RIGHT TO INFORMATION

TRIPURA INFORMATION COMMISSION
Annual Report 2017-2018

RTI-transparency in governance

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

2017-18

SYNOPSIS

1	(i) No. of First Appellate Authority		132
	(ii) No. of SPIO		2765
	(iii) No. requests received		6844
	(iv) No. of requests disposed		6801
	(v) No. of request pending		43
	(vi) No. of requests rejected		11

2. **Classification of information:**

I	Highest number of petitions under service related information is received by the Directorate of Health Services	88
ii	Highest number of petitions under project related information is received by the Panchayat Department	95
Iii	Highest number of petitions under government scheme related information is received by the Panchayat Department	160
Iv	Highest number of petitions under government policy related information is received by the Directorate of Health Services	80
V	Highest number of petitions under examination related information is received by the Tripura Public Service Commission	261
Vi	Highest number of petitions under service delivery related information is received	NIL
Vii	Highest number of petitions under land related information is received by the Land Record & Settlement Department	2477
Viii	Highest number of petitions under recruitment related information is received by the Directorate of Secondary Education	49
Ix	Highest number of petitions under any other information is received by the Home Department	343

3. **Total Fees Collected** **Rs.1,24,091**

ANNUAL REPORT: 2017-18

Chapter- 1

Introduction

1.1 The Tripura Information Commission came into existence in the year 2006 and started functioning from 19th 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 it annual report and comply with the requirements concerning the furnishing of that information and keeping of records. The present report is for the year 2017-18 and is the **XIII**th 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 was 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 a good number of people are availing this facility to file second appeals and complaints on line with the Commission. 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)

1.6 During the year 2017-18 Nos. of training/ awareness programme organised and total Rs. **1,65,000**/- has been placed to all the Districts for training / awareness programmes. The details of fund placed shown below :

Sl. No.	Name of Districts	Sanctioned Amount (Rs.)
1.	District Magistrate & Collector, West Tripura Distinct	25,000
2.	District Magistrate & Collector, Khowai Distinct	20,000
3.	District Magistrate & Collector, Dhalai Distinct	20,000
4.	District Magistrate & Collector, Unakoti Distinct	20,000
5.	District Magistrate & Collector, North Tripura Distinct	20,000
6.	District Magistrate & Collector, Gomati Distinct	20,000
7.	District Magistrate & Collector, Sepahijala Distinct	20,000
8.	District Magistrate & Collector, South Tripura Distinct	20,000
	TOTAL :-	**Rs. 1,65,000**
	(Rupees one lakh sixty five thousand) only.	

Chapter-II

TRIPURA INFORMATION COMMISSION DURING 2017-18

2.1 The Tripura Information Commission has completed more than 12 (twelve) years of its existence having came 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 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 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:

As on 31. 3. 2018

Table: 1

SL No	Designation	Number
1.	JA & SA	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.

8 The GA (AR) Department is the Administrative Department of the Tripura Information Commission and place the Budget proposal of the Commission before the Finance Department of the State Government. Budget for 2017-18 is as under:

Table : 2

BUDGET FOR THE COMMISSION FOR 2017-18

Rs. in thousands

Sl.No.	Item of Expenditure	Budget Estimate 2017-18		Revised Estimate 2017-18	
		Plan	Non-Plan	Plan	Non-Plan
1	i)Salaries	0	76,00,000	0	40,18,080
	ii)Wages	0	3,00,000	0	91,490
	ii)Travel Expenses	0	6,82,000	0	4,26,250
	iv)Electricity Charges	0	3,00,000	0	75,000
	v)Office Expenses	0	5,90,000	0	4,69,750
	vi)Cost of fuel, etc.	0	2,45,000	0	1,53,120
	vii)Hiring charges of private vehicles	0	2,00,000	0	2,00,000
	vii)Other contractual services	0	3,00,000	0	1,87,500
	Total	**0**	**1,02,17,000**	**0**	**56,21,190**

2.9 The Commission has also designated the SPIO and FAA for the Commission. The Website of the Commission (www.rtitripura.nic.in) also gives the list of the SPIOs and FAAs and the Commission makes every effort to update the list. Sri Debasish Halder, the Tripura Information Commission during 2017-18 while Dr. Manash Dev, Secretary, of the Tripura Information Commission was Designated as First Appellate Authority under the RTI Act.

Chapter - III

Status on Implementation of RTI Act during 2017-18

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 table-3 below. This report is based on information furnished by the Departments / Organisations. The Department-wise number of SPIOs and FAAs are as under: during 2017-18

Table : 3

Sl. No.	Name of the Department	No. of FAAs	No. of SPIOs
1	2	3	4
1.	Directorate of Agriculture	1	65
2.	Directorate of Horticulture & Soil Conservation	1	1
3.	Directorate of Animal Resources Dev. Department	1	10
4.	Department of Fisheries	1	34
5.	Department of Forests	1	35
6.	Department of Cooperation	1	18
7.	Rural Development Department	1	1
8.	Panchayat Department	1	1270
9.	Public Works Department (R&B)	1	33
10.	Public Works Department(DWS)	1	19
11.	Public Works Department(WR)	1	12
12.	Directorate of Urban Development	1	1
13.	Transport Department	2	1
14.	Directorate of Industries & Commerce	7	23
15.	Directorate of Handloom Handicrafts & Sericulture	1	1
16.	Directorate of Information Technology	1	1
17.	Directorate Food, Civil Supplies &.Consumer Affairs	1	17
18.	Directorate of Health Services	1	27
19.	Directorate of Family Welfare & P.M.	1	115
20.	Office of the Deputy Drugs Controller	1	1
21.	Tribal Welfare Department	6	6
22.	Directorate of TRP & PVTG	1	4
23.	Tripura Tribal Research & Cultural Institute	2	0
24.	Directorate for Welfare of Scheduled Castes	1	1
25.	Directorate for Welfare of OBCs	1	2

26.	Directorate of Sainik Welfare	0	1
27.	Directorate of Elementary Education	1	1
28.	Directorate of Secondary Education	4	682
29.	Directorate of Higher Education	1	37
30.	Directorate of Social Welfare & Social Education	1	9
31.	Directorate of Youth Affairs & Sports	1	1
32.	Revenue Department	1	32
33.	Directorate of Relief, Rehabilitation & Disaster Management	1	1
34.	Home Department	6	39
35.	Prisons Directorate	1	14
36.	Office of the D.G. Police, Tripura	1	33
37.	Directorate of Fire Service	1	1
38.	State Forensic Science Laboratory	1	1
39.	Directorate of Prosecution		
40.	Planning (P&C) Department	1	1
41.	Directorate of Economics & Statistics	1	5
42.	Election Department	0	1
43.	Labour Directorate	1	9
44.	Directorate of Employment Services & Manpower Planning	1	7
45.	Factories & Boilers Organisation	1	3
46.	Directorate of Land Records & Settlement	1	1
47.	Department of Science, Technology & Environment	6	11
48.	Directorate of Bio-Technology	1	1
49.	Directorate of Audit	1	1
50.	General Administration (SA) Department	1	1
51.	General Administration (P&T) Department	1	1
52.	General Administration (P&S) Department	1	1
53.	General Administration (A.R.) Department	1	1
54.	General Administration (C & C) Department	3	1
55.	General Administration (Political) Department	1	1
56.	Finance Department	4	4
57.	Commissioner of Taxes	1	1
58.	Law Department	1	1
59.	Directorate of Information & Cultural Affairs	1	31
60.	Commissioner of Departmental Inquiries	1	1
61.	Vigilance Organization	0	1
62.	Lokayukta	1	1
63.	Governor's Secretariat	1	1
64.	High Court of Tripura	1	1
65.	Assembly Secretariat	0	1
66.	T.T.A.A.D.C.	1	82
67.	SIPARD	1	1
68.	State Council of Educational Research & Training	1	1
69.	Tripura Public Service Commission	1	1
70.	The Police Accountability Commission, Tripura	1	1
71.	Tripura Human Rights Commission	1	1

72.	Tripura State Election Commission	1	1
73.	Tripura Information Commission	1	1
74.	Tripura Commission for Women	1	1
75.	Tripura Board of Secondary Education	1	1
76.	Tripura Housing & Construction Board	1	1
77.	Tripura State Pollution Control Board	1	1
78.	Tripura Board of Wakf	1	1
79.	Tripura Khadi & Village Industries Board	1	1
80.	Tripura Tea Development Corporation Ltd.	1	1
81.	Tripura Tourism Development Corporation Ltd.	1	1
82.	Agartala Municipal Corporation	16	16
83.	Tripura Small Industries Corporation Ltd.	1	1
84.	T.F.D.P.C. Ltd	1	7
85.	Tripura Handlooms, Handicrafts & Development Corp. Ltd	1	1
86.	Tripura Jute Mills Ltd.		
87.	Gomati Cooperative Milk Producers' Union Ltd.	1	1
88.	ICFAI University	2	1
89.	Tripura Gramin Bank	2	1
	TOTAL	**132**	**2765**

3.2 During the year, 2017-18, **6844** RTI Applications were received seeking information of which **6801** requests were disposed out of which **11** applications were rejected. However, **43** 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:

Disposal of RTI applications by the SPIOs during the year 2017-18:

Table : 4

	Name of the Department	No. of FAAs Repor-ting	No. of SPIOs Repor-ting	No. of requests received during the year	No. of requests disposed during the year	No. of requests rejected during the year	No. of requests allowed during the year	No. of request pending during the year
1	2	3	4	5	6	7	8	9
1.	Directorate of Agriculture	1	65	77	77	3	74	0
2.	Directorate of Horticulture & Soil Conservation	1	1	11	9	0	9	2
3.	Directorate of Animal Resources Dev. Department	1	10	19	19	0	19	0
4.	Department of Fisheries	1	34	15	15	0	15	0
5.	Department of Forests	1	35	266	266	0	266	0
6.	Department of Cooperation	1	18	28	28	0	28	0
7.	Rural Development Department	1	1	12	12	0	12	0
8.	Panchayat Department	1	1270	364	364	0	364	0
9.	Public Works Department (R&B)	1	33	97	97	1	96	0
10.	Public Works Department(DWS)	1	19	67	67	1	66	0
11.	Public Works Department(WR)	1	12	22	22	0	22	0
12.	Directorate of Urban Development	1	1	17	17	0	17	0
13.	Transport Department	2	1	103	103	0	103	0
14.	Directorate of Industries & Commerce	7	23	91	91	0	91	0
15.	Directorate of Handloom Handicrafts & Sericulture	1	1	8	8	0	8	0
16.	Directorate of Information Technology	1	1	3	3	0	3	0
17.	Directorate of Food, Civil Supplies & Consumer Affairs	1	17	93	93	0	93	0
18.	Directorate of Health Services	1	27	401	401	0	401	0
19.	Directorate of Family Welfare & P.M.	1	115	91	91	0	91	0
20.	Office of the Deputy Drugs Controller	1	1	26	25	0	25	1
21.	Tribal Welfare Department	6	6	61	60	0	60	1

22.	Directorate of TRP & PVTG	1	4	7	7	0	7	0
23.	Tripura Tribal Research & Cultural Institute	2	0	1	1	0	1	0
24.	Directorate for Welfare of Scheduled Castes	1	1	33	29	0	29	4
25.	Directorate for Welfare of OBCs	1	2	3	3	0	3	0
26.	Directorate of Sainik Welfare	0	1	1	1	0	1	0
27.	Directorate of Elementary Education	1	1	50	50	0	50	0
28.	Directorate of Secondary Education	4	682	137	137	0	137	0
29.	Directorate of Higher Education	1	37	79	79	0	79	0
30.	Directorate of Social Welfare & Social Education	1	9	116	110	0	110	6
31.	Directorate of Youth Affairs & Sports	1	1	11	9	0	9	2
32.	Revenue Department	1	32	41	41	0	41	0
33.	Directorate of Relief, Rehabilitation & Disaster Management	1	1	1	1	0	1	0
34.	Home Department	6	39	428	421	0	421	7
35.	Prisons Directorate	1	14	20	20	0	20	0
36.	Office of the D.G .Police, Tripura	1	33	365	358	0	358	7
37.	Directorate of Fire Service	1	1	14	14	0	14	0
38.	State Forensic Science Laboratory	1	1	9	9	0	9	0
39.	Directorate of Prosecution							
40.	Planning (P&C) Department	1	1	2	2	0	2	0
41.	Directorate of Economics & Statistics	1	5	4	4	0	4	0
42.	Election Department	0	1	22	22	0	22	0
43.	Labour Directorate	1	9	27	27	0	27	0
44.	Directorate of Employment Services & Manpower Planning	1	7	15	15	0	15	0
45.	Factories & Boilers Organization	1	3	10	10	0	10	0
46.	Directorate of Land Records & Settlement	1	1	2477	2477	0	2477	0
47.	Department of Science, Technology & Environment	6	11	42	42	0	42	0
48.	Directorate of Bio-Technology	1	1	2	2	0	2	0

49.	Directorate of Audit	1	1	10	10	0	10	0
50.	General Administration (SA) Department	1	1	12	12	0	12	0
51.	General Administration (P&T) Department	1	1	32	32	0	32	0
52.	General Administration (P&S) Department	1	1	7	7	0	7	0
53.	General Administration (A.R) Department	1	1	18	18	0	18	0
54.	General Administration (C & C) Department	3	1	5	5	0	5	0
55.	General Administration (Political) Department	1	1	3	3	0	3	0
56.	Finance Department	4	4	69	69	0	69	0
57.	Commissioner of Taxes	1	1	24	24	0	24	0
58.	Law Department	1	1	29	29	0	29	0
59.	Directorate of Information & Cultural Affairs	1	31	34	34	0	34	0
60.	Commissioner of Departmental Inquiries	1	1	1	1	0	1	0
61.	Vigilance Organization	0	1	0	0	0	0	0
62.	Lokayukta	1	1	4	4	0	4	0
63.	Governor's Secretariat	1	1	6	6	0	6	0
64.	High Court of Tripura	1	1	125	118	0	118	7
65.	Assembly Secretariat	0	1	21	20	0	20	1
66.	T.T.A.A.D.C.	1	82	15	15	0	15	0
67.	SIPARD	1	1	4	4	0	4	0
68.	State Council of Educational Research & Training	1	1	3	3	0	3	0
69.	Tripura Public Service Commission	1	1	277	277	0	277	0
70.	The Police Accountability Commission, Tripura	1	1	3	3	0	3	0
71.	Tripura Human Rights Commission	1	1	3	3	0	3	0
72.	Tripura State Election Commission	1	1	0	0	0	0	0
73.	Tripura Information Commission	1	1	15	15	0	15	0
74.	Tripura Commission for Women	1	1	16	16	0	16	0
75.	Tripura Board of Secondary Education	1	1	16	14	1	13	2
76.	Tripura Housing & Construction Board	1	1	5	5	0	5	0
77.	Tripura State Pollution Control Board	1	1	27	27	0	27	0
78.	Tripura Board of Wakf	1	1	1	1	0	1	0

79.	Tripura Khadi & Village Industries Board	1	1	17	17	2	15	0
80.	Tripura Tea Development Corporation Ltd.	1	1	2	2	0	2	0
81.	Tripura Tourism Development Corporation Ltd.	1	1	14	14	1	13	0
82.	Agartala Municipal Corporation	16	16	153	153	0	153	0
83.	Tripura Small Industries Corporation Ltd.	1	1	5	5	0	5	0
84.	T.F.D.P.C.Ltd	1	7	39	36	0	36	3
85.	Tripura Handlooms, Handicrafts & Development Corp. Ltd.	1	1	6	6	1	5	0
86.	Tripura Jute Mills Ltd.							
87.	Gomati Cooperative Milk Producers' Union Ltd.	1	1	2	2	0	2	0
88.	ICFAI University	2	1	5	5	1	4	0
89.	Tripura Gramin Bank	2	1	27	27	0	27	0
	Total	**132**	**2765**	**6844**	**6801**	**11**	**6790**	**43**

3.3 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

Category wise information sought under RTI during 2017-18

Table: 5

	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. Dept	Land related issues	Recruitment related information	Any Others
1.	Directorate of Agriculture	22	7	16	3	0	0	2	11	16
2.	Directorate of Horticulture & Soil Conservation	4	1	2	0	0	0	0	1	3
3.	Directorate of Animal Resources Dev. Department	8	1	3	3	0	0	0	2	2
4.	Department of Fisheries	4	0	0	1	0	0	1	2	7
5.	Department of Forests	29	43	11	5	11	0	14	22	131
6.	Department of Cooperation	5	0	0	0	0	0	0	2	21
7.	Rural Development Department	4	0	3	3	0	0	0	1	1
8.	Panchayat Department	27	95	160	8	1	0	13	47	13
9.	Public Works Department (R&B)	31	28	12	1	0	0	2	1	22
10.	Public Works Department(DWS)	11	13	10	0	1	0	3	0	29
11.	Public Works Department(WR)	9	6	4	0	3	0	0	0	0
12.	Directorate of Urban Development	3	1	5	1	0	0	1	1	5
13.	Transport Department	1	0	0	18	0	0	0	6	78
14.	Directorate of Industries & Commerce	52	10	6	7	0	0	0	9	7
15.	Directorate of Handloom Handicrafts & Sericulture	2	3	0	0	0	0	0	0	3
16.	Directorate of Information Technology	0	0	0	0	0	0	0	2	1
17.	Directorate of Food, Civil Supplies & Consumer Affairs	2	0	8	13	0	0	0	5	65
18.	Directorate of Health Services	88	16	39	80	30	0	3	44	101

19.	Directorate of Family Welfare & P.M.	2	0	3	0	0	0	0	5	81
20.	Office of the Deputy Drugs Controller	24	0	0	0	0	0	0	0	2
21.	Tribal Welfare Department	10	2	25	4	2	0	0	8	10
22.	Directorate of TRP & PVTG	5	0	0	0	0	0	0	2	0
23.	Tripura Tribal Research & Cultural Institute	0	0	1	0	0	0	0	0	0
24.	Directorate for Welfare of Scheduled Castes	1	0	6	0	0	0	0	11	15
25.	Directorate for Welfare of OBCs	1	0	0	0	0	0	0	0	2
26.	Directorate of Sainik Welfare	0	0	0	0	0	0	0	1	0
27.	Directorate of Elementary Education	27	6	5	2	0	0	1	5	4
28.	Directorate of Secondary Education	32	0	05	18	0	0	0	49	33
29.	Directorate of Higher Education	21	8	9	5	10	0	0	15	11
30.	Directorate of Social Welfare & Social Education	16	25	38	3	0	0	0	6	28
31.	Directorate of Youth Affairs & Sports	2	2	0	0	0	0	0	0	7
32.	Revenue Department	0	2		3			14	10	12
33.	Directorate of Relief, Rehabilitation & Disaster Management	0	0	0	0	0	0	0	0	1
34.	Home Department	65	5	1	1	0		1	12	3
35.	Prisons Directorate	11	0	0	0	0	0	0	0	9
36.	Office of the D.G. Police, Tripura	57	3	1	0	0	0	0	8	2
37.	Directorate of Fire Service	1	1	0	1	0	0	1	4	6
38.	State Forensic Science Laboratory	5	1	0	0	0	0	0	0	3
39.	Directorate of Prosecution									
40.	Planning (P&C) Department	0	2	0	0	0	0	0	0	0
41.	Directorate of Economics & Statistics	1	0	0	0	0	0	0	1	2
42.	Election Department	0	0	0	0	0	0	0	0	2

81	43. Labour Directorate	6	0	4	6	0		0	4	7
2	44. Directorate of Employment Services & Manpower Planning	2	1	0	4	1	0	0	7	0
10	45. Factories & Boilers Organization	0	0	0	0	0	0	0	0	10
0	46. Directorate of Land Records & Settlement	0	0	0	0	0	0	2477	0	0
0	47. Department of Science, Technology & Environment	10	3	4	0	0	0	1	2	22
15	48. Directorate of Bio-Technology	0	0	0	0	0	0	0	0	2
2	49. Directorate of Audit	1	0	0	0	0	0	0	1	8
0	50. General Administration (SA) Department	9	0	0	0	0	0	0	1	2
4	51. General Administration (P&T) Department	27	0	2	3	0	0	0	0	0
33	52. General Administration (P&S) Department	1	0	0	0	0	0	0	0	6
11	53. General Administration (A.R.) Department	0	0	0	0	0	0	0	0	18
28	54. General Administration (C & C) Department	0	0	0	0	0	0	0	0	5
7	55. General Administration (Political) Department	0	0	0	1	0	0	0	2	0
12	56. Finance Department	18	2	8	3	0	0	0	2	36
1	57. Commissioner of Taxes	5	1	0	0	0	0	0	0	18
34	58. Law Department	22	1	0	3	0	0	0	3	0
9	59. Directorate of Information & Cultural Affairs	1	1	1	2	1	0	0	25	3
29	60. Commissioner of Departmental Inquiries	0	0	0	0	0	0	0	0	1
6	61. Vigilance Organization	0	0	0	0	0	0	0	0	0
3	62. Lokayukta	0	0	1	0	0	0	0	1	2
	63. Governor's Secretariat	1	0	0	0	0	0	2	0	3
	64. High Court of Tripura	0	0	0	0	1	0	0	3	121
0	65. Assembly Secretariat	1	0	1	0	13	0	0	0	6
2	66. T.T.A.A.D.C.	7	0	0	1	0	0	0	6	1
2	67. SIPARD	2	0	1	0	0	0	0	1	0

68.	State Council of Educational Research & Training	0	0	0	0	1	0	0	0	2
69.	Tripura Public Service Commission	2	0	0	0	261	0	0	14	0
70.	The Police Accountability Commission, Tripura	1	0	0	0	0	0	0	0	2
71.	Tripura Human Rights Commission	0	0	0	0	0	0	0	0	3
72.	Tripura State Election Commission	0	0	0	0	0	0	0	0	0
73.	Tripura Information Commission	0	0	0	0	0	0	0	0	15
74.	Tripura Commission for Women	2	1	0	0	0	0	0	0	13
75.	Tripura Board of Secondary Education	4	0	0	0	6	0	0	0	6
76.	Tripura Housing & Construction Board	5	0	0	0	0	0	0	0	0
77.	Tripura State Pollution Control Board	5	1	0	0	0	0	1	1	1
78.	Tripura Board of Wakf	0	0	0	0	0	0	1	0	0
79.	Tripura Khadi & Village Industries Board	0	0	0	0	0	0	0	0	1
80.	Tripura Tea Development Corporation Ltd.	0	0	2	0	0	0	0	0	0
81.	Tripura Tourism Development Corporation Ltd.	6	3	1	0	0	0	0	4	0
82.	Agartala Municipal Corporation	9	6	8	14	0	0	10	0	1
83.	Tripura Small Industries Corporation Ltd.	0	0	0	0	0	0	0	0	5
84.	T.F.D.P.C.Ltd	3	0	4	0	0	0	0	0	3
85.	Tripura Handlooms, Handicrafts & Development Corp.Ltd	2	0	0	2	0	0	0	2	
86.	Tripura Jute Mills Ltd.									
87.	Gomati Cooperative Milk Producers' Union Ltd.	1	1	0	0	0	0	0	0	
88.	ICFAI University	0	0	0	0	4	0	1	0	
89.	Tripura Gramin Bank	12	2	3	0	1	0	0	8	
	Total	**748**	**304**	**413**	**219**	**347**	**0**	**2549**	**380**	

3.4 The following Table gives the applications received for information from rural and urban areas of the State

Table: 6

Sl. No.	Name of the Department	RTI Applications form	
		Urban	Rural
1	2	3	4
1	Directorate of Agriculture	0	27
2	Directorate of Horticulture & Soil Conservation	9	2
3	Directorate of Animal Resources Dev. Department	15	4
4	Department of Fisheries	15	0
5	Department of Forests	179	87
6	Department of Cooperation	22	6
7	Rural Development Department	8	4
8	Panchayat Department	34	330
9	Public Works Department (R&B)	67	30
10	Public Works Department(DWS)	54	13
11	Public Works Department(WR)	20	2
12	Directorate of Urban Development	16	1
13	Transport Department	95	8
14	Directorate of Industries & Commerce	70	21
15	Directorate of Handloom Handicrafts & Sericulture	6	2
16	Directorate of Information Technology	3	0
17	Directorate Food, Civil Supplies & Consumer Affairs	86	7
18	Directorate of Health Services	296	105
19	Directorate of Family Welfare & P.M.	55	36
20	Office of the Deputy Drugs Controller	23	3
21	Tribal Welfare Department	36	25
22	Directorate of TRP & PVTG	6	1
23	Tripura Tribal Research & Cultural Institute	0	1
24	Directorate for Welfare of Scheduled Castes	10	23
25	Directorate for Welfare of OBCs	3	0
26	Directorate of Sainik Welfare	1	0
27	Directorate of Elementary Education	35	15
28	Directorate of Secondary Education	101	36
29	Directorate of Higher Education	53	26
30	Directorate of Social Welfare & Social Education	65	51

31	Directorate of Youth Affairs & Sports	8	3
32	Revenue Department	26	15
33	Directorate of Relief, Rehabilitation & Disaster Management	1	0
34	Home Department	68	360
35	Prisons Directorate	20	0
36	Office of the D.G. Police, Tripura	310	55
37	Directorate of Fire Service	11	3
38	State Forensic Science Laboratory	8	1
39	Directorate of Prosecution		
40	Planning (P&C) Department	1	1
41	Directorate of Economics & Statistics	4	0
42	Election Department	19	3
43	Labour Directorate	27	0
44	Directorate of Employment Services & Manpower Planning	10	5
45	Factories & Boilers Organisation	10	0
46	Directorate of Land Records & Settlement	2175	302
47	Department of Science, Technology & Environment	41	1
48	Directorate of Bio-Technology	2	0
49	Directorate of Audit	10	0
50	General Administration (SA) Department	11	1
51	General Administration (P&T) Department	26	6
52	General Administration (P&S) Department	6	1
53	General Administration (A.R.) Department	18	0
54	General Administration (C & C) Department	5	0
55	General Administration (Political) Department	2	1
56	Finance Department	58	11
57	Commissioner of Taxes	23	1
58	Law Department	27	2
59	Directorate of Information & Cultural Affairs	10	24
60	Commissioner of Departmental Inquiries	1	0
61	Vigilance Organization	0	0
62	Lokayukta	4	0
63	Governor's Secretariat	4	2
64	High Court of Tripura	109	16
65	Assembly Secretariat	16	5
66	T.T.A.A.D.C.	9	6
67	SIPARD	4	0
68	State Council of Educational Research & Training	1	2
69	Tripura Public Service Commission	236	41
70	The Police Accountability Commission, Tripura	3	0
71	Tripura Human Rights Commission	1	2
72	Tripura State Election Commission	0	0

73	Tripura Information Commission	15	0
74	Tripura Commission for Women	11	5
75	Tripura Board of Secondary Education	15	1
76	Tripura Housing & Construction Board	4	1
77	Tripura State Pollution Control Board	13	14
78	Tripura Board of Wakf	1	0
79	Tripura Khadi & Village Industries Board	17	0
80	Tripura Tea Development Corporation Ltd.	2	0
81	Tripura Tourism Development Corporation Ltd.	11	3
82	Agartala Municipal Corporation	149	4
83	Tripura Small Industries Corporation Ltd.	5	0
84	T.F.D.P.C. Ltd	20	19
85	Triipura Handlooms, Handicrafts & Sericulture Development Corporation Ltd.	6	0
86	Tripura Jute Mills Ltd.		
87	Gomati Cooperative Milk Producers' Union Ltd.	2	0
88	ICFAI University	3	2
89	Tripura Gramin Bank	21	6
	Total :-	**5053**	**1791**

3.5 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 2017-18 is given in following Table 7

Table-7

Sl. No.	Name of the Department	Fees collected u/s 6(1) in (Rupees)	Fees collected u/s 6(2) in (Rupees)
1	2	3	4
1.	Directorate of Agriculture	390	870
2.	Directorate of Horticulture & Soil Conservation	40	0
3.	Directorate of Animal Resources Dev. Department	120	58
4.	Department of Fisheries	100	1418
5.	Department of Forests	1520	2008
6.	Department of Cooperation	210	888
7.	Rural Development Department	90	0
8.	Panchayat Department	1860	3832
9.	Public Works Department (R&B)	620	562
10.	Public Works Department(DWS)	510	0
11.	Public Works Department(WR)	130	8
12.	Directorate of Urban Development	170	0
13.	Transport Department	940	0
14.	Directorate of Industries & Commerce	590	296
15.	Directorate of Handloom Handicrafts & Sericulture	80	0
16.	Directorate of Information Technology	30	36
17.	Directorate of Food, Civil Supplies & Consumer Affairs	370	26
18.	Directorate of Health Services	2500	7172
19.	Directorate of Family Welfare & P.M.	680	688
20.	Office of the Deputy Drugs Controller	290	26
21.	Tribal Welfare Department	480	2175
22.	Directorate of TRP & PVTG	60	22
23.	Tripura Tribal Research & Cultural Institute	10	0
24.	Directorate for Welfare of Scheduled Castes	190	740
25.	Directorate for Welfare of OBCs	0	0
26.	Directorate of Sainik Welfare	0	0
27.	Directorate of Elementary Education	390	110
28.	Directorate of Secondary Education	1370	5346
29.	Directorate of Higher Education	780	310
30.	Directorate of Social Welfare & Social Education	380	656
31.	Directorate of Youth Affairs & Sports	110	170
32.	Revenue Department	270	204
33.	Directorate of Relief, Rehabilitation & Disaster Management	0	0
34.	Home Department	2130	696
35.	Prisons Directorate	180	210

36.	Office of the D.G. Police, Tripura	1830	696
37.	Directorate of Fire Service	120	0
38.	State Forensic Science Laboratory	50	0
39.	Directorate of Prosecution		
40.	Planning (P&C) Department	20	0
41.	Directorate of Economics & Statistics	40	0
42.	Election Department	150	0
43.	Labour Directorate	260	142
44.	Directorate of Employment Services & Manpower Planning	100	50
45.	Factories & Boilers Organization	90	0
46.	Directorate of Land Records & Settlement	24270	30654
47.	Department of Science, Technology & Environment	290	174
48.	Directorate of Bio-Technology	0	0
49.	Directorate of Audit	80	204
50.	General Administration (SA) Department	80	246
51.	General Administration (P&T) Department	320	636
52.	General Administration (P&S) Department	70	148
53.	General Administration (A.R.) Department	110	154
54.	General Administration (C & C) Department	50	106
55.	General Administration (Political) Department	20	0
56.	Finance Department	570	388
57.	Commissioner of Taxes	190	106
58.	Law Department	90	120
59.	Directorate of Information & Cultural Affairs	300	608
60.	Commissioner of Departmental Inquiries	10	0
61.	Vigilance Organization	0	0
62.	Lokayukta	40	212
63.	Governor's Secretariat	60	0
64.	High Court of Tripura	410	0
65.	Assembly Secretariat	160	107
66.	T.T.A.A.D.C.	140	202
67.	SIPARD	30	306
68.	State Council of Educational Research & Training	30	44
69.	Tripura Public Service Commission	2760	512
70.	The Police Accountability Commission, Tripura	10	0
71.	Tripura Human Rights Commission	30	132
72.	Tripura State Election Commission	0	0
73.	Tripura Information Commission	150	112
74.	Tripura Commission for Women	150	170
75.	Tripura Board of Secondary Education	140	116
76.	Tripura Housing & Construction Board	50	0
77.	Tripura State Pollution Control Board	220	0
78.	Tripura Board of Wakf	10	0
79.	Tripura Khadi & Village Industries Board	120	120
80.	Tripura Tea Development Corporation Ltd.	20	0

81.	Tripura Tourism Development Corporation Ltd.	140	156
82.	Agartala Municipal Corporation	940	399
83.	Tripura Small Industries Corporation Ltd.	50	0
84.	T.F.D.P.C.Ltd	270	5649
85.	Tripura Handlooms, Handicrafts & Development Corp. Ltd	60	0
86.	Tripura Jute Mills Ltd.		
87.	Gomati Cooperative Milk Producers' Union Ltd.	10	0
88.	**ICFAI University**	30	0
89.	Tripura Gramin Bank	160	5
	TOTAL	**52,890**	**71,201**

3.6 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 2017-18, 249 first appeals were filed with the FAAs of which 248 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 2017-18, the Commission has received Appeals/Complaints and disposed of cases. A comparative statement or the year-wise position of receipt and disposal of appeals/complaints is as und

Table: 8

STATUS OF APPEALS & COMPLAINTS RECEIVED/DECIDED BY THE COMMISSION OVER THE YEARS 2017-18

FINANCIAL YEAR	APPEALS/COMPLAINTS RECEIVED DURING THE YEARS	APPEALS/COMPLAINTS DECIDED DURING THE YEARS
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
2016-17	136	136
2017-18	119	119

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 6844 cases were received for information, **6801** cases were disposed by allowing the information and **11** 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 leaving as grievance to information seekers moving higher forum with appeal or complaint. The Heads of Departments of the Government should sensitize the SPIOs under them for prompt and expeditious disposal of the applications under RTI Act duly keeping the provisions of the Act in view.

ii) 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. 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 would like to reiterate that the Government direct the Departments for taking necessary steps for proactive disclosure under Section 4(1)(b) of the RTI Act.

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Appeal No. TIC- 03 of 2017-18

Shri Jayanta Kumar Nath, S/o Late Upendra Ch. Nath, P.O. & Village: Sunarabasha, Dharmanagar, North Tripura-799 251

.....Appellant

VERSUS

The State Public Information Officer, Tripura State Electricity Corporation Ltd, Corporate Office, Bidyut Bhavan, Banamalipur, Agartala-799 001.

.....Respondent

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 Jayanta Kumar Nath, the Appellant
2. For the Respondent: Shri Subhas Chakraborty, DGM,TSECL & SPIO
3. Date of filing Appeal: 17.3.2017 and received by the Commission on 22.3.2017
4. Date of Hearing: 16.5.2017
5. Date of Judgment and Order:16.5.2017

ORDER

This case was filed by Shri Jayanta Kumar Nath. Shri Jayanta Kumar Nath had filed an RTI Application dated 28.11.2016 before the SPIO of the Tripura State Electricity Corporation Ltd (for short TSECL) seeking information relating to the provisions of the Act which was quoted in the record of the Respondent for erecting electric poles for HT/LT line in the land of the Shri Jayanta Kumar Nath in Hal Dag No.2843 and Khatian No.70 under T.K. Raghna, Mouja: Bhagyapur, Village Sunararbasha, Dharmanagar, North Tripura. The second query relates to whether any written permission of the land owners was obtained in respect of the above plot

for laying the HT/LT line. Having not received any reply from the SPIO, Shri Jayanta Kumar Nath preferred a first appeal on 12.1.2017 before the First Appellate Authority of TSECL and the FAA did not hear the matter. The second appeal was filed on 17.3.2017 which was, however, received by the Commission on 22.3.2017.

2. Having found good grounds for admitting the appeal, the second appeal was admitted with Appeal No.TIC-03 of 2017-18 and posted for hearing today, the 16th May, 2017 duly issuing summons to the Respondent and notice to the Appellant.

3. Shri Jayanta Kumar Nath, the Appellant was present. He was assisted by his Ld. Counsel Shri Rajarshi Debnath, Advocate. The Respondent was represented by Shri Subhas Chakraborty, DGM (Planning) & SPIO, TSECL. The SPIO admitted that the information has not been furnished but he submitted a written representation before the Commission in which he claimed that the information is beyond 20 years old and claimed exemption. He has also stated the information sought is not specific as number of the concerned electric pole was not specified. The averments of the SPIO are not valid as beyond 20 years no other exemption under Section 8 of the RTI Act will apply except 8(a)(b)& (i). Admittedly, this particular case does not fall under any of the exemption clauses. Hence the pleadings made by the SPIO that the information sought is 20 years old is not acceptable. The Appellant/Landowner cannot be expected to give the Pole No.. More so, he had indicated the Hal No., Khatian No. etc. and the village in which the HT/LT line falls. During oral hearing, the SPIO has stated that the HT/LT lines were laid about 25 years back by Power Department of Government of Tripura and at that time TSECL was not in existence. However, it is presumed that all the records of the Power Department relating to the operations might have been taken over by the TSECL. The Ld. Counsel representing the Appellant, Shri Jayanta Kumar Nath stated that the queries are not general in nature but they are very specific as he had asked for the provisions of the Act as given in the records under which the Poles /HT/LT lines were laid without their permission.

4. In the light of this, the Commission directs SPIO to make a thorough search of the old records pertaining to the laying of above line in that village and the search should be conducted by constituting a team for finding out the relevant record. If

the record is available, the SPIO should reply for item no. 1 & 2 of the RTI Application dated 28.11.2016 within one month from the date of this order. In case the record is not traced/found, then the SPIO should file an Affidavit as to why the record was lost or not found.

5. The Commission also expresses its displeasure about the inaction of the First Appellate Authority in not hearing the first Appeal filed by the Appellant and advises the FAA to dispose of the first appeals within the prescribed time as per provisions of the RTI Act.

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

7. Let copy of this order be sent to the Appellant and the Respondent.

Sd/-

(Kasthala Venkata Satyanaraynaa)
State Chief Information Commissioner

Authenticated by:
16/5/17

(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Appeal No. TIC- 03 of 2017-18 / 184 - 85. Dated: 16.5.2017

Copy to:

1. Shri Jayanta Kumar Nath, S/o Late Upendra Ch. Nath, P.O. & Village: Sunarabasha, Dharmanagar, North Tripura-799 251

2. The State Public Information Officer, Tripura State Electricity Corporation Ltd, Corporate Office, Bidyut Bhavan, Banamalipur, Agartala-799 001.

16/5/17

(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Appeal No. TIC- 07 of 2017-18

Shri Rabindra Sutradhar, S/o Late Lalit Mohan Sutradhar, East Fulchari, Ward No.8 Kamalpur, Dhalai, Tripura.

.....Appellant

VERSUS

The State Public Information Officer, Directorate of Social Welfare & Social Education, Government of Tripura, Abhoynagar, Agartala.

.....Respondent

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 Rabindra Sutradhar
2. For the Respondent: Shri Manoranjan Debbarma, SAPIO
3. Date of filing Appeal: 27.3.2017 and received by the Commission on same date.
4. Date of Hearing: 17.5.2017 & 30.6.2017
5. Date of Judgment and Order: 30.6.2017

ORDER

Shri Rabindra Sutradhar filed an RTI Application dated 4.7.2016 before the SPIO of the Directorate of Social Welfare & Social Education, Government of Tripura, Agartala for information relating to selection of LDC/Store Guard/Assistant Demonstrator/Field Assistant/ Jr. Store Keeper/Work Assistant/Tehashildar/ Agri Assistant as per Advertisement No.TRIPURA/SW&SE - 01/2015 dated 22.6.2015 for the visually handicapped. As he was not given the information, he filed the first appeal before the First Appellate Authority and the FAA heard the matter and refused to disclose the information u/s 8(d) of the RTI Act. Aggrieved by this, he

filed the second appeal before the Commission and the matter was heard on 17.5.2017.

2. The documents asked by Shri Rabindra Sutradhar relate to co-curricular activities of the selected candidates which were denied stating that these were third party information. The Commission directed the SPIO in its order dated 17.5.2017 to issue third party notice to the third parties giving them 15 days time for reply and to send the responses of the third parties to the Commission. The SPIO sent the responses as received by him from the third parties numbering 20 persons who refused to divulge the information by the SPIO stating that this is third party information and that there is no public interest.

3. At the hearing today, Shri Manoranjan Debbarma, SAPIO from the SW&SE Department was present. Shri Rabindra Sutradhar, the Appellant was also present.

4. The Commission during hearing today considered the representations of the third parties whoever had responded to the notice issued by the SPIO and heard the SPIO as well as the Appellant in this case.

5. The Commission was given to understand that co-curricular activities carried weightage in the selection of candidate for the said posts and hence there is public interest in disclosure of the information as sought by the Appellant as these are open for scrutiny. In the light of that the contention of the third parties is not accepted. However, the Commission directs the SPIO that Shri Rabindra Sutradhar should be given time of not more than 3(three) hours on any working day within the next month for appearing before the SPIO for inspection of documents relating to co-curricular activities of selected candidates. The SPIO should show the documents relied upon in respect of co-curricular activities of the selected candidates to the information seeker. The information seeker, if after such inspection/scrutiny, wants any particular document or documents to be given to him, the same should be photocopied and given to him. The SPIO should also furnish a compliance report to the Commission. Date and time of inspection should be informed by SPIO to the Appellant by letter as also on his mobile phone.

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

7. Let copy of this order be sent to the Appellant and the Respondent-SPIO.

Sd/-

(K.V.Satyanarayanaa)
State Chief Information Commissioner

Authenticated by:
30/6/17
(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Appeal No. TIC- 07 of 2017-18/378-79 Dated: 30.6.2017

Copy to:

1. Shri Rabindra Sutradhar, S/o Late Lalit Mohan Sutradhar, East Fulchari, Ward No.8, Kamalpur, Dhalai, Tripura.

2. The State Public Information Officer, Directorate of Social Welfare & Social Education, Government of Tripura, Abhoynagar, Agartala.

30/6/17
(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Appeal No. TIC- 09 of 2017-18

Shri Rana Pratap Nath Bhowmik, S/o Shri Usha Ranjan Nath Bhowmik, Radhamadhav Sarani, PO: Ddhaleshwar-799007, West Tripura, Agartala.

.....Appellant

VERSUS

The Director, Directorate of Secondary Education, Government of Tripura, West Tripura, Agartala. & another.

.....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 Rana Pratap Nath Bhowmik
2. For the Respondents: Shri Nikhil Biswas, FAA
3. Date of filing Appeal: 27.4.2017 and received by the Commission on same date.
4. Date of Hearing: 31.5.2017
5. Date of Judgment and Order:31.5.2017

ORDER

Shri Rana Pratap Nath Bhowmik filed an RTI Application dated 7.2.2017 before the SPIO of the Directorate of Secondary Education, Government of Tripura, Agartala seeking to know whether any Notification was issued excluding the (i) Swami Dhananjoy Das Kathia Baba Mission School (ii) Shri Krishna Mission School (iii) Don Bosco School (iv) Holy Cross School (v) Auxlium School (vi) Anandamayee School (vii) Shiksa Niketan (viii) Bharatiya Vidya Bhawan of Agartala from the purview of the RTI Act. To this, the SPIO vide his letter dated 18.2.2017 intimated that only government organizations, non government organizations substantially financed directly or indirectly by Government are under the RTI Act. Aggrieved by this reply, Shri Rana Pratap Nath Bhowmik carried it in appeal to the First Appellate Authority and in pursuance of the orders of the FAA, the SPIO clearly informed him that the schools which are mentioned in his RTI Application are not under the

purview of the RTI Act. Aggrieved by the orders of the FAA and information supplied by the SPIO, Shri Rana Pratap Nath Bhowmik moved the Tripura Information Commission by second appeal on the ground that the FAA and SPIO have failed to appreciate the position as the said schools are under the Indian Trustee Act/ Societies Registration Act, as well as covered by the CBSC/ICSE/ISC and also covered by the Right to Education Act.

2. The Commission admitted the appeal and posted it for hearing today, the 31.5.2017 duly issuing summons to the Respondent and notice to the Appellant.

3. At the hearing today, Shri Rana Pratap Nath Bhowmik, the Appellant was present. From the Respondent's side, Shri Nikhil Biswas, the First Appellate Authority was present.

4. While the Commission is not elaborating here all the grounds he mentioned in his grounds of appeal, the sum and substance of the arguments of the Appellant which he had reiterated during the course of hearing today are that the said schools are all recognized by the CBSE or ICSE as the case may be and they are all covered by the RTE Act and hence they cannot be excluded from the purview of the RTI Act. The FAA stated that the schools mentioned by the Appellant are not controlled by the State Government and these schools are regulated by the CBSE and other Central Educational Bodies.

5. The Commission has gone into the arguments of both the sides. The definition u/s 2(h) which defined "public authority" is as under:

2(h) "public authority" means any authority or body or institution of self-government established or constituted-

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

If at all the said schools are to be covered under the RTI Act, they are to fall under the one or other of the above definition. Mere recognition for running courses or conducting examination nor getting coverage under the RTE Act, does not turn a private school into a public authority under the RTI Act. It does not mean that no information can be obtained from these schools. If as part of recognition or under the RTE Act, if it mandated that certain obligations are to be fulfilled or certain regulations are to be complied with by the said schools, the information seeker can

approach the SPIO of the Organization which recognizes or regulates the concerned school or oversee under the RTE Act and ask him to give such information about the school which such public authority is supposed to collect or relating to the obligations under RTE Act or as such authority giving recognition as the case may be. It is the duty of the SPIO to furnish such information to the information seeker even if such particular school continues to be a private school and not the public authority under the RTI Act. In the instant case, all the schools are said to be private schools and no evidence is provided that the State Government has financed those schools substantially and it is also seen that these schools are regulated by the CBSE, etc., the SPIO and FAA have not violated any provisions of the RTI Act. However, if the Government in School Education Department is overseeing the compliance of the school under RTE Act, it is open to the Appellant to ask concerned SPIO of the Department about compliance of the school with the provisions of the Right to Education Act.

6. In view of the above observations, there is no ground to interfere with the orders of the SPIO/FAA and hence the appeal is dismissed.

7. Let copy of this order be sent to the Appellant and the SPIO/FAA.

Sd/-

(Kasthala Venkataa Satyanarayanaa)
State Chief Information Commissioner

Authenticated by:

31/5/17

(R.K. Noatia)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Appeal No. TIC- 09 of 2017-18 / 241 - 42 Dated: 31.5.2017

Copy to:

1. Shri Rana Pratap Nath Bhowmik, S/o Shri Usha Ranjan Nath Bhowmik, Radhamadhav Sarani, PO: Ddhaleshwar-799007, West Tripura, Agartala.

2. The Director, Directorate of Secondary Education, Government of Tripura, West Tripura, Agartala. & another.

31/5/17

(R.K. Noatia)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Appeal No. TIC- 11 of 2017-18

Shri Rana Pratap Nath Bhowmik, S/o Shri Usha Ranjan Nath Bhowmik, Radhamadhab Sarani, PO: Dhaleshwar, PIN-799 007, West Tripura.

.....Appellant

VERSUS

The Executive Officer, Tripura Khadi & Village Industries Board, Colonel Chowmuhani, Agartala, West Tripura (SPIO).

.....Respondent

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 Rana Pratap Nath Bhowmik, Appellant
2. For the Respondent: Shri Kaijar Debbarma, SPIO
   Shri Babul Debbarma, FAA
3. Date of filing Appeal: 11.5.2017
4. Date of Hearing: 28.6.2017
5. Date of Judgment and Order:28.6.2017

ORDER

Shri Rana Pratap Nath Bhowmik filed an RTI Application before the Executive Officer, Tripura Khadi & Village Industries Board who is the SPIO on 22.2.2017 seeking certain information. The Appellant had also filed the first appeal on 25.3.2017 before the First Appellate Authority of the Khadi Board. The FAA disposed of the matter vide his order on 24.4.2017 directing the SPIO for supply of the information to the Appellant. However, on 6.5.2017 the Appellant received a letter from the SPIO containing some information which according to the Appellant was incomplete and misleading. Being aggrieved and dissatisfied by the orders of the FAA and partial supply of information by the SPIO, Shri Rana Pratap Nath Bhowmik preferred the second appeal before the Commission on 11.5.2017 which was

admitted and posted for hearing today duly issuing summons to the SPIO/FAA and notice to the Appellant for appearance today, the 28th June, 2018 at 11.30 AM.

2. Today at the hearing, Shri Rana Pratap Nath Bhowmik, the Appellant, was present. From the Respondents' side, Shri Shri Kajjar Debbarma, SPIO and Shri Babul Debbarma, FAA from Khadi & Village Industries Board were present.

3. The SPIO stated that he had not responded to the RTI Application of the Appellant as the RTI Application was misplaced. Item-wise the following orders are passed:

(a) The FAA had allowed inspection of the Notification reconstituting the Board. However, during hearing today it is admitted even by the FAA that it is only one page Notification. Since he had allowed inspection, it is presumed that the disclosure of the information does not attract any exemption u/s 8 of the RTI Act and hence the Commission directs the SPIO to supply a copy of the said Notification to the Appellant.

(b) About construction of boundary wall of Training Centre adjacent to Bharat Thirtha Club, the SPIO stated that this information has already been disclosed and hence there is no further direction.

© About construction of boundary wall at Barjala Match Factory and Charipara NMC Centre, the Appellant had sought extract copy of the decision of the Board and work order and sanction memo in respect of construction of the above work, it is seen from the record supplied to the Appellant that the information has been supplied and there is no further direction. But it is seen that that nothing has been furnished about construction of boundary wall of Charipara NMC. The same should be supplied.

(d) About supply of copy of measurement book , it is seen that the FAA had ordered for inspection of the Measurement Book. However, since it is not voluminous information, copy of measurement books be supplied in respect of concerned works as asked for.

(e) About supply of copies of Work orders and Sanction Memo, it is the repetition of (C) above and had already been supplied except Charipara which should be supplied and work order copy in respect of Dhaleshwar also should be supplied to the Appellant. The Appellant stated that the same had not been given. However, the SPIO submitted during hearing that the proposal for construction of boundary wall was approved by the Board in its 23rd meeting and item -6 of the proceedings which has been supplied. It is verified from the information supplied to the Appellant and found that the same is supplied and hence there is no further direction.

(f) Regarding copies of approval taken from HPC and Finance Department of the State Government for the above works, the FAA stated that what was asked by the Appellant was

not specific. The SPIO stated that no such approval has been taken from the HPC and the Finance Department. The same should be specifically informed to the Appellant.

(h) For copies of promotion orders of Smt Sefali Das, Shri Brajendra Debbarma and Sri Ashish Debbarma to the post of Supervisor and Assistant District Development Officer, the PIA stated that the information is exempted from disclosure u/s 8(j) of the RTI Act. The Commission has gone into the matter and found that promotion of the staff is not an information which will affect the privacy of an individual and there is no bar from disclosure. Hence, copy of promotion orders should be supplied to the Appellant.

4. The above information should be supplied free of cost within 15 days from the date of this order to the Appellant.

5. With the above orders, the Appeal stands disposed of.

6. Let copy of this order be sent to the Appellant and the Respondents.

Sd/-

(K.V.Satyanarayanaa)
State Chief Information Commissioner

Authenticated by:
28/6/17
(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala - 799 006

Appeal No. TIC- 11 of 2017-18 /355-57 Dated: 28.6.2017

Copy to:

1. Shri Rana Pratap Nath Bhowmik, S/o Shri Usha Ranjan Nath Bhowmik, Radhamadhab Sarani, PO: Dhaleshwar, PIN-799 007, West Tripura.
2. The Executive Officer, Tripura Khadi & Village Industries Board, Colonel Chowmuhani, Agartala, West Tripura (SPIO).
3. The First Appellate |Authority, Khadi & Village Industries Board, Colonel Chowmuhani, Agartala, West Tripura.

28/6/17
(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Appeal No. TIC- 14 of 2017-18

Shri Tanay Chakma, S/o Shri Chintamoy Chakma, Subashnagar, Kanchanpur, North Tripura-799270.

.....Appellant

VERSUS

1. The Director, Directorate of Panchayats, Government of Tripura,Gurkhabasti, West Tripura, Agartala.
2. The State Public Information Officer, O/o the Director, Panchayat Department, Government of Tripura, Gurkhabasti, Agartala.

.....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 Tanay Chakma
2. For the Respondents: Shri R.K.Noatia, Director, Panchayat & FAA
   Sri Bhaswar Bhattacharjee, SPIO
3. Date of filing Appeal: 24.5.2017
4. Date of Hearing: 5.7.2017
5. Date of Judgment and Order: 5.7.2017

ORDER

The Appellant had filed an RTI Application on 10.2.2017 before the SPIO of the Directorate of Panchayat, Government of Tripura seeking three kinds of information viz (a) list of the candidates appeared in the Type Test for the post of Bengali Typist held on 8.12.2016 and 9.12.2016, (b) Marks obtained by all the candidates who successfully appeared in the type test and (c) list of names with addresses of the candidates appointed to the post of Bengali Typist. The SPIO supplied partial information and asked him to deposit additional fees of Rs.4/-. He also filed first appeal before the First Appellate Authority and the FAA passed orders on 6.5.2017. Aggrieved by the order of the FAA he

filed the second appeal before the Commission which was posted today for hearing duly issuing the summons to the Respondents and notice to the Appellant.

On the date of hearing, Shri R.K.Noatia, Director, Panchayat who is the FAA and Shri Bhaswar Bhattacharjee who is the SPIO were present. Shri Tanay Chakma, the Appellant was also present.

3. The Respondents stated that the information relating to (a) & (b) above as had been asked by the Appellant in his RTI Application dated 10.2.2017 (wrongly typed as 10.2.2016 as admitted by him) was not given as there is no public interest in giving this information. However, list of names with addresses of the candidates appointed to the post of Bengali Typist as asked in Item-(c) of the application has been already furnished upon collection of the additional fees of Rs.4/- from the Appellant. The Appellant, Shri Tanay Chakma stated during the hearing that as per the advertisement Type Test was supposed to be held on the scheduled dates and that no type test would be taken beyond the scheduled dates. However, he had information that type test has been conducted beyond the scheduled dates and some of the candidates might have been selected which will indicate bias. In the light of the averments of the Appellant, the Commission finds that there is pubic interest in allowing him to peruse the list of names of the candidates who appeared for type test for Bengali Typist post on 8.12.2016 and 9.12.2016 so that he can compare with the selected list. This would set at rest the apprehensions of the Appellant. In this light of this the Commission passes the following directions:-

i) The FAA and SPIO should place the list of names of the candidates who appeared for the type test for the post of Bengali Typist on 8.12.2016 and 9.12.2016.

ii) Marks obtained by all candidates who successfully appeared in the type test i.e. the people who are appointed upon being successful in the type test should be furnished by the SPIO in addition to marks obtained in Type Test by the Appellant. The marks obtained by those who are not appointed as Bengali Typist need not be disclosed. The Commission thus directs that marks of the successful candidates who were appointed as Bengali typist and also of the Appellant be disclosed.

iii) The inspection should be done today for item-(a) and the marks of the successful candidates who were appointed and the Appellant, the statement should be supplied either today by hand or sent to him by post within 10(ten) days.

4. The above information should be given free of cost.

5. With the above orders, the Appeal stands allowed partially as above.

6. Let copy of this order be sent to the Appellant and the Respondents.

Sd/-

(K.V.Satyanarayanaa)
State Chief Information Commissioner

Authenticated by:

6/7/17

(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Appeal No. TIC- 14 of 2017-18/401-403 Dated : 5.7.2017

Copy to:

1. Shri Tanay Chakma, S/o Shri Chintamoy Chakma, Subashnagar, Kanchanpur, North Tripura-799270.
2. The Director, Directorate of Panchayats, Government of Tripura,Gurkhabasti, West Tripura, Agartala.
3. The State Public Information Officer, O/o the Director, Panchayat Department, Government of Tripura, Gurkhabasti, Agartala.

5/7/17

(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Appeal No. TIC- 34 of 2017-18

Shri Biplab Debnath, Vill & PO: Durganagar, Ranirbazar, West Tripura.

VERSUS

1. The Director, Directorate of Social Welfare & Social Education, Malancha, Government of Tripura, Ujan Abhoynagar, Agartala.(FAA).
2. The Deputy Commissioner for Disabilities, Directorate of Social Welfare & Social Education, Malancha, Government of Tripura, Ujan Abhoynagar, Agartala.(SPIO).

.....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 Biplab Debnath
2. For the Respondents: Shri D.Darlong, Director, SW&SE & FAA
   Shri Achintam Kilikdar, SPIO
3. Date of filing Appeal: 14.7.2017
4. Date of Hearing: 7.9.2017
5. Date of Judgment and Order: 7.9.2017

ORDER

The case was filed by Shri Biplab Debnath. Shri Biplab Debnath had filed an RTI Application with the SPIO in the Directorate of Social Welfare & Social Education Department on 27.4.2017 seeking information about purchase of toys and other PSE Kits for Anganwadi Centres from 2010-11 to 2016-17. The SAPIO had replied to the information seeker on 27.5.2017 stating that the information sought is under process and will be given after a few days. Later on, the SPIO vide his letter dated 4.7.2017 informed that there is a defamation suit under criminal offences from the department and so the information would impede the process of investigation or apprehension or prosecution of offenders and stated that it is exempted u/s 8(h) of the RTI Act.

2. The information seeker filed the first appeal before the First Appellate Authority on 21.6.2017 which was not disposed by the FAA. Aggrieved by that, the information seeker filed the second appeal before this Commission on 14.7.2017. The Commission had carefully examined the second appeal and admitted it as Appeal with No.TIC-34 of 2017-18 and posted for hearing today duly issuing summons to the SPIO and the First Appellate Authority and also notice to the Appellant to appear before the Commission on 7.9.2017 at 11.30 AM.

3. During hearing today, Shri Biplab Debnath, the Appellant, was present. He was assisted by Shri Purnendu Bhushan Datta which the Commission had allowed. From the Respondents' side Shri Shri D.Darlong, Director, SW&SE & FAA and Shri Achintam Kilikdar,SPIO were present.

4. The SPIO and FAA stated that a news item on the subject of the above item contained in the RTI Application was the subject matter of a defamation suit filed against the Editor of a vernacular daily newspaper. Hence, the department has sought exemption for his information. The Commission has carefully considered the arguments and finds that there is no stay by the Court on the disclosure of the information nor the records were in the custody of the Court. The Commission does not find anything in this information which would attract the provision of Section 8(1)(h) of the RTI Act. The SPIO in his letter dated 4.7.2017 had simply took umbrage u/s 8(h) of the Act stating that there is a defamation proceedings pending and hence it will impede the process of investigation. The Hon'ble High Court of Delhi in its judgment in the *Bhagat Singh* case has construed the said provision of the Act to mean that, in order to claim exemption under the said provisions, the authority withholding the information must disclose satisfactory reasons as to why the disclosure of information would hamper the investigation. The SPIO in his reply to the information seeker vide letter dated 4.7.2017 had not justified how this case fits into the provisions for exemption u/s 8(1)(h) of the RTI Act. The Commission, therefore, concludes that it is not a fit case to claim exemption u/s 8(1)(h) of the RTI Act for withholding the information from disclosure and hence passes the following orders on the queries in seriatim:

i) The Commission directs that the about information should be supplied.

ii) The information sought by the Appellant should be supplied.

iii) The information sought by the Appellant should be supplied.

iv) This information should be given if any tender was called at all.

v) This information should be given.

vii) Inspection of the files has no public interest and the Appellant had admitted it during the hearing. Hence, no inspection is being allowed at this stage.

viii) Copies of UCs should be furnished.

ix) It is factual information and hence should be disclosed.

5. Besides the supply of information, there are few issues which were thrown up in the instant case. SAPIO cannot respond to information seeker and it is only the SPIO who is authorized to do so. Hence, the SPIO is advised to be careful in future and the reply to the information seeker must go under his signature.

The FAA could not hear the matter apparently during his absence, some other officer was holding the charge. The Commission finds there is no mala fide in non-hearing the first appeal. In the light of the above, Commission finds no grounds for imposing penalty.

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

7. Let copy of this order be given to the Appellant and the Respondents.

Sd/-

(K.V.Satyanarayanaa)
State Chief Information Commissioner

Authenticated by:

7/9/17

(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Appeal No. TIC- 34 of 2017-18/745-47 Dated: 7.9.2017

Copy to:-

1. Shri Biplab Debnath, Vill & PO: Durganagar, Ranirbazar, West Tripura.
2. The Director, Directorate of Social Welfare & Social Education, Malancha, Government of Tripura, Ujan Abhoynagar, Agartala.(FAA).
3. The Deputy Commissioner for Disabilities, Directorate of Social Welfare & Social Education, Malancha, Government of Tripura, Ujan Abhoynagar, Agartala.(SPIO).

7/9/17

(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Complaint No. TIC- 22 of 2017-18

Shri Rana Pratap Nath Bhowmik, S/o Shri Usha Ranjan Nath Bhowmik, Radhamadhab Sarani, PO: Dhaleshwar, Agartala-799 007, West Tripura.

.....Complainant

VERSUS

The State Public Information Officer, Tripura Khadi & Village Industries Board, Colonel Chowmuhani, Agartala, West Tripura.

.....O.P.

In the matter of a Complaint under section 18(1) of the Right to Information Act,2005.

PRESENT

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

1.	For the Complaint :	Shri Rana Pratap Nath Bhowmik
2.	For the Respondents:	Md Iqbal Ahamed, SPIO,TKVIB
3.	Date of filing the Complaint:	31.08.2017
4.	Date of Hearing:	14.12.2017
5.	Date of judgment & order:	14.12.2017

ORDER

Shri Rana Pratap Nath Bhowmik filed a complaint before the Commission on 31.8.2017 complaining that the orders of the Commission passed in the Appeal Case No.TIC-11 of 2016-17 dated 28.6.2017 were not complied with. The case was posted today duly issuing summons to the SPIO and notice to the Complainant. Shri Rana Pratap Nath Bhowmik, Complainant was present. The SPIO, Md Iqbal Ahamed was also present.

2. During hearing, Shri Rana Pratap Nath Bhowmik stated that the order of the Commission passed in Appeal Case No.TIC-11 of 2017-18 dated 28.6.2017 was not complied with. The Commission directs the SPIO that the order dated 28.6.2017 for supply of promotion orders to the Appellant shall be fully complied with within one week from the date of this order. The Commission does not have any power or scope to review its order and hence the order will not be reviewed as there is no

provision under the RTI Act and to this extent the complaint of Shri Rana Pratap Nath Bhowmik is allowed. The penalty is not being considered as the SPIO had probably been under the impression that their the letter dated 12.7.2017 written by them to the Commission would be considered for review or revision of the order. Hence, no *mala fide* is seen in the act of the SPIO

3. The Audit Report referred in the complaint of the Complainant vide letter dated 31.8.2017 refers to the non supply of internal audit report and DAG's Audit Report which was submitted in April. It is seen the orders of the Commission on the RTI Application dated 22.2.2017 and the Audit Reports which was there as on the date f RTI Application were only the subject matter of that RTI Application. Hence, no complaint can be considered for supply of information which are post the application date. Hence, no direction is passed.

4. With the above order, the Complaint case stands disposed of.

5. Let copy of this order be sent to the Complainant and the SPIO.

Sd/-

(K.V.Satyanarayanaa)
State Chief Information Commissioner

Authenticated by:

14/12/17

(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Complaint No. TIC- 22 of 2017-18 / 1185 – 87 Dated: 14.12.2017

Copy to:

1. Shri Rana Pratap Nath Bhowmik, S/o Shri Usha Ranjan Nath Bhowmik, Radhamadhab Sarani, PO: Dhaleshwar, Agartala-799 007, West Tripura.
2. The State Public Information Officer, Tripura Khadi & Village Industries Board, Colonel Chowmuhani, Agartala, West Tripura.
3. Guard file.

14/12/17

(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Complaint No. TIC- 21 of 2017-18

Shri Jiban Kumar Dasgupta, C/o Shri Madhusudhan Das, Sreenagar Road No.1, T.V.Tower Road, Milanchakra, P.O. A.D.Nagar, Agartala -799003.

.....Appellant

VERSUS

1. The State Public Information Officer, Tripura Khadi & Village Industries Board, Colonel Chowmuhani, Agartala, West Tripura.

.....Respondents

In the matter of a Complaint under section 18(1) of the Right to Information Act,2005.

PRESENT

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

1.	For the Complaint :	Shri Jiban Kumar Dasgupta
2.	For the Respondents:	Md Iqbal Ahamed, SPIO
3.	Date of filing the Complaint:	03.07.2017
4.	Date of Hearing:	24.11.2017
5.	Date of judgment & order:	24.11.2017

ORDER

Shri Jiban Kumar Dasgupta filed a complaint before the Commission on 3.7.2017 complaining that the orders of the Commission passed in the Complaint case No.TIC-49 of 2016-17 dated 7.3.2017 were not complied with inasmuch as the inspection allowed is only for viewing and that copy of Board Resolutions has not been supplied. The Commission has admitted the complaint and issued notice to the Complainant and summons to the SPIO to appear today for hearing the complaint No.TIC-21 of 2017-18.

2. During hearing today Shri Jibank Kumar Dasgupta, the Complainant was present. From the Respondent's side Md Iqbal Ahamed who is the SPIO was also present.

3. In so far as the first grievance of the Complainant is concerned is that he was allowed inspection only to view. The order of the Commission passed on 7.3.2017 was only to allow inspection and as it is a commercial organization involving purchase by several third parties, the Commission did not give any direction for supply of the copies of the cash memo. The second grievance of the Complainant is that copy of the Board Resolutions allowing discount sale was not supplied. However, the Complainant himself has produced a letter dated 23.5.2017 from the SPIO addressed to Shri Jiban Kumar Dasgupta with which the abstract copy of the proposal of the 232nd Board for discounted sale of Khadi products was enclosed. Extract copy of the Board Resolution No.9 relating to discounted sale signed by the Executive Officer, TKVIB was enclosed with the letter of the SPIO. The Complainant did admit that it was received by him but his grievance is that Resolution NO.9 dealing with the discounted sale approval have not mentioned that the Board approved and hence it cannot be taken as Board approval. The RTI Act does not envisage creation of record and in whatever way the Resolution was recorded, the same was supplied. The covering letter of the SPIO had clearly stated that it is a copy of the approval of the 232rd Board meeting. In the light of this, there is no cause to doubt it and the Commission is satisfied that the directions of the Commission issued in Complaint No.TIC-49 2016-17 have been duly complied with.

4. In the light of the above, the Complaint is dismissed.

5. Copy of this order be given to the Complainant and the Respondent-SPIO.

Sd/-
(K.V.Satyanarayanaa)
State Chief Information Commissioner

Authenticated by:
24/11/17
(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Complaint No. TIC- 21 of 2017-18 / 1071-73 Dated: 24.11.2017

Copy to:

1. Shri Jiban Kumar Dasgupta, C/o Shri Madhusudhan Das, Sreenagar Road No.1, T.V.Tower Road, Milanchakra, P.O. A.D.Nagar, Agartala -799003.

2. The State Public Information Officer, Tripura Khadi & Village Industries Board, Colonel Chowmuhani, Agartala, West Tripura.

3. Guard File

24/11/17

(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Complaint No. TIC- 23 of 2017-18

Shri Pradip Paul, S/O Late Debendra Paul, Retired Linesman, Sabroom, South Tripua – 799 145.....Complainant

VERSUS

The Deputy General Manager (Corporate), TSECL, Bidyut Bhavan, North Banamalipur, Agartala (State Public Information Officer).....Respondent

In the matter of a complaint under section 18(1) of the Right to Information Act,2005.

PRESENT

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

1.For the Complainant: Sri Pradip Paul
2.For the Opposite Party: Shri S. Chakraborty, DGM & Sri D. Debnath, DGM (SPIO)
3.Date of filing complaint: 15.09.2017 and received by the Commission on 22.09.2017.
4.Date of Hearing: 12.12.2017
5.Date of Judgment and Order:12.12.2017

O.R D E R

Shri Pradip Paul filed an RTI Application dated 28.07.2017 before the SPIO in the of office of the Chief Engineer, TSECL, Agartala seeking the reasons for not granting 1st CAS and the steps taken for revision of pay by granting 1st CAS in respect Sri Pradip Paul, retired Electrical Lineman, Sabroom. The SPIO received the application, but had not responded the RTI application. Aggrieved by that, Sri Pradip Paul filed this complaint before Tripura Information Commission on 18.09.2017 which was received by the Commission on 22.09.2017. After receiving the petition,

the Commission considered it based on the material relating to the complaint and admitted for hearing on 06.12.2017 which was adjourned to 12.12.2017.

2. In response to the summons and the notice, Sri S. Chakraborty, DGM (Planning) and Sri D. Debnath, DGM (Corporate) of TSECL office were present from the respondents. Sri Pradip Paul was present assisted by Sri S.B. Hazarika from the Complainant side. During hearing, Sri S. Chakraborty (SPIO) submitted that he had taken the application and contacted with DGM (Corporate) and along with DGM (Corporate), he had found that there is no representation or records in the matter of revision of pay/sanction of CAS etc. as asked in the RTI application and then they contacted over phone with DGM, Sabroom. However, they did not reply to the Complainant. Sri S.B. Hazarika on behalf of the Complainant stated that the information seeker is entitled to have response on his RTI application which had not been done by the department. The application was also not forwarded to DGM, Sabroom under section 6(3) of the Act if it pertains to that SPIO. He also further stated that Sri Pradip Paul submitted several representations from time to time after his retirement to the TSECL office about sanction of CAS/revision of pay, but no steps have been taken for attending to his grievances.

3. The substance of the case is that the retired employee is claiming of sanction of CAS and revision of pay etc. but the TSECL had not taken any action resulting in pecuniary loss and mental harrasment of the Complainant. Though Sri Pradip Paul could not readily produce any application which he had submitted to the DGM, Sabroom or DGM (Corporate) or to the TSECL. However, in this case, the Commission is only concerned with RTI application. In a complaint case filed under Section 18 of the RTI Act, 2005, the Commission cannot pass direction to give access to information but can only consider imposition of penalty under section 20 of the RTI Act, 2005 in the light of the judgment of the Hon'ble Supreme Court of India in CIC & Anr. Vs State of Manipur & Anr. 9LNIND 2011 SC 12.12) dated 12th December, 2011 in CA Nos. 10787-10788 of 2011. However, SPIO had not responded to the RTI application dated 27.07.2017 which means it is delayed by 15 days more than the period prescribed in the RTI Act. As the SPIO received the RTI application which was addressed to the office of the Chief Engineer, TSECL, SPIO is

estopped from pleading that this is an invalid application. Since the application was not responded by the SPIO, the Commission directs Sri S. Chakraborty, DGM (Planning), TSECL office to reply within **30 days** from the date of this order as to why penalty @ Rs. 250/- per day of delay should not be imposed on him for not responding to the application beyond the prescribed period under Section 7(1) of the Act and also why disciplinary action should not be recommended against him.

4. With the above orders, the Complaint stands disposed of.

5. Let copy of this order be sent to the Complainant, the DGM (Planning) and DGM (Corporate), TSECL, Agartala free of charge.

Sd/-
(K.V.Satyanarayanaa)
State Chief Information Commissioner

Authenticated by:
12/12/17
(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Complaint No. TIC- 23 of 2017-18 / 1202 – 1204 Dated: 12.12.2017

Copy to:

1. Shri Pradip Paul, S/O Late Debendra Paul, Retired Linesman, Sabroom, South Tripura – 799 145 (Complainant)
2. The Deputy General Manager (Corporate), TSECL, Bidyut Bhavan, North Banamalipur, Agartala (State Public Information Officer) - Opposite Party
3. The Deputy General Manager (Planning), TSECL, Bidyut Bhavan, North Banamalipur, Agartala (State Public Information Officer) - Opposite Party

12/12/17
(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Complaint No. TIC- 20 of 2017-18

Shri Siddhartha Roy Choudhury, S/o Late Gopal Roy Choudhury, Vill & PO: Sekerkote, PS: Amtali, Bikramnagar, Oppo; Aykatan Club, Sadar, Agartala, Tripura-799 130.

.....Complainant

VERSUS

The State Public Information Officer, Directorate of Land Records & Settlement, Government of Tripura, Palace Compound, Agartala-799001.

.....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: -
For the Opposite party: Shri Dulu Sangma, SPIO
Date of filing Complaint: 28.8.2017
Date of hearing: 25.9.2017
Date of order: 25.9.2017

ORDER

This case was filed by Shri Siddhartha Roy Choudhury. He filed an RTI Application with the SPIO in the office of D.M. & Collector, West Tripura district in which he had sought copies of Hal Khatians of Mouja Agartala, Sheet No.3 in English language. The SPIO of the D.M. & Collector, West Tripura transferred the RTI Application to the SPIO in the Directorate of Land Records & Settlement, Government of Tripura on 29.5.2017. In the transfer application he had asked the SPIO supply information relating to item no. 4. The SPIO of the Directorate of Land

Records & Settlement replied to the information seeker vide letter dated 27.6.2017 stating that Hal Khatians in English version of Mouja Agartala, Sheet No.3 are not readily available and hence it is not possible to furnish the information. Being aggrieved with the order of the SPIO, Shri Siddhartha Roy Choudhury filed the first appeal before the First Appellate Authority on 4.7.2017. The FAA passed his orders dated 21.7.2017 upholding the views of the SPIO and thereby rejected the first appeal. Having got no information, Shri Siddhartha Roy Choudhury filed a representation stating Complaint/Appeal before this Commission which was admitted and posted for hearing today duly issuing summons to the Respondent and notice to the Complainant.

2. In response to the summons and notice Shri Siddhartha Roy Choudhury, the Appellant, was not present during the hearing. But the SPIO of the Directorate of Land Records & Settlement was present. The SPIO submitted that he had offered to supply the Khatian copies of one Khatian No.1234/1 of Mouja Agartala Sheet No.3 and balance are with the SDM, Sadar. However, he also stated that the computerized copies of all the Khatian are available and that only Bengali version of the Khatians are available with him. But Shri Siddhartha Roy Choudhury refused and asked for English version. In his appeal also he had not disputed this. His pleadings appear to be that he wants English version of Khatian and not Bengali version. The SPIO submitted that they do not maintain Khatian in English and even computerization has been done only in Bengali. Shri Siddhartha Roy Choudhury stated that this is a misleading and mala fide information and that earlier English version of Khatians were supplied.

2. The matter was taken up on merits in the absence of the Appellant. It seen that while there are four items in his RTI Application, Shri Siddhartha Roy Choudhury agitated before this Commission about non supply of information against item no.4 by the SPIO of the Directorate of Land Records & Settlement. The SPIO stated that it was a fact that earlier SPIO had supplied on 12.5.2017 but it was supplied after getting it translated. The SPIO also stated that Khatian copies can be obtained from the Common Service Centre on payment of Rs.10/-.

3. Under the RTI Act, the SPIO is not supposed to create record by translating Bengali version into English and he is duty bound to supply as it exist. The Commission agreed with the contention of the SPIO and that the version as is maintained only needs to be supplied and the public authority or the SPIO cannot be asked to translate and supply the Khatians in English version for the benefit of the Appellant. Though it was not pleaded by the SPIO, the Commission is not able to find out as to whether these Khatians asked by Shri Siddhartha Roy Choudhury are related to him and in case they are not of his own, the Commission does not see any public interest warranting disclosure. However, since the SPIO did not plead it, the Commission is not passing any order in this regard. Since the contention in this appeal is for supply of English version of Khatians only, it is squarely rejected for the reasons stated above and the appeal is dismissed.

4. Copy of this orders be given to the Appellant and the Respondent.

Sd/-

(K.V.Satyanarayanaa)
State Chief Information Commissioner

Authenticated by:

25/9/17

(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
Pt. Nehru Complex, Gurkhabasti
Agartala – 799 006

Complaint No. TIC- 20 of 2017-18 /825-26 Dated: 25.9.2017

Copy to:

1. Shri Siddhartha Roy Choudhury, S/o Late Gopal Roy Choudhury, Vill & PO: Sekerkote, PS: Amtali, Bikramnagar, Oppo; Aykatan Club, Sadar, Agartala, Tripura-799 130.
2. The State Public Information Officer, Directorate of Land Records & Settlement, Government of Tripura, Palace Compound, Agartala-799001.

25/9/17

(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION

Pt. Nehru Complex, Gurkhabasti

Agartala – 799 006

Complaint No. TIC- 19 of 2017-18

Smt. Sanchita Karmakar, W/o Shri Samarjit Deb, Badurtali Lane, Krishnanagar, Agartala, West Tripura-799 001.

.....Complainant

VERSUS

The State Public Information Officer, Revenue Department, Government of Tripura, Secretariat, Capital Complex, Agartala -799 010.

.....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:

For the Opposite party: -

Date of filing Complaint: 14.6.2017 and received by the Commission on 15.6.2017

Date of hearing: 24.8.2017

Date of order: 24.8.2017

ORDER

Smt. Sanchita Karmakar filed a complaint before this Commission on 15.6.2017 enclosing an RTI Application she filed before the Under Secretary who is the SPIO in the Revenue Department, Government of Tripura on 2.5.2017 seeking certain information. But the same was transferred by the SPIO of the Revenue Department to the SPIO of the office

of the District Magistrate, Gomati only on 22.5.2017 beyond the period of 5(five) days prescribed for transfer of RTI Application. The SPIO & ADM of the office of District Magistrate, Gomti replied to the information seeker on 19.6.2017 seeking additional fees of Rs.8/-. However, the reply was dated 19.6.2017 which is beyond the period of 35 days from the date of RTI Application and as such the order of the SPIO seeking additional fees is not as per RTI Act, 2005.

2. The complaint was admitted and posted for hearing today, the 24th August, 2017 duly issuing summons to the Respondent and notice to the Complainant. But at the hearing, both the Complainant as well as the Respondent (Opposite party) were absent. However, the complaint case was taken up for disposal on merits. It is found that the additional fees sought by the SPIO & ADM, Gomti was not as per provisions of the RTI Act and hence the case is remitted back to the SPIO of the District Magistrate, Gomti for disposal of the RTI Application afresh without insisting on the additional fees within 5(five) days from the date of receipt of this order.

3. The Complainant had asked for imposition of penalty on the SPIO. But the SPIO to whom the application was transferred did reply within 30 days. The delay beyond 35 days lies with the SPIO & Under Secretary of the Revenue Department as he had not transferred the RTI Application in five days. A notice to be issued separately to the SPIO & Under Secretary of the Revenue Department to explain as to why he failed to transfer this RTI Application of Smt Sanchita Karmakar within 5(five) days of the receipt of the application for which why penalty shall not be imposed on him under the RTI Act. The other prayer of the information seeker is for providing information. But in a complaint case, the Commission cannot order for access to information. However, the case is being remitted to the SPIO & ADM, Gomti and if the SPIO's reply is unsatisfactory then it is open to the information seeker to file the first appeal before the First Appellate Authority (D.M. & Collector, Gomti) seeking access to the information, if aggrieved by the order of the SPIO.

4. With the above orders, the case is disposed of.

5. Let copy of this order be given to the parties.

Sd/-

(K.V. Satyanarayanaa)
State Chief Information Commissioner

Authenticated by:

24/8/17

(Dr. Manas Dev)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION

Pt. Nehru Complex, Gurkhabasti

Agartala – 799 006

Complaint No. TIC- 19 of 2017-18 Dated: 24.8.2017

Copy to:

1. Smt Sanchita Karmakar, W/o Shri Samarjit Deb, Badurtali Lane, Krishnanagar, Agartala, West Tripura-799 001.
2. The State Public Information Officer, Revenue Department, Government of Tripura, Secretariat, Capital Complex, Agartala -799 010.
3. The SPIO & ADM, Office of the District Magistrate & Collector, Gomti, Udaipur, Tripura

24/8/17

(Dr. Manas Dev)
Secretary
Tripura Information Commission