



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

Case No. : SIC/CCR.90/2013
Appellant : Md. Alam Hussain Laskar
Respondent : The SPIO, O/o Deputy Commissioner, Cachar
Date of hearing : 12.02.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
12.02.2016

The Appellant present. He has submitted in writing that he would like to convert his Complaint case to Second Appeal u/s 19 of the RTI Act, 2005. A Written Statement dated 12/02/2016 also received

The SPIO absent. However, a Written Statement dated 11/02/2016 received from the District Development Commissioner, office of the D.C. Cachar.

The First Appellate Authority (FAA)/D.C., Cachar has not apprised the Commission about the steps he had taken to dispose of the First Appeal either by a Written Submission or by deputing his authorized representative to the hearing which he was directed to do through the hearing notice of the Commission dated 30/01/2016.

The Appellant has submitted that he has been provided with part information but that he had been directed by the SPIO and FAA to approach the office of the Zilla Parishad, Cachar and PD, DRDA, Cachar for the rest of the information. He has also submitted that although he had visited these two offices, he was not provided with the information he had sought for and that the office of the CEO, Zilla Parishad informed him by a letter dated 22/01/2015 that the MSDP on which he had sought information did not come under the purview of Zilla Parishad. He was advised to visit PD, DRDA, Cachar instead.

Perusal of the case records indicate that the Additional Deputy Commissioner (Development), Cachar on the one hand, had advised the Appellant through his letter dated 31/5/2013 to approach PD, DRDA, Cachar for copies of utilizations certificates in respect of MSDP Scheme, and on the other, advised him to obtain the information on MSDP from "Development Branch of D.C. office" on payment of certain amount.

Further, it has been stated that fund for the construction of IAY houses have been utilized and the utilization certificates have been submitted to the Government without providing copies of the UCs to the Petitioner. It can be seen from the position stated above that the A.D.C. (Development) did not follow the proper procedure for providing information to the RTI Applicant. In fact, it was the responsibility of the SPIO, office of the D.C., Cachar to obtain the requisite information and provide the same to the Petitioner/Applicant, if necessary by advising him to deposit the cost of photocopying etc. provided that was done within the time stipulated in the RTI Act, 2005. Further, the procedure in respect of information that are not available or are not maintained by the Public Authority should be transferred u/s 6 (3) of the said Act to the appropriate authority with whom the said information would normally be available, and the Applicant informed of the fact of the transfer.

In the instant case, the proper procedure for the SPIO, office of the D.C., Cachar was to transfer the part of the RTI Application relating to PD, DRDA, Cachar to the latter instead of directing the Applicant to approach that authority and obtain the information.

In view of the facts stated above, the Commission hereby orders as follows: -

1. The SPIO, office of the D.C., Cachar shall review the information already provided to the Petitioner and provide him with any additional information that may be available in the office of the D.C., Cachar, free of cost, within a period of 10 days of receipt of this order.
2. Should any part of the information sought for by the Applicant to be not available in the office of the D.C., Cachar but with PD, DRDA Cachar the same may be transferred by the SPIO formally to the authority u/s 6 (3) of the RTI Act, 2005, under intimation to the Petitioner.
3. On receipt of the part of the RTI Application on transfer from the SPIO, office of the D.C., Cachar, the SPIO, office of the PD, DRDA, Cachar shall provide the information to the Applicant within the time frame stipulated by the RTI Act, 2005.
4. Should the Applicant not receive the information from the SPIO, office of the PD, DRDA, Cachar within the stipulated time or he is not satisfied with the information provided him, he shall be at liberty to prefer First Appeal with the FAA/PD, DRDA, Cachar.
5. In the event of the Applicant not being satisfied with the action taken by the SPIO, office of the D.C. Cachar in terms of this order, he may at his discretion submit a Complaint of non-compliance either with the FAA/D.C. Cachar or this Commission.

With this, the Second Appeal Petition is disposed of.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Dy. Secretary & Dy. Registrar
Assam State Information Commission

Memo No. SIC/CCR.90/2013/ -A

Dtd. 12.02.2016

Copy to:

1. The SPIO, Office of the Deputy Commissioner, Dist-Cachar, PO- Silchar, Assam, Pin- 788001 for information and necessary action.
2. The First Appellate Authority/Deputy Commissioner, Dist-Cachar, PO- Silchar, Assam, Pin- 788001 for information and necessary action.
3. The SPIO, Office of the Project Director, District Rural Development Agency, Dist- Cachar, PO- Silchar, Assam , Pin- 788001 for information and necessary action
4. Md. Alam Hussain Laskar, S/o Wazid Ali Laskar, Vill- Rangirghat, Part-III, PO- Amjurghat, Dist- Cachar, Assam, Pin- 788119 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Dy. Secretary & Dy. Registrar
Assam State Information Commission