



TRIPURA INFORMATION COMMISSION

P.N.Complex: Gorkhabasti : Agartala

Complaint No. TIC – 33 of 2009-10

Sri Ranjan Bhattacharya, Advocate

High Court Bar Association

Agartala, West Tripura

Cell Phone No- 9436124583.....Complainant

Vs.

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

.....Opposite Party

ORDER

Dated, 02.01.2010

The complainant Sri Ranjan Bhattacharya appeared and submitted photocopies of some required documents which were not earlier submitted by him along with his complaint.

2. The Opposite Party (OP) Sri C.K. Das, Deputy Conservator of Forests (W/L), office of the PCCF, Government of Tripura, Agartala and the SPIO also appeared and submitted an additional written representation indicating the status of each of the information sought for by the complainant, which is attached to records.

3. Heard oral submissions made by the complainant and the OP. Also perused the written complaint with enclosures, the written request of the complainant for information submitted to the SPIO, the written representation and the additional written representation of the OP.

4. Brief facts leading to this complaint are that the complainant made a written request on 27.03.2008 to 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). The concerned SPIO denied disclosure of the information sought for despite repeated approaches by the complainant on the grounds that these were exempted under sections 8(1)(h), 8(1)(j) and 11 of the Act. Being dissatisfied with the said decision of the SPIO, the complainant has approached this Commission by way of this complaint seeking direction to have access to the information sought for by him.

5. The complainant vide his written request dated 27.03.2008 submitted to the SPIO in the office of the PCCF, Government of Tripura had sought for the following information:-

- (i) Copy of charge sheet contemplated against Md. Ayub Khan (Retd. PCCF) already been served after his superannuation.
- (ii) Prima-facie report to PCCF(Tripura) sent by DFO, Ambassa vide his Office No.F.57(3)/AD-2004/117-18, Dt. 11th Sept, 2004.
- (iii) Report on "disposal of timber from cyclone damaged Jeolchara Range- report thereof" sent by DFO, Ambassa vide his Office No.F. 57(3)/AD-2004/156-57, Dt. 8th November, 2004 page no. 1 to 16.
- (iv) Explanation asked by DFO, Ambassa to Shri Swarnakanta Malsai, R.A., Jeolcherra Range vide No.F.37(13)/AD-03/5014-16, Dt. 01-09-2004 and its reply furnished.
- (v) Personal diary of M.A.Khan, PCCF(Retd.) w.e.f. 17-04-2004 tp 13-04-2004.
- (vi) Letter No.F.5-9(3)/CFNC/For-94/49-50, Dt. 02-09-2004 against which hushing up of royalty against disposed timber of Jeolcherra.
- (vii) Copy of Charge-sheet and order against misappropriation committed by M.A.Khan, IFS during his incumbency as C.F., Northern Circle.

6. In his written representation dated 08.12.2009, additional written representation dated 31.12.2009 and oral submission, OP Sri C.K. Das, Deputy Conservator of Forests (W/L), office of the PCCF, Government of Tripura and the SPIO has submitted as below:-

- (a) In response to the written request dated 27.03.2008, the then SPIO Sri D.K.Sharma had intimated the complainant that the information sought for by him could not be provided as their disclosure would impede the process of investigation or apprehension or prosecution of a person and that M.A.Khan, retired PCCF being the third party did

(Signature)



not agree for disclosure of the information to the complainant.

(b) The OP verbally submitted that the charge sheet, copy of which has been sought for under item-(i) was framed against M.A.Khan, retired PCCF by the GA(AR) Department, Government of Tripura and a disciplinary proceeding has been initiated against him appointing the Ministry of Environment & Forests, GOI as the Inquiring Authority. Since, the said disciplinary proceeding is yet to be concluded, the copy of the charge sheet cannot be supplied to the complainant since exempted under section 8(1)(h) of the Act.

(c) Copies of the letter dated 11.10.2004 and the report dated 08.11.2004 of the DFO, Ambassa as sought for under items -(ii) and (iii) are available and can be supplied to the complainant.

(d) The records sought for under item- (iv) are not available in the office of the PCCF. However, these can be collected from the DFO, Ambassa and supplied to the complainant.

(e) The OP verbally submitted that the personal diary of M.A.Khan, retired PCCF as sought for under item-(v) cannot be disclosed since exempted under section 8(1)(j) of the Act.

(f) The OP verbally submitted that the letter sought for under item- (vi) has been seized by the Police in a case connection. Therefore, its copy cannot be supplied to the complainant at present due to non-availability.

(g) The copy of the charge sheet, findings of the Inquiring Authority and the order passed by the competent authority are available and can be supplied to the complainant.

/. It was wrong on the part of the former SPIO to deny disclosure of all the information sought for by the complainant vide his written request dated 27.03.2008 on the ground that their disclosure would impede the process of investigation or apprehension or prosecution of a person as except item - (i), section 8(1)(h) is not applicable in respect of other items of information sought for by the complainant. Similarly, since the information sought for by the complainant [except item -(v)] do not attract the



provisions of section 11 of the Act, it was also incorrect on the part of the former SPIO to call for submission of M.A.Khan, retired PCCF treating him as the third party.

8. The complaint stands disposed of with the following orders:-

- (a) Regarding item-(i), the factual position as verbally submitted by the OP shall be intimated to the complainant by the former.
- (b) In regard to items -(ii) and (iii), OP shall furnish the certified copies of letter dated 11.10.2004 and the report dated 08.11.2004 of the DFO, Ambassa to the complainant.
- (c) Regarding item-(iv), OP shall collect the records from the DFO, Ambassa and furnish the certified copies of the same to the complainant.
- (d) Regarding item-(v), the Commission agrees with the submission of the OP and directs that the OP has no obligation for its disclosure since exempted under section 8(1)(j) of the Act.
- (e) Regarding item-(vi), OP has no obligation for disclosure of the letter since the same has been seized by the Police in a case connection and presently not available in the custody of the SPIO. However, the facts verbally submitted by the OP should be intimated to the complainant.
- (f) Regarding item-(vii), OP shall furnish to the complainant the certified copies of the charge sheet, findings of the Inquiring Authority and the order of the competent authority.
- (g) The OP Sri C.K. Das, Deputy Conservator of Forests (W/L), office of the PCCF, Government of Tripura and the SPIO shall comply with the above directions within a period of 20 days from the date of passing of this order and shall furnish a report of compliance to this Commission forthwith.

9. Let copy of this order be sent to the complainant and the OP. Also send a copy of this order to the PCCF, Government of Tripura being the head of the Public Authority.

Sd/-

(B.K.Chakraborty)

State Chief Information Commissioner



Dated, 02.01.2010

No: 1404 - 06

Copy to:-

1. Sri Ranjan Bhattacharya, Advocate, High Court Bar Association, Agartala, West Tripura (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.
3. The Principal Chief Conservator of Forests, Government of Tripura, Agartala (Head of the Public Authority).

02/01/10
(S.C.Saha)
Secretary

Tripura Information Commission