



**OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : **NGN.2/2012**

Complainant/ appellant : Sri Tirtha Prasad Goswami

Respondent : CDPO, Kapili ICDS Project, Barpujia , Nagaon

Date of hearing : **3-8-2015**

Complaint/ Second : **Shri H.S. Das, IAS (Retd)**
appeal heard by **Chief Information Commissioner, Assam**

O R D E R

The petitioner Sri Tirtha Prasad Goswami is present. The Appellate Authority is represented by i) Srimati Monika Borthakur, CDPO, Kapili ICDS project and (ii) Sri Pradip Kr. Nath, (S.A), CDPO office, Kapili ICDS Project.

The present CDPO has made a written submission dated 3-8-2015 which is entered into the case records.

The Deputy Secretary, Social Welfare, Nagaon has submitted a separate written submission that Kapili ICDS project falls under the jurisdiction of District Social Officer, Morigaon , which is also entered into the case records.

From the case records, it is seen that the petitioner filed his RTI petition dated 3-2-2011 before the CDPO of Kapili ICDS Project. Information sought for by him relates to No. 62 Chapor Garmari Anganwadi Centre for the period from January, 2004 onwards till 31st October, 2011.

Having not received the information within the stipulated period of 30 days, the petitioner filed an appeal petition before this Commission on 10-1-2012 which was forwarded by the Commission to the District Social Welfare Officer, Nagaon for disposal of the first appeal petition within 30 days. The petitioner submitted that the District Social Welfare Officer, Nagaon did not give him any opportunity of being heard, nor did he take any steps for disposal of the appeal petition forwarded by this Commission. The petitioner followed this up with subsequent complaint petitions before this Commission.

It is seen from the case records that the then State Information Commissioner Sri M. C. Malakar heard the case on 22-2-2013 and directed the SPIO in the office of the CDPO, Kapili ICDS project, Barapujia to furnish the required information within 15 days from the date of receipt of the order. He further directed the SPIO to show cause as to why penalty under Section 20 (1) of the RTI Act shall not be imposed on him for his failure to furnish the information within the stipulated time period.

Smti Monika Borthakur, the present CDPO of the Kapili ICDS Project submitted that she joined her present assignment on 26th September, 2014. She submitted that at that time of submitting the RTI petition by the petitioner i.e., on 3-12-2011 Sri D. Bora was the CDPO and on 22-2-2013 when this Commission passed its order Sri Bhupesh Bharali was the CDPO of ICDS Project. The present CDPO Smti Monika Borthakur submitted that no information has been furnished to the

petitioner which is also the complaint of the petitioner. It therefore, appears that both Sri D. Bora and Sri Bhupesh Kr. Bharali are responsible for non-furnishing of the information including non-compliance of the order of this Commission by Sri Bharali.

In view of the above, the Commission passed the following orders:

1. **The present CDPO is directed to allow the petitioner Sri T. P. Goswami to inspect the relevant office records and documents within 15 days from the date of this order, take notes thereof and also to obtain photo copies of necessary documents free of cost up to 100 copies and on payment of Rs. 2/- for every additional copies there- after. This exercise of inspection and furnishing of documents shall be completed within 15 days from the date of this order and compliance thereof shall be reported to this Commission within 30 days from the date of receipt of this order.**
2. **CDPO of Kapili ICDS project on 22-2-2013 has not yet responded to the order dated 22-2-2013 of State Information Commissioner, directing him to show cause as to why penalty under Section -20(1) of the RTI Act, 2005 shall not be imposed on him for reasons stated therein. He is given one more opportunity of being heard. Fix 20-8-2015 for his personal hearing , in addition to any written statement that he may like to submit. Issue Notice through the Director, Social Welfare, Govt. of Assam.**
3. **The Director of Social Welfare, Govt. of Assam, in his capacity as the Disciplinary Authority over the delinquent officers is directed to look into the matter of lapses on the part of the above 2 (two) officers. The Commission recommends appropriate disciplinary action against both the officers under the relevant provisions of Service Rules , as applicable to them.**

Action taken shall be intimated to this Commission within 45 days from the date of receipt of this order.

Sd/-

**(H. S. Das)
Assam State Chief Information Commissioner,
Panjabari, Guwahati**

Authenticated true copy.

Sd/-

**Secretary & Registrar
Assam State Information Commission**

Copy to:

1. The Director of Social Welfare, Govt. of Assam, for information and necessary action.
2. CDPO, Kapili ICDS Project, Barpujia , Nagaon for information and necessary action.
3. Sri Tirtha Prasad Goswami, Reporter, Amar Assam, P. O- Chaparmukh, Dist-Nagaon, Assam for information.
4. Computer Section for uploading in the Website
5. Office File.

**Secretary & Registrar
Assam State Information Commission**