



TRIPURA INFORMATION COMMISSION
P.N.Complex: Gorkhabasti : Agartala

Complaint No. TIC – 39 of 2009-10

Sri Jiban Kumar Dasgupta
S/O Late Mono Ranjan Dasgupta
C/O Sri Dharendra Dey
Nutan Patty, Near North Point School
Dharmanagar- 799250
North Tripura.....Complainant.

Vs

1.Sri T.K. Bhowmik, Deputy Secretary, office of the Chief Engineer [R&B], PWD,
Government of Tripura, Agartala (State Public Information Officer).
2.Sri G. Banik, Statistical Inspector, Office of the Chief Engineer (R&B), PWD,
Government of Tripura, Agartala (State Assistant Public Information Officer).
.....Opposite Parties

ORDER

Dated, 15.01.2010

The complainant Sri Jiban Kumar Dasgupta is present.

2. The Opposite Party (OP) 1 Sri T.K. Bhowmik, Deputy Secretary, Office of the Chief Engineer [R&B], PWD, Government of Tripura, Agartala and the State Public Information Officer (SPIO) and the OP 2 Sri G. Banik, Statistical Inspector, Office of the Chief Engineer (R&B), PWD, Government of Tripura and the State Assistant Public Information Officer (SAPIO), both appeared and submitted their respective written representations, which are attached to records.

3. Heard oral submissions made by the complainant and the OPs. Also perused the written complaint dated 11.12.2009, the written request dated 21.07.2009 of the complainant submitted to the SPIO in the office of the Chief Engineer (R&B),PWD and the information furnished by the OP 1 being the SPIO vide his letter dated 21.10.2009.



4. Brief facts leading to this complaint are that the complainant made a written request on 21.07.2009 to the SPIO in the office of the Chief Engineer (R&B), PWD accompanied by the requisite amount of application fee seeking certain items of information under the RTI Act, 2005 (for short the Act). It is alleged by the complainant that in response to his above written request, Sri T.K. Bhowmik, Deputy Secretary, Office of the Chief Engineer (R&B), PWD, Government of Tripura and the SPIO vide his letter dated 21.10.2009 had knowingly furnished incorrect, mis-leading and part information. It is further alleged by the complainant that the SPIO had collected application fee and additional fees from the complainant illegally in violation of the provisions of section 7(6) of the Act. Being dissatisfied with the information provided by the SPIO, the complainant has approached this Commission with this complaint seeking direction to have access to the correct and complete information as sought for by him and also demanded for refund of the application fee and the additional fees deposited by the latter. Along with the written complaint, the complainant has submitted photo copies of the relevant documents.

5. The complainant vide his written request dated 21.07.2009 had sought for the following information:-

- (i) For road work, Measurement Books (MBs) are maintained by PWD- certified copy of the rule and the procedure etc for maintaining such MBs (whether they are maintained in field, whether signature of the Executing Agency is required etc) are required.
- (ii) If for any reason whatsoever, the MB is not recorded in field and measurement is recorded on any other book/Reg/paper etc- what is the maximum time limit for transfer of such measurement to a valid MB and whether in this case also signature of Executing Agency (who have done the road work) is mandatory?
- (iii) Whether for violation of any of the provisions of (i) & (ii) above will make the MB null and void?

6. In response to the above written request of the complainant, the OP 1 being the SPIO vide his letter No.F.44(2)-MC(PWD)/2009/54 dated 21.10.2009 had furnished the following information:-

- (i) Measurement Books are maintained on the basis of measurements taken at the site of work and also recorded in

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Measurement Books accordingly. Copies of the relevant pages from CPWD Work Manual are enclosed.



(ii) It is not allowed to record any measurement other than Measurement Book/Field book for survey works. So it is unauthorized to copy entries from any other note book/register etc. Signature is to be obtained from the Agency executing the works.

(iii) The reply of item No. 1 & 2 above gives the reply to the same issue.

7. The complainant vide his written complaint dated 11.12.2009 lodged with this Commission has agitated as follows:-

- a) The complainant was required to disclose the name of the employer, present place of posting as well as the reasons for making the request for information first to the SAPIO and then to the SPIO before receiving the information.
- b) The application fee of Rs.10/- and the additional fees of Rs.14/- were charged in violation of section 7(6) of the RTI Act.
- c) The SPIO has knowingly given incorrect, misleading and part information and no provision/address for first appeal was provided.
- d) Against item-(i), the relevant pages of the CPWD Works Manual were provided without any mention whether the said Manual was adopted and if so, from which date?
- e) Against item-(ii), survey work was not sought for. Whether measurement of road work can be noted in field book or in any other manner in the field other than MB and if so, the time limit for transfer of the measurement in the MB?
- f) The reply given by the SPIO against item-(iii) is not clear. It needs to be specifically mentioned whether or not violation of the above two rules will make the MB null and void?
- g) Demanded refund of the application fee and the additional fees deposited by the complainant.

8. On careful examination of the information sought for by the complainant vide his written request in issue and the information provided by the SPIO, it appears that specific information according to the requirement of the complainant were not furnished. It was most unfair on the part of the SAPIO and the SPIO to compel the complainant to give the reasons for making the request for information and other personal details except those that were required

[Handwritten signature]



for contacting the latter as the same is barred by section 6(2) of the Act. The written request dated 21.07.2009 of the complainant was first responded to by the SPIO on 09.10.2009 directing the complainant for payment of Rs.14/- as additional fees and thereafter, the information were provided by the SPIO on 21.10.2009 which were much beyond the time limit specified in section 7(1) of the Act. Therefore, it was illegal on the part of the SPIO to demand and realize the additional fees from the complainant in violation of the provisions of section 7(6) of the Act. Thus, the OP 1 being the SPIO is required to refund the amount of additional fees to the complainant illegally realized from him. Since, the complainant does not belong to BPL, he is not entitled to refund of the application fee deposited by him as this is a requirement under section 6(1) of the Act to make the written request for information valid.

9. In his written representation dated 15.01.2010, the OP 1 has submitted that the delay in providing the information was for the reasons that at the time of receiving the written request in issue, the entire office of the Chief Engineer (R&B), PWD was being shifted to the new Secretariat building at Capital Complex and that the OP 1 was out of station from 30.07.2009 to 23.08.2009 on leave and further that the CPWD Works Manual was misplaced during shifting. However, he assured that in future, he would strictly follow the time limits prescribed by the Act in dealing with the written request for information. The OP 1 has further submitted that he was never against the disclosure of the information sought for by the complainant nor he had the intention to furnish any misleading or incomplete information. He had disclosed the information according to his understanding of the written request of the complainant in issue, OP 1 added. There is no doubt that some irregularities were committed in dealing with the written request in issue. But, this Commission is convinced that those irregularities were not intentional on the part of the SPIO nor he had furnished any misleading information. However, I am constrained to observe that both the SPIO and the SPIO are required to be more careful and circumspect in future in dealing with the written request for information under the Act.

10. In fine, the complaint stands disposed of with the following orders:-

- (a) OP 1 Sri T.K. Bhowmik, Deputy Secretary, Office of the Chief Engineer [R&B], PWD, Government of Tripura and the SPIO is directed to furnish specific information against



- Items- (i), (ii) & (iii) as sought for by the complainant vide his written request dated 21.07.2009 within a period of 15 days from the date of passing of this order.
- (b) The OP is also directed that he should arrange for immediate refund of Rs. 14/- to the complainant illegally realized from the latter as additional fees since the SPIO could not provide the information to the complainant within the statutory period prescribed by the Act. However, the refund shall be made after obtaining all the required formalities.
- (c) Both the OP 1 and the OP 2 being the SPIO and the SAPIO respectively are directed to 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 Tripura Right to Information Rules, 2008.
- (d) The OP 1 shall submit a report of compliance of the above orders to this Commission forthwith.

11. Let copy of this order be sent to the complainant and the OPs 1 & 2. Also send a copy of this order to the Chief Engineer (R&B), PWD, Government of Tripura being the head of the Public Authority.

Sd/-

(B.K.Chakraborty)

State Chief Information Commissioner

No. 341-34

Dated, 15.01.2010

Copy to:-

1. Sri Jiban Kumar Dasgupta, S/O Late Monoranjan Dasgupta, C/O Sri Dharendra Dey, Nutun Patty, Near North Point School, Dharmanagar- 799250, North Tripura (Complainant).
2. Sri T.K. Bhowmik, Deputy Secretary, office of the Chief Engineer [R&B], PWD, Government of Tripura, Agartala (State Public Information Officer) – OP 1.
3. Sri G. Banik, Statistical Inspector, Office of the Chief Engineer (R&B), PWD, Government of Tripura, Agartala (State Assistant Public Information Officer)- OP 2.
4. The Chief Engineer (R&B), PWD, Government of Tripura, Agartala (Head of the Public Authority).

(S.C.Saha)

Secretary

Tripura Information Commission