



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

Complaint No. TIC – 46 of 2009-10

Sri Sishir Jyoti Sarkar (Nadu Sarkar)
S/O Late Paresh Chandra Sarkar
Vill- Tulchhari, Kamalpur, Ward No-7
Dhalai, Tripura, Pin- 799 285

.....Complainant

Vs

Smt. J.B.Duati, Executive Officer, Kamalpur Nagar Panchayat, Kamalpur, Dhalai,
Tripura (State Public Information Officer).....Opposite Party

ORDER
Dated, 20.02.2010

The complainant Sri Sishir Jyoti Sarkar is absent without any step despite the notice sent to him in time.

2. The Opposite Party (OP) Smt. J.B.Duati, Executive Officer, Kamalpur Nagar Panchayat and the State Public Information Officer (SPIO) is also absent without any step despite the summons issued to her in advance.

3. Perused the written complaint dated 03.02.2010 of the complainant submitted before this Commission, and the written request dated 27.01.2010 of the complainant.

4. Brief facts leading to this complaint are that on 27.01.2010, the complainant went to the office of the Kamalpur Nagar Panchayat to submit an application seeking certain items of information under the RTI Act, 2005 (for short the Act), but the Executive Officer, Kamalpur Nagar Panchayat being the SPIO refused to accept the application and compelled the complainant to purchase an application form from the office of the Kamalpur Nagar Panchayat at a cost of Rs.10/-, for which a money receipt

20/2/10



was issued vide no – 05110 dated 27.01.2010 by one clerk cum typist of Kamalpur Nagar Panchayat office. The complainant felt that the steps taken by the concerned SPIO were illegal and in contravention of the provisions of the Act and the Tripura Right to Information Rules, 2008 (for short the Rules) and, therefore, approached this Commission with this complaint seeking appropriate redress and justice and also for direction to be given to the SPIO of the Kamalpur Nagar Panchayat to accept his application and to allow him to have access to the information sought for. Along with the written complaint, the complainant has furnished photocopies of the relevant documents.

5. Section 6(1)(b) of the Act provides that where a request for information can not be made by a person in writing, the SPIO shall render all reasonable assistance to the said person making the request orally to reduce the same in writing. Similarly, rule 8 of the Rules provides as follows:-

"A request for information shall ordinarily be made in writing in Form No-3. If the request is made orally, the State Public Information Officer or the State Assistant Public Information Officer to whom the request is presented shall reduce it into writing in the prescribed form and obtain the signature/thumb impression of the person-making request for information on it. The State Assistant Public Information Officer shall issue a receipt as appended to the bottom of the application form-making request for information. However, application in plain paper should also be accepted."

6. Neither the Act nor the Rules empowers the SPIO to compel an information seeker to submit the written request for information in prescribed form purchasing the same from the office of the SPIO. By refusing to accept the written request of the complainant and compelling him to purchase the application form from the office of the Kamalpur Nagar Panchayat and to submit the written request for information under the Act only in that purchased application form, the OP being the SPIO had not only acted illegally but also had contravened the provisions of the Act and the Rules making her liable to be warned for future to be careful and circumspect in dealing with the written request for information strictly in adherence to the relevant provisions of the Act and the Rules.



7. The complainant vide his written request dated 27.01.2010 attempted to be submitted to the SPIO of the Kamalpur Nagar Panchayat had asked for the following information:-

- i) Whether the expenditure against the sanction memo/letter No.F.18(1)/UDD/Dud/2006/5921-25 dated 02.11.2006 during the year 2006-07 followed by letter No.F.WO-01/NP/KMP/05/148 dated 09.02.2007 of the Executive Officer, Kamalpur Nagar Panchayat was debited under the head of account " 3604-00-800-32-14-31 of Demand No-35" ?
- ii) Whether the work in connection with the letter No.F.WO-01/NP/KMP/05/148 dated 09.02.2007 was executed properly under the supervision of Sri Dulal Ch. Ghosh?
- iii) Whether any action was taken on the prayer dated 16.04.2009 of the complainant, which was duly received by the Kamalpur Nagar Panchayat on 16.04.2009? If so, the details of the action taken be furnished.

8. The information sought for by the complainant are not exempted under any of the provisions of the Act. Therefore, the OP being the SPIO is under obligation to disclose the said information to the complainant. This Commission is, therefore, inclined to decide this complaint on merit in the absence of both the complainant and the OP.

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

- (i) OP Smt. J.B.Duati, Executive Officer, Kamalpur Nagar Panchayat and the SPIO is directed to accept the written request of the complainant, treat the amount of Rs. 10/- illegally realized from the complainant towards the cost of the application form as the application fee and furnish the information as sought for to the complainant within a period of 20 days from the date of passing of this order.
- (ii) OP Smt. J.B.Duati, Executive Officer, Kamalpur Nagar Panchayat being the SPIO is formally warned to be careful and circumspect in future in dealing with the written request for information strictly in adherence to the relevant provisions of the Act and the Rules.

[Handwritten signature]



10. Let copy of this order be sent to the complainant and the OP. Also send a copy of this order to the District Magistrate & Collector, Dhalai.

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

No: 123 - 31

Dated, 20.02.2010

Copy to:-

1. Sri Sishir Jyoti Sarkar (Nadu Sarkar), S/O Late Paresh Chandra Sarkar, Vill-fulchari, Kamalpur, Ward No-7, Dhalai, Tripura, Pin- 799 285, (Complainant).
2. Smt. J.B.Duati, Executive Officer, Kamalpur Nagar Panchayat, Kamalpur, Dhalai, Tripura (State Public Information Officer)- OP.
3. The District Magistrate & Collector, Dhalai District, Ambassa, Tripura.

S.C.Saha
(S.C.Saha)
Secretary

Tripura Information Commission