some information. The Superintendent of Police, North Tripura, Dharmanagar being the State Public Information Officer, responded to the Complaint of Shri Abhishek Debnath stating that the RTI Act is applicable to Home (Police) Department only in respect of any allegation of corruption and human rights violation and that the application of the information seeker does not relate to any such allegation and hence the information was denied. Being aggrieved and frustrated, the Complainant filed a complaint dated 27.01.2016 before the Commission seeking its direction upon the SPIO for supply of the information sought by him.

2. The case was admitted and posted for hearing today, the 18<sup>th</sup> March, 2013 at 11.30 AM. Summons and notice were served to the parties for appearance. However, during hearing, the Superintendent of Police, North who is the SPIO was absent as he is apparently on leave. However, the case is taken up on merits. The information sought by the Complainant is about the number of illegal liquor shops under Panisagar Police Station and how many complaints have been lodged against such liquor shops and related data. It is found that the information asked by the Complainant is more of statistical information and has nothing to do either with any investigation or security. In view of this, it is not covered by the exemption clause



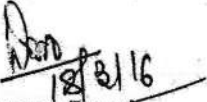
24(4) of the RTI Act, 2005 as notified by the Government vide Notification No.F.3(5)-GA(AR)/2005/VI/1382 dated 13.7.2015. The type of information being administrative in nature, it is not to be covered by the exemption. Hence, it is directed that the SPIO should furnish this information within 15(fifteen) days from the date of issue of this order.

3. With the above order, the complaint case stands disposed of.
4. Let copy of this order be sent to the Complainant and the Opposite party free of cost.

Sd/-

**( Kasthala Venkataa Satyanarayanaa )**  
State Chief Information Commissioner

Authenticated by:

  
(Dr. Manas Dev)  
Secretary  
Tripura Information Commission

**TRIPURA INFORMATION COMMISSION**

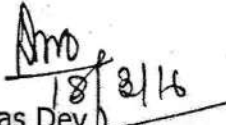
Pt. Nehru Complex, Gurkhabasti  
Agartala - 799 006

Complaint No. TIC-66 of 2015-16 / 390-391

Dated: 18.3.2016

Copy to:

1. Shri Abhishek Debnath, S/o Shri Anjan Debnath, Vill & PO: Panisagar, North Tripura District, Pin-799 260
2. The Superintendent of Police, North Tripura District, Dharmanagar, North Tripura (SPIO).

  
(Dr. Manas Dev)  
Secretary  
Tripura Information Commission



**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala – 799 006

Complaint No. TIC- 60 of 2015-16

1. Shri Kalyan Debroy, S/o Late Manilal Debroy, College Tilla, Professors' Para, Agartala, West Tripura.

.....Complainant

**VERSUS**

1. Shri S. Bandopadhyay, Director, Food, Civil Supplied & Consumer Affairs, Government of Tripura, Pt. Nehru Complex, Gurkhabasti, Agartala (FAA).  
2. The Sub-divisional Magistrate, Jampuijala Sub-division, Jampuijala, Sepahijala, Tripura (State Public Information Officer)

.....Opposite parties

In the matter of a Complaint under Section 18(1) of the RTI Act, 2005.

**PRESENT**

**Shri Kasthala Venkataa Satyanarayanaa, IAS (Retd)**  
State Chief Information Commissioner

For the Complainant: Shri Kalyan Debroy, the Complainant.

For the Opposite party: Shri S. Bandopadhyay, FAA,


Date of filing Complaint: 18.01.2016 and received by the Commission on the same date.

Date of hearing: 16.02.2016

Date of order: 16.02.2016

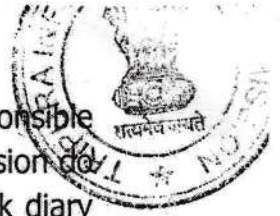
**ORDER**

Shri Kalyan Debroy of Agartala filed an RTI Application seeking some information on 29.6.2015 from the SPIO of the Directorate of Food, Civil Supplies &



Consumer Affairs, Government of Tripura. In his application he had asked for supply of a copy of leave application submitted by Shri Aniruddha Bhattacharjee, Assistant Director, Food, Jampuijala and copy of the sanction of leave and copy of the work diary submitted by Shri Aniruddha Bhattacharjee in the year 2014.

2. The application for information was duly transferred by the SPIO, Directorate of Food, Civil Supplies & Consumer Affairs on 2.7.2015 to the SDM, Jampuijala who is the appropriate SPIO. The SPIO in reply vide his letter dated 10.7.2015 informed Shri Kalyan Debroy that there is no Assistant Director, Food in Jampuijala Sub-division and that Shri Aniruddha Bhattacharjee is the SDC, Food and hence the information asked for is not matching.
3. Shri Kalyan Debroy, the Complainant, has filed a revised RTI Application on 25.7.2015 again to the SPIO of the Directorate of Food, Civil Supplies & Consumer Affairs, Government of Tripura and that application was again transferred on 4.8.2015 to the SDM, Jampuijala Sub-division.
4. Since the information asked for is third party information, the SDM, Jampuijala issued notice to the third party on 27.8.2015. The third party after receiving the notice, had responded to the SPIO requesting for non-disclosure of the information as it is personal information and accordingly, the SPIO had declined to furnish the information being third party in nature.
5. Having been dissatisfied with the refusal, Shri Kalyan Debroy, the information seeker, filed the first appeal before the Director, Food, Civil Supplies & Consumer Affairs who is the First Appellate Authority. The FAA upheld the order of the SPIO refusing to furnish the information. The FAA has further stated in his order that no good public interest is hampered due to such non-disclosure of information to the applicant and that the information sought by the information seeker is totally a service matter of a government employee which is governed and controlled/monitored by the competent authority as per statutory provisions of the service rules.
6. Aggrieved by this, Shri Kalyan Debroy filed a complaint before this Commission on 18.1.2016. The Commission has admitted the Complaint and posted for hearing on 16.2.2016 duly issuing summons and notice to the parties.
7. During hearing, Shri Kalyan Debroy, the Complainant was present and the Opposite party, Shri D. Bandopadhyaya, the First Appellate Authority and also the SPIO of the Directorate of Food, Civil Supplies & Consumer Affairs were present. Both the parties were heard. The Commission finds that copy of leave application need not be disclosed as copy of leave application contains personal information relating to the grounds/reasons for the leave. However, the Commission directs that the leave sanction memo should be disclosed to the information seeker within **15 days** from date of this order. In so far as supply of works diary of the employee for the year 2014 is concerned, the Commission holds that there is a fiduciary relationship



between the employee and the employer and it is the employer who is responsible for observing and monitoring the work of a particular employee. The Commission do not find any outweighing public interest warranting the disclosure of the work diary of Shri Aniruddha Bhattacharjee. As the Commission did not find any greater public interest, the Commission upholds the decision of the SPIO and the FAA not to disclose the work diary of Shri Aniruddha Bhattacharjee, SDC (Food), Jampuijala.

8. With the above directions, the complaint case stands disposed of.
9. Let copy of this order be sent to the Complainant and the Opposite party free of cost.

Sd/-

**( Kasthala Venkataa Satyanarayanaa )**  
State Chief Information Commissioner

Authenticated by:

*MD*  
17/2/16

**( Dr. Manas Dev )**  
Secretary  
Tripura Information Commission

**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala - 799 006

Complaint No. TIC- 60 of 2015-16 / 172-120

Dated: 17.2.2016

Copy to:

1. Shri Kalyan Debroy, S/o Late Manilal Debroy, College Tilla, Professors' Para, Agartala, West Tripura.
2. Shri S. Bandopadhyay, Director, Food, Civil Supplied & Consumer Affairs, Government of Tripura, Pt. Nehru Complex, Gurkhabasti, Agartala (FAA).
3. The Sub-divisional Magistrate, Jampuijala Sub-division, Jampuijala, Sepahijala, Tripura (State Public Information Officer).

*MD*  
17/2/16

**( Dr. Manas Dev )**  
Secretary  
Tripura Information Commission





**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala - 799 006

Complaint No. TIC-58 of 2015-16

1. Shri Narendra Debbarma, Village: Sankar Senapati Para, PO: Lefunga, Sepahi Para, West Tripura, Pin-799 120.

.....Complainant

**VERSUS**

1. The State Public Information Officer, Office of the Assistant Director, ARDD (P), State Poultry Farm, Gandhigram, West Tripura.

.....Opposite party.

Subject: Complaint under Section 18(1) of the RTI Act, 2005.

**PRESENT**

**Shri Kasthala Venkataa Satyanarayanaa, IAS (Retd)**  
State Chief Information Commissioner

- |                            |   |
|----------------------------|---|
| 1. For the Complainant:    | Shri Narendra Debbarma  |
| 2. For the Opposite party: | Dr. M.Sarkar, Director, ARDD & FAA<br>Dr. Siddhartha Chakraborty, SPIO<br>Dr. Dipangshu Choudhury, SPIO, SPF. |
| 3. Date of filing :        | 28.12.2016  |
| 4. Date of hearing:        | 18.2.2016 and 19.2.2016   |
| 5. Date of Order:          | 19.2.2016   |

**ORDER**

The Complainant, Shri Narendra Debbarma, filed an RTI application dated 13.11.2015 to the Assistant Director and SPIO of the State Poultry Farm, Gandhigram seeking information on certain items which relates to the regularization of P.L. Workers in the Animal Resources Development Department. Being aggrieved by the non-receipt of information from the SPIO, the Complainant had filed a complaint dated 28.12.2015 before this Commission for direction upon the Opposite parties for supply of information. The Commission admitted the complaint and issued summons and notice to the parties fixing date on 18.2.2016 for hearing.



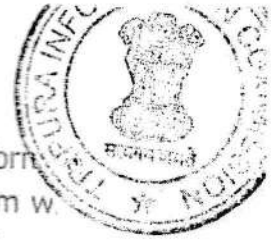
2. During hearing on 18.2.2016, the Complainant Shri Narendra Debbarma was present. From the Opposite party, Dr. Dipangshu Choudhury, Assistant Director and SPIO of the State Poultry Farm, Gandhigram was present since summons was only issued to the SPIO of the State Poultry Farm with whom the application for information was originally lodged.

3. The SPIO stated that upon receiving the application for information, he had transferred it to the Directorate of Animal Resources Development Department (ARDD) as many of the information are to be given by the Directorate. As such, hearing on this case was deferred to 19.2.2016 at 11.30 AM and it was decided to call the First Appellate Authority and the SPIO of the Directorate of Animal Resources Development Department for further hearing on the matter.

4. The case was taken up for hearing on 19.2.2016 at 11.30 AM when Dr. M. Sarkar, Director, ARDD & FAA and Dr. Siddhartha Chakraborty, the SPIO, Office of the Director, ARDD were present. The Complainant, Shri Narendra Debbarma did not attend on time.

5. It is already pointed out by the SPIO of the State Poultry Farm during hearing on 18.2.2016 that the RTI Application dated 13.11.2015 was without the mandatory application fee of Rs.10/- as he claimed that he belongs to BPL category. However, no proof was enclosed. The Complainant Shri Narendra Debbarma was given the choice to be present during hearing today (19.2.2016) to produce the proof of BPL. But the party did not attend when the case was taken up. However, giving the benefits of doubts to him that he may belong to BPL category, following orders are passed in the case:

- i) The SPIO in the Directorate of Animal Resources Development Department should furnish the information *in seriatim* for all the queries asked by the information seeker. However, the information seeker can be given a period of 5(five) days to show the proof of his BPL status and if he shows the BPL status, the information should be supplied to him free of cost.
- ii) The information need not be given in format as prescribed by the information seeker but in the format in which it is maintained by the office.
- iii) In case the information seeker does not produce the proof of his BPL status within the prescribed time, then he should be sent a letter stating that the information would be supplied upon receipt of Rs.10/- towards application fee and Rs.2/- per page towards additional cost of documents that are proposed to be supplied.



iv) Needless to mention, in case the BPL status is proved by the informant, then the information should be supplied free of cost to him within a period of 7(seven) days from the date of this order.


6. With the above directions, the case is disposed of.

7. Let copy of this order be sent to the Complainant and the Opposite parties free of cost.

Sd/-

( **Kasthala Venkataa Satyanarayanaa** )  
State Chief Information Commissioner

Authenticated by:

  
19/2/16  
( **Dr. Manas Dev** )  
Secretary  
Tripura Information Commission

**TRIPURA INFORMATION COMMISSION**


Pt. Nehru Complex, Gurkhabasti  
Agartala - 799 006

Complaint No. TIC-58 of 2015-16 / 185-188

Dated : 19.2.2016

Copy to:

1. Shri Narendra Debbarma, Village: Sankar Senapati Para, PO: Lefunga, Sepahi Para, West Tripura, Pin-799 120.
2. Dr. Dipangshu Choudhury, Assistant Director & SPIO, A.R.D.Department, State Poultry Farm, Gandhigram, West Tripura.
3. Dr. Siddhartha Chakraborty, Deputy Director & SPIO, Directorate of ARDD, Gurkhabasti, Agartala
4. Dr. Manoranjan Sarkar, Director & FAA, Directorate of ARDD, Gurkhabasti, Agartala.

  
19/2/16  
( **Dr. Manas Dev** )  
Secretary  
Tripura Information Commission



**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala - 799 006

Complaint No. TIC- 55 of 2015-16

1. Shri Jiban Kumar Dasgupta, C/o Krishna Chandra Deb, Ambedkar Road  
(Opposite to Central School, Bagafa), Santirbazar, South Tripura -799 144,  
(M-9436137044)

.....Complainant

**VERSUS**

1. The Divisional Manager, TFDPC Ltd, South-I, Bagafa, South Tripura, (State  
Public Information Officer)

.....Opposite party.

In the matter of a Complaint under Section 18(1) of the RTI Act,2005.

**PRESENT**

**Shri Kasthala Venkataa Satyanarayanaa, IAS (Retd)**  
State Chief Information Commissioner

For the Complainant: Shri Jiban Kumar Dasgupta, the Complainant.

For the Opposite party: Shri Samarendra Das, FAA,  
Shri Gautam Das, SPIO

Date of filing Complaint: 05.12.2015 and received by the Commission on the same  
date.

Date of hearing: 16.02.2016

Date of order: 16.02.2016

**ORDER**

Shri Jiban Kumra Dasgupta, the Complainant, filed an RTI Application before  
the Divisional Manager, TFDPC Ltd. South-1, Bagafa who is the SPIO on 4.8.2015



seeking seven kinds of information. In response to that, no reply was received by Shri Jiban Kumar Dasgupta, the Complainant. It is seen that the Complainant had filed his first appeal on 5.12.2015 before the Executive Director, TFDPC Ltd. who is the First Appellate Authority. The FAA heard the case in presence of Shri Jiban Kumar Dasgupta, the Appellant therein and Shri Suman Das, the SPIO and passed order on 19.12.2015. It is seen from record that there was a change in the incumbency of the Divisional Manager post with Shri A.K. Sen who was the Divisional Manager, TFDPC was relieved in November, 2015 and Shri Suman Das has taken over as the Divisional Manager, TFDPC Ltd. South-I on 30.11.2015. During the course of hearing on first appeal by the FAA, Shri Suman Das, SPIO had stated that he was not aware of the case as in the charge note, no such information was indicated. The FAA then ordered that Shri A.K. Sen the then Divisional Manager, TFDPC Ltd, South-1 to show the reasons for non-supply of information during his tenure. He further ordered that all the information as has been asked by the Complainant should be supplied within 20 (twenty) days time free of cost. However, it is seen that the information was not supplied till February, 2016 and in the meantime complaint dated 5.12.2015 was received by the Commission.

2. The Commission had admitted the complaint filed by Shri Jiban Kumar Dasgupta finding sufficient grounds for doing so and posted the case for hearing today i.e. 16.02.2016.
3. The Complainant, Shri Jiban Kumar Dasgupta, was present and from the Opposite party, Shri Suman Das, the Divisional Manager, TFDPC Ltd. Santirbazar, South Tripura was present.
4. In the meantime on 11.2.2016, Shri Jiban Kumar Dasgupta submitted before the Commission with regard to his Complaint No. TIC-55 of 2015-16 stating that item no.1 regarding Dak Receipt Register, he had received the entire information except for the days 1.9.2012 to 3.9.2012. Regarding item no.3 about inspection of records and verification of stores for the period 1.4.2013 to 31.3.2015, he has stated that in so far as Abhangacherra is concerned, he was not furnished the full



information. In item no.4, he had stated that no information was given and not a single file note was given. In so far as item no. 6 & 7, Shri Jiban Kumar Dasgupta stated that though he had received various sheets of information, the relevant information for him was not given.

5. The SPIO stated in reply during hearing that in the Dak Receipt Register for 1.9.2012 to 3.9.2012, there was no entry and he had concealed no information. He had agreed that against item no. 4 file notes was not furnished by him though he had given all the work advance documents. About item no. 6 & 7, the SPIO told that whatever information was available was furnished.

6. The Commission had gone into details submitted by the Complainant and the SPIO and issued directions as under:

- i) In respect of item no.1, the SPIO may supply information from 1.9.2012 to 3.9.2012 and in case no information is there on record, then this should be specifically informed to the Complainant.
- ii) In item no.2 information which was not given in so far as Abhangacherra is concerned from 1.4.2013 to 31.3.2015 should be given by proper verification in case it is not already given.
- iii) Item no.4, since the First Appellate Authority has already ordered the SPIO to supply information, copy of file notes should also be given.
- iv) With regard to item no. 6 & 7, the SPIO stated that he had no further record and whatever is available has already been furnished. If it is so, he should specifically inform, subject to and after verification, that all the available information on those points has already been furnished and that there is no further information available on those subjects. If any further information is available on these queries, the same should be supplied.

7. During the course of hearing the Commission noted that while Shri Jiban Kumar Dasgupta stated that papers/information already given is not relevant to his query but he did not produce the information supplied to him for the Commission to go through. He had maintained that it is not for him to produce the information

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supplied. Since he is agitating that the information supplied is not relevant, he should bring the information which is supplied to him and explain as to why the information is not relevant so that the Commission could go through it and pass necessary orders. The Complainant simply cannot say that he had not brought it and that it for the SPIO to bring it. In future, the Complainant should take note of this.

8. It is seen that the application for information was filed on 4.8.2015 and Shri A.K. Sen, the Divisional Manager, TFDPC Ltd, South-1, Bagafa was SPIO from that time till November, 2015. He had not taken any step to supply the information in more than two months time nor left any note. Even the FAA had asked for explanation of Shri A.K. Sen, the then SPIO. The Commission takes exception to this abnormal delay in responding to the RTI Application and impose a penalty of Rs.500/- (Rupees five hundred ) only on Shri A.K. Sen which should be collected from Shri A.K. Sen, the then Divisional Manager, TFDPC Ltd, South-1, Bagafa and SPIO and credit it to the appropriate Head of Account of the Government. The Managing Director, TFDPC Ltd. should comply with this and furnish a compliance report to the Commission within one month. The present SPIO should comply with the directions being given by the Commission in Para-6 above for supply of information by 5<sup>th</sup> of March, 2016.

9. With the above order, the Complaint petition filed by Shri Jiban Kumar Dasgupta stands disposed of.

10. Let copy of this order be sent to the Complainant and the Opposite party and also a copy of this order should be faxed to the Managing Director, TFDPC Ltd. for his information and necessary action.

Sd/-

**( Kasthala Venkataa Satyanarayanaa )**

State Chief Information Commissioner

Authenticated by:

  
**( Dr. Manas Dev )**

Secretary

Tripura Information Commission



**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala - 799 006

Complaint No. TIC- 55 of 2015-16 / 172-174

Dated: 17.02.2016

Copy to:

1. Shri Jiban Kumar Dasgupta, C/o Krishna Chandra Deb, Ambedkar Road (Opposite to Central School, Bagafa), Santirbazar, South Tripura -799 144, (M-9436137044)
2. The Divisional Manager, TFDPC Ltd, South-I, Bagafa, South Tripura, (State Public Information Officer).
3. The Managing Director, TFDPC Ltd. Kunjaban, Agartala-799 006.

*Amo*  
17/2/16  
( Dr. Manas Dev )  
Secretary

Tripura Information Commission





**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala – 799 006

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Complaint No. TIC-47 of 2015-16

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Smti. Ankita biswas, D/o Shri Brajendra Biswas, Damdama, PO: Sabroom, South Tripura District.

.....Complainant

**VERSUS**

The State Public Information Officer, Tripura Board of Secondary Education, Gurkhabasti, Agartala.

.....Opposite party.

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In the matter of a Complaint under Section 18(1) of the RTI Act,2005.

**PRESENT**

**Shri Kasthala Venkataa Satyanarayanaa, IAS (Retd)**  
State Chief Information Commissioner

For the Complainant: Smti Ankita Biswas, the Complainant

For the Opposite party: Shri Swapan Kr. Poddar, Secretary (SPIO).

Date of filing: 25.8.2015 and received by the Commission on 28.8.2015.

Date of hearing: 12.11.2015

Date of order: 12.11.2015

**ORDER**

Smti. Ankita Biswas had asked for her evaluated answer script copies of Madhyamik Pariksha-2015 conducted by Tripura Board of Secondary Examination at Sabroom Centre. The SPIO had replied to the information seeker on 28.8.2015 stating that photocopy of the evaluated answer scripts can be obtained for inspection in strict observation of the Notification dated 21.5.2015 of the Board and hence the SPIO had informed that this request of the information seeker cannot be entertained. The SPIO had agreed to throwi open for inspection the photocopies of the evaluated answer scripts of Smti. Ankita Biswas.

*Amo*

2. Before the receipt of the letter sent by the SPIO on 28.8.2015, the information seeker filed the complaint directly to this Commission u/s 18 of the RTI Act. The complaint was admitted as Complaint No.TIC-47 of 2015-16 and posted for hearing on 12.11.2015 at 11.30 AM.
3. During the hearing, the Complainant, Smti. Ankita Biswas was present assisted by Shri S.B.Hazarika, Counsel for the information seeker and the father of the information seeker Shri Brajendra Biswas was also present along with the Complainant. The opposite party is represented in the hearing by Shri P. Datta, Learned Counsel who is the Standing Counsel for the Tripura Board of Secondary Education and the SPIO Shri Swapan Kr. Poddar, who is the Secretary of the Board.
4. Shri S.B.Hazarika pleaded before the Commission that even if the reply of the SPIO dated 28.8.2015 was taken on board, they are not satisfied with the inspection of the Xerox copies of the evaluated answer scripts of Smti. Ankita Biswas. He, however, stood to his argument that copies of the original answer scripts should be supplied. Shri P. Datta, Learned Counsel for the Board pleaded that given the enormous resources and administrative difficulties it would put on the Board in supplying evaluated answer script copies to the information seeker and such other cases, it will jeopardize the capacities of the Board to conduct examinations. He requested that given the duty to conduct examinations by the Board, the request of the information seeker for supply of copies of evaluated answer scripts may not be agreed to. He had instead agreed to show Xerox copies of the evaluated answer script of Smti. Ankita Biswas for inspection only on any date.
5. In fact, one thing is clear that there is no way to reject the claim for seeing her own answer script. However, the Tripura Board of Secondary Education like all other Boards conducting examinations has enormous task at hand to conduct examinations for thousands of candidates out of which several people may approach for seeking copies of the answer scripts. This would put enormous burden on the Board and reduce its capacity to efficiently discharge duties cast on it to conduct examinations besides leading to the disclosure of confidential information regarding identity of persons evaluating papers. He also stated that if original answer script is thrown up for inspection, identity of the persons who evaluated the answer script may be let known to the detriment of the evaluators and there is also scope to damage original answer scripts. The Commission was seized of similar issues in Appeal No.06 of 2006-07 and also Appeal No.25 of 2007-08 in which a similar request for supplying of the copies of the evaluated answer script was considered by this Commission in those petitions also.
6. Given the onerous responsibility of conducting the examinations by the Board as also the need for transparency and the right of the information seeker to have access to the information, the Commission would like to strike a balance in the matter and directs that the information seeker should be allowed for access to the information by way of inspection of her own evaluated answer script. However, the photocopies of the answer scripts as well as the original answer scripts of Smti. Ankita Biswas should be thrown open for inspection and the information seeker after having been satisfied that the photocopies of the evaluated answer scripts represent and reflect fully the original answer scripts, further inspection should be done on the Xerox copy of the evaluated answer scripts of Smti. Ankita Biswas.

  
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7. The RTI Act prescribed a lower fees for inspection compared to the fees for such inspection prescribed under the Notification of the Tripura Board of Secondary Education. The learned Counsel for the information seeker pleaded that since the inspection is by virtue of an order passed under RTI Act, fees as prescribed under the RTI Rules, 2008 (Rule 7(1) which prescribes no fee for first hour and fees Rs.5/- per hour for each subsequent hours. However, the Tripura Board of Secondary Education had prescribed a fee of Rs.500/- per answer script for inspection and in case of BPL category, it is Rs.200/- per answer script for inspection of the evaluated answer script.

8. A specific provision for fees for inspection is made by Tripura Board of Secondary Education by a Notification and allowing the inspection under the RTI Act may open the flood gates and as a prescribed procedure for inspection is laid down in the said Notification with prescribed fees, this Commission would like to direct that fees as prescribed under the said Notification by Tripura Board of Secondary Education should be followed. The Commission thinks that fees prescribed under the RTI Rules should be for such cases of the inspection of the documents for which there is no specific provision for inspection in the Act/Rules or Notification, etc.

9. The father of the information seeker who was present stated that he would like to be present along with his ward during inspection. He also stated that due to ensuing elections to the Nagar Panchayats and Municipalities scheduled on 9<sup>th</sup> December, 2015, he sought time for inspection, and hence this Commission fixes 15<sup>th</sup> December, 2015 at 11.00 AM for inspection in the office of the SPIO, Tripura Board of Secondary Education as agreed by both parties.

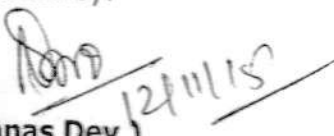
10. With the above order, the Complaint case is disposed of.

11. Let copy of this order be sent to the Complainant and the Opposite party free of cost.

Sd/-

( **Kasthala Venkataa Satyanaraynaa** )  
State Chief Information Commissioner

Authenticated by:

  
( **Dr. Manas Dev** )  
Secretary  
Tripura Information Commission

**TRIPURA INFORMATION COMMISSION**


Pt. Nehru Complex, Gurkhabasti  
Agartala - 799 006

Complaint No. TIC-47 of 2015 ~~45~~ / 3241 - 42

Dated : 12.11.2015

Copy to:

1. Smti. Ankita biswas, D/o Shri Brajendra Biswas, Damdama, PO: Sabroom, South Tripura District.
2. The State Public Information Officer, Tripura Board of Secondary Education, Gurkhabasti, Agartala.

  
12/11/15

**( Dr. Manas Dev )**

Secretary

Tripura Information Commission



**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala – 799 006

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Complaint No. TIC-36 of 2015-16

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Smti. Niru Bala Mandal, W/o Late Haripada Mandal, Vill : Sukanta Pally, PO:  
Teliamura, Khowai District, Tripura – 799 205

.....Complainant

**VERUS**

The Sub-divisional Magistrate, Teliamura Sub-division, Teliamura, Khowai  
District, (SPIO).

.....Opposite party.

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Date of Hearing: 03.09.2015

Date of Order: 03.09.2015

In the matter of a Complaint under Section 18(1) of the RTI Act,2005.

**PRESENT**

**Shri K.V.Satyanarayanaa, IAS (Retd)**

State Chief Information Commissioner

For the Complainant: Smti. Niru Bala Mandal, the Complainant.

For the Opposite party: Shri Bimbishar Bhattacharjee, SPIO.

**ORDER**

The case was heard. The Complainant, Smti. Niru Bala Mandal stated that she filed an RTI application with the SDM, Teliamura who is the SPIO on 23.6.2015 seeking supply of sketch map; supply of Parcha; case proceedings of MR Case of Gita Rani Mandal and supply of photocopy of Parcha having Dag No.2876,77,78 of Mouja Tuchindrai, Tehasil Howaibari under Teliamura Sub-division. The information was not supplied. The SPIO informed during hearing that Smti Niru Bala Mandal is an employee of Teliamura Block and that she had been already orally told that for obtaining the sketch map, etc. there is a set procedure with payment of prescribed fees as per TLR&LR Act. However, no written communication has been sent to the Complainant by the SPIO. The Complainant had also admitted during hearing that oral communication as such was made but since no written communication was made, she had not applied. However, she filed a complaint before the Tripura

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Information Commission on 30.7.2015 which admitted as complaint No.TIC-36 of 2015-16 and posted for hearing today, the 3<sup>rd</sup> Sept.2015.

2. The SPIO replied on 19.8.2015 point-wise stating that (item no.1), the words 25 plots are not specific and no direction was indicated resulting in ambiguity and the SPIO has also stated that the sketch map can be obtained under TLR&LR Act with deposition of the prescribed amount. For item no.2, the SPIO in his letter dated 19.8.2015 mentioned that due to lack of reference of MR Case, it has not become possible to ascertain and stated that Smti. Gita Rani Mandal was recorded owner of Khatian No.59 and Gita Mandal was recorded owner of Khatian No.1652. He had informed the information seeker that certified copies of then MR Case were required to be obtained under TLR&LR Act,1960 by paying the prescribed amount. Similar reply was furnished for item no.3 also. The envelope containing the information was returned undelivered. However, a copy of the communicated dated 19.8.2015 was handed over to the information seeker during the course of hearing.

3. The RTI Act is not a substitute to the procedure prescribed under the various Acts. It is not that the information seeker wanted information but he wanted copies of the documents which are to be obtained by means of certain specific procedures prescribed under a different Act say TLR&LR Act. In view of this, the Complainant is advised to apply under the TLR&LR Act and within one week of such applying, the information/documents as asked for should be supplied by the SPIO as per provisions of the RTI Act.

4. With this order, the case is disposed of.

5. Let copy of this be sent to the Complainant and the Opposite party free of cost.

Sd/-

( **Kasthala Venkataa Satyanarayanaa** )  
State Chief Information Commissioner

Authenticated by:

  
3/9/15

( Dr. Manas Dev )

Secretary

Tripura Information Commission

**TRIPURA INFORMATION COMMISSION**


Pt. Nehru Complex, Gurkhabasti  
Agartala - 799 006

Complaint No. TIC-36 of 2015-16 | 2920-21

Dated : 03.09.2015

Copy to:

1. Smti. Niru Bala Mandal, W/o Late Haripada Mandal, Vill : Sukanta Pally,  
PO: Teliamura, Khowai District, Tripura - 799 205
2. The Sub-divisional Magistrate, Teliamura Sub-division, Teliamura, Khowai  
District, Tripura (SPIO).

  
3/9/15

( Dr. Manas Dev )  
Secretary  
Tripura Information Commission



**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala – 799 006

Complaint No. TIC-15 of 2015-16

1. Shri Abhijit Biswas, S/o Late Bijan Behari Biswas, C/o Shri Ishwar Ch Roy,  
Colonel Chowmuhani, Agartala – 799 001

..... Complainant.

**VERSUS**

1. Shri Subhas Chakraborty, DGM, (Planning), Corporate Office, Tripura State  
Electricity Corporation Ltd. Bidyut Bhavan, Agartala (SPIO).

.....Opposite party.

Date of Hearing: 27.5.2015

Date of Issue of Order: 27.5.2015

Present : **Shri K.V. Satyanarayanaa, IAS (Retd)**  
State Chief Information Commissioner

1. For the Complainant : Shri Abhijit Biswas, the Complainant  
2. For the Opposite party: None was present.

Subject: Complaint under Section 18(1) of the RTI Act,2005.

**ORDER**

Shri Abhijit Biswas, S/o Late Bijan Behari Biswas of Colonel Chowmuhani, Agartala filed a petition before the SPIO, office of the Chairman-cum-Managing Director (CMD), Tripura State Electricity Corporation Ltd. (TSECL) on 7.7.2014 seeking information about ATR on the prayer dated 16.5.2014 submitted by Smt. Aparna Chanda (Biswas) to the CMD, TSECL and also ATR on the prayer dated 22.3.2014 submitted by Smti Aparna Chanda (Biswas) to Senior Manager, TSECL. The application for information was received by the SPIO, TSECL. Having not received any response to the application filed with the SPIO, Shri Abhijit Biswas filed a complaint before the Tripura Information Commission on 17.4.2015. The



Commission admitted it and issued summons to the **Opposite party** to appear before the Commission on 27.5.2015 at 11.30 AM and also **caused notice** to the information seeker who is the Complainant to be present before the **Commission**.

2. On the date of hearing i.e. 27.5.2015, the Complainant Shri Abhijit Biswas was present and he was also allowed to take the help of Shri Rana Pratap Nath Bhowmik of Dhaleshwar, Agartala. The Opposite party did not remain present but filed a written representation on 25.5.2015. In the written representation, the SPIO stated that the application of Shri Abhijit Biswas was examined and found that the queries are not specific about the particulars of information sought as no reference of TSECL against the prayers referred to by the application was given and secondly the meaning of ATR as written in the application was not understood. The Opposite party also stated that in view of this, the application does not match with the requirement of Section 6(1)(b) of the Act. He also claimed that it is beyond the scope of Section 2(f) of the RTI Act. Section 2(f) defined information while 6(1)(b) mandates that a person who desires to obtain information under the Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed to the SPIO specifying the particulars of information sought by him or her.

3. The SPIO has taken umbrage because the ATR was not given in full form and that the details like reference number of TSECL for tracing out the information were not given. However, during hearing the Complainant did concede that the word ATR may not be very appropriate as he actually means action taken on the representations.

4. The Commission has gone through the arguments of the Complainant and the written representation of the Opposite party. It is seen that the information is about the representation submitted by Smti. Aparna Chanda (Biswas) who is the spouse of Shri Abhijit Biswas, the Complainant. However, even if she happens to be the spouse of the Complainant who is the information seeker, the information of Smti. Aparna Chanda (Biswas) will be third party information within the meaning of Section 11 (1) of the RTI Act and as it is private information and not relating to any public interest, the Commission will not be able to pass any direction to the SPIO to furnish the information relating to third party to the information seeker. The Commission also agrees with the SPIO about ambiguity in the information sought. It appears that the representation relates to adjustment of excess payment made by Smti Aparna Chanda (Biswas), spouse of the Complainant for domestic electric connection. The complaint cannot be entertained in its present form. However, Smti. Aparna Chanda (Biswas) may file a fresh application, if she so chooses, to the SPIO of the TSECL seeking action taken on her representations dated 22.3.2014 and 16.5.2014 addressed to the CMD, TSECL. It would be worthwhile to mention the



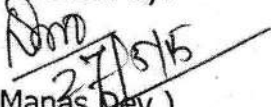
acknowledgement No. of the TSECL and also enclose copy of the representations for ready reference of SPIO so that the SPIO would be able to obtain and supply the information. If there is no response from the SPIO within the statutory period, then it is open for the information seeker to approach the First Appellate Authority of TSECL or the Tripura Information Commission as the case may be under Section 19 and 18 of the Act respectively.

5. With this observation, the complaint case stands disposed of.
6. Let copy of this be sent to the Complainant and the Opposite party free of cost.

Sd/-

( **K.V.Satyanarayanaa** )  
State Chief Information Commissioner

Authenticated by:

  
( Dr. Manas Dev )  
Secretary  
Tripura Information Commission

**TRIPURA INFORMATION COMMISSION**

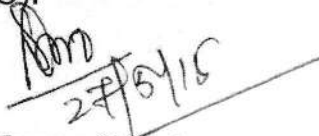
Pt. Nehru Complex, Gurkhabasti  
Agartala – 799 006

Complaint No. TIC-15 of 2015-16 / 2208-09

Dated : 27.5.2015

Copy to :

1. Shri Abhijit Biswas, S/o Late Bijan Behari Biswas, C/o Shri Ishwar Ch Roy, Colonel Chowmuhani, Agartala – 799 001
2. Shri Subhas Chakraborty, DGM, (Planning), Corporate Office, Tripura State Electricity Corporation Ltd. Bidyut Bhavan, Agartala (SPIO).

  
( **Dr. Manas Dev** )  
Secretary  
Tripura Information Commission



**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala – 799 006

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Complaint No. TIC-68 of 2015-16

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Shri Bhajan Ch. Debnath, S/o Late Benimadhab Debnath, Dhaleshwar Road  
No.11 (Near Bundh) PO: Dhaleshwar, Agartala, West Tripura, Pin: 799 007.

.....Complainant

**VERSUS**

1. Shri B.K.Hrangkhawal, AGM, Corporate Office, Tripura State Electricity Corporation Ltd. Bidyut Bhavan, Banamalipur, Agartala.
2. Shri Subhas Chakraborty, DGM (Plg), Corporate Office, TSECL. Bidyut Bhavan, Banamilpur, Agartala, (SPIO).

.....Opposite parties.

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In the matter of a Complaint U/S 18(1) of the RTI Act. 2005

**ORDER**

Dated: 10.3.2016

Shri Bhajan Ch. Debnath filed an application dated 29.12.2014 with the SPIO of TSECL and having been aggrieved with the SPIO he filed the first appeal. As the First Appellate Authority did not pass any order, the second appeal was filed before the Commission which was finally disposed of on 22.6.2015. The SPIO was given extended time to comply with the orders. The SPIO vide his letter dated 31.8.2015 has supplied the information and aggrieved by that, Shri Bhajan Debnath had filed another representation before the Commission on 29.12.2015 stating that the SPIO of TSECL had violated the orders of the Commission.

2. Shri Bhajan Ch. Debnath, the Complainant in this case, was heard in the matter of admissibility of his fresh prayer dated 29.12.2015 on 9.2.2016 and it was admitted as Complaint. Notice was issued to the SPIO posting the case for hearing on 10.03.2016. The Complaint is numbered as Complaint TIC-68 of 2015-16.

3. On the date of hearing, Shri Bhajan Ch. Debnath, the Complainant in this case was absent without any step and Shri Subhas Chakraborty, the SPIO was present and he was heard. The contention the Complainant as given on the last date of



hearing on 9.2.2016 was also taken note of and the case was considered and disposed of on merits and the following orders are passed:

- i) Against SI/No. 3 of the queries made in his application dated 17.12.2014, the SPIO stated that the information is with the Inquiring Authority. In case the information is with the Inquiring Authority, the Complainant has to take it from the Inquiring Authority through due process in course of the departmental proceedings. However, if it is not with the Inquiring Authority, the same should be supplied by the SPIO. The SPIO should specifically pass order as to whether it is with the Inquiring Authority or not, if it is not then he should supply.
- ii) With regard to query no.5, the SPIO has stated that this is not specific and not maintainable u/s 6(1)(b) of the RTI Act. But the query asked by the Complainant is very specific and again the same should be supplied if it is not with the Inquiring Authority.
- iii) In so far as item no.7 is concerned, the SPIO stated that the information is with the Inquiring Authority. In case the information is with the Inquiring Authority, the Complainant has to take it from the Inquiring Authority through due process in course of the departmental proceedings. However, if it is not with the Inquiring Authority, the same should be supplied by the SPIO. The SPIO should specifically state whether it is with the Inquiring Authority or not, if it is not then he should supply the information.
- iv) For item no.8, the SPIO stated that the information is not available. This is not a specific reply and in case the information is with the Inquiring Authority the SPIO should specifically mention the same, and in case the information is actually not available, in that case also the SPIO should pass a speaking order.
- v) For query no.9(1) and 9(2), the information need not be supplied as this is a prayer addressed to the Inquiring Authority seeking a speaking order.
- vi) For item no.9(3), it is about a prayer addressed to the Inquiring Authority and orders passed thereon and hence the Complainant has to approach the Inquiring Authority as part of the departmental proceedings and not through the RTI Act. In any case, the SPIO need not supply this.
- vii) Against item no.10(2), the SPIO stated that the information is with the Inquiring Authority. In case the information is with the Inquiring Authority, the Applicant has to take it from the Inquiring Authority through due process in course of the departmental proceedings. However, if it is not with the Inquiring Authority, the same should be supplied by the SPIO. The SPIO should specifically state whether it is with the Inquiring Authority or not, if it is not then he should supply.

Nmo

4. Shri Bhajan Ch. Debnath had mentioned during hearing on 9.2.2016 that some of the information which were supplied was unauthenticated. Hence, it is ordered that the Complainant should produce before the SPIO the information which was already supplied to him for necessary authentication. The SPIO stated that he had supplied the information from the photocopies as the original record was with the Inquiring Authority. However, since based on the photocopies he had already supplied to the Complainant, authentication has to be done by the SPIO and he should comply with the order within 15 (fifteen) days from the date of this order.

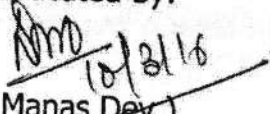
5. With the above order, the case is disposed of.

6. Let copy of this order be sent to the Complainant and the Opposite parties.

Sd/-

( **Kasthala Venkataa Satyanarayanaa** )  
State Chief Information Commissioner

Authenticated by:

  
( Dr. Manas Dev )  
Secretary  
Tripura Information Commission

**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala - 799 006

Complaint No. TIC-68 of 2015-16/361-363.

Dated: 10.3.2016

Copy to:

1. Shri Bhajan Ch. Debnath, S/o Late Benimadhab Debnath, Dhaleshwar Road No.11 (Near Bundh) PO: Dhaleshwar, Agartala, West Tripura, Pin: 799 007.
2. Shri B.K.Hrangkhawal, AGM, Corporate Office, Tripura State Electricity Corporation Ltd. Bidyut Bhavan, Banamalipur, Agartala.
3. Shri Subhas Chakraborty, DGM (Plg), Corporate Office, TSECL. Bidyut Bhavan, Banamilpur, Agartala, (SPIO).

  
( **Dr. Manas Dev** )  
Secretary  
Tripura Information Commission



**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala – 799 006

Complaint No. TIC-33 of 2015-16

Shri Rana Pratap Nath Bhowmik, S/o Usha Ranjan Nath Bhowmik,  
Radhamadhav Sarani, PO: Dhaleswar, Agartala - 799007

.....Complainant

**VERSUS**

1. The State Public Information Officer, Office of the Executive Engineer,  
Drinking Water & Sanitation Division, Kumarghat, Unakoti, Tripura.

.....Opposite party.

In the matter of a Complaint under Section 18(1) of the RTI Act,2005.

**PRESENT**

**Shri K.V.Satyanarayanaa, IAS (Retd)**  
State Chief Information Commissioner

**For the Complainant:** Shri Rana Pratap Nath Bhowmik , the Complainant.

**For the Opposite party:** The SPIO (EE, DWS, Kumarghat) was not present.

**Date of filing Complaint:** 2.2.2015 and received by the Commission on 14.7.2015.

**Date of hearing:** 6.8.2015

**Date of order:** 6.8.2015

**ORDER**

Shri Rana Pratap Nath Bhowmik filed an RTI application before the SPIO who is the Executive Engineer, DWS, Kumarghat on 18.2.2015 for supply of certain information to which the Complainant had received a letter dated 27.3.2015 from the SPIO stating that the information is ready and that per page Rs.2/- has to be

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deposited. But in the said letter of the SPIO, there was no mention about number of pages and the total amount to be paid by the Complainant.

2. The Complainant also stated that subsequent to that letter dated 27.3.2015, the Complainant had sent his Messenger to the office of the SPIO to deposit the amount and take the information. The Complainant further stated that the Messenger was willing to pay but the SPIO did not receive for want of a corrigendum to be issued to the letter dated 27.3.2015.

3. Being aggrieved by the non-supply of information, the Complainant has filed a complaint before this Commission on 16.6.2015. The complaint was admitted and the case was posted for hearing today, the 6<sup>th</sup> August, 2015 at 11.30 AM.

4. On the date of hearing, the Complainant, Shri Rana Pratap Bhowmik was present but the Opposite party, the SPIO who is the Executive Engineer, DWS, Kumarghat was absent. However, the SPIO had filed a written representation to the Commission dated 21.7.2015 in which the SPIO stated that the special messenger did visit him on 18.4.2015 but upon being told to deposit Rs.473/- towards cost of photocopying and cost of registered post, the messenger expressed his inability to deposit the amount as he was given Rs.2/- only for the cost of certified copies of the tender and relevant papers by Shri Bhowmik and finally he left the office.

5. The SPIO also stated that prior to issue of the letter dated 27.3.2015, he had also issued a letter dated 16.3.2015 which was shown as document at Annexure-III of his representation. It is seen from the letter of the SPIO dated 16.3.2015 which was not received the Complainant as stated by him and also letter dated 27.3.2015 of SPIO that the SPIO has nowhere specified the total amount to be paid except stating that Rs.2/- per page.

6. This is not a proper order as it is the duty of the SPIO to indicate the number of pages and the total amount. Since this is not done, it would not have been possible for the Complainant or his Messenger to calculate the amount and deposit the additional cost. This was absolutely a procedural irregularity on the part of the SPIO in not specifying the total amount in his letter dated 27.3.2015 and the said letter was not within the 30 days window allowed for supply of information by



receiving additional cost. The Complainant contested the claim for deposit of additional cost as it is beyond 30 days time allowed as per RTI Act.

7. The Commission agrees with the Complainant and directs that the information should be supplied free of cost by the SPIO ( E.E. DWS, Kumarghat) to Shri Rana Pratap Bhowmik within 25<sup>th</sup> August, 2015 positively and report compliance to the Commission.

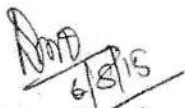
8. With above directions, the complaint case stands disposed of.

9. Let copy of this order be sent to the Complainant and the Opposite party free of cost.

Sd/-

( **Kasthala Venkataa Satyanarayanaa** )  
State Chief Information Commissioner

Authenticated by:

  
6/8/15

( Dr. Manas Dev )  
Secretary  
Tripura Information Commission

**TRIPURA INFORMATION COMMISSION**

Pt. Nehru Complex, Gurkhabasti  
Agartala - 799 006

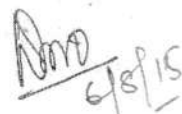
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Complaint No. TIC-33 of 2015-16 / 2778-79 Dated : 6.8.2015

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Copy to:

1. Shri Rana Pratap Nath Bhowmik, S/o Usha Ranjan Nath Bhowmik, Radhamadhav Sarani, PO: Dhaleshwar, Agartala - 799007
2. The State Public Information Officer, Office of the Executive Engineer, Drinking Water & Sanitation Division, Kumarghat, Unakoti, Tripura.

  
6/8/15

( **Dr. Manas Dev** )  
Secretary  
Tripura Information Commission