

OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-39

Appeal Case No: KP(R).3/2015

Appellant : Md. Rahmat Ullah
Vill- Bangalpara, PO-Velkar Bazar
Hajo, Dist- Kamrup (R) PIN-781102

Public Authority: Director, Social Welfare, Assam

Heard by: Shri Himangshu Sekhar Das,
Assam State Chief Information Commr.

Appellant was
Represented by: Md. Rahmat Ullah

Public Authority was
represented by

1. Smt. Nilima Borgohain,
SPIO & Jt. Director, Social welfare, Assam
2. Shri Kulendra Saikia, Programme Officer-II
Social Welfare Deptt., Assam

O R D E R
21.3.2015

The RTI applicant Md. Rahmat Ullah is present. The Public Authority is represented by Smt. Nilima Borgohain, Jt. Director and SPIO in the Directorate of Social Welfare, Govt. of Assam and Shri Kulendra Saikia, Programme Officer- II of Social Welfare Department. The second appeal petition dtd 2.2.2015 is taken up for hearing in presence of both the parties.

By his RTI petition dated 4.9.2014, the applicant sought the following information in respect of Anganwadi Worker Smt. Hafija Khatun of Bhelkar Majarchupa: (1) Admit Card (2) Mark Sheet and (3) Certificate. The applicant filed an appeal petition before the Director of Social Welfare, Govt. of Assam on 3.11.14 after getting no response to his RTI petition dtd 4.9.14 addressed to the SPIO in the office of CDPO, Hajo ICDS Project within the stipulated time period. Meanwhile on 17.11.14 Shri Kulendra Saikia, Programme Officer-II of the Directorate of Social Welfare wrote to the CDPO of Hajo ICDS Project to furnish the information as sought for by Md. Rahmat Ullah as the information required by him were supposed to be available at that point of time with the CDPO, Hajo. Md. Rahmat Ullah submitted before the Commission a copy of a letter dtd 10.10.14 from the CDPO, Hajo ICDS project

informing Md. Rahmat Ullah that the documents required by him were not with him. They were with the Director, Social Welfare. That is why he could not give the documents and the same will be supplied after they are received back from the Director, Social Welfare's office. From the submission of Shri Kulendra Saikia and the enclosures it is seen that on 19.3.15 the CDPO, Hajo ICDS Project sent the documents to the Director, Social Welfare for onward furnishing to the RTI applicant which is entered into the case records. The SPIO in the office of the Directorate of Social Welfare, Smt. Nilima Borgohain also made a written submission which is entered into the case records..

In view of the above, the Commission directs the SPIO of Directorate of Social Welfare to furnish the information to Md. Rahmat Ullah before the Commission today, which the SPIO did and the receipt of which was acknowledged by Md. Rahmat Ullah before the Commission today.

From perusal of Shri Kulendra Saikia's submission dtd 21.3.15 and CDPO's, letter dtd 19.3.15 addressed to the Director of Social Welfare and the letter dtd 10.10.14 addressed to the RTI applicant Md. Rahmat Ullah, it appears that he misled the RTI applicant by giving false information. The Commission, therefore, directs the CDPO, Hajo ICDS Project to show cause within 30 (thirty) days from the date of receipt of this order as to why penalty under section 20 of the RTI Act, 2005 shall not be imposed on him for his failure to furnish the information , which were available with him to the RTI applicant Md. Rahmat Ullah in time and also for misguiding him vide his letter dtd 10.10.14.

With this order the second appeal petition is disposed of.

Sd/-

(H. S. Das)

Assam State Chief Information Commissioner,
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Secretary & Registrar
Assam State Information Commn.

Memo No. KP(M).3/2015/

Dtd. 21.3.2015

Copy to:

1. The Director, Social Welfare Deptt., Govt. of Assam for information
2. The SPIO & Jt. Director, Social Welfare, Assam for information
3. The CDPO, Hajo ICDS Project, Hajo for information and necessary action.
4. Md. Rahmat Ullah, Vill- Bangalpara, PO- Bhelkar Bazar, Hajo, dist, Kamrup (R) for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission