



## TRIPURA INFORMATION COMMISSION

P. N. Complex: Gorkhabasti  
Agartala - 799 006

Complaint No. TIC - 14 of 2009-10.

Sri Jiban Kumar Dasgupta  
S/O Late Mono Ranjan Dasgupta  
C/O Sri Dhirendra Roy  
Natun Patty, Near North Point School  
Dharmanagar : North Tripura  
Pin - 799 250  
Cell Phone No-9436137044.....Complainant

Vs.

1.Sri Bimalendu Roy, Additional Divisional Forest Officer, office of the Divisional Forest Officer, Sadar Forest Division, P.O.- Agartala College, West Tripura ( State Public Information Officer).  
2.Smt. Anjana Laskar, Head Clerk, office of the Divisional Forest Officer, Sadar Forest Division, P.O.- Agartala College, West Tripura ( State Assistant Public Information Officer).....Opposite Parties

In the matter of the complaint under section 18(1)  
of the Right to Information Act, 2005.

### PRESENT:

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

2. Sri D.K.Daschauthuri  
State Information Commissioner

For the appellant: The complainant Sri Jiban Kumar Dasgupta himself.

For the Opposite Party No 1: None.

For the Opposite Party No. 2: Smt. Anjana Laskar, Head Clerk, office of the Divisional Forest Officer, Sadar Forest Division, P.O.- Agartala College, West Tripura (State Assistant Public Information Officer).

Date of lodging the complaint:	28.07.2009
Date of hearing:	17.08.2009
Date of pronouncing the judgment and order:	29.08.2009

### JUDGMENT AND ORDER

#### Facts:

1. This complaint under section 18(1) of the RTI Act, 2005 (for short the Act) arises out of a written complaint dated 21.07.2009 of Sri Jiban Kumar Dasgupta (here in after referred to as the complainant) sent by speed post and received by this Commission on 28.07.2009. It is alleged by the complainant that he made a written request on 27.05.2009 to the State Public Information Officer (SPIO) in the office of the Divisional Forest Officer (DFO), Sadar Forest Division, Agartala seeking four items of information. In response, the State Assistant Public Information Officer (SAPIO) in the office of the DFO, Sadar Forest Division in two phases on 04.07.2009 and 07.07.2009 provided the information, which according to the complainant, were inadequate and devoid of following the procedure by the concerned SAPIO as prescribed under the Tripura Right to Information Rules, 2008 (for short the Rules). It is also categorically alleged by the complainant that the documents provided by the concerned SAPIO were not duly certified by the SPIO under his seal and signature to be the true copies of the originals. Hence, the complainant approached this Commission by way of this complaint seeking supply of all the four items of information in full and action under section 20(1) of the Act. Along with the written complaint, the complainant furnished photocopies of all the relevant papers.
2. On perusal of the written complaint with enclosures, adequate materials were found to take cognigence of a complaint under section 18(1) of the Act and accordingly, it was registered.
3. Basing upon the above complaint, summons were issued upon Sri A.K. Chakraborty, Additional DFO, office of the DFO, Sadar Forest Division, Agartala and the SPIO and Smt. Anjana Laskar, Head Clerk, office of the DFO, Sadar Forest Division, Agartala and the SAPIO as the Opposite Parties (OPs) 1 and 2 respectively asking them to appear before this Commission and submit their respective written representations. In response, OP 2 Smt. Anjana Laskar appeared and submitted her written representation disclosing that there was no designated SPIO in the office of the DFO, Sadar Forest Division after transfer of Sri A.K. Chakraborty and Sri G.M. Jamatia, Additional DFOs, Sadar Forest Division. So, in good faith she in absence of the SPIO provided the information to the complainant after collecting them from the concerned Forest office. However, she undertook to furnish correct information had there been any inadequacy.
4. Summons issued upon OP 1 Sri A.K. Chakraborty returned un-served by the postal authority. On query, it was learnt from the office of the PCCF, Government of Tripura that Sri Amit Shukla, IFS, DFO, Sadar Forest Division, Agartala was the



SPIO for that office. Accordingly, fresh summons was issued upon Sri Shukla. But, Sri A. Shukla vide his letter dated 11.08.2009 intimated this Commission that he had never been designated as SPIO in the office of the DFO, Sadar Forest Division by the concerned public authority and that the PCCF being the head of the public authority vide his notification dated 04.07.2009 has designated Sri Bimalendu Roy, Additional DFO, office of the DFO, Sadar Forest Division, Agartala as SPIO for that office. This notification of the PCCF was, however, received in the office of the DFO, Sadar Forest Division on 08.07.2009. Sri Bimalendu Roy, Additional DFO, Sadar Forest Division and the SPIO sent an application dated 12.08.2009 requesting to exempt him from appearance before this Commission on 17.08.2009 on account of his remaining out of station on family affairs. However, it was revealed from the records that Sri Bimalendu Roy, Additional DFO, Sadar Forest Division and the SPIO played no role in dealing with the written request of the complainant in issue.

5. Heard oral submissions placed by the complainant and the OP 2. In course of hearing, the complainant submitted a written rejoinder to his written complaint clarifying that in respect of the information sought for by him under item - 4, in case, no permit of 1980 is found available with the SPIO, the rate of Chamal timber under Charilam Range in 1980 may be communicated to him.


**Issues for decision:**

6. In consideration of the facts and the circumstances of the case, the following issues are required to be decided:-

- (i) Was the OP 2 being the SAPIO competent to provide the information to the complainant in absence of the designated SPIO?
- (ii) Are the information provided by the OP 2 to the complainant adequate? If not, what further information are required to be provided to the complainant?
- (iii) Did the OP 2 being the SAPIO committed any irregularity in providing the information to the complainant as alleged by the latter?

**Reasons for decision:**

7. Issue No (i): We have carefully gone through the written complaint with enclosures and rejoinder thereto and the written representation of the OP 2. We have also considered the oral submissions placed by the complainant and the OP 2. It is established from the written representation of the OP 2 that after transfer of Sri A.K. Chakraborty and Sri G.M. Jamatia, Additional DFOs, Sadar Forest Division, there was no designated SPIO in the office of the DFO, Sadar Forest Division. Therefore, OP 2 being the SAPIO dealt with the written request and provided the information so far as available in the custody of the said office.




The complainant alleged that an SPIO is not authorized to deal with a written request for information under section 7(1) of the Act. It is no doubt that under section 7(1) of the Act, an SPIO has been vested with the powers to provide the information or to reject the request for any of the reasons specified in sections 8 and 9 of the Act. But, it should be kept in view that the term 'SPIO' as defined under section 2(m) of the Act means the SPIO designated under sub-section (1) and includes an SPIO designated as such under sub-section (2) of section 5 of the Act. The intention of the law makers to empower an SPIO to act as an SPIO in any situation arises due to absence of the SPIO may be presumed. So, the steps taken by the OP 2 being the SPIO in dealing with the written request of the complainant in issue in absence of the designated SPIO were very much within her jurisdiction and not void.

8. Issue No(ii): The complainant under his written request dated 27.05.2009 sought for the following information in the form of certified true copy :-

- (i) No.F.5-11/SD-82/310-13 dated 13.01.1983 and the connected Offence Report.
- i.e. (ii) OR No-9 of 27.12.1982 of OC, Veluarchar in full.
- (iii) Copy of 1985 timber marking Rule i.e. The Tripura Forest (Timber Marking) Rules, 1985
- (iv) Permit sale price of Chamal under Charilam Range during 1980 - copy of one permit.

9. OP 2, in first phase on 04.07.2009, provided only the copy of the marking Rules as sought for under item- 3 and copy of one permit showing the rate of Chamal timber against item - 4. However, she denied the information under items - 1 and 2 on the plea of not traceable. OP 2 on 07.07.2009 furnished one copy of No.F.1-11/SD-82/310-13 dated 13.01.1983 along with OR No- 9 of 27.12.1982 of OC, Veluarchar. But, it was shown in the forwarding letter that only one sheet of paper was sent to the complainant on 07.07.2009. The Chamal timber rate furnished was of 1983 and not of 1980. Again, along with the copy of No.F 5-11/SD-82/310-13 dated 13.01.1983 furnished on 07.07.2009, the copy of OR No-9 of 27.12.1982 of OC, Veluarchar was not provided. Above all, the copies of the documents provided were not certified by the SPIO to be the true copies of the originals under his seal, signature and date.

10. On perusal of the copies of the information provided by the OP 2 being the SPIO, it is found that the copies of the marking Rules and No. F, 5-11/SD-82/310-13 dated 13.01.1983 have not been certified to be the true copy. OR No-9 of 27.12.1982 of OC, Veluarchar although communicated to have been provided, but in fact, it was not sent along with the communication No- 310-13 dated 13.01.1983 furnished to the complainant on 07.07.2009. It is also found to be true that the OP 2 furnished a copy of the decision dated 13.01.1983 of the DFO, Sadar Forest Division given on the petition of one Sri Tarun Debnath showing inter-alia the rate of Chamal timber as on that date. So, the said information cannot satisfy the requirement of the complainant. It is submitted verbally by the OP 2 that it was rather difficult to trace out any permit of Charilam Range office of the year 1980 after lapse of 29 years. The complainant in his written rejoinder dated 17.08.2009 clarified that if no permit of 1980 is available, only the rate existed in the year 1980 may be provided.



11. After careful appreciation of the facts narrated above, it is observed that the information provided by the OP 2 being the SAPIO in respect of items - 1 and 3 were not duly certified as required under Rule 16 of the Rules. So, the OP 1 being the SPIO is under obligation to furnish the above two information afresh duly certified to be true copies of the originals under his seal, signature and date in compliance with the provisions of Rule 16 of the Rules. As regards the information sought for under item -2, the OP 1 being the SPIO is under obligation to furnish the true copies of the OR No-9 of 27.12.1982 of OC, Veluarchar duly certified and also to answer to the query made under item -4. However, if no permit of 1980 can be made available, only the rate of Chamal species existed in 1980 may be provided. The second point is decided accordingly.

12. Issue No(iii): It is agitated by the complainant that his written request in issue was not disposed of by the SPIO. We have already discussed and decided this matter in issue No (i). The complainant further agitated that the copies of the documents furnished by the SAPIO were not duly certified to be true copy. We have also decided this matter in issue No(ii). The complainant also put forward some trifle omissions committed by the OP 2 in dealing with the written request in issue. OP 2 frankly confessed that in order to give a speedy relief to the requester, she acted in good faith without any intention to suppress anything. She also expressed her intention to provide the information appropriately had there been any inadequacy or any irregularity committed by her. We are convinced with the frank explanation offered by the OP 2. However, we are constrained to make the observation that whenever occasion arises, the OP 2 being the SAPIO should be more careful in dealing with any written request for information in absence of the designated SPIO.

13. This Commission time and again brought to the notice of the public authorities that in no case the post of the SPIO shall be kept vacant and such post should be manned by the skilled officer so that he/she can take appropriate decision following the provisions of the Act and the Rules. In the instant case, the PCCF, Government of Tripura being the head of the public authority failed to take appropriate steps in time in designating SPIO in the office of the DFO, Sadar Forest Division after transfer of Sri A.K. Chakraborty and Sri G.M. Jamatia, Additional DFOs, Sadar Forest Division. The PCCF, Government of Tripura being the head of the public authority is, therefore, requested to ensure that the offices of the SPIOs or any other stakeholders under his control are not left vacant even for a single day.

**Decision:**

14. In fine, the complaint is allowed on contest with the following orders:-

- (i) OP 1 being the SPIO is directed to provide the information to the complainant afresh within a period of 15 days from the date of passing of this judgment and order free of charge in the light of the discussions made in paragraphs 9 to 11 above.



- (ii) OP 2 Smt. Anjana Laskar, Head Clerk, office of the DFO, Sadar Forest Division and the SAPIO is directed to be more careful in future in dealing with the written request seeking information under the Act strictly in adherence to the provisions of the Act and the Rules.
- (iii) The PCCF, Government of Tripura being the head of the public authority is directed to take appropriate steps so that the posts of the SAPIOs, SPIOs and the FAAs under his control are not left vacant for any period.

15. Let copy of this judgment and order be sent to the complainant and the OPs. Also send a copy of this judgment and order to the PCCF, Government of Tripura being the head of the public authority.

16. Pronounced.

Sd/-  
(D.K.Daschaudhuri)  
State Information Commissioner

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

Authenticated

(S.C.Saha)  
Secretary

Tripura Information Commission

Tripura Information Commission  
P. N. Complex: Gorkhabasti : Agartala

Complaint No. TIC- 14 of 2009-10 / 890-93

Dated, 29.08.2009

Copy to:-

1. Sri Jiban Kumar Dasgupta, S/O Late Mono Ranjan Dasgupta, C/O Sri Dharendra Roy, Natun Patty, Near North Point School, Dharmanagar : North Tripura, Pin - 799 250 (Complainant).
2. Sri Bimalendu Roy, Additional Divisional Forest Officer, office of the Divisional Forest Officer, Sadar Forest Division, P.O.- Agartala College, West Tripura ( State Public Information Officer) - OP 1.
3. Smt. Anjana Laskar, Head Clerk, office of the Divisional Forest Officer, Sadar Forest Division, P.O.- Agartala College, West Tripura (State Assistant Public Information Officer) - OP 2.
4. The Principal Chief Conservator of Forests, Government of Tripura, Agartala (Head of the Public Authority).

(S.C.Saha)  
Secretary

Tripura Information Commission