

**In the Tripura Information Commission  
Pandit Nehru Complex : Gorkhabasti : Agartala.**

Appeal No. 1 of 2005- 06

Between

Sri Ramani Kumar Dey,  
a retired Forest Ranger ..... Appellant

And

The Conservator of Forests, Northern Circle  
Kumarghat, North Tripura- First Appellate Authority... Respondent

**PRESENT**

1. Sri B.K.Chakraborty  
State Chief Information Commissioner

2. Sri D.K.Daschaudhuri  
State Information Commissioner

For the appellant: Sri R.K.Dey - the appellant himself.

For the respondent: Sri J. Singh, Conservator of Forests, Northern Circle,  
Kumarghat, Tripura.- the first appellate authority.

Date of hearing of appeal - 16.5.2006.

Date of pronouncing judgment - 18.5.2006.

**JUDGMENT & ORDER**

**Facts:**

1. This is a second appeal preferred by Sri Ramani Kumar Dey, a retired Forest Ranger on 23.3.06 alleging that he made a request to the Divisional Forest Officer, Ambassa being the State Public Information Officer in writing on 17.11.05 for furnishing some information. The request was rejected by the State Public Information Officer on 13.12.05 on the grounds, firstly, that release of the information and records as requested by the appellant were likely to impend the prosecution process going on against him, and secondly, that the information requested to be supplied relate to personal information, the disclosure of which has no relationship to any public activity or interest. Having dissatisfied with the

order of rejection, the appellant preferred the first appeal with the Conservator of Forests, Northern Circle, Kumarghat, North Tripura being the first appellate authority on 7.1.06. It is alleged that the first appellate authority did not respond to the appeal and he granted no relief. So the appellant made the present second appeal to this Commission on the following grounds: -

- (i) There has been no existence of any FIR in respect of which any police or magisterial investigation or any inquiry in a disciplinary proceeding against the appellant is pending. So there has been no question of impending any investigation if the information are supplied.
- (ii) The information asked for are not related to any personal file of the appellant or any other staff and they are purely related to public interest.

2. The appellant asked for issuing necessary directions to the State Public Information Officer for supply of the information as requested for.

3. In response to the summons issued by the Commission, the respondent - the Conservator of Forests, Northern Circle, Kumarghat, North Tripura appeared before the Commission on 18.4.06 and submitted the representation stating that he has decided on 16.2.06 the first appeal submitted by the appellant on 7.1.06 by an order in writing and rejected the appeal on the grounds as mentioned under section 8(1)(h) and 8(1)(j) of the RTI Act, 2005 and upheld the decision of the State Public Information Officer. The respondent has further submitted a representation on 16.5.2006 wherein he categorically admitted the availability of most of the information sought for except two inspection notes. According to the respondent, normally the inspection notes in the office of the Divisional Forest Officer, (for short DFO), Ambassa are embodied in an Inspection Book which has been sent to the office of the Principal Chief Conservator of Forests (for short PCCF), Tripura, Agartala. Without consulting the said Inspection Book it is not possible to ascertain the existence of the inspection notes certified copies of which are sought for by the appellant.

4. Although the respondent claimed to have sent a copy of the order passed on 16.2.06 under communication No.F.5-45/CFNC/RTI Act/For-05/4383-86 dated 16.2.06 to the appellant but the latter denied to have received the said copy of the order. So the respondent has, as ordered by the Commission on 18.4.06, supplied to the appellant a copy of the said order. The appellant has also been given a chance to submit a rejoinder in view of furnishing copy of the order passed by the respondent on the first appeal submitted by the appellant. Accordingly, the appellant submitted a rejoinder to the representation of the respondent repeating

the grounds mentioned in his memorandum of appeal submitted on 23.3.06.

5. The appellant along with his memorandum of appeal submitted a copy of the request submitted by him to the State Public Information Officer on 17.11.05, and a copy of the notice in Form No- 3 intimating rejection of the application by the State Public Information Officer dated 13.12.05.

6. On the other hand, the respondent submitted a copy of the order passed by him vide No.F.5-45/CFNC/RTI Act/For-05/4383-86 dated 16.2.06 on the appeal submitted by the appellant on 7.1.06. The respondent has also furnished a copy of the order bearing No.F.19 (636)/Vig/For-05/24756-62 dated 7.11.2005 of the Forest Department.

**Points for decision:**

7. After careful consideration of the memorandum of appeal, the representations submitted by the respondent, the following points are to be decided:

(i) Are the information requested by the appellant relate to his personal information disclosure of which has no relationship to any public activity or interest?

(ii) If the release of the information as requested by the appellant is likely to impend the prosecution process against the appellant?

(iii) Is the appellant entitled to be supplied with the information as sought for?

8. Heard the appellant Sri Ramani Kumar Dey himself and Sri J. Singh, Conservator of Forests, Northern Circle, Kumarghat, North Tripura – the first appellate authority.

**Reasons for decision:**

9. For the sake of convenience point Number. 1 & 2 are taken together for discussion.

10. The information asked for by the appellant as mentioned in his request for information in writing are quoted below:

(i) The re-survey of bamboo plantation was carried out by Sri L. Halam, Fr. Was the area found to be correct? If so, what was the area found and what were the land details of the re-survey

- plots? Please also supply me a certified copy of the re-survey map.
- (ii) Was the re-survey map accepted to be correct by the then DFO, Ambassa and forwarded to the Higher Authority?
  - (iii) I had submitted the bills towards raising the plantations between May, 2003 to December, 2003 different activity-wise. Please give me the details of the voucher-wise & month wise passing of bills with the name of the activities covered in the vouchers.
  - (iv) The then DFO, Ambassa had personally inspected the plantations in my presence before my retirement. Had he written any inspection note regarding that plantation prior to my retirement? If yes, please give me a certified copy of the inspection note.
  - (v) Had the then DFO, Ambassa written any inspection note regarding that plantation after my retirement? If yes, what was the reference no. of its communication to the R.O. BSF Range, Salema and / or the reference no. of the compliance report of the R.O. BSF Range, Salema. Please give me a certified copy of the inspection note and compliance report, if any.
  - (vi) Was re-survey work carried out by Sri L. Halam found to be false or incorrect? If yes, what action was taken against him? Please supply me with certified copies of the letters vide which the explanation of Sri Halam was called and other actions were taken against him.
  - (vii) Was any team constituted to carry out check-survey of that plantation and whether any letter in this regard was sent to me? If yes, please supply me a certified copy of that letter.
  - (viii) Was the check survey of the plantation carried out at the same plot where I had raised the plantation? Please give the land details of the plots where check survey was carried out. Please also supply a certified copy of the check survey report.
  - (ix) Did the CF, Northern Circle visited that area of plantation during May, 2004 to October, 2005? If yes, please supply me with a certified copy of his inspection note in that respect.
  - (x) Please provide the details of check surveys ordered and carried out in your division during 2003-2004, 2004-2005 & 2005-2006

11. The grounds of rejection of the request as mentioned in the notice in Form No-3 by the State Public Information Officer- the Divisional Forest Officer, Ambassa and as affirmed by the Conservator of Forests, Northern Circle, Kumarghat- being the first appellate authority are quoted below:

- “(i) Release of the information and records as required by you are likely to impend the prosecution process going on against you.
- (ii) The information requested by you relate to your personal information the disclosure of which has no relationship to any public activity or interest.”

12. Now it is to be ascertained if the information sought for by the appellant are the personal information as viewed by the respondent as well as the State Public Information Officer. A plain reading of the request for information preferred by the appellant shows that all the items of information as detailed in Para- 10 above pertain to particulars of land, map prepared by re-survey, check survey, inspection notes and some bills submitted by the appellant himself while he was in service and after his retirement from service.

13. In course of hearing the respondent could not clarify as to how the information sought for have no connection with public activity or interest. It is transpired from the submission of the respondent that the bamboo plantation in issue have been raised by the Forest Department, Government of Tripura by public fund. Any document forming the act and records of the acts of public officers are in the nature of public documents. When a plantation is raised by public fund by the Government officials it cannot be said that the information relating to raising of such bamboo plantation have no connection with public activity or they involve no public interest. So we are constrained to hold that the view taken by the State Public Information Officer and supported by the Respondent in this respect is not at all correct but erroneous. Disclosure of such category of information cannot be restricted and denied to a citizen if the information sought for are otherwise found distinct and identifiable. The decision taken by the respondent supporting the decision of the State Public Information Officer denying access to the information on the ground that the information related to the personal information, the disclosure of such has no relationship with any public activity or interest is not tenable and, therefore, section 8(1)(j) of the Act is not applicable in the present case.

14. In support of the second reason for refusal that release of the information and records are likely to impede the prosecution process going on against the appellant, the respondent argued that since the aforesaid information may be required to be used against the appellant to prove the charges of mis-appropriation of public money by the appellant to be framed and inquired into, disclosure of the information at this state may impede the inquiry process. In support of existence of the inquiry

process against the appellant the respondent submitted a copy of the order bearing No.F.19 (636)/Vig/For- 05/24756-62 dated 7.11.2005 of the Forest Department wherein the Governor of Tripura has been pleased to order that a disciplinary proceedings shall be drawn up against Sri Ramani Kumar Dey, F R and the departmental proceedings shall be conducted in accordance with the provisions of the Rules 14 & 15 of the CCS (CC&A) Rules, 1965 by the Special Commissioner of the Departmental Inquiring Authority, Government of Tripura, Agartala. The respondent admitted that the disciplinary proceeding has not yet been drawn up against the appellant in compliance with the said order.

15. Scrutiny of the information sought for reveals that all the information arose out of survey of the bamboo plantation carried out by the Forest personnel in Ambassa Division and the Forest personnel includes the appellant himself before and after his retirement from service. The other argument of the respondent is that it is the inquiring authority to decide which of the documents will be necessary to prove the charge against the delinquent officer. This argument appears to be ridiculous because of the fact that it is the disciplinary authority and not the inquiring authority to decide which of the documents will be necessary to prove the charge. There is specific provisions in the CCS (CC&A) Rules, 1965 to furnish the list of documents to be relied on to prove the charge against the delinquent officer along with the charge-sheet and also to furnish copies of such documents to such delinquent officer. When a document is legally bound to be disclosed for framing charge in a disciplinary proceeding there cannot be any bar to disclose such information under the RTI Act, 2005.

16. It has already been held in para 13 above that the information sought for are in the category of public document and disclosure of such category of information cannot be restricted and denied to a citizen if the information sought for are otherwise found distinct and identifiable. So the contention of the respondent that the information sought for if disclosed is likely to impede the process of inquiry going on against the appellant does not stand. Thus, the second ground of rejection of the request for information is erroneous and liable to be set aside.

17. Now as regards to the third point, it is necessary to scan the items of information sought for in order to ascertain the admissibility and feasibility of furnishing the information. The summary of the items of information sought for as mentioned in the request letter by the appellant along with the submission of the respondent and our views are given below:

**Item No.(i) & (ii) :** Land details of re-survey of bamboo plantation carried out by Shri L. Halam, Fr. – certified copy of re-survey map- decision about its correctness and if it is reported to the higher authority- the

respondent admitted the information to be available with the DFO, Ambassa.

**Item No.(iii):** A statement showing details of bills passed for raising the plantation between May, 2003 and December, 2003 activity wise, voucher wise and month wise as submitted by the appellant- the respondent admitted the information to be available with the DFO, Ambassa.

**Item No. (iv) & (ix) :** Certified copies of inspection note prepared by the DFO, Ambassa after inspection of the bamboo plantation before retirement of the appellant and the inspection note prepared by the Conservator of Forests, Northern Circle, Kumarghat after inspection of the bamboo plantation during May, 2004 to October, 2005-the respondent submitted that the two inspection notes are not available with the DFO, Ambassa or the C.F. Kumarghat. Normally, the inspection notes are embodied in the Inspection Book of the Division concerned. The Inspection Book of Ambassa Division has been sent to the office of the PCCF, Agartala in connection with the disciplinary proceeding. After consulting the said Inspection Book it can be ascertained if there is any existence of such inspection notes.

**Item No. (v) :** Certified copy of inspection note prepared by DFO, Ambassa after the retirement of the appellant along with letter number of communication with the R.O., BSF Range, Salema and the compliance report thereof- the respondent admitted the information to be available with the DFO, Ambassa.

**Item No. (vi) :** If the re-survey carried out by Sri L. Halam was found to be false or incorrect? If so, the action taken against him, certified copy of the letter asking for explanation from him – the respondent submitted that the first part of this item is covered by item no. (ii). and as regards to the later part, the matter has been reported to the PCCF, Agartala and no further action has been taken.

**Item No. (vii) :** Certified copy of the letter, if any, sent to the appellant constituting a team to carry out re-survey of the bamboo plantation – the respondent submitted that no such team was constituted and no such letter was issued to the appellant.

**Item No. (viii):** Certified copy of the check survey report carried out on the same bamboo plantation plot which was raised by the appellant with land details- the respondent submitted the information to be available with the DFO, Ambassa.

**Item No. (x) :** Details of check surveys ordered and carried out in Ambassa Forest Division during 2003-04, 2004-05 and 2005-06 – the respondent admitted the information to be available with the DFO, Ambassa and may be supplied to the appellant.

18. Scanning of the information as narrated above, we are of the view that except item no. (iv) & (ix) all the information are available with the DFO, Ambassa and the respondent himself admitted that the information under item no. (x) can be supplied to the appellant as there is no bar. We have already held that the information sought for fall in the category of record and document held by the public authority and come within the meaning of section 4 of the RTI Act, 2005. So every citizen has the right of access to such information. In the circumstances the appellant can not be barred from having access to the information as sought for except to those information under item no. (iv) & (ix) which can be ascertained by the State Public Information Officer only after the consulting the Inspection Book lying with the PCCF, Agartala. Thus this third point is decided accordingly.

**Decision:**

19. In fine, we pass the following orders:

- (i) The decision of the respondent as well as the State Public Information Officer showing the two counts of reasons for rejection of the request for information is not maintainable and therefore set-aside.
- (ii) The State Public Information Officer shall first seek assistance from the office of the PCCF, Agartala to ascertain if there is any existence of inspection notes as mentioned in item no. (iv) & (ix) of request letter in the Inspection Book of the office of the DFO, Ambassa and if available the inspection notes shall be collected and certified copy shall be furnished to the appellant and if no such inspection notes are found available appropriate reply shall be given to the appellant.
- (iii) The State Public Information Officer shall furnish the information as mentioned in item no. (i), (ii), (iii), (v), (vi), (vii), (viii) and (x) in the light of analysis made in paragraph no. 17 above.
- (iv) The information as mentioned in order no. (ii) & (iii) above shall be furnished to the appellant by the SPIO within a period of 15(fifteen) days from the date of passing this judgment on payment of requisite fees to be notified by the SPIO. The time to

be taken by the appellant for payment of fees after notification shall be excluded from the aforesaid period of 15(fifteen) days.

20. With the above orders, the appeal dated 23.3.2006 made before the Commission stands disposed of.

21. Let copy of the judgment and order be supplied free of cost to the appellant, the respondent and the State Public Information Officer- the Divisional Forest Officer, Ambassa Division.

Pronounced.

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Sd/-

**( D.K.Daschaudhuri )**

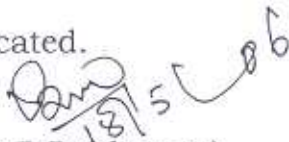
State Information Commissioner

Sd/-

**( B.K.Chakraborty )**

State Chief Information Commissioner

Authenticated.

  
(D.P.Debbarma)

**Secretary**

Tripura Information Commission

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## **TRIPURA INFORMATION COMMISSION**

**Pandit Nehru Complex : Gorkhabasti : Agartala**

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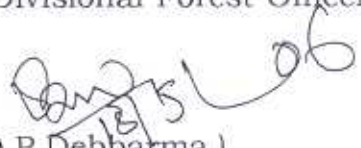
Appeal No. 1 of 2005-06/

May 18, 2006

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Copy to:

- 1) The appellant – Sri Ramani Kumar Dey, Fr. (Retd.), Krishnanagar, Sankar Chowmohni (East), Agartala, Tripura (W)- 799001.
- 2) The Respondent – The Conservator of Forests, Northern Circle, Kumarghat, North Tripura.
- 3) The State Public Information Officer- The Divisional Forest Officer, Ambassa Division, Dhalai, Tripura.

  
( D.P.Debbarma )

**Secretary**

Tripura Information Commission