



**TRIPURA INFORMATION COMMISSION**

P.N.Complex: Gorkhabasti : Agartala

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Complaint No. TIC – 03 of 2010-11

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Sri Rahul Banik  
S/O Sri Bijoy Banik  
C/O Sri Sambhunath Biswas  
Bhati Abhoynagar, West Para  
Agartala, West Tripura  
Cell Phone No-9436483812.....Complainant

Vs

Sri S.B. Debbarma, Deputy Secretary, Tripura Legislative Assembly, Agartala  
(State Public Information Officer).....Opposite Party

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**ORDER**

**Dated, 07.05.2010**

The complainant Sri Rahul Banik is present.

2. The Opposite Party (OP) Sri S.B. Debbarma, Deputy Secretary, Tripura Legislative Assembly (TLA), Agartala and the State Public Information Officer (SPIO) appeared and submitted a written representation, which is attached to records and a copy of the same was furnished to the complainant.

3. Heard oral submissions made by the complainant and the OP. Also perused the written request dated 22.02.2010 of the complainant submitted to the SPIO in the TLA, the written complaint dated 16.04.2010 of the complainant lodged with this Commission, the written representation dated 06.05.2010 of the OP and the written rejoinder dated 07.05.2010 of the complainant.

4. Brief facts leading to this complaint are that the complainant made a written request on 22.02.2010 to the

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SPIO in the TLA, Agartala accompanied by the requisite amount of application fee in the form of Indian Postal Order seeking certain items of information under the RTI Act, 2005 (for short the Act). Having no response from the concerned SPIO within the statutory period prescribed by the Act and even till the date of lodging this complaint, the complainant has approached this Commission with this complaint seeking direction to have access to the information sought for by him vide his written request dated 22.02.2010 and also to take penal action against the concerned SPIO under section 20(1) of the Act. Along with the written complaint, the complainant has furnished photocopies of the relevant documents.

5. The information sought for by the complainant vide his written request dated 22.02.2010 submitted to the Deputy Secretary, TLA being the SPIO are quoted below:-

"(i)How many subordinate legislations laid before the house of TLA referred to the Rules Committee are pending for considerations the Rules Committee. A list of such sub-ordinate legislation are to be provided.

(ii)How many petitions are pending for consideration of Petition Committee?

(iii)How many Assurances given by the Ministers during the sessions of the house are pending for considerations by the Assurance Committee. A list of such pending Assurances is to be furnished.

(iv)During the last three calendar year for how many days the Assembly was in sessions (Year wise break up is to be furnished)."

6. In his written representation dated 06.05.2010 submitted to this Commission on 07.05.2010, the OP has stated that the information sought for by the complainant were required to be collected from different Sections dealing with different Committees and, therefore, the same could not be furnished to the complainant within the statutory period of 30 days. However, after the required information were collected and compiled, the same were furnished to the complainant vide his letter No.F.8(34)-A/Sectt/Lib/08 dated 26.03.2010 sent by post. The complainant however, has denied to have received the said letter of the SPIO till date. Being directed by this Commission, a copy of the letter dated 26.03.2010 of the SPIO containing the information furnished was handed over

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to the complainant during hearing on the complaint on 07.05.2010.



7. After perusal of the said letter of the SPIO, the complainant vide his written rejoinder dated 07.05.2010 submitted to this Commission has expressed his satisfaction about the information provided under items - (i), (ii) & (iv) since these were complete and adequate while agitated that the information provided under item -(iii) was incomplete as the list of 10 (ten) Assurances pending till date has not been furnished by the SPIO and, therefore, sought direction of this Commission to have access to that part of the information.

8. The information sought for by the complainant vide his written request dated 22.02.2010 was furnished by the OP being the SPIO on 26.03.2010 making a delay of 3 days, which the SPIO has explained to have required for collection of the information from different Sections dealing with different Committees and for their compilation before disclosure. The OP has also verbally submitted that he was never against the disclosure of the information sought for by the complainant nor he had any malafide intention to deny their disclosure. Under the circumstances, this Commission is inclined to accept the explanation offered by the OP and to ignore the little delay in providing the information and, therefore, is of the opinion that this is not a fit case for penalty to be imposed under section 20(1) of the Act. The OP has also expressed in his written representation that on receipt of the written request for information in issue, the same was processed in file seeking decision of the higher authorities regarding disclosure, which was totally against the provisions of the Act and the Tripura Right to Information Rules, 2008 (for short the Rules). The OP being a quasi-judicial authority under the Act is required to decide a written request for information independently without being dictated by others. This apart, the OP being the SPIO should not have taken so much of time for collection, compilation and disclosure of the information sought for by the complainant. This Commission is, therefore, constrained to observe that the OP being the SPIO should be more careful and circumspect in future in dealing with the written request for information strictly in adherence to the relevant provisions of the Act and the Rules. The OP is further directed that in future all communications meant for the information seekers should be sent only under registered post.

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9. In view of the facts and the circumstances of the case stated above, the complaint stands disposed of with the orders that the OP Sri S.B. Debbarma, Deputy Secretary, TLA being the SPIO shall furnish the list of 10 (ten) pending Assurances being the remaining part of information under item – (iii) to the complainant within a period of 15 days from the date of passing of this order and shall submit a compliance report to this Commission forthwith.

10. Let copy of this order be sent to the complainant and the OP. Also send a copy of this order to the Secretary, TLA being the head of the Public Authority.

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

Nö. 302-06

Dated, 07.05.2010

Copy to:-

- 1.Sri Rahul Banik, S/O Sri Bijoy Banik, C/O Sri Sambhunath Biswas, Bhati Abhoynagar, West Para, Agartala, West Tripura, Cell Phone No-9436483812 (Complainant).
- 2.Sri S.B. Debbarma, Deputy Secretary, Tripura Legislative Assembly, Agartala (State Public Information Officer)- OP.
3. The Secretary, Tripura Legislative Assembly, Agartala (Head of the Public Authority).

Cs 7/5/10  
(S.C.Saha)  
Secretary

Tripura Information Commission