



TRIPURA INFORMATION COMMISSION

P.N. COMPLEX: GORKHABASTI: AGARTALA

Complaint No. TIC- 23 OF 2008-09

Sri Sadhan Ch. Basu
S/O Late Brajendra Kr. Basu
Jute Mill Quarter Complex
P.O.- ONGC, P.S.- Amtali
Bishalgarh, West Tripura
Phone No- 237 4332.....Complainant

Vs.

Smt. Tanusree Debbarma, Sub Divisional Magistrate, Bishalgarh Sub – Division,
Bishalgarh, West Tripura (State Public Information Officer).

.....Opposite Party

ORDER

Dated, 17.10.2008

The complainant Sri Sadhan Ch. Basu appeared.

2. OP Smt. T. Debbarma, SDM, Bishalgarh Sub-Division, and the SPIO also appeared and submitted a written representation and an additional written representation, copies of which are furnished to the complainant.

3. Heard oral submissions made by both the parties. It is revealed from the written representation of the OP that her predecessor being the SPIO, in response to the written request dated 10.06.2008 of the complainant, sent a communication vide letter No. 4160/F.5(41)-SDM/BLG/JDL/06 dated 16.06.2008 asking the latter to appear before the then SPIO and fill up the prescribed form for issuing the guidelines of PRTC. But, the complainant did not respond to the said letter. The complainant by submitting a written rejoinder stated that the said letter was not received by him. It is further stated by the OP in her written representation that the complainant was further asked vide letter No.1394/F5(41)-SDM/BLG/JDL/06 dated 22.09.2008 to collect the PRTC guidelines after depositing the cost for preparation of the information. In reply to the above claim of the OP, the complainant verbally stated that he appeared before the OP on the due date as called for but, the latter apprised him of the fact that since a complaint was lodged and being enquired into by this Commission, no further step could be



taken by her at that stage. The OP further submitted that she took over as SDM, Bishalgarh Sub - Division on 27.08.2008 and that the information sought for by the complainant is ready for disclosure. It is also admitted by the OP in her additional written representation that some procedural irregularities occasioned in dealing with the written request of the complainant and she assured the Commission that all procedural norms will be strictly followed henceforth.

4. We have carefully appreciated the facts narrated above. The complainant vide his written request dated 10.06.2008 sought for the information, namely, if there exist any guidelines requiring submission of proof of existence of the name of the petitioner and his family members in the voter list of 1971 and prior to that for the purpose of issue of PRTC. The OP did not raise any objection in disclosure of the information sought for rather submitted that the information required by the complainant is ready for disclosure. We also do not find any bar in law in disclosure of the said information. The OP is, therefore, under obligation to provide the information to the complainant.

5. We are constrained to put it on record that although the predecessor of the OP had taken some steps towards disposal of the written request of the complainant in issue within the statutory period but, that was found to be not in accordance with the provisions of the RTI Act, 2005 (for short the Act) and the Tripura Right to Information Rules, 2008 (for short the Rules). Even the OP herself also after taking the charge of the office of the concerned SPIO took no step for final disposal of the written request in issue till the date of lodging the complaint. It is admitted by the OP that some procedural irregularities occasioned due to her lack of adequate knowledge about the relevant provisions of the Act and the Rules. However, she undertook to follow the procedural norms in toto henceforth. Considering the facts that the OP and her predecessor took some steps for disposal of the written request of the complainant and that the OP is now ready for disclosure of the information, we are inclined to take a lenient view with the direction that they should strictly adhere to all the relevant provisions of the Act and the Rules in handling with the written request seeking information under the Act in future.

6. In fine, the complaint is disposed of with the direction that the OP Smt. T. Debbarma, SDM, Bishalgarh Sub-Division

shall provide the information to the complainant as sought for vide his written request dated 10.06.2008 within a period of 10 days from the date of passing of this order free of cost since the information could not be provided to the complainant within the statutory period of 30 days.

7. Let copy of this order be sent to the complainant and the OP.



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

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

Authenticated

to 17/10/08
(P. Chakraborty)
Secretary
Tripura Information Commission

Tripura Information Commission

P. N. Complex: Gorkhabasti : Agartala

Complaint No- TIC-23 of 2008-09 / *1280-57*

Dated, 17.10.2008

Copy to:-

1. Sri Sadhan Ch. Basu, S/O Late Brajendra Kr. Basu, Jute Mill Quarter Complex, P.O.- ONGC, P.S.- Amtali, Bishalgarh, West Tripura (Complainant).
2. Smt. Tanusree Debbarma, Sub Divisional Magistrate, Bishalgarh Sub – Division, Bishalgarh, West Tripura (State Public Information Officer).

otc

to 17/10/08
(P.Chakraborty)
Secretary
Tripura Information Commission