



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

Complaint No TIC- 28 of 2008-09.

Sri Amit Kumar Bhawsinka
C/O Fortuna Agro Plantations Ltd.
8/1 Laibazar Street, Bikaner Building
3rd Floor, Middle Block
Kolkata – 700 001
Mobile Phone No- 09339430243.....Complainant

Vs.

Sri C.K.Das, Deputy Conservator of Forests (W/L), office of the PCCF, Government of Tripura, Agartala (State Public Information Officer).
.....Opposite Party

In the matter of the complaint under section 18(1)
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: None.

For the Opposite Party: Sri C.K.Das, Deputy Conservator of Forests (W/L),
office of the PCCF, Government of Tripura, Agartala
(State Public Information Officer).

Date of lodging the complaint: 23.09.2008

Date of hearing: 27.10.2008

Date of pronouncing the judgment and order: 18.11.2008

JUDGMENT AND ORDER

Facts:

1. This complaint arose out of a written application dated 19.09.2008 of Sri Amit Kumar Bhawsinka (here in after referred to as the complainant) sent by courier post and was received by this Commission on 23.09.2008. The



complainant alleged that he submitted a written request on 17.07.2008 depositing application fee of Rs. 10/- in cash on 18.07.2008 to the State Public Information Officer (SPIO) in the office of the PCCF, Government of Tripura, Agartala seeking certain information under the RTI Act, 2005 (for short the Act). But, the complainant received no response from the concerned SPIO till the date of lodging this complaint although the statutory period for providing the information already expired. Hence, the complainant approached this Commission seeking direction for having access to the information sought for and also for taking necessary action for causing negligence and delay in providing the information by the concerned SPIO. Along with the written complaint, the complainant furnished photocopies of his written request dated 17.07.2008 and the money receipt towards payment of application fee.

2. On perusal of the written complaint with enclosures, adequate materials are found to take cognizance of a complaint under section 18(1), of the Act and accordingly, it was registered.

3. In response to the summons, the Opposite Party (OP) Sri C.K. Das, Deputy Conservator of Forests, (W/L), office of the PCCF, Government of Tripura, Agartala and the SPIO appeared and submitted his written representation.

4. On the date of hearing, the complainant remained absent without any step despite notice. So, the complaint was heard and disposed of exparte. Heard oral submission made by the OP.

Point to be decided:

5. In consideration of the facts and the circumstances of the case, the following points are to be decided:-

- (i) Is the complainant entitled to have access to the information sought for vide his written request dated 17.07.2008?
- (ii) Has the OP being the SPIO caused delay in disposal of the written request in issue to warrant penalty as per provisions of section 20(1) of the Act?

Reasons for decision:

6. Point No.(i): We have carefully perused the written request dated 17.07.2008 of the complainant and the written representation submitted by the OP. It is submitted by the OP that the information sought for by the complainant related to several Forest Divisions and for collection of the same sufficient time was required. Due to closure of the offices on the occasion of Durga Puja, the matter of collection of the information has been delayed. Besides, he was also overburdened with several other official incumbencies. In the meantime, he has



already processed collection of the information and further 30 days time would be required to provide them to the complainant.

7. After appreciation of the submission placed by the OP and the written request of the complainant in issue, our views on the entitlement of the complainant to the information sought for by him vide his written request dated 17.07.2008 are given below:-

Sl No	Particulars of the information sought for by the complainant	Views of this Commission as to the entitlement of the complainant's access to the information
(1)	Certified copy of letter No.F. 16-13/saw mill/ND-07/1822-23 dated 27.11.2007 issued by Divisional Forest Officer, Northern Division to Principle Chief Conservator of Forests.	Since the record pertaining to the information supposed to be lying with the office of the PCCF, Agartala, the SPIO is under obligation to provide the certified copy.
(2)	Certified copy of any other letter from Divisional Forest Officer, Kailashahar as reminder or as clarification for renewal of license of Industrial Saw Mill written to Principle Chief Conservator of Forests.	The particulars of the information sought for are not specific and clear since it does not contain the period, for which renewal of the license was sought. So, the SPIO is under no obligation to provide the same.
(3)	Certified copy of all the internal notes exchanged within the office of the Principle Chief Conservator of Forests, Agartala after receipt of letter as stated in point No- 1 & 2 above.	The Internal notes exchanged within the office of the PCCF, Agartala after receipt of the letter as stated in item -1 can only be provided by the SPIO if it is not exempted under any of the clauses of section 8(1) of the Act. However, since the particulars of the information mentioned in item -2 are vague, the question of providing internal notes pertaining to such information does not arise.
(4)	Certified copy of any letter written to Divisional Forest Officer, Kailashahar or Conservator of Forest, Kumarghat seeking clarification for renewal of license of Industrial Saw Mill by the office of the PCCF.	For want of period of renewal of license, the particulars of both the information under item - 4 & 5 are considered to be vague and, therefore, the SPIO is under no obligation to provide such information.
(5)	Certified copy of any letter received from Divisional Forest Officer, Kailashahar or Conservator of Forest, Kumarghat after receipt of letter as stated in point No-4 above.	



(6)	Certified copy of minutes of State Level Committee approving shifting of Industrial Saw Mill from AD Nagar Industrial Estate to Murticherra WBIE.	The SPIO is under obligation to provide the information if it is not barred by any of the clauses of section 8(1) of the Act.
(7)	Certified copy of RTI application under which the above point No-1 to 6 as sought for.	Construction of the particulars of information reveals that the complainant sought for certified copy of the written request dated 17.07.2008. Although, it is not intelligible as to why the complainant required certified copy of the same written request submitted by him to the concerned SPIO as copy of the same was supposed to be lying with the former but, since the complainant required to get the certified copy of the written request dated 17.07.2008, the same may be provided to the complainant by the concerned SPIO.
(8)	Inspection of relevant files/ records related to the point No 1 to 6 above.	Since, the complainant did not specify by mentioning which records and which files to be inspected, the SPIO is under no obligation to allow inspection of any vague file and the documents therein without ascertaining the entitlement.

8. All the information under items - 1, 3(in part), 6 & 7 as discussed above are supposed to be lying in the office of the PCCF, Government of Tripura and there may not be any necessity to wait for collection of the above information from the outlying stations and, therefore, the SPIO should provide the above information within a period of 15 days from the date of passing of this judgment and order free of charge since the SPIO could not provide the information to the complainant within the statutory period. The first point is decided accordingly.

9. Point No.(ii): Apparently, it revealed that the OP being the SPIO committed delay in disposal of the written request in issue. It is in the record that the written request in issue was received by the State Assistant Public Information Officer in the office of the PCCF, Government of Tripura on 18.07.2008 and, therefore, it was supposed to be disposed of within a period of 35 days from the date of its receipt i.e. by 22.08.2008. As to the reasons for delay, it is explained by the OP that he was under the impression to collect the information from the Divisional Forest Officer, Northern Division, Kailashahar and the Conservator of Forest, Northern Circle, Kumarghat, which would require some time. He further added that since he was overburdened with some other government duties of his office

↓



and also for intervention by the puja vacation for 10 days, he was unable to attend the written request in issue. However, in the meantime he could collect some information for disclosure to the complainant. He verbally assured the Commission that henceforth he would strictly follow the time frame prescribed by the Act in disposal of the written request under the Act. The explanations offered by the OP for causing the long delay are not at all satisfactory. However, considering the burden of duties entrusted on him and his undertaking to follow strictly the time frame as prescribed by the Act in future, we view his negligence leniently with the warning that he should be more circumspect in future in dealing with the written request seeking information under the Act strictly following the time frame prescribed by the Act.

Decision:

10. In fine, the complaint is partially allowed on contest with the following orders:-

- (i) The OP being the SPIO shall provide the information to the complainant against items - 1, 3(in part), 6 & 7 of the latter's written request dated 17.07.2008 in the light of the discussions made in paragraphs - 7 & 8 above within a period of 15 days from the date of passing of this judgment and order free of charge as the SPIO could not provide the information to the complainant within the statutory period.
- (ii) The OP being the SPIO should be more circumspect in future in dealing with the written request seeking information under the Act strictly following the time frame prescribed by the Act.

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

12. Pronounced.

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

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

Authenticated

S 18/4/08
(S.C.Saha)
Secretary

Tripura Information Commission




Tripura Information Commission
P. N. Complex: Gorkhabasti ; Agartala

Complaint No. TIC- 28 of 2008-09 / 1396-98

Dated, 18.11.2008

Copy to:-

1. Sri Amit Kumar Bhawsinka, C/O Fortuna Agro Plantations Ltd., 8/1 Lalbazar Street, Bikaner Building, 3rd Floor, Middle Block, Kolkata – 700 001 (Complainant).
2. Sri C.K.Das, Deputy Conservator of Forests (W/L), office of the PCCF, Government of Tripura, Agartala (State Public Information Officer).
3. The Principal Chief Conservator of Forests, Government of Tripura, Agartala (Head of the Public Authority).


(S.C.Saha)
Secretary

Tripura Information Commission