



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

APPEAL NO. TIC- 29 OF 2008-09

Sri Jyotsnamoy Dewan
S/O Late N.L. Dewan
P.O.- Lalcherra, P.S.- Longtarai valley
Dhalai District
Cell Phone No- 9863587449.....Appellant

Vs.

1.Sri Bimal Ch. Choudhury, Deputy Register of Cooperative Societies, Ambassa, Dhalai District (First Appellate Authority).

2.Sri Sukanta Saha, Assistant Register of Cooperative Societies in the office of the Deputy Register of Cooperative Societies, Ambassa, Dhalai District (State Public Information Officer).....Respondents

ORDER
Dated 17.11.2008

The appellant Sri Jyotsnamoy Dewan is absent without any step despite notice.

2. Sri Dipak Saha, Cooperative Officer, office of the DRCS, Dhalai, Ambassa, appeared for and on behalf of the Respondent1 Sri Bimal Ch. Choudhury, Deputy Register of Cooperative Societies, Ambassa, Dhalai District & the FAA and the Respondent 2 Sri Sukanta Saha, Assistant Register of Cooperative Societies, office of the DRCS, Ambassa, Dhalai District & the SPIO duly authorized and submitted a common written representation signed by both the Respondents 1 & 2, which is attached to records.

3. Heard oral submission made by Sri Dipak Saha, the authorized representative of the Respondents 1 & 2 and also perused the memorandum of second appeal with enclosures and the common written representation of the Respondents 1 & 2. This second appeal is decided with the following findings and orders:-

(i) The case of the appellant is that he submitted on 23.10.2008 a written request to the SPIO in the office of the DRCS, Dhalai, Ambassa, seeking the information within 48 hours considering the same to be related to the liberty of the appellant, which is summarized below:-



Action taken report/ judgment and order upon the hearing held on 22.10.2008 on the application of the appellant and others made before the Election Officer of Lalcherra SSSS Ltd. in the office of the Chalengta LAMPS regarding deletion of membership published in the tentative voter list, who are not eligible to be a member as per by-laws of the society.

(ii) Having no response within 48 hours of making the request, the appellant preferred a memorandum of first appeal on 27.10.2008 to the DRCS, Dhalai, Ambassa, being the FAA. But, the FAA also failed to dispose of the first appeal within a reasonable time. Hence, the appellant preferred this second appeal before this Commission on 06.11.2008 seeking appropriate redress.

(iii) In response to the summons, both the Respondents 1 & 2 submitted a joint written representation. It is stated by them that the appellant received the tentative voter list on 15.10.2008 and the copy of the final voter list on 30.10.2008. However, after receipt of the written request under the RTI Act, 2005 (for short the Act), the appellant was further supplied with the required information on 11.11.2008 through peon book and the photocopy of the relevant page of the peon book is also furnished before this Commission as proof of receipt of the information by the appellant, which shows that the appellant received the information on 12.11.2008. The Respondents along with the written representation furnished photocopies of the final voter list and the other information provided to the appellant, which include the information sought for by the latter.

(iv) The first question for decision is that whether the information sought for by the appellant concerns his life or liberty to attract the provisions of section 7(1) of the Act making the SPIO liable for disclosure of the information within 48 hours. The information is related to inclusion of the name of the appellant in the voter list necessary for holding election of a cooperative society. In our view, such information does not constitute the information pertaining to the life or liberty within the meaning of Article 21 of the Constitution of India. Therefore, the concerned SPIO was under no obligation to provide the information within 48 hours. The fact established that ultimately the concerned SPIO provided the required information to the appellant within 30 days and, therefore, no latches on the part of the said SPIO is found. Since, the information was required to be provided within 30 days of receipt of the written request,

subsequent first and second appeal are considered to be pre-matured and liable to be not maintainable at this stage.



(v) This second appeal thus stands dismissed.

4. Let copy of this order be sent to the appellant and the Respondents. Also send a copy of this order to the Registrar of Cooperative Societies, Government of Tripura being the head of the Public Authority.

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

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

Authenticated

ds 17/11/08
(S.C.Saha)
Secretary
Tripura Information Commission

No. 1385-88

Dated, 17.11.2008

Copy to:-

- 1.Sri Jyotsnamoy Dewan, S/O Late N.L. Dewan, P.O.- Lalcherra, P.S.- Longtarai valley, Dhalai District (Appellant).
- 2..Sri Bimal Ch. Choudhury, Deputy Register of Cooperative Societies, Ambassa, Dhalai District (First Appellate Authority).
- 3.Sri Sukanta Saha, Assistant Register of Cooperative Societies in the office of the Deputy Register of Cooperative Societies, Ambassa, Dhalai District (State Public Information Officer).
4. The Registrar of Cooperative Societies, Government of Tripura, Agartala (Head of the Public Authority).

o/c

ds 17/11/08
(S.C.Saha)
Secretary
Tripura Information Commission