

OFFICE OF THE COMMISSIONER OF CUSTOMS (IMPORT-II),
नवीन सीमाशुल्क भवन, बेलार्ड इस्टेट, मुंबई-1
NEW CUSTOM HOUSE, BALLARD ESTATE, MUMBAI - 1

फारम: आरटीआई/आयात-II-89/2018-19

आदेश की तिथि : 04/02/2019
जारी करने की तिथि : 04/02/2019

द्वारा पारित आदेश : श्री. अशोक एम. नाईक
केन्द्रीय जन सूचना अधिकारी, (सी. पी. आई. ओ.)
सहायक आयुक्त सीमाशुल्क (आयात-II)
नवीन सीमाशुल्क भवन, बेलार्ड इस्टेट, मुंबई-1

आदेश सं. 76 /2018-19

प्रस्तावना

- 1 यह प्रति जिसे यह जारी की गई है के उपयोग के लिए निःशुल्क है।
- 2 इस निर्णय के विरुद्ध, प्रथम अपीलीय प्राधिकारी, अपर आयुक्त सीमाशुल्क (आयात), प्रथम तल, नवीन सीमाशुल्क भवन, बेलार्ड इस्टेट, मुंबई- 400 001 के समक्ष अपील की जा सकती है।
- 3 सूचना का अधिकार अधिनियम, 2005, की धारा 19 के अनुसार इस निर्णय की प्राप्ति के 30 दिनों के अंदर अपील का दाखिला आवश्यक है।
- 4 अपील व्यक्तिगत रूप से अपर आयुक्त सीमाशुल्क (आयात), प्रथम तल, नवीन सीमाशुल्क भवन, बेलार्ड इस्टेट, मुंबई- 400 001 या उनकी ओर से अधिकृत किसी अधिकारी के समक्ष रखी जाए।

विषय : सूचना का अधिकार अधिनियम, 2005 के तहत **Shri Ramesh Kumar Potla**, द्वारा दायर आवेदन दिनांक **01.01.2019** रहित – संदर्भित।

1. An application dated 01.01. 2019 filed by Shri Ramesh Kumar Potla, Avidipta Housing Complex, Block- 1G, Flat – 1403, 401, Barakhola, Kolkata 700 091 (Hereinafter referred to as Applicant) under Right to Information Act, 2005. received in this department on -07.01.2019.
2. Information was sought by the Applicant under RTI Act, 2005.
I request certain statistical and unrestricted information of Exports and Imports consisting of 100% of available All Imports and Exports transactions starting 01.10.2018 to 31.12.2018 or whatever latest data available till date, of all ports / customs locations falling under your jurisdiction.

Imports database

- ITC Harmonised Code 8 digit (RITC_CD)
- Product Description (ITEM_DESC1 + ITEM_DESC2)
- Date of Shipment (BE_DT)
- No of Units (NOU)
- Units of Quantity (UQC)
- Gross weight
- Assessable Value in INR
- Country of Origin
- Port of Origin
- Country of Shipment
- Port of Shipments (POS)
- Port of Destination (InianPort)

Exports database

- ITC Harmonised Code 8 digit (RITC_CD)
- Product Description (ITEM_DESC1 + ITEM_DESC2)
- Date of Shipment (BE_DT)
- No of Units (NOU)
- Unit of Quantity (UQC)
- Gross weight
- FOB value in INR
- Country of Destination
- Port of Destination
- Port of shipment (InianPort)

"These are data field needed by me, but if for the sake of convenience to your office, if there is already a "Ready to use MIS" which has more data field than requested by me or identical data fields as requested by me, please consider to increase the scope of request to include such fields."

3. RTI application is provided after due examination of the reply received from the concerned section, the reply of the RTI application is as follows :-

Under RTI jurisprudence that the applicant cannot ask CPIO to undertake an elaborate exercise to ascertain the information. The information sought by you is in the nature of third party information and commercial confidence/trade secrets and no relationship to any larger public interest has been made out by applicant. Hence, the information cannot be disclosed under provisions of Section 8(1) (d) read with section 8(1) (j) of RTI Act, 2005.

4. An appeal against this order may be made under section 19(1) of the RTI Act 2005 to the First Appellate Authority (FAA):-

Name and address of the Appellate Authority:

Shri. Rajesh Kothari,
Joint Commissioner of Customs (Import-II)
New Custom House, Ballard Estate,
Mumbai-400 001.

ORDER

5. The Application is disposed of accordingly.

(अशोक एम. नाईक)

केन्द्रीय जन सूचना अधिकारी, (सी. पी. आई. ओ.)
सहायक आयुक्त सीमाशुल्क (आयात-II)

OK

Copy to:-

1. Shri Ramesh Kumar Potla,
Avidipta Housing Complex,
Block- 1G, Flat - 1403, 401,
Barakhola, Kolkata 700 099.

order issued by speed post + Email with original Tpo
Rs 50/- 78G 241777

V Gande (Em)
04/04/2019

STN 1K444444

* Since the desired information cannot be provided to you. Therefore, Indian Postal Order of Rs. 50/- bearing no.78G 241777 sent by you with your RTI application, against CD Charges, returned along with this reply letter.

2. Joint Commissioner of Customs (Import-II)
New Custom House, Ballard Estate, Mumbai - 400 001.

01-01-2019

To,

The Assistant Commissioner
The Central Public Information Officer
New Custom House
Ballard Estate
Mumbai - 400001

07/11/2019
आर. टी. आई. कक्ष (आयात)
R. T. I. Cell (Import)
नवीन सीमाशुल्क भवन
New Custom House
मुंबई
Mumbai

My Reference No: RTI/ Custom Data/ Mumbai - Import I / Import II
/2017

Period: 01-10-2018 to 31-12-2018

Sub: 100% available Import Export Data Information under Section 6(1) of RTI act 2005 with respect to all Bill of Entries and shipping bills cleared, Please also include data of shipping bills and bills of entry cleared under various Schemes DEPB, EPCG, Advance license, FPS, FMS, EOU, Ex-Bond, Sez, VKYU etc

Respected Sir:

I Ramesh Kumar Potla, under Section 6(1) of RTI Act 2005, hereby apply for certain information explained in detail in heading marked "RTI Request Description"

A. Forward

Sir, I expressly state that I do not wish to seek monetary or administrative penalties on you.

It is unfortunate that current structure of penalties of RTI has reduced the RTI process to a contest of legal intellect between a citizen and CPIO of a Public Authority, whereby each try to outwit each other.

This defeats the purpose of RTI act.

Respected Sir, CPIO are supposed to help Citizens of country to seek the information required by them, they are supposed to go beyond the "Administrative convenience" of the department and perform the "quasi-judicial" role, under the RTI Act 2005, with due diligence, following the principles of natural justice and respecting the RTI Act in letter and spirit.

I would request you to proactively assist me in providing information as specified under Section 5 (3) of RTI act.

2

B. Kindly Provide Acknowledgement and Registration number

Kindly provide acknowledgement and Registration number of my RTI request.

C. RTI Act Request Description

I request certain statistical and unrestricted information of Exports and Imports consisting of 100% of available All Imports and Exports transactions starting 01-10-2018 to 31-12-2018 or whatever latest data available till date, of all ports / custom locations falling under your jurisdiction.

C1. Scope of Data Coverage: All Ports / Custom Locations under your jurisdiction at Sea, Air, Land, Courier, Postal, EOU, EPZ, SEZ, STPI, ICES1.5, ICES1

Pls also include in the data all Bill of Entries and shipping bills cleared under various Schemes DEPB, EPCG, Advance license , FPS, FMS, EOU, SEZ, Ex-Bond, VKYU etc

C2. Data Fields

Imports database

- ITC Harmonized Code 8 Digit (RITC_CD)
- Product Description (ITEM_DESC1 + ITEM_DESC2)
- Date of Shipment (BE_DT)
- No of Units (NOU)
- Unit of Quantity (UQC)
- Gross weight
- Assessable Value in INR
- Country of Origin
- Port of Origin
- Country of Shipment
- Port of Shipment (POS)
- Port of Destination (IndianPort)

Exports Database

- ITC Harmonized Code 8 Digit (RITC_CD)
- Product Description (ITEM_DESC1 + ITEM_DESC2)
- Date of Shipment (SB_DT)
- No of Units (NOU)
- Unit of Quantity (UQC)
- Gross weight
- FOB Value in INR
- Country of Destination
- Port of Destination
- Port of Shipment (IndianPort)

These are data fields needed by me, but if for the sake of convenience to your office, if there is already a "Ready to use MIS" which has more data fields than requested by me or identical data fields as requested by me, please consider to increase the scope of request to include such fields.

D. Form of Information

Form of information requested by me is in essence digital form and I expressly state my willingness to accept information in whichever digital form your office is comfortable providing in.

As long as information provided is in digital form and it is possible to read the information through any commonly available software, it is fine with me.

E. Methods you can use to get the Information

Here are some suggestions on methods to extract information. These are only suggestions to assist you and are not my specific requirements.

E1. Native Ready to use MIS Formats

I understand the MIS information systems in your office already have many formats of MIS reports, formats of which could be quite similar to my request. Kindly offer me to select the MIS format suitable to me by sending all MIS formats available with your office.

Here are some sample formats : Export Report Id : E-MIS-STA-37, Import Report Id : I_MSR_0020

You can print this MIS reports in a PDF file and email me or send me by CDROM. Kindly do not send me data in Hard copy, unless manually written data is only available with you.

E2. Use Process Document of your office to extract information.

The Workflow Process explained in the said document to be followed for each adhoc Information/ MIS request is per following diagram:
Copy Enclosed: Process Document ICES 1.5

E2.1 Work Flow of Process Document

National NIC Team
Will approve the "Script" and Send it back to Branch System Managers

Branch System Manager
Will fill up a Form and then forward to National SI Helpdesk

Branch NIC Technical Person
Will prepare the Script and send to National NIC team for Approval

**National SI HelpDesk -
At PA- DG-Systems**
Will execute the Script and will send the data to Branch System Manager

Branch System Manager
Will make a request to make a "Script" and send to Local NIC Personnel.

Branch System Manager
Will then Handover the data to CPIO

CPIO of Branch

- Recives RTI Request
- Acknowledge & Examine Request
- Reject or To Provide information - Send it further to System Manager

E3. Native Text Extracts using "Select" Sql Statement in Oracle.

I understand the information your office has information in a Oracle database. There is facility in Oracle to run a "Select" statement and export selected fields to a text extract. Such extracts export data in .csv (comma separated values) or text (tab separated values) and such data is acceptable to me.

Here are some information on how to use "Select" statement to extract data.

- http://download.oracle.com/docs/cd/B14117_01/server.101/b10759/statements_10002.htm
- <http://techonthenet.com/sql/select.php>
- http://www.oracle-dba-online.com/sql/oracle_sql_select_statement.htm

E4. Create New MIS Format

In case none of the above options work out, You may also ask the "System Managers or IT managers" of your office to create a MIS report specifically designed for me and you can charge me a additional fee if your office incurs a additional cost due to such creation.

As I will have to borne the additional expenses, please be kind enough to give me the calculations on how you arrived at the additional cost.

E5. Oracle Database Dump

Alternatively in case you find the above options not feasible for any reason, You may provide the data in oracle dump, in such case kindly send details on how to read this data with details like database names, table names, user name, password, oracle database version etc, so that I can try to read the database.

F. Release of Information in Public Domain pertains to National Public interest and National Trade Felicitation.

Sir, my request is very important and concerns national public interest.

Indias Exports amount to around 22% of GDP. India Imports are equal to 22% of GDP.

India Imports around 1,22,970 crores worth of goods per month (Oct 2010) and India exports goods worth around Rs. 79,763 crore (Oct-2010) per month, and Customs Revenue collected in 2008-2009 was 1,00,071 Crores.

All this statistics clearly indicate that Indian Exports Imports play a very vital part in growth of our country.

Indian Trade & Industry needs to understand and evaluate the trend and direction of India's Foreign Trade. Citizens of Country need this data to do research and analysis on trends, growth and direction of India's Foreign Trade in various sectors.

I am doing a research project and urgently need the information.

Release of Export Import Data in public domain is very vital, Since this request pertains to a National public interest, kindly consider the importance of request and direct a technical person to extract the data.

G. Your Office has requisite infrastructure, Team and Mandate to provide information.

Customs is the nodal agency to record, maintain and provide statistical data related exports Imports. Customs is the primary source of this information and controls 100% of India's foreign Trade totaling to billions of records.

Your Office has spent almost 1000 crores of Citizen's money to create, consolidate and maintain IT Automation projects called ICES 1.5 and ICES 1. Your office has a world class datacenter, systems, personnel and requisite and world class IT vendors like Oracle, HP, TCS, consultants like Price Water House Coopers, teams of programmers, System Managers, and database administrators to record, update, maintain and extract necessary information.

Kindly go through the Section 4 (1), and 4 (2) of RTI Act 2005, which clearly states that your office is under obligation to provide information.

4. (1) Every public authority shall-

a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerized are, within a reasonable time and subject to availability of resources, computerized and connected through a network all over the country on different systems so that access to such records is facilitated;

Section 4 (2) It shall be a constant endeavor of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suomotu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

3

Hence providing information to Citizens of Country is also part of work of Your Office and IT managers and System Managers of your Office are under obligation to assist you to provide data under Section 5 of RTI Act 2005.

(5) Any officer, whose assistance has been sought under sub-section (4), shall render all assistance to the Central Public Information Officer or State Public Information Officer, as the case may be, seeking his or her assistance and for the purposes of any contravention of the provisions of this Act, such other officer shall be treated as a Central Public Information Officer or State Public Information Officer, as the case may be.

H. Fees

I have enclosed fees for the RTI application in form of Indian Postal Order Dated 01.01.2019 bearing number 23F 147342 for Rs 10/-

I. Exclusions and Partial Data:

I have not asked for any third party names. These are statistical data requested by me. Section 8 does not apply here. Still, In case you do not have data or do not wish to provide data for a particular zone or criteria mentioned above or a data field, please provide balance data / data fields.

If data is denied in whole or in part, please be kind enough to specify under which Section of RTI exemption(s) is(are) claimed for each data field denied.

Please do not refuse entire information. Please do not deny without specifying a section under RTI act.

J. Mode of delivery

You can send me data by email to omprakashji99@gmail.com or in a CD rom / DVD rom.

K. Please Transfer if information is not held by you.

In case you have sufficient reasons to believe that information is not held by you, than as per Section 6(3) of RTI act, please provide a reason of such transfer and then transfer my request to each Individual CPIO of each Custom Location within 5 days of receipt of this request with a copy to me with contact details of the each CPIO of Public Authority.

Please do not simple state that your office does not have information.

L. Please do not wait till 30 days.

Sir, my request is of urgent nature, it concerns a research project and pertains to national public interest, I most respectfully and humbly request you not to wait for 30 days to provide information or reject information.

I reproduce Section 7 (1) of RTI act :

7. (1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9:

M. Conclusion

Respected Sir, since It is a crucial issue I have tried to make a conscientious RTI request and have tried to the best of my ability to make the request as clear as possible to help you take a informed and conscientious decision.

I apologize for mistakes if any in my language, lengthy explanations, and references to RTI act which may take away your precious time.

However this has been done to save time later by avoiding to drag the matter to First Appeal and Second Appeal at CIC, which frustrates RTI act and also is a burden on existing already overloaded judicial resources.

I again repeat that I do not wish to seek monetary or administrative penalties on you or contest you before First Appellate Authority and before CIC.

I rather most humbly and respectfully request you not to reject my request but examine its merits conscientiously and help me and proactively assist me in providing information as specified under Section 5 (3) of RTI act as a Quasi Judicial Authority and go beyond the "Administrative convenience" of your office and perform the "quasi-judicial" role, under the RTI Act 2005, with due diligence, following the principles of natural justice and respecting the RTI Act in letter and spirit.

Furthermore, should you have any questions concerning this request, please contact me at below mentioned contact details.

Sincerely,

Ramesh Kumar Potla
Ramesh Kumar Potla
Avidipta Housing Complex,
Block - 1G, Flat -1403
401, Barakhola,
Kolkata -700099
Mob-9830236662
Email : omprakashji99@gmail.com

Encl:

- a) Indian Postal Order of Rs. 10/- dated 01.01.2019
Bearing 23F 147342
- b) Indian Postal Order of Rs. 50/- bearing no
78G 241777 against CD Charges.