

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



Complaint No 20 of 2006-07.

Sri Priya Pal Bhikkhu
C/O Chakma Buddhist Temple
P.O.- Bodhgaya, District- Gaya
Bihar- 824231..... Complainant

Vs

1. The Director of Welfare for Scheduled Tribes, Government of Tripura (First Appellate Authority).
2. The State Public Information Officer in the Directorate of Welfare for Scheduled Tribes, Government of Tripura.
.....Opposite Parties

In the matter of a complaint under section 18
of the Right to Information Act, 2005.

PRESENT:

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

2. Sri D.K.Daschaudhuri
State Information Commissioner

For the Complainant: Sri Partha Sarathi Roy, Ld. Advocate

For the Opposite Parties: Sri K.N. Debbarma, Additional Director of Welfare for Scheduled Tribes, Govt. of Tripura, Agartala (SPIO).

Date of lodging complaint: 09.10.2006

Date of hearing argument: 06.11.2006

Date of pronouncing judgment: 22.11.2006

JUDGMENT & ORDER

Facts:

1. This complaint arises out of a petition dated nil of Sri Priya Pal Bhikkhu (here in after referred to as the complainant) received by this Commission on 09.10.2006. It is alleged by the complainant that he made a written request on 19.05.2006 and sent by post to the State Public Information Officer (SPIO) in



the Directorate of Welfare for Scheduled Tribes, Government of Tripura for providing the following information: -

- (i) Whether any special schemes for overall upliftment of Chakmas of Tripura State, have been prepared accordingly by the D.M. & Collector, West Agartala/ South, Udaipur/ North, Kailashahar/ Dhalai, Ambassa District and sent to the Government of India (If sent when?).
- (ii) Whether any special schemes prepared for overall upliftment of Chakmas of Tripura State have been sent to the Government of India and granted for due execution.
- (iii) Whether any special schemes prepared for overall upliftment of Chakmas of Tripura State, sanctioned by the Government of India, is being duly executed in the block/ district....
- (iv) Whether any special schemes so prepared for overall upliftment of Chakmas of Tripura State have accordingly been sent to the Government of India and rejected finally.

2. In response to the above request, the SPIO sent only a copy of the letter bearing No- 12408-09/F.5-1(342)/TW/Spl.Cell/99 dated 28.10.2003 of the Joint Secretary to the Government of Tripura, Department of Welfare for Schedule Tribes addressed to the Director, NE II, Government of India , Ministry of Home Affairs (NE Division), North Block, New Delhi. The said information, according to the complainant, was insufficient. So, he preferred an appeal on 07.08.2006 to the Director of Welfare for Scheduled Tribes, Government of Tripura being the First Appellate Authority. But the First Appellate Authority did not respond to the appeal of the complainant till the date of preferring the complaint before this Commission. Hence, the complainant approached this Commission seeking appropriate redress for supply of adequate information in terms of the written request dated 19.05.2006 of the complainant. The petition is admitted as a complaint under section 18 of the RTI Act, 2005.

3. In response to the summons issued to Sri L. Darlong, Director of Welfare for Scheduled Tribes, Government of Tripura - First Appellate Authority (here in after referred to as the OP No. 1) and Sri K.N. Debbarma, Additional Director of Welfare for Scheduled Tribes, Government of Tripura - SPIO (here in after referred to as the OP No. 2), the OP No. 2 appeared before this Commission on 06.11.2006 for himself and on behalf of the OP No. 1 duly authorized and submitted a joint written representation, copy of which was given to the complainant through his lawyer. It is contended by the Opposite Parties that the OP No. 1 has already decided the first appeal and copy of the judgment & order has already been furnished to the complainant vide letter No.F.8/TW/RTI/Appeal/06/ 14527-29 dated 28.09.2006. A copy of the said judgment & order has also been attached to the written representation of the Opposite Parties. In the said judgment & order, the OP No. 1 being the First Appellate Authority has observed that the information furnished by the SPIO to the complainant was appropriate.



4. Heard Ld. Advocate Sri Partha Sarathi Roy appeared for the complainant and Sri K.N. Debbarma, the OP No. 2 appeared for himself and on behalf of the OP No. 1. The Ld. Advocate appearing for the complainant declined to submit any re-joinder on the written representation of the Opposite Parties.

Point for decision:

5. The point to be decided is as to whether the information provided to the complainant by the SPIO was adequate and if the complainant is to be provided any further information.

Reason for decision:

6. After careful examination of the complaint, joint representation of the OPs and papers submitted therewith and also the submission placed by the Ld. Advocate of the complainant and the Opposite Parties in course of hearing, it is transpired that the information provided by the OP No. 2 being the SPIO did not satisfy the requirement of the information sought for by the complainant under his written request dated 19.05.2006. It is also transpired that the OP No. 2 had furnished further information to this Commission on 15.07.2006 instead of sending the same to the complainant with reference to his written request dated 19.05.2006. The OP No. 2 being the SPIO had certainly failed to furnish the appropriate information to the complainant responding to the latter's written request dated 19.05.2006. The OP No. 1 being the First Appellate Authority although admitted the belated first appeal of the complainant, but failed to apply his mind at the time of reviewing the decision of the SPIO appealed against so far as the correctness and adequacy of the information furnished by the concerned SPIO, which led him to support the decision of the SPIO in his judgment & order dated 13.09.2006. However, after admitting the impropriety of their decision in furnishing the correct and adequate information, the OP No. 2 being the SPIO has furnished further information to the complainant on 06.11.2006 vide communication No.F.7/TW/RTI/INFO/06/17461-62 dated 06.11.2006, a copy of which has also been endorsed to this Commission. We have carefully gone through the said information and hold that the latest information supplied by the OP No. 2 on 06.11.2006 to the complainant may suffice the requirement of the complainant. Therefore, this Commission does not feel it necessary to give further direction to the OPs for furnishing any further information to the complainant.

7. Before parting the judgment, we must record our views that both the OP No. 1 & OP No.2 have failed to apply their due diligence in dealing with the first appeal and the written request for information respectively and thereby failed to uphold the Act in public interest. They are required to be more careful in dealing with such written request or appeal under the RTI Act, 2005 in future.

Decision:

8. In fine, the complaint is disposed of with the observations made in the preceding paragraphs No. 6 & 7.



9. Send copy of this judgment and order free of cost to the complainant, Sri L. Darlong, Director of Welfare for Scheduled Tribes, Government of Tripura (First Appellate Authority) and Sri K.N. Debbarma, Additional Director of Welfare for Scheduled Tribes, Government of Tripura (SPIO). A copy of this judgment & order may also be endorsed to the Commissioner & Secretary to the Government of Tripura, Tribal Welfare Department.

10. Pronounced.

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

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

Authenticated.

22/11/06
(Sudhir Sarkar)
Secretary
Tripura Information Commission

TRIPURA INFORMATION COMMISSION

P. N. Complex: Gorkhabasti : Agartala

Complaint No. 20 of 2006-07/ 988

November 22, 2006

Copy to:

1. Sri Priya Pal Bhikkhu, C/O Chakma Buddhist Temple, P.O.- Bodhgaya, District- Gaya, Bihar- 824231 (Complainant).
2. Sri L. Darlong, Director of Welfare for Scheduled Tribes, Government of Tripura (First Appellate Authority).
3. Sri K.N. Debbarma, Additional Director of Welfare for Scheduled Tribes, Government of Tripura (SPIO).

Copy also forwarded to :-

The Commissioner & Secretary to the Government of Tripura, Tribal Welfare Department.

22/11/06
(Sudhir Sarkar)
Secretary
Tripura Information Commission



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