



TRIPURA INFORMATION COMMISSION

P.N.Complex: Gorkhabasti : Agartala

Complaint No. TIC – 41 of 2009-10

Sri Sharan Srinivas
B-117 Sarvodaya Enclave
New Delhi- 110017.....Complainant

Vs

Sri Manik Dasgupta, Secretary, Police Accountability Commission, Tripura,
Government Quarters No. Type VI/14, Shyamali Bazar, P.O. Kunjaban, Agartala -
799006.....Opposite Party

ORDER

Dated, 29.01.2010

The complainant Sri Sharan Srinivas is present,

2. The Opposite Party (OP) Sri Manik Dasgupta, Secretary, Police Accountability Commission, Tripura also appeared. The written representation dated 25.01.2010 of the OP received by this Commission on 27.01.2010 is put up today and attached to records.

3. Brief facts leading to this complaint are that the complainant made a written request on 15.10.2009 to the State Public Information Officer (SPIO) in the Police Accountability Commission, Tripura, Kunjaban, Agartala accompanied by the requisite amount of application fee in the form of Indian Postal Order (IPO) seeking certain items of information under the Right to information Act, 2005 (for short the Act). Having no response from the concerned SPIO within the statutory period prescribed by Act, the complainant has approached this Commission with this complaint seeking direction to have access to the information sought for by him and also to take penal action against the SPIO under section 20(1) of the Act. Along with the written complaint, the complainant has submitted photo copies of the relevant documents.

4. The complainant vide his written request dated 15.10.2010 submitted to the SPIO in the Police Accountability



Commission, Tripura had sought for the following information:-*

- (i) Photocopies of all the complaints received by the authority from April, 2007 to August, 2009.
- (ii) Photocopies of the orders or recommendations/action taken on each complaint received and disposed of from April, 2007 to August, 2009.

5. In his written representation, the OP has submitted that though the Police Accountability Commission, Tripura was constituted vide notification No.F.13(71-17)-PD/2003 (Vol-I) dated 20.07.2007 but, the same was not declared as a Public Authority under section 2(h) of the Act. Nor the First Appellate Authority (FAA), the SPIO and the SAPIO for the Commission were designated as was required under the Act. It is only after receipt of the summons dated 17.12.2009 of the Tripura Information Commission, the matter was taken up with the competent authority and thereafter, the Home Department, Government of Tripura by notifications has declared the Police Accountability Commission, Tripura as a Public Authority and also designated the FAA, SPIO and the SAPIO for the Commission, the OP added. The OP further submitted that a vigorous search was made in the office of the Police Accountability Commission, Tripura and found that the written request dated 15.10.2009 of the complainant was not received in the Commission during the period from 15.10.2009 to 18.12.2009. However, on receipt of a copy of the written request in issue along with summons dated 17.12.2009 of the Tripura Information Commission, certified copies of the documents as sought for by the complainant have been sent to him by registered post under postal receipt no- 476 dated 22.01.2010 by the SPIO vide his letter No.F. 1(1)/RTI/PAC/2010/2176-77 dated 22.01.2010.

6. In reply, the complainant orally stated to have sent his written request dated 15.10.2009 along with the requisite amount of application fee in the form of IPO to the SPIO of the Police Accountability Commission, Tripura by registered post but, he could not produce any documentary proof in support of his statement. The complainant also verbally stated that he did not receive the information in the form of certified copies of the documents sent to him by the SPIO till the date of his departure from Delhi. Subsequently, he got the telephonic confirmation that his Delhi office has received the said documents sent by the SPIO after his

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departure from Delhi, the complainant added. However, the SPIO in the Police Accountability Commission, Tripura is directed to handover a set of the certified copies of the documents in issue to the complainant by today.

7. Since, the Police Accountability Commission, Tripura was declared as a Public Authority on 04.01.2010 and Sri Mantu Debbarma, PS-IV was appointed as the SPIO on 05.01.2010, the SPIO cannot be held responsible for the delay. In fact, the SPIO immediately after his designation has attended the written request dated 15.10.2009 of the complainant received along with the summons issued by this Commission and sent the information to the complainant on 22.01.2010, which proves his good intention and applicant friendly attitude. Therefore, this Commission is of the opinion that this is not a fit case for penalty to be imposed under section 20(1) of the Act.

8. In the above circumstances, the complainant expressed his satisfaction about the steps taken and the information provided to him and verbally submitted not to proceed further with this complaint.

9. With the above observations and orders, the complaint stands disposed of.

10. Let copy of this order be sent to the complainant, the OP and the SPIO.

Sd/-

(B.K.Chakraborty)

State Chief Information Commissioner

No. 53-55

Dated, 29.01.2010

Copy to:-

1.Sri Sharan Srinivas, B -117 Sarvodaya Enclave, New Delhi- 110017 (Complainant).

2. Sri Manik Dasgupta, Secretary, Police Accountability Commission, Tripura Government Quarters No. Type VI/14, Shyamali Bazar, P.O. Kunjaban, Agartala - 799006 - OP.

3.Sri Mantu Debbarma, PS-IV, Police Accountability Commission, Tripura Government Quarters No. Type VI/14, Shyamali Bazar, P.O. Kunjaban, Agartala - 799006 (State Public Information Officer).

(S.C.Saha)

Secretary

Tripura Information Commission