



TRIPURA INFORMATION COMMISSION
P.N.Complex: Gorkhabasti : Agartala

Complaint No. TIC – 37 of 2009-10

Sri Jiban Kumar Dasgupta
S/O Late Monoranjan Dasgupta
C/O Mr. Dharendra Dey
Nutun Patty, Near North Point School
Dharmanagar- 799250
North Tripura.....Complainant

Vs

Sri N.R. Debbarma, Additional Divisional Forest Officer, Bagafa Forest Division
(State Public Information Officer).
.....Opposite Party

ORDER
Dated, 06.01.2010

The complainant Sri Jiban Kumar Dasgupta is present.

2. The Opposite Party (OP) Sri N. R. Debbarma, Additional Divisional Forest Officer (ADFO), Bagafa Forest Division and the State Public Information Officer (SPIO) appeared and submitted a written representation, which is attached to records and a copy of the same is furnished to the complainant.

3. Heard oral submissions made by the complainant and the OP. Also perused the written complaint dated 11.12.2009 with enclosures, the written request dated 27.05.2009 of the complainant, the reply dated 31.08.2009 of the SPIO, the written representation dated 06.01.2010 of the OP and the information provided to the complainant by the OP being the SPIO vide his letter dated 30.12.2009.

4. Brief facts leading to this complaint are that the complainant made a written request on 27.05.2009 to Sri N. R. Debbarma, ADFO, Bagafa Forest Division and the SPIO

↓
K



seeking certified copies of the Offence Reports (ORs) drawn against forest offences at Sabroom Range office of the Forest Department during January, 1987 and revenue realized against those cases. In response to the said written request, the SPIO vide his letter dated 31.08.2009 had forwarded a copy of the letter dated 27.08.2009 of the Range Officer, Satchand Range office denying disclosure of the information sought for on the ground of non-availability. Being dissatisfied with the said decision of the SPIO, the complainant has approached this Commission with this complaint seeking direction to have access to the information sought for by him and also demanded action against the SPIO for un-usual delay in responding to the written request in issue and for denial disclosure of the information malafidely. Along with the written complaint, the complainant has submitted photo copies of the relevant documents.

5. In his written complaint dated 11.12.2009 lodged before this Commission, the complainant has agitated as below:-

- (i) That the order of the SPIO on the written request of the complainant came after more than 3 months.
- (ii) That there is no bar in the Act in providing the information of 22 years old.
- (iii) That the words 'Not available' does not clarify whether the records ever existed, destroyed or lost and in such case, authority for destruction and FIR for the loss is a must.
- (iv) That the ORs are judicial documents and preserved at Range office as well as DFO office.
- (v) That the contents of the ORs are duly entered in seizure register and OR registers which simultaneously cannot go missing from DFO office as well as Range office.
- (vi) That the order of the SPIO is not in conformity with the TRTI Rules, 2008 and unilateral without his appellate provision.

6. In his written representation dated 06.01.2010, OP Sri N. R. Debbarma, ADFO, Bagafa Forest Division and the SPIO has submitted as follows:-

- (i) That the information sought for by the complainant were related to the events that took place 22 years back and that the Sabroom Range office was subsequently withdrawn from existence. For these reasons, it took a lot of time to

66



execute thorough search at all possible places to locate the information for supply to the complainant.

(ii) OP verbally submitted that the work of the erstwhile Sabroom Range office is being looked after by the Satchand Range office since 2006.

(iii) That even after thorough search in the office of the DFO, Bagafa Forest Division, the documents pertaining to the information sought for could not be located and, therefore, the same could not be supplied to the complainant.

(iv) That the complainant did not ask for any clarification or reasons for the non-availability of the information sought for by him.

(v) That the OP being the SPIO vide his letter No.F. 9-2/RTI/SDB-06/19,979-80 dated 30.12.2009 addressed to the complainant has furnished part information in the form of a statement containing details of the forest offences under the Sabroom Range office during January, 1987 and the amount of revenue realized against those cases. However, the certified copies of the ORs could not be supplied due to their non-availability in the office of the DFO, Bagafa Forest Division.

7. The complainant, however denied to have received the information sent to him by post by the SPIO vide his letter dated 30.12.2009. A copy of the letter dated 30.12.2009 of the SPIO along with the authenticated copy of the statement containing the part information was, therefore, furnished to the complainant by the SPIO today on 06.01.2010.

8. It appears that the complainant had submitted his written request for information on 27.05.2009, which was responded to by the SPIO after 96 days on 31.08.2009 in violation of the provisions of section 7(1) of the Act. I am inclined to accept the submission of the complainant that the records pertaining to the information sought for are judicial documents and preserved in two different offices and, therefore, such vital documents cannot go missing simultaneously from both the places. It has been admitted by the OP during verbal submission that after closure of the Sabroom Range office, all records/documents of that office were shifted and preserved in the Satchand Range office. Therefore, the submission of the OP being the SPIO that the records pertaining to the information sought for are not available without being supported by the valid reasons and any documentary proof cannot be accepted. It is, therefore, natural to believe that the SPIO had destroyed the documents/records pertaining to the information which

↓
2

were the subject of the request and malafidely denied their disclosure making him liable to be penalized under section 20(1) of the Act.

9. In view of the facts and the circumstances stated above, the complaint stands partially disposed of with the following orders:-

- (i) OP Sri N. R. Debbarma, ADFO, Bagafa Forest Division and the SPIO is hereby directed to undertake a vigorous search by himself assisted by responsible officers at Satchand Range office to find out ORs drawn against forest offences at the erstwhile Sabroom Range office of the Forest Department during January, 1987 and intimate the result of the search to the complainant within a period of 30 days from the date of passing of this order and shall submit a compliance report to this Commission on the next date and time.
- (ii) This Commission is of the prima-facie view that the OP Sri N. R. Debbarma, ADFO, Bagafa Forest Division and the SPIO did not furnish the information to the complainant within the time specified under section 7(1) of the Act, had destroyed the documents/records pertaining to the information sought for by the complainant and denied their disclosure with malafide intention and, therefore, is liable to be penalized under section 20(1) of the Act. As required under the first proviso to section 20(1) of the Act, a reasonable opportunity is afforded of being heard and to show-cause as to why he shall not be penalized under section 20(1) of the Act by submitting a written representation on the next date and time.

10. **Fix 11.02.2010 at 11 A.M.** for appearance of the OP and submission of a compliance report and the written representation on the show-cause notice.

11. 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






No. 08-10

Dated, 06.01.2010

Copy to:-

1. Sri Jiban Kumar Dasgupta, S/O Late Monoranjan Dasgupta, C/O Mr. Dharendra Dey, Nutun Patty, Near North Point School, Dharmanagar- 799250, North Tripura (Complainant).
2. Sri N.R. Debbarma, Additional Divisional Forest Officer, Bagafa Forest Division (State Public Information Officer) - OP.
3. The Principal Chief Conservator of Forests, Government of Tripura, Agartala (Head of the Public Authority).


(S. C. SAHA)
Secretary,
Tripura Information Commission