



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

Complaint No. TIC – 47 of 2009-10

Sri Benoy Bhushan Majumder
S/O Late Prasanna Kumar Majumder
Vill- Ishan Chandra Nagar, P.O.- Subash Nagar
P.S.- Belonia, South Tripura

.....:Complainant

Vs

Sri Biplab Das, Executive Officer, Amarpur Nagar Panchayat, P.O.- Amarpur, P.S.-
Birganj, South Tripura (State Public Information Officer).

.....Opposite Party

ORDER
Dated, 19.03.2010

The complainant Sri Benoy Bhushan Majumder assisted by his son Sri Joydeb Majumder are present.

2. The Opposite Party (OP) Sri Biplab Das, Executive Officer, Amarpur Nagar Panchayat and the State Public Information Officer (SPIO) appeared and submitted a written representation, which is attached to records.

3. Heard the oral submissions made by the complainant and the OP. Also perused the contents of the written request dated 26.012.2009 of the complainant submitted to the Executive Officer, Amarpur Nagar Panchayat, the decision of the Executive Officer, Amarpur Nagar Panchayat being the SPIO communicated to the complainant vide No.F. 2(8)/RTI/ANP/AMP/2007/4535 dated 22.01.2010 and the written complaint dated 10.02.2010 of the complainant lodged with this Commission.

4. Brief facts leading to this complaint are that the complainant made a written request on 26.12.2009 to the Executive Officer, Amarpur Nagar Panchayat accompanied



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the complainant had denied disclosure of the information invoking the provisions of section 8(j) of the Act. In fact, there is no existence of any section like 8(j) in the Act. Perhaps, the SPIO intended to invoke the provisions of section 8(1)(j) which he wrongly quoted as section 8(j) of the Act. The relatives, friends and the well-wishers of deceased Khirlata (Majumder) Biswas have the right to know her date of death as may be required to be used for different purposes. The date of death of the deceased person is not a personal information and the disclosure of the same would not cause any unwarranted invasion of her privacy. The date of death of a person should also be made available in public domain so that the properties etc. of the deceased person can be enjoyed only by his/her legal heirs. Therefore, the decision of the SPIO to deny disclosure of the date of death of deceased Khirlata (Majumder) Biswas sought for by the complainant holding that the same relates to personal information the disclosure of which has no relationship to any public activities or interest and, therefore, exempted under section 8(j) of the Act was completely misconstrued and erroneous and is liable to be set aside. The Executive Officer, Amarpur Nagar Panchayat being the SPIO is under obligation to inform the complainant in writing the date of death of deceased Khirlata (Majumder) Biswas as recorded in the Birth and Death Register maintained in his office within a period of 10 days from the date of passing of this order.

7. In view of the above facts and the circumstances of the case, the complainant stands disposed of with the following orders:-

- (i) The decision of the Executive Officer, Amarpur Nagar Panchayat being the SPIO communicated to the complainant vide No.F.2(8)/RTI/ANP/AMP/2007/4535 dated 22.01.2010 denying disclosure of the information sought for by the complainant invoking the provisions of section 8(j) of the Act is hereby set aside.
- (ii) The OP Sri Biplab Das, Executive Officer, Amarpur Nagar Panchayat and the SPIO is directed that the date of death of deceased Khirlata (Majumder) Biswas, W/O Late Mon Mohan Biswas of AOC Road, Amarpur as recorded in the Birth and Death Register maintained in his office be communicated in writing to the complainant in his postal address by registered post within a period of 10 days from the date of passing of this order.



(iii) The OP is further directed to send a report of compliance of the above order to this Commission forthwith.

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

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

No. 203-04

Dated, 19.03.2010

Copy to:-

1. Sri Benoy Bhushan Majumder, S/O Late Prasanna Kumar Majumder, Vill- Ishan Chandra Nagar, P.O.- Subash Nagar, P.S.- Belonia, South Tripura (Complainant).
2. Sri Biplab Das, Executive Officer, Amarpur Nagar Panchayat, P.O.- Amarpur, P.S.- Birganj, South Tripura (State Public Information Officer)- OP.

19/3/10
(S.C.Saha)
Secretary

Tripura Information Commission