



TRIPURA INFORMATION COMMISSION

P. N. Complex: Gorkhabasti

Agartala – 799 006

Complaint No. TIC - 05 of 2010-11.

Sri Arindam Kar
S/O Sri Ranjit Kar
C/O Nihar Ranjan Dutta
Ramnagar Road No-7 (near Noboday Club)
Agartala, West Tripura
Cell Phone No-9863652905.....Complainant

Vs

Sri C.K.Das, Deputy Conservator of Forests (Wild Life), office of the PCCF,
Government of Tripura, Agartala (State Public Information Officer).

.....Opposite Party

ORDER

Dated, 02.06.2010

The complainant Sri Arindam Kar is present.

2. Sri Parimal Chandra Das, Accounts Officer and the SAPIO in the office of the PCCF, Government of Tripura appeared for and on behalf of the Opposite Party (OP) Sri C.K.Das, Deputy Conservator of Forests (Wild Life), office of the PCCF, Government of Tripura and the State Public Information Officer (SPIO) and informed that the OP is on leave due to illness. The written representation dated 25.05.2010 of the OP received by this Commission on 28.05.2010 is put up today and attached to records.

3. Heard oral submissions made by the complainant and the SAPIO appearing for and on behalf of the OP. Also perused the contents of the written request dated

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31.03.2010 of the complainant submitted to the SPIO in the office of the PCCF, Government of Tripura and the written complaint dated 10.05.2010 lodged with this Commission.

4. Brief facts leading to this complaint are that the complainant made a written request on 31.03.2010 to the Deputy Conservator of Forests (Wild Life) and the SPIO in the office of the PCCF, Government of Tripura accompanied by the requisite amount of application fee seeking certain items of information under the RTI Act, 2005 (for short the Act). But, the concerned SPIO did neither respond to the said written request nor furnished any information to the complainant within the statutory period prescribed by the Act and even till the date of lodging this complaint. The complainant has, therefore, approached this Commission with this complaint seeking direction to have access to the information sought for by him vide his written request dated 31.03.2010 and also to take penal action against the concerned SPIO under section 20(1) of the Act. Along with the written complaint, the complainant has furnished photocopies of the relevant documents.

5. The information sought for by the complainant in the form of certified copies vide his written request dated 31.03.2010 submitted to the SPIO in the office of the PCCF, Government of Tripura are as follows:-

(i) The Rule framed by the Government of Tripura in exercise of power conferred by section 76(d) of Indian Forest Act, 1927.

(ii) The letter No. F.17(233)/For-Dev/NBM/1586-94 dated 22.04.2009 issued by the PCCF, Government of Tripura.

(iii) The Notification No.F.7(8)/For/FP-2001/14,431 dated 25.08.2001 issued by the Forest Department, Government of Tripura.

6. In his written representation dated 25.05.2010, the OP has submitted that the written request dated 31.03.2010 of the complainant was responded to by him vide his intimation letter No.F. 21(14)/RTI/For-2010/993 dated 16.04.2010 sent by registered post asking the complainant to

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deposit an amount of Rs. 88/- as additional fees and to collect the information from the SPIO/SAPIO/ RTI Cell in the office of the PCCF, Government of Tripura. This was also informed to the complainant by the SAPIO requesting the former to deposit the additional fees and to collect the information, the OP verbally added. But, the complainant did neither respond to the said intimation nor deposited the amount of additional fees as was asked for. Instead, the intimation letter dated 16.04.2010 of the SPIO was returned to him by the Postal Staff with the remarks "Not Known" recorded on the body of the envelope. The SPIO has produced photocopy of the said envelope as a proof in support of his submission. The OP has further submitted that the information though kept ready in his custody, but could not be furnished to the complainant for the reasons stated above.

7. Section 3 of the Act provides that only the citizens of India shall have the right to information. Therefore, in case of any doubt about the nationality of an information seeker, the SPIO for his satisfaction has the right to demand for production of the valid citizenship certificate. Since, the written request dated 31.03.2010 of the complainant was responded to by the SPIO by sending the letter of intimation to the complainant within the time limits specified in section 7(1) of the Act and that the SPIO could not furnish the information due to non payment of the additional fees by the complainant, the demand of the complainant to take penal action against the SPIO under section 20(1) of the Act does not stand.

8. Under the above circumstances, the complaint stands disposed of with the following orders:-

- (i) The complainant shall pay an amount of Rs. 88/- (Rupees eighty eight) only as additional fees to the SPIO within a period of 7 seven days of this order.
- (ii) Within a period of 7 days from the date of receipt of payment of the requisite amount of additional fees from the complainant, the OP Sri C.K.Das, Deputy Conservator of Forests (Wild Life), office of the PCCF, Government of Tripura being the SPIO shall furnish photocopies of the documents sought for by the complainant and recorded at para - 5 above duly certified under his name, seal, signature and date.

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- (iii) In case; the complainant does not pay the requisite amount of additional fees within the given time, the OP being the SPIO will have no obligation to furnish the information to the complainant and the case shall be treated as closed.

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

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

No. 675-76

Dated, 02.06.2010

Copy to:-

- 1.Sri Arindam Kar, S/O Sri Ranjit Kar, C/O Nihar Ranjan Dutta, Ramnagar Road No-7 (near Noboday Club), Agartala, West Tripura (Complainant).
- 2.Sri C.K.Das, Deputy Conservator of Forests (Wild Life), office of the PCCF, Government of Tripura, Agartala (State Public Information Officer)- OP.

(S.C.Saha)
Secretary

Tripura Information Commission