



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

Case No. : BPT.46/2013

Complainant/ appellant : Shri Prashanta Kakoty

Respondent : Sub-Divisional Officer (C), Bajali Sub-Divn. Barpeta.

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 Achyut Kr. Dutta, Inspector, FCS&CA, Bajali, and (2) Pavan Ch. Swargiary, Head Asstt. in the office of the SDO (C), Bajali.

Perused the case records including letter No. BARTI-2/2014/Appeal/GC/68 dtd 14.10.15 addressed to the Commission by Deputy Commissioner, Barpeta and letter No.BJFS-41/2007/PT-I/76 dtd 17.10.15 addressed to the Commission by the SPIO in the office of the SDO (C), Bajali, Pathsala.

Appellant Shri Prashanta Kakoty had submitted his application for information under RTI Act, 2005 on 12.11.12 to SDO (C), Bajali and had not received the information sought for by him. He filed First Appeal to DC, Barpeta on 21.12.12.

Shri Prashanta Kakoty submitted the Second Appeal petition to Commission through his letter dtd 31.1.13 stating that neither the SDO (C), Bajali supplied him with the said information nor the DC, Barpeta responded to his Appeal.

The representatives of the SPIO stated that the information could not be furnished to him as the concerned Gas Agencies were yet to provide the requisite information. The same position has been stated in the aforementioned letter from SPIO in the office of the SDO(C), Bajali dtd. 17.10.15.

After considering the above facts and circumstance, it appears to Commission that the SPIO, office of the SDO(C), Bajali has not taken the matter with the seriousness that it deserves in terms of the RTI Act, 2005. It is not acceptable that the information sought for has not been supplied with the Applicant in over three years contrary to the time line of 30 days mandated by the said Act.

Now therefore, it is hereby ordered that the information sought for by the Applicant Shri Prashanta Kakoty will be provided with the information sought for by him free of cost by the SPIO in the office of the SDO (C), Bajali within 15 days of the receipt of this order.

As mentioned above, the Applicant had preferred the First Appeal to DC, Barpeta through his Appeal dtd 7.12.12. In terms of the RTI Act, 2005. It was the responsibility of the DC, Barpeta to transfer the First Appeal to the appropriate First Appellate Authority, which has not been apparently done in the last three years and instead she has asked for a copy of the RTI petition from Commission. This also indicates lack of appropriate attention to the case of First Appeal from an RTI Applicant.

However, in the interest of the RTI Applicant and for facilitating exercise of the citizen's right to information conferred by the said Act, a copy of the First Appeal along with the application dtd 12.11.12 are enclosed herewith with the direction to the DC, Barpeta to consider and dispose of the First Appeal or have it disposed of by the appropriate First Appellate Authority within 25 days of receipt of this order.

The Commission hereby cautions SPIO/ DC, Barpeta/SDO (C), Bajali against recurrence of such delay in providing information to applicants under the Right to Information Act, 2005 which provides for penalty and recommendation to the Administrative Department to initiate disciplinary proceedings against the SPIOs who are guilty of delay and negligence.

With this the Second Appeal petition is disposed of and Appellant is at liberty to approach the Commission if he is not satisfied with the information received by him

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

Memo No. BPT.46/2013/

Dtd. 28.10.2015

Copy to:

1. The Deputy Commissioner, Barpeta District, Assam for information and necessary action.
2. The Sub-Divisional Officer (C), Bajali, Pathsala, Dist. Barpeta, Assam for information and necessary action.
3. Sri Prashanta Kakoty, Vill- Barbhang (Kayastha Para), PO- Pathsala, Dist. Barpeta, Assam-781325 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission