



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

Complaint No TIC- 31 of 2008-09.

Sri Badal Kanti Choudhury
S/O Sri Manindra Kr. Choudhury
A.K.Road, West Joynagar
Agartala- 799001 : West TripuraComplainant

Vs.

Sri Anil Ch. Das, Senior Research Officer, Directorate of School Education,
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: The complainant Sri Badal Kanti Choudhury himself.

For the Opposite Party: Sri Anil Ch. Das, Senior Research Officer, Directorate
of School Education, Government of Tripura, Agartala
(State Public Information Officer).

Date of lodging the complaint: 21.10.2008


Date of hearing: 13.11.2008

Date of pronouncing the judgment and order: 03.12.2008

JUDGMENT AND ORDER

Facts:

1. This complaint arose out of a written application dated 21.10.2008 of Sri Badal Kanti Choudhury (here in after referred to as the complainant) received by this Commission on the same date. It is alleged by the complainant that on 17.10.2008 at about 10-45 A.M. when he visited the office of Sri Anil Ch. Das, Senior Research Officer, Directorate of School Education, Government of Tripura,



Agartala and the State Public Information Officer (SPIO) to submit a written request seeking information under the RTI Act, 2005 (for short the Act), he was subjected to misbehaviour by the said officer with the threatening not to make such type of queries. He further alleged that the said SPIO remarked that such type of queries would not be replied to. However, he deposited his written request accompanied by the application fee to the receipt section. Along with the written complaint, the complainant furnished a photocopy of his written request dated 16.10.2008 seeking information.

2. Perusing the written complaint with enclosure and finding materials, took 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 Anil Ch. Das, Senior Research Officer, Directorate of School Education, Government of Tripura, Agartala and the SPIO appeared and submitted his written representation, copy of which was furnished to the complainant. The OP denied the allegations brought against him.

4. Heard oral submissions placed by both the parties.

Point to be decided:

5. The only point to be decided is whether the OP misbehaved with the complainant, refused to receive the written request seeking information under the Act and denied to allow disclosure of the information thereof.

Reasons for decision:

6. At the outset, it is observed that the written complaint suffers from inconsistency to the extent that while the written request in issue was shown to have been deposited to the office of the OP on 16.10.2008, the complainant alleged that he was subjected to misbehaviour by the OP on 17.10.2008 at 10-45 A.M. at the time of tendering the said written request. The complainant explained that it was a pen mistake and the date of occurrence in the written complaint should have been as 16.10.2008 in stead of 17.10.2008. However, it is admitted by the OP that the complainant approached him on 16.10.2008 for submission of a written request seeking a bulk of information, all of which were not available in the custody of his public authority i.e. the Directorate of School Education, Government of Tripura, but with the Director (SECRET), who is a separate public authority. He tried to convince the complainant to submit the written request in issue to the concerned public authority in order to avoid delay in getting the information by the latter. But, the complainant insisted on submitting the written request to his office, when it was accepted and thereafter,

↓
e.



the petition was transferred to the concerned SPIO of the SCRET and the latter has also provided the information to the complainant. The allegation of causing misbehavior or harassment to the complainant is flatly denied by the OP rather submitted that the dealing assistant made allegation to him about the misbehavior of Sri Choudhury, when he called for Sri Choudhury in his chamber and tried to make him understand that for prompt action, it is better to seek the information sought for by him directly from the concerned public authority i.e. the Director (SCRET).

7. The charge of causing misbehaviour by the OP with the complainant is denied by the OP. So, the burden of proving the fact of such misbehavior with the complainant and the denial of disclosure of information by the OP rested with the complainant. But, he could not adduce any corroborative evidence in support of his allegation. Merely relying on the lone statement of the complainant, the OP cannot be held guilty of causing such misbehaviour and denial of disclosure of information. It is transpired in course of hearing that in the meantime, after receipt of the written request by the OP, the same was transferred to the concerned SPIO of the SCRET and the latter has already provided the information to the complainant. So, the accusation of not taking any step on the written request in issue by the OP leads to be not proved.

8. We are of the considered view that giving advices to the complainant by the OP to submit the written request to the concerned SPIO of another public authority in order to minimize the time for providing the information is fully within the competence of an SPIO and for that the complainant should not have grudged. For effective implementation of the RTI Act, it deserves that there should be a healthy and friendly relation between the information seeker and the information giver and the duty cast upon both the parties to restrain any ill feeling against each other.

Decision:

9. In view of the discussions made here in above, the complaint stands rejected.

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

11. Pronounced.

Sd/-

(D.K.Daschadhuri)

State Information Commissioner

Sd/-

(B.K.Chakraborty)

(State Chief Information Commissioner)



Authenticated

↓ 21/12/08
(S.C.Saha)
Secretary

Tripura Information Commission

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

Complaint No. TIC- 31 of 2008-09 | 1468-70

Dated, 03.12.2008

Copy to:-

- 1.Sri Badal Kanti Choudhury, S/O Sri Manindra Kr. Choudhury, A.K.Road, West Joynagar, Agartala- 799001 : West Tripura (Complainant).
- 2.Sri Anil Ch. Das, Senior Research Officer, Directorate of School Education, Government of Tripura, Agartala (State Public Information Officer).
3. The Director of School Education, Government of Tripura, Agartala (Head of the Public Authority).

↓ 21/12/08
(S.C.Saha)
Secretary

Tripura Information Commission