



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

Complaint No TIC- 19 of 2008-09.

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

Vs.

Smt. N.R.Das, Under Secretary to the Government of Tripura, RD Department
(State Public Information Officer in the RD Department, Government of Tripura)
.....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: Smt. N.R.Das, Under Secretary to the Government of Tripura, RD Department (State Public Information Officer in the RD Department, Government of Tripura)

Date of lodging the complaint: 04.09.2008

Date of hearing: 23.09.2008

Date of pronouncing the judgment and order: 30.10.2008

JUDGMENT AND ORDER

Facts:

1. This complaint under section 18(1) of the RTI Act, 2005 (for short the Act) arose out of a written application dated 04.09.2008 of Sri Badal Kanti Choudhury (here in after referred to as the complainant) received by this Commission on the same date. The allegation of the complainant is that in response to his written request dated 07.12.2007 seeking three items of information under the Act, the State Public Information Officer (SPIO) in the RD Department, Government of

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Tripura on 02.01.2008 requested the District Magistrate (DM) & Collectors of North, Dhalai, West and South Tripura Districts to provide the information directly to the complainant. In the meantime, the complainant received the required information from the DM & Collectors of West & South Tripura Districts but, no information was received from the DM & Collectors of North Tripura & Dhalai Districts despite two reminders sent by the concerned SPIO on 04.02.2008 and 19.05.2008. Hence, this complaint before this Commission seeking appropriate redress to have access to the information sought for. Along with the written application, the complainant furnished photocopies of his written request dated 07.12.2007 and the reminders sent by the concerned SPIO to the respective DM & Collectors.

2. In response to the summons, the Opposite Party (OP) Smt. N.R.Das, Under Secretary to the Government of Tripura, RD Department and the SPIO appeared and submitted a written representation stating, inter- alia, that in the meantime, the DM & Collectors of North Tripura & Dhalai Districts have sent the required information to her and she is now in a position to provide the same to the complainant.

3. Heard oral submissions made by the complainant and the OP.

Findings & Orders:

4. On careful perusal of the complaint together with the written request of the complainant seeking information and the written representations of the OP, we find no controversy regarding entitlement of the complainant to have access to the information sought for. It is transpired that the OP being the SPIO committed some irregularities in handling with the written request in issue. While all the information sought for by the complainant were available within the same public authority, the OP should have collected the information and provide them to the complainant within the statutory period instead of requesting the DM & Collectors of four Districts to provide the information directly to the complainant. However, the fact remains that in the meantime, out of four DM & Collectors, two have already furnished the required information to the complainant as confirmed by the latter. It is submitted by the OP that in the meantime, she received the balance information from the other two DM & Collectors and she is now in a position to provide them to the complainant.

5. It also transpires that no formal receipt against payment of application fee by the complainant was issued by the OP being the SPIO. It is pleaded by the OP that due to lack of infrastructure and also for her inadequate knowledge about the relevant provisions of the Act and the Tripura Right to Information Rules, 2008 (the Rules), such irregularities were committed by her. However, she assured this Commission that in future she will act strictly in accordance with the provisions of the Act and the Rules.

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6. Having regard to the discussion made here in above, we dispose of this complaint with the following orders:-

- (i) OP Smt. N.R. Das, Under Secretary to the Government of Tripura, RD Department being the SPIO shall provide the balance information to the complainant as sought for vide his written request dated 07.12.2007 within a period of 10 days from the date of passing of this judgment and order free of cost since the information could not be provided to the complainant within the statutory period.
- (ii) Smt. N.R.Das, Under Secretary to the Government of Tripura, RD Department being the SPIO is directed to be more circumspect in future in dealing with the written request for information under the Act strictly following the provisions of the Act and the Rules.

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

8. Pronounced.

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

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

Authenticated


(P. Chakraborty)
Secretary
Tripura Information Commission

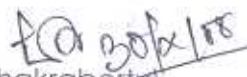
Tripura Information Commission
P. N. Complex: Gorkhabasti : Agartala

Complaint No. TIC- 19 of 2008-09 / 1318-19

Dated, 30.10.2008

Copy to:-

1. Sri Badal Kanti Choudhury, S/O Sri Manindra Kr. Choudhury, A.K.Road, West Joy nagar, Agartala- 799001 : West Tripura (Complainant).
2. Smt. N.R.Das, Under Secretary to the Government of Tripura, RD Department (State Public Information Officer in the RD Department, Government of Tripura)- Opposite Party.


(P.Chakraborty)
Secretary
Tripura Information Commission