



In the Tripura Information Commission
P.N. Complex: Gorkhabasti: Agartala

Complaint No. 9 of 2006-07.

Sri Tapas Dey, Ex- MLA
23, Krishnanagar
Bijoy Kumar Chowmuhani (West)
Agartala- 799001Complainant

Vrs.

The Director of Industries & Commerce, Government of Tripura, Agartala
.....Opposite Party

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

PRESENT:

1. Sri B.K.Chakraborty
State Chief Information Commissioner

2. Sri D.K.Daschaudhuri
State Information Commissioner

For the Complainant : Sri Tapas Dey

For the Opposite Party: Sri Abhishek Chandra, Director of Industries &
Commerce, Government of Tripura, Agartala.

Date of hearing : 24.08.2006

Date of pronouncing judgment : 24.08.2006

Facts :

1. This is a complaint dated 08.08.2006 as preferred by Sri Tapas Dey, Ex- MLA as per provision of section 18 of the RTI Act, 2005. The facts leading to the complaint are that the complainant made telephonic requests on



01.04.2006 and 03.04.2006 to the Director of Industries & Commerce, Government of Tripura for furnishing information regarding the beneficiaries of incentive schemes and MOU between the Industrial Entrepreneurs and the Department of Industries & Commerce from 1998 etc. In response to the request, the Director of Industries & Commerce sent a letter under No.F.DI/RTI/1(2)/2006/8151 dated 16.05.2006 to the requester Sri Tapas Dey with the request to take the following steps:

(A) To make application in the prescribed format under the RTI Act, 2005 to the Public Information Officer.

(B) To deposit the following amount to the Assistant Public Information Officer.

(i) For information related to MOU:

(a)	Application Fee	: Rs. 10.00
(b)	66 page @ Rs. 2/- per page	: Rs. 132.00
(c)	One tenth salary of 3 employees who had Compiled the record	: <u>Rs. 1210.00</u>
		<u>Rs. 1352.00</u>

(ii) For information related to Subsidy :

(a)	Application Fee	: Rs. 10.00
(b)	22 page @ Rs. 2/- per page	: Rs. 44.00
(c)	1/10 th salary of 3 employees who had Compiled the same	: <u>Rs. 2100.00</u>
		<u>Rs. 2154.00</u>

2. According to the complainant, the assessment of fees computed by the Director of Industries & Commerce is exorbitant. He approached before this Commission for taking necessary action against such unjustified computation of fees.

3. In response to summons, Sri Abhishek Chandra, Director of Industries & Commerce- the Opposite Party appeared and submitted a written representation on the complaint. He contended that at the relevant time Sri P. Datta, General Manager of Industries & Commerce was the State Public Information Officer in the Directorate of Industries & Commerce. He further submitted that as the information was collected through different sources and was not readily available, the fees were charged as per sections 7(1) & 7(5) of the RTI Act, 2005.



Findings & Order :

4. On the face of the complaint itself, it appears that the complainant has not submitted the written application with the application fee to the concerned State Public Information Officer (SPIO) or the State Assistant Public Information Officer (SAPIO) following the request of the Director of Industries & Commerce. So, the present complaint as lodged by the complainant appears to be premature and deserves no action to be taken by this Commission. In the present case the complainant should have first submitted the request for information in writing and deposited the application fee to the concerned SAPIO for disclosure of the information.

5. However, as a matter of academic discussion we may express our opinion about one item of additional fee as assessed and claimed by the Director of Industries & Commerce towards salaries of the employees who had compiled the records. Preparation of records for disclosure of information is the duty of the concerned employees and, therefore, for that purpose, no cost towards their salaries should be charged from the requester who requested for information. Only the cost for preparation of the copies should be charged as per provisions of the Tripura Right to Information Rules, 2005 and not for the preparation of records. So, the cost being the salary of employees for compilation of the records as charged by the Director of Industries & Commerce is not permissible under the said Rules.

6. It appears from the letter of the Director of Industries & Commerce bearing No. F.DI/RTI/1(2)/2006/8151 dated 16.05.2006 addressed to Sri Tapas Dey that the task of assessment of fees has been taken by the Director of Industries & Commerce himself which ought to have been done by the concerned SPIO as per provisions of section 7(1) of the RTI Act, 2005.

7. In view of the discussion made here-in-above, if he so desires, the complainant may submit his written request for information and deposit the application fee to the concerned SAPIO in the Directorate of Industries & Commerce as instructed by the Director of Industries & Commerce. Thereafter, the SPIO in the Directorate of Industries & Commerce may notify further fees in the light of the discussion made here-in-above and inform the complainant. After the complainant

deposits the assessed amount of additional fees, the SPIO shall dispose of the request as per provisions of the RTI Act, 2005.

8. With the above observations the complaint is disposed of.

9. Let copy of this judgment & order be furnished to the complainant and the Opposite Party free of cost.

Sd/-
(**D.K.Daschadhuri**)
State Information Commissioner

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

Authenticated.

22/08/06
(Sudhir Sarkar)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION
P. N. COMPLEX : GORKHABASTI : AGARTALA

Complaint No. 9 of 2006-07/

August 24, 2006

Copy to:

1. Sri Tapas Dey, Ex- MLA, 23, Krishnanagar, Bijoy Kumar Chowmuhani, (West) Agartala- 799001 (Complainant).
2. Sri Abhishek Chandra, Director of Industries & Commerce, Government of Tripura , Agartala (Opposite Party).
3. Sri P. Dutta, General Manager, Industries & Commerce, Government of Tripura (SPIO).



22/08/06
(Sudhir Sarkar)
Secretary
Tripura Information Commission