



TRIPURA INFORMATION COMMISSION

P. N. Complex: Gorkhabasti

Agartala – 799 006

Complaint No. TIC - 08 of 2010-11.

Sri Kesab Nandan Datta
S/O Late Girendra Kr. Datta
P.O.- Arundhutinagar, Road No- 11
Agartala, West Tripura
Pin -799003.....Complainant

Vs

Smt. Swapna Das (Bal), Deputy Director of School Education, Government of Tripura, Agartala (State Public Information Officer).
.....Opposite Party

ORDER
Dated, 04.06.2010

The complainant Sri Kesab Nandan Datta is present.

2. The Opposite Party (OP) Smt. Swapna Das (Bal), Deputy Director of School Education, Government of Tripura and the State Public Information Officer (SPIO) also appeared and submitted a written representation, which is attached to records.

3. Brief facts leading to this complaint are that the complainant made a written request on 01.04.2010 to the State Public Information Officer (SPIO) in the Directorate of School Education, Government of Tripura accompanied by the requisite amount of application fee seeking certain items of information under the RTI Act, 2005 (for short the Act). In response, Smt. Swapna Das (Bal), Deputy Director of School Education, Government of Tripura being the SPIO vide her letter No.F.18(1-421)-SE-E/RTI/2010/231 dated 23.04.2010 had informed the complainant that since larger number of RTI applications seeking information almost of similar nature have been received, their disposal would

require consulting, copying and supply of large volume of documents. However, the information sought for by the complainant are under the process of collection and, therefore, requested her/him to bear with them without specifying the time by which the information be furnished. Being dissatisfied with the reply furnished by the SPIO, the complainant has approached this Commission with this complaint seeking direction to have access to the information sought for vide his written request dated 03.04.2010 and also to take penal action against the concerned SPIO under section 20(1) of the Act. The complainant has further demanded for payment of Rs. 10,000/- by the SPIO as compensation for harassing him. Along with the written complaint, the complainant has furnished photocopies of the relevant documents.

4. The complainant vide his written request dated 01.04.2010 submitted to the SPIO in the Directorate of School Education, Government of Tripura had sought for the following information:-

(i) How many candidates applied through Job Form for Graduate Teacher (Bio Science) with the following category wise break up- SC/ST/UR/Others/PH/ APL/BPL, Sub-Divisional wise break up.

(ii) List of candidates given offers for Graduate Teacher (Bio Science) with the following category wise break up- SC/ST/UR/Others/PH/ APL/BPL, Sub-Divisional wise break up.

(iii) Panel of selected candidates under both Seniority Cum Merit and need basis with the all particulars including marking/weightage given to each candidates and basis thereof with the entire file of the selection process including copies of the job forms submitted by selected candidates along with the copies of the documents submitted by the each candidates. Copies of Employment policy and method and manner of selection with all particulars.

5. On careful examination of the above items of information sought for by the complainant, it appears that except the copies of the employment policy and the guidelines followed for selection of candidates, the remaining particulars demanded under item - (iii) do not constitute 'information' within the meaning of section 2(f) of the Act and also disclosure of the same in the form in which these were sought for by the complainant would disproportionately divert the resources of the public authority and would also be detrimental to the safety and

2

preservation of the records in question and, therefore, exempted under section 7(9) of the Act. The complainant, therefore, deserves no information under that part of item – (iii) for the reasons stated above. However, the complainant is entitled to have access to the complete information under items – (i) & (ii) and only the copies of the employment policy and the guidelines followed for selection of the candidates under item – (iii), which the SPIO shall furnish within the time as may be specified by this Commission.

6. In her written representation dated 02.06.2010 submitted today, the OP has stated that the Branch Officer of the Establishment (non-gazetted) Section in the Directorate of School Education, Government of Tripura is the custodian of the documents/records pertaining to the information sought for by the complainant and, therefore, the said Branch Officer was requested by the OP to furnish the required information for their disclosure to the complainant. Since, the OP Smt. Swapna Das (Bal), Deputy Director of School Education and the SPIO has sought the assistance of the Branch Officer, Establishment (non-gazetted) Section under section 5(4) of the Act, the said Branch Officer shall also be treated as a SPIO in this complaint under section 5(5) of the Act. The OP has further submitted that she was never against the disclosure of the information sought for by the complainant nor she withhold the same with any malafide intention and also assured that she is now ready to comply with the directions as may be given by the Commission.

7. It appears that the written request dated 01.04.2010 of the complainant was responded to by the SPIO vide her letter No. F. 18(1-421)-SE-E/RTI/2010/231 dated 23.04.2010, which was very much within the time limits specified in section 7(1) of the Act. This apart, the SPIO neither denied disclosure of the information nor withheld the same with malafide intention and, therefore, this is not a fit case for imposition of penalty/payment of compensation as demanded by the complainant.

8. In her letter dated 23.04.2010 addressed to the complainant, the SPIO did not mention the specific time by which the information would be supplied after compilation of the required processes. It was wrong on the part of the SPIO without having any support of the law to express her intention to supply the information beyond the statutory period prescribed by the Act on the grounds that large



number of RTI applications seeking information almost of similar nature were received and the information sought for were voluminous. However, appreciating the practical difficulties being faced in compilation, taking photocopies etc. of huge volume of documents, this Commission is inclined to fix the outer limit and to direct both the OP Smt. Swapna Das (Bal), Deputy Director of School Education, Government of Tripura and Sri Narayan Chandra Debnath, District Inspector of Schools and the Branch Officer of the Establishment (non-gazetted) Section in the Directorate of School Education that they should collect, compile and furnish the information as directed at para- 5 above to the complainant within a period of 30 days from the date of passing of this order and shall submit a compliance report to this Commission forthwith. It may be noted that in the event of their failure to provide the information as ordered even within the extended period, penalty proceedings under section 20(1) of the Act would be initiated against both the OP Smt. Swapna Das (Bal), Deputy Director of School Education and Sri Narayan Chandra Debnath, District Inspector of Schools being the Branch Officer of the Establishment (non-gazetted) Section in the Directorate of School Education, Government of Tripura.

9. The OP has submitted in writing that large number of RTI applications seeking information almost of similar nature were received. On perusal of the complaints so far lodged with this Commission in this regard, the correctness of the statement of the OP was established. The Director of School Education, Government of Tripura being the head of the Public Authority was required to put all such information *suo motu* in public domain in compliance with the provision of section 4(2) of the Act so that the public might have minimum resort to the use of the Act to obtain the information in this regard and, therefore, reduces the number of RTI applications seeking similar nature of information. However, the concerned public authority did not comply with the said requirement of the Act. This Commission, therefore, in exercise of the powers conferred on it by section 19(8) of the Act directs the Director of School Education, Government of Tripura being the head of the Public Authority to place immediately the following vital information in the official web-site and also to disseminate through other means of communications as may be considered appropriate:-

- (i) Notifications containing the constitution of the Interview Boards.



- (ii) The employment policy of the Government/Department.
- (iii) The procedure and the guidelines followed by the department in selecting the candidates.
- (iv) Sub-Division wise complete list of the persons with addresses offered with the post of Graduate Teachers showing the status of ST, SC, & BPL and other relevant information.

10. With the above observations and the orders, the complaint stands disposed of.

11. Let copy of this order be sent to the complainant and the OP. Also send a copy of this order to the Director of School Education, Government of Tripura being the head of the Public Authority.

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

No. 502-05

Dated, 04.06.2010

Copy to:-

1. Sri Kesab Nandan Datta, S/O Late Girendra Kr. Datta, P.O.- Arundhutinagar, Road No- 11, Agartala, West Tripura, Pin -799003 (Complainant).
- 2.Smt. Swapna Das (Bal), Deputy Director of School Education, Government of Tripura, Agartala (State Public Information Officer)- OP.
3. Sri Narayan Chandra Debnath, District Inspector of Schools and the Branch Officer of the Establishment (non-gazetted) Section in the Directorate of School Education, Government of Tripura (State Public Information Officer in this complaint).
4. The Director of School Education, Government of Tripura, Agartala (Head of the Public Authority).

↓ 4/6/10
(S.C.Saha)
Secretary

Tripura Information Commission