



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

Case No. : SNR.11/2014
Complainant/ Appellant : Sri Dilip Kumar Nath
Respondent : The SPIO, O/o Divisional Forest Officer, Pub Assam
Wildlife Division, Bokakhat, Golaghat
Date of hearing : 28.12.2015
Complaint/ Second Appeal Heard by : Shri H.S Das, IAS (Retd),
Chief Information Commissioner, Assam

O R D E R
28.12.2015

The Petitioner, Sri Dilip Kumar Nath is present. The Public Authority is represented by Sri Pradip Ch. Saud, AFS, Asstt. Conservator of Forests & SPIO, O/o the Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat along with Sri Kiran Ch. Phukan, Senior Assistant.

The complaint petition dated 09.12.2013 is taken up for hearing in the presence of both the parties.

The petitioner, Sri Dilip Kumar Nath submitted both orally and by written submission that he is still interested in getting the information. Therefore, his complaint petition dated 09.12.2013 is converted into an Appeal petition under Section 19 and taken up for hearing and disposal accordingly.

From perusal of the case records, it is seen that the petitioner filed an RTI petition dated 19.09.2013 asking for a wide range of information. Although the information sought for by him appears to be admissible under the RTI Act, 2005, compiling the same information separately with little variations every time an RTI Application is filed, seems to lead to repeated expenditure of public resources in terms of man-hours of public servants.

This commission therefore directs that such basic information regarding maintenance of the National parks, Wildlife Sanctuaries and Reserve Forests and functioning of various Forest Divisions should be put on the website as a matter of course under Section 4 of the RTI Act, 2005.

The Commission therefore directs the Principal Secretary, Forest and Environment Department and Principal Conservator of Forests to issue necessary instructions to all the subordinate offices to proactively disclose such information on a regular basis as mandatorily required under Section 4 of the RTI Act, 2005. Once such information is available on the departmental websites, the concerned public authorities under the department may be able to respond to most of the RTI applications by referring to the relevant positions of the website.

As for instant hearing today, the SPIO has filed a written submission detailing the actions already taken by him in response to the RTI Application dated 19.09.2013. It is seen that some information have already been furnished to the petitioner from time to time. Today, the SPIO has made a Written Submission dated 24.12.2015 before this Commission enclosing the information sought for by the petitioner.

On direction from the Commission, the SPIO handed over the said information to the petitioner. If the applicant requires any further clarification, he may visit the O/o the DFO, Eastern Wildlife Division, Bokakhat and he may be allowed by the SPIO to inspect the relevant documents and records and to take notes thereof within the ambit of his RTI Application, within 15 days from the date of receipt of this order.

The applicant particularly referred to point nos. 4 & 5 of his RTI Application. Against point no. 4, this Commission directs the SPIO to furnish photocopies of the postmortem reports of rhinos illegally killed by the poachers during the period of 2000-2013.

The SPIO stated that the information sought for under Section 5, i.e. the no. of horns of killed rhinos in the custody of different Treasuries and Competent Forest Officials could not be provided due to security reasons under Section 8 (g) of the RTI Act, 2005.

This Commission is of the view that the horns of killed or dead rhinos are public property in the custody of concern Treasuries and Competent Forest Officials. Their number and custodial locations does not seem to have any bearing on investigation or prosecution of the corresponding criminal cases. However, taking into account, the large number of rhino horns, which is around 400 and their value running into hundreds of crores of rupees, this Commission directs the SPIO of the O/o the Divisional Forest Officials, Bokakhat Forest Officer to:- i) disclose the total no. of rhinos killed by poachers or died due to natural causes during the period of 01.01.2000 to 19.09.2013, ii) the total no. of rhino horns in custody of different Treasuries or Forest Officials as on 19.09.2013 and iii) give a clarification for any differences between (i) & (ii).

With the above 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 Commission

Memo No. SNR.11/2014 -A

Dtd. 28.12.2015

Copy to:

1. The Principal Secretary to the Govt. of Assam, Forest and Environment Department, Dispur Guwahati- 06(Assam) for information and necessary action.
2. The Principal Chief Conservator of Forests, Rehabari, Guwahati-8 (Assam) for information and necessary action.
3. The Principal Chief Conservator of Forests, (Wildlife), Basistha, Guwahati- 29 (Assam) for information and necessary action.
4. The SPIO in the office of the Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat (Assam) for information and necessary actions.
5. Sri Dilip Nath, Vill- Panchnai, PO- Hugrajuli, Dist- Sonitpur, Pin- 784507, (Assam) for information.
6. Computer Section for uploading in the Website.
7. Office File.

Secretary & Registrar
Assam State Information Commission