

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

Case No. : NCH.02/2013

Complainant/ appellant : Shri Bimanta Thaosen

Respondent : Divisional Officer, Soil Conservation Division, Haflong

Date of hearing : 28.10.2015

Complaint/ Second : Shri Pinuel Basumatary, IA&AS ( Retd)  
appeal heard by : State Information Commissioner, Assam

**O R D E R**  
28.10.2015

Public Authority was represented by (1) Shri Gautam Kr. Barman, D.O., Soil Conservation Divn., Haflong, and (2) Shri Siba Kanta Sharma, Soil Conservation Officer of the said Division..

Appellant Shri Bimanta Thaosen was absent.

The Divisional Officer, Soil Conservation Divn., Haflong submitted that the information sought for by the Appellant/Applicant have been provided to him through their letter No. HSDC/RTI-1/2015-16 dtd 16.10.2015 with a copy to the Commission.

Perused the said letter and perused also the other records of the case available in the commission which shows that the Appellant had submitted his application for information on 31.7.12 and First Appeal on 11.9.12. His Second Appeal made to the Commission was dated 19.10.12, which stated that he had not received the information sought for from the Public Authority i.e. D.O. Soil Conservation Division, Haflong nor had received any response from the First Appellate Authority.

It is evident from the said letter of 16.10.2015 written by Divisional Officer, Soil Conservation Division, Haflong that the Range Officer, Haflong Soil Conservation Range had submitted certain information in this connection to Divisional Officer, Soil Conservation Divn., Haflong but the latter did not provide the same to the RTI Applicant on receipt of the same for the last three years. The Divisional Officer, Soil Conservation Division, Haflong could not explain the reason for this lack of action.

Further, the Divisional Officer, Soil Conservation Divn., Haflong could not confirm if the Applicant had received the said communication of 16.10.15. In the absence of the Appellant, the factual position in this regard could not be determined.

However, as the Public Authority has now provided the information to the Applicant with a copy to the Commission, the Second Appeal is hereby disposed of.

Considering the failure of the SPIO to provide information sought under the RTI Act, 2005 within the time frame mandated by the said Act and the long delay of over 3 (three) years, the Commission is constrained to draw his attention to the provisions of the said Act relating to penalty and recommendation of disciplinary action against SPIO under Section 20 of the said Act and so that the time frame prescribed by the said Act is adhered to in dealing with RTI matters.

The Appellant will however be at liberty to approach the Commission again if he is not satisfied with the information provided to him by the Public Authority.

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Secretary & Registrar  
Assam State Information Commission

Memo No. NCH.02/2013/

Dtd. 28.10.2015

Copy to:

1. The Divisional Officer, Soil Conservation Division, Dist. Dima Hasao, Haflong, Assam, PIN- 788820 for information & necessary action.
2. Shri Bimanta Thaosen, Vill-Topodisa, BPO- Sarkari Bagan, haflong, Dist. Dima Hasao, Assam PIN- 788820 for information.
3. Computer Section for uploading in the Website.
4. Office File.

Secretary & Registrar  
Assam State Information Commission