



TRIPURA INFORMATION COMMISSION

P.N.Complex: Gorkhabasti : Agartala

Complaint No. TIC – 53 of 2009-10

Smt. Sukla Deb
W/O Late Jafindra Deb
P.O.- & Vill- A.D. Nagar
Agartala : Tripura
Cell Phone No- 9615171820.....Complainant

Vs

Sri Sankar Debnath, Executive Officer, South Zonal Office, Agartala Municipal Council, Milanchakra (Near Agartala Doordarshan Kendra), P.O.- A.D. Nagar, Agartala (State Public Information Officer).

.....Opposite Party

ORDER
Dated, 26.03.2010

The complainant Smt. Sukla Deb is present.

2. The Opposite Party (OP) Sri Sankar Debnath, Executive Officer, South Zonal Office, Agartala Municipal Council (AMC) and the State Public Information Officer (SPIO) also appeared and submitted a written representation, which is attached to records.

3. Heard oral submissions made by the complainant and the OP. Also perused the contents of the written request dated 24.12.2010 of the complainant submitted to the SPIO in the South Zonal Office of the AMC, the written complaint dated 22.02.2010 of the complainant lodged with this Commission and the written representation dated 26.03.2010 of the OP.

4. Brief facts leading to this complaint are that the complainant made a written request on 24.12.2009 to the SPIO in the South Zonal Office of the AMC accompanied by the requisite amount of application fee seeking some information under the RTI Act, 2005 (for short the Act).

Having no response from the concerned SPIO within the statutory period prescribed by the Act and even till the date of lodging this complaint on 22.02.2010, the complainant has approached this Commission with this complaint seeking direction to have access to the information sought for under her written request dated 24.12.2009. Along with the written complaint, the complainant has furnished photocopies of the relevant documents.

5. The items of information sought for by the complainant vide her written request dated 24.12.2009 submitted to the SPIO in the South Zonal Office of the AMC are summarized below:-

i) Certified copy of the reports of hearing held on 13.11.2009 and on 18.11.2009 in presence of the complainant, Sri Dhiraj Laskar and Smt. Sabita Malakar in pursuance of notice no 4430-33 F.85/SZO/AMC/09 dated 09.11.2009.

ii) Details of the steps taken after hearing on the above dates.

6. In his written representation dated 26.03.2010, the OP being the SPIO has submitted as below:-

(i) that though the written request dated 24.12.2009 of the complainant was received in his office on 02.01.2010, but the requisite amount of the application fee was deposited by the complainant on 16.01.2010. Therefore, the written request dated 24.12.2009 of the complainant became valid only on 16.01.2010;

(ii) that the OP being the Executive Officer of the South Zone of the AMC was extremely busy in assessment and collection of taxes during the last quarter of the current financial year and, therefore, could not attend the written request in issue nor the required information could be provided to the complainant within the time limit specified under section 7(1) of the Act. However, this was verbally communicated to the complainant with the assurance that the required information would be provided at the end of March, 2010, but no written intimation was given to her in this regard, which was mainly due to ignorance about the relevant provisions of the Act;

(iii) that immediately on receipt of the summons of this Commission, the OP vide a notice issued under No. 7508 F.188/SZO/AMC/2010 dated 22.03.2010 had



asked the complainant to deposit Rs. 4/- as additional fee for supply of the information. The OP is now ready to disclose the information sought for by the complainant once the additional fee is paid by her and subject to the direction of the Commission, he added.

7. It appears that the written request dated 24.12.2009 of the complainant though was received in the office of the SPIO on 02.01.2010, but the same became valid on 16.01.2010 since the complainant deposited the application fee only on that date. In future, communication to a requester on the application for information should be made by the OP only in writing to satisfy the requirement of the Act. Section 7(6) of the Act provides that the information shall be furnished to a requester free of charge where the public authority fails to comply with the time limits specified in section 7(1) of the Act. It was, therefore, wrong on the part of the OP being the SPIO to direct the complainant for payment of the additional fee as the OP could not supply the information within the statutory period prescribed by the Act. Since, the OP has stated that he had no intention to withhold the information sought for by the complainant and that he is now ready to disclose the information, this Commission after taking a lenient view is inclined to accept the grounds advanced by the OP for the delay with the direction that the OP being the SPIO should be more careful and circumspect in dealing with the written application for information in future strictly in compliance with the relevant provisions of the Act and the Tripura Right to Information Rules, 2008 (for short the Rules).

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

(i) The OP Sri Sankar Debnath, Executive Officer, South Zonal Office, AMC and the SPIO is directed to furnish the information sought for by the complainant vide her written request dated 24.12.2009 as summarized at para – 5 above within a period of 15 days from the date of issue of this order free of charge as the SPIO failed to furnish the information within the statutory period prescribed by the Act.

(ii) The OP is further directed to be more careful and circumspect in future in dealing with the application

for information strictly in adherence to the relevant provisions of the Act and the Rules.

(iii) The OP shall furnish a report of compliance to this Commission forthwith.

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

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

No. 241-42

Dated, 26.03.2010

Copy to:-

1. Smt. Sukla Deb, W/O Late Jatindra Deb, P.O.- & Vill- A.D. Nagar, Agartala : Tripura (Complainant).
2. Sri Sankar Debnath, Executive Officer, South Zonal Office, Agartala Municipal Council, Milanchakra (Near Agartala Doordarshan Kendra), P.O.- A.D. Nagar, Agartala (State Public Information Officer).

(S.C.Saha)
Secretary

Tripura Information Commission