



**IN THE TRIPURA INFORMATION COMMISSION**  
P. N. Complex: Gorkhabasti : Agartala

Complaint No. TIC - 32 of 2008-09.

Sri Bijay Kumar Agarwal  
C/O Fortuna Agro Plantations Ltd.  
8/1, Lalbazar Street, Bikaner Building  
3<sup>rd</sup> Floor, Middle Block  
Kolkata – 700 001

Mobile Phone No- 09433049363.....Complainant

Vs.

- 1.Sri C.K.Das, Deputy Conservator of Forests (W/L), office of the PCCF, Government of Tripura, Agartala ( State Public Information Officer).
- 2.Sri Sushanta Gupta, Divisional Forest Officer, Working Plan Division No-1, Gandhigram ( near Salbagan ), Agartala ( State Public Information Officer).
- 3.The Principal Chief Conservator of Forests, Government of Tripura, Agartala (Head of the Public Authority)

.....Opposite Parties

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 No1: Sri C.K.Das, Deputy Conservator of Forests (W/L), office of the PCCF, Government of Tripura, Agartala (State Public Information Officer).

For the Opposite Party No 2: Sri Sushanta Gupta, Divisional Forest Officer, Working Plan Division No-1, Gandhigram (near Salbagan), Agartala (State Public Information Officer).

For the Opposite Party No 3: Sri C.K.Das, Deputy Conservator of Forests (W/L), office of the PCCF, Government of Tripura, Agartala (State Public Information Officer) for & on behalf of the OP 3 duly authorized.

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Date of lodging the complaint: 21.10.2008  
 Dates of hearing: 25.11.2008 & 20.12.2008  
 Date of pronouncing the judgment: 06.01.2009



### JUDGMENT AND ORDER

#### **Facts:**

1. This complaint arises out of a written application dated 03.10.2008 of Sri Bijay Kumar Agarwal (here in after referred to as the complainant) sent by courier post and received by this Commission on 21.10.2008. The case of the complainant is that he submitted a written request on 29.04.2008 accompanied by application fee of Rs. 10/- to the State Public Information Officer (SPIO) in the office of the PCCF, Government of Tripura, Agartala seeking some information under the RTI Act, 2005 (for short the Act). In response, the Conservator of Forests, WRT, office of the PCCF, Government of Tripura, Agartala informed the complainant on 23.07.2008 that the information sought for were not available in his office and the said information were related to the Divisional Forest Officer (DFO), Working Plan Division (WPD) No-1, Agartala and advised to submit the written request to the latter for having the information. Accordingly, the complainant submitted a fresh written request on 29.07.2008 accompanied by fresh application fee of Rs. 10/- to the DFO, WPD No-1 being the SPIO seeking information. In response to the said written request, the DFO, WPD No-1 and the SPIO informed the complainant on 08.08.2008 that none of the information sought for was available in his office. The DFO, WPD No-1 sent the written request dated 29.07.2008 to the PCCF, Government of Tripura requesting to provide the required information to the complainant if these were available in the former's office. But, till the date of lodging this complaint, the complainant received no further response from the office of the PCCF, Government of Tripura. Hence, the complainant approached this Commission by way of this complaint for taking necessary action as permissible under the Act for causing such negligence, delay, harassment or suppression of the information by the SPIO and also for having access to the information sought for. The complainant furnished photocopies of all the relevant papers along with his written application.

2. On perusal of the complaint with enclosures, we found adequate materials 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 OP 1 Sri C.K.Das, Deputy Conservator of Forests (W/L), office of the PCCF, Government of Tripura, Agartala and the SPIO appeared and submitted a written representation and an additional written representation. OP 2 Sri Sushanta Gupta, DFO, WPD No-1, Agartala and the SPIO also appeared and submitted a written representation. He also submitted an additional written representation stating that in the meantime, he has been transferred to the TRPC Ltd, Agartala as Deputy Manager and Sri S.K. Paul, IFS is the present SPIO in the office of the Working Plan Division No- 1, Gandhigram

(near Salbagan), Agartala. OP 3, the PCCF, Government of Tripura remained absent. However, he was represented by the OP 1 duly authorized.

4. The complainant despite notice remained absent without any step and, therefore, the complaint is heard and disposed of in his absence.

5. Heard oral submissions made by the OPs 1 & 2.

**Points for decision:**

- (i) Is the complainant entitled to have access to the information sought for vide his written request dated 29.07.2008?
- (ii) If there has been any contravention of the provisions of the Act by the OP 1 as alleged by the complainant?

**Reasons for decision:**

6. Point No.(i): We have carefully gone through the written complaint of the complainant with enclosures, the written representation and the additional written representation of the OP 1, the written representation of the OP 2 and also the oral submissions placed by the OPs 1 & 2. The complainant under his written request dated 29.07.2008 sought for the following information:-

- (1) Certified copy of list of timber made out by Forest Department upon operation /felling of Forest trees under Working plan/ Management plan or any other programme in Tripura after the order of Hon'ble Supreme Court in W.P. (C) no. 202 of 1995 read with the W.P. (C) No. 171 of 1996.
- (2) Permission, if any, granted to any person/Company/buyer for felling/operating Forest trees belonging to Forest Department after the order of Hon'ble Supreme Court in W.P (C) No. 171 of 1996. And if yes, copy of such permission.
- (3) Permission, if any, granted to any person/company/buyer for felling/operating Forest Trees belonging to Forest Department before but within 25 years of the order of Hon'ble Supreme Court in W.P (C) No. 202 of 1995 read with the W.P (C) No. 171 of 1996. And if yes, copy of such permission.
- (4) List of areas along with Forest Division/Range/Beat office under which operation as in point 1, 2 and 3 above for trees made out after/before 1998 along with approved certified copy of Working/Management plan.
- (5) Certified copy of RTI Application in which papers/documents as in points 1 to 4 as above has been sought.
- (6) Inspection of relevant files/records related to points 1 to 5 as mentioned above.

7. OP 1 Sri Sri C.K.Das, Deputy Conservator of Forests (W/L), office of the PCCF, Government of Tripura and the SPIO vide his additional written representation dated 20.12.2008 submitted that the information sought for by the complainant were not available in the office of the PCCF and they were required to be collected from all the Forest Divisions across the State. In the meantime, although some information had been obtained, but some Forest

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Divisions were yet to furnish the information. He also submitted that he would be in a position to disclose the information within a month except the information sought for in the form of inspection of the files since, the particulars of the files sought to be inspected were not clearly and specifically described in the written request.

8. After careful appreciation of the particulars of the information sought for by the complainant, we find that the volume of the information is too large and, therefore, enough time was absolutely necessary for collection of the information from the outlying Forest Divisions by the SPIO in the office of the PCCF, Government of Tripura. However, as to the entitlement of the complainant to the information sought for under items 1, 2, 3 & 4 as mentioned in his written request dated 29.07.2008, the OP 1 raised no objection. We also do not find any bar in the law to allow access to such information. Since, the information were lying with the different Forest Divisions across the whole state of Tripura, the complainant should have preferred the written requests to the respective SPIOs designated for such Forest Divisions and in that case he could have been provided with the information within the statutory period of 30 days. Taking into consideration the peculiar situation, we are of view that such a large volume of information might not be possible to provide within one month period.

9. Under item No- 5 as mentioned in his written request dated 29.07.2008, the complainant sought for certified copy of the RTI application, in which papers/documents as in points No-1 to 4 as above had been sought. The particulars of this information are ambiguous since, the date of application had not been mentioned by the complainant. So, it is rather difficult for the concerned SPIO to identify the application, copy of which is sought to be provided. Under item No-6 as mentioned in the said written request, the complainant sought for inspection of the relevant files of the records related to the points 1 to 5 as mentioned above. The particulars of this information are also vague since, it does not contain any file number. That apart, the information sought for by the complainant under items No- 1 to 4 covered a long period of more than 35 years and, therefore, it is rather impossible for the concerned SPIO to locate and identify the files pertaining to the information sought for in the form of inspection. So, the SPIO is not under any obligation to allow such inspection as sought for by the complainant in absence of specific details.

10. The large volume of the information sought for by the complainant tends to show the tendency of the complainant to put the public authority of the Forest Department in inconvenience and keep the staff of the public authority busy for collection of the records pertaining to the information covering a long period of 35 years involving the whole State of Tripura. Moreover, the attitude of the complainant in submission of the written requests for the whole State centrally in the office of the PCCF instead of their submission to the respective Forest Divisions wherein designated SPIOs have been functioning, leads us to hold that the intention of the complainant is vexatious and to cause harassment and create annoyance to the concerned public authority of the Forest Department. We can not commend and appreciate such attitude of an

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information seeker and, therefore, the complainant is directed not to abuse the rights guaranteed under the Act demanding access to the information intending to cause annoyance and harassment to the public authority.



11. Point No. (ii): The complainant solely based his relief on his written request dated 29.07.2008 submitted to the DFO, WPD No-1, Agartala being the SPIO and the present OP 2. The concerned SPIO did respond to the written request in time by sending the intimation of transfer of the written request to the PCCF, Government of Tripura requesting the latter to provide the information, if available. The OP 1 being the SPIO in the office of the PCCF admitted that he received the written request in issue in time through the PCCF but, he could not respond to the said written request within the time because of the time taken for collection of the information from the outlying Forest Divisions across the State.

12. After due appreciation of the explanation given by the OP 1 for causing delay in responding to the written request in issue, we are of the view that he should have sent an intimation to the complainant to the effect that the information were under collection and would be provided within a reasonable time without keeping the complainant in dark about the fate of the latter's written request or he could have transferred the copies of the written requests to the concerned SPIOs of the outlying Forest Divisions requesting them to provide the information directly to the complainant and the complainant should have been kept informed of this. Considering the facts that the OP 1 had no malafide intention to refuse the information to the complainant, no penal action is warranted against him.

13. As regards the written request dated 29.04.2008 of the complainant seeking information to the SPIO in the office of the PCCF, Government of Tripura, the way it was handled by the then SPIO was not in accordance with the provisions of the Act. However, since, the complainant made a fresh written request on 29.07.2008 seeking the same set of information to another SPIO as advised by the then SPIO, the complainant waived the charge of negligence or violation of the provisions of the Act committed by the then SPIO. Therefore, no action needs be taken against the concerned SPIO at this stage.

**Decision:**

14. In fine, the complaint is allowed on contest partially with the order that Sri C.K.Das, Deputy Conservator of Forests (W/L), office of the PCCF, Government of Tripura, Agartala and the SPIO shall provide the information to the complainant against items No- 1 to 4 as mentioned in his written request dated 29.07.2008 within a period of one month from the date of passing of this judgment and order. However, the OP 1 being the SPIO is under no obligation to provide the information against items No- 5 & 6 as mentioned in the said written request.

15. Let copy of this judgment and order be sent to the complainant and the OPs.

16. Pronounced.



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

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

Authenticated

*S.C.Saha*  
(S.C.Saha)  
Secretary

Tripura Information Commission

### Tripura Information Commission

P. N. Complex, Gorkhabasti : Agartala

Complaint No TIC - 32 of 2008-09 / 12-15

Dated, 06.01.2009

Copy to:-

- 1.Sri Bijay Kumar Agarwal, C/O Fortuna Agro Plantations Ltd., 8/1, Lalbazar Street, Bikaner Building, 3<sup>rd</sup> 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) – OP 1.
- 3.Sri Sushanta Gupta, Deputy Manager, TRPC Ltd., West Zone, Lake Chowmuhani, Agartala [ former State Public Information Officer in the office of the Working Plan Division No -1, Gandhigram ( near Salbagan ), Agartala] – OP 2.
- 4.The Principal Chief Conservator of Forests, Government of Tripura, Agartala (Head of the Public Authority) – OP 3.

*S.C.Saha*  
(S.C.Saha)  
Secretary

Tripura Information Commission