



**TRIPURA INFORMATION COMMISSION**

P.N.Complex: Gorkhabasti : Agartala

---

Complaint No. TIC – 57 of 2009-10

---

Sri Krishna Gopal Saha  
Town Shibnagar (Near MBB Club)  
Agartala, West Tripura.  
Cell Phone No-9436120695.....Complainant

Vs

Sri Pradip Acharjee, Block Development Officer, Mohanpur RD Block, P.O.- Sidhai,  
West Tripura (State Public Information Officer ).....Opposite Party

---

**ORDER**

**Dated, 14.05.2010**

The complainant Sri Krishna Gopal Saha appeared and submitted a written rejoinder dated 14.05.2010 stating that he has not received any information from the Block Development Officer (BDO), Mohanpur RD Block till date though the latter was directed by this Commission vide its order dated 22.04.2010 to supply the same within 20 days.

2. The Opposite Party (OP) Sri Pradip Acharjee, BDO, Mohanpur RD Block and the State Public Information Officer (SPIO) neither appeared nor submitted any written representation though he was specifically directed by this Commission vide its order dated 22.04.2010 to appear and submit his written reply on the show-cause notice issued to him.

3. The Complaint No. TIC - 57 of 2009-10 was partially disposed of by this Commission vide its order dated 22.04.2010 with the directions that the OP Sri Pradip Acharjee, BDO, Mohanpur RD Block and the SPIO should furnish the information including the certified copies of the documents as sought for by the complainant vide his written request dated 22.01.2010 within a period of 20 days from the

6



date of passing of the order and to submit a report of compliance to this Commission on or before 14.05.2010. But, instead of furnishing the required information to the complainant as directed, the OP vide his letter dated 28.04.2010 addressed to this Commission with a copy endorsed to the complainant has furnished some information, which the complainant has reported to have not been received by him so far.

4. In course of enquiry of the complaint on 22.04.2010, it was clearly established that the OP being the SPIO did neither respond to the written request in issue nor furnished any information to the complainant even after expiry of 91 days of its receipt. This apart, though specifically directed by this Commission vide summons No 194 dated 16.03.2010, the OP being the SPIO neither appeared nor made any written submission explaining his stand on the complaint. In view of these facts and the circumstances of the case, this Commission was of the prima-facie view that the OP being the SPIO has not only disobeyed the directions of this Commission, but also has contravened the provisions of section 7(1) of the Act by not responding to the written request in issue and also not furnishing any information to the complainant even after expiry of 91 days without any reasonable cause for which penalty was proposed to be imposed on him under section 20(1) of the Act. However, as required under the first proviso to section 20(1) of the Act, the OP Sri Pradip Acharjee, BDO, Mohanpur RD Block and the SPIO was afforded with an opportunity by this Commission vide its order dated 22.04.2010 of being heard and to show-cause as to why penal action should not be taken against him under section 20(1) of the Act by submitting a written representation and accordingly, he was directed to appear before this Commission on 14.05.2010 at 11 A.M. and to submit his written reply on the above show-cause notice issued to him. But, most surprisingly, the OP neither appeared nor submitted any reply on the show-cause notice in his defence. It is, therefore, natural for this Commission to conclude that the OP has nothing to submit in his defence on the allegations brought out against him and his absence as well as non-submission of any written reply be treated as his tacit consent on the penalty proposal initiated against him.

5. The Tripura Information Commission is a tribunal and the BDO, Mohanpur RD Block being the designated SPIO is a subordinate authority to the Tripura Information Commission

C



and, therefore, he is bound to obey the directions whenever given by the Commission on any matter within the ambit of the Act. By not appearing before the Commission on 22.04.2010 and 14.05.2010, the OP has not only violated the directions of this Commission but also disobeyed the orders of the RD Department, Government of Tripura issued vide its No.F.23(2)-RD/2009/1594 dated 05.05.2010 directing him to appear before the Commission positively on 14.05.2010.

6. This Commission is constrained to observe with deep concern that the OP being a senior member of the State Civil Service did not show minimum respect to the established laws. The OP being the designated SPIO is required to function as a quasi-judicial authority under the Act and, therefore, his indifferent and insincere attitude to carry out with the provisions of the Act and the Tripura Right to Information Rules, 2008 (for short the Rules) should not be ignored and needs to be viewed seriously. The implementation of the Act and the Rules in the State is seriously jeopardized in the hands of the officer like him and, therefore, needs to be appropriately booked.

7. In view of the facts and the circumstances stated above, this Commission has no hesitation to hold that the OP being the SPIO has not only violated the directions of this Commission and the concerned public authority, but also has contravened the provisions of section 7(1) of the Act by not responding to the written request in issue and also not furnishing any information to the complainant even after expiry of 96 days without any reasonable cause which amounted to deemed refusal of the written request by the OP and also withholding of the information with malafide intention and, therefore, **imposes Rs. 24,000/- (Rupees twenty four thousand) only on Sri Pradip Acharjee, BDO, Mohanpur RD Block and the SPIO to be paid by him in the government exchequer within a period of 20 days from the date of passing of this order.** The District Magistrate & Collector, West Tripura District being the Controlling Authority is directed to arrange to realize the amount from the OP and to deposit the same in the government exchequer within the given time and also to submit a compliance report to this Commission along with a copy of the receipted challan.

8. The Commissioner & Secretary to the Government of Tripura, RD Department being the head of the Public

↓



Authority is also requested to see and ensure that the above amount of penalty is realized and deposited to the government exchequer positively within the given time.

9. With the above findings and orders, the complaint stands finally disposed of.

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, West Tripura District and the Commissioner & Secretary to the Government of Tripura, RD Department being the head of the Public Authority.

Sd/-

(B.K.Chakraborty)

State Chief Information Commissioner

No. 370-73

Dated, 14.05.2010

Copy to:-

1. Sri Krishna Gopal Saha, Town Shibnagar (Near MBB Club), Agartala, West Tripura, Cell Phone No-9436120695 (Complainant).
2. Sri Pradip Acharjee, Block Development Officer, Mohanpur RD Block, P.O.- Sidhai, West Tripura (State Public Information Officer)- OP.
3. The Commissioner & Secretary to the Government of Tripura, RD Department, Capital Complex, Agartala (Head of the Public Authority).
4. The District Magistrate & Collector, West Tripura District, Agartala.

14/5/10  
(S.C.Saha)  
Secretary

Tripura Information Commission