



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

Case No. : **KP(M). 173/2014**

Complainant/ appellant : **Mg. Jarbom Kutum**

Respondent : **Chief Engineer, PWD (Border) Roads**

Date of hearing : **15-06-2016**

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

O R D E R

The petitioner Mg. Jarbon Kutum is absent without any information. The public authority is represented by :- (1) Sri Ajit Kumar Borah, PIO and Superintending Engineer, PWD (Roads), (2) Sri Kanak Ch. Boro, Executive Engineer, Dhemaji State Road Division, and (3) Sri Dilip Dutta Gupta, Executive Engineer, PWD, Dhemaji Rural Roads Division.

The complaint petition dated 20-1-2014 is taken up for hearing ex-parte in the absence of the complainant.

From perusal of the complaint petition, it is seen that the petitioner filed an RTI petition dated 16-9-2013 before the office of the Chief Engineer, PWD (Border) , Chandmari, Guwahati-3, seeking the following informations:-

“

1. How many schemes have been taken under PWD in Dhemaji district. Mention the name of places where implement the schemes since 2005 to till date?
2. How much amount in each schemes are taken? Please give details.

“

The PIO and Supreintending Engineer, PWD has made a written submission dated 14th June, 2016 which is entered into the case records. He has mentioned that the petitioner's RTI petition dated 16-9-2013 was transferred to the Executive Engineer, Dhemaji Rural Road Division and Executive Engineer, Dhemaji State Road Division , vide letter dated 16th September, 2013, requesting them to furnish the information directly to the applicant, copy of which was also given to the petitioner Mg. Jarbon Kutum.

The Executive Engineers of Dhemaji State Road Division and Dhemaji Rural Roads Division Sri Kanak Ch. Boro and Sri Dilip Dutta Gupta respectively, who were present in today's hearing, submitted that as per their office records, they did not receive the RTI petition, as transferred by the office of the Chief Engineer, PWD (Roads) Division, vide letter dated 16th September, 2013.

However, on receipt of this Commission's notice dated 3-6-2016 they have , in the meanwhile, furnished the information sought for by the petitioner, Executive Engineer, PWD (Rural) Roads Division vide his letter dated 4-6-2016 and Executive Engineer, Dhemaji State Road Division by his letter dated 14-6-2016.

In the absence of the complainant , he could not be heard, although it is clear that he did not receive the sought for information within the stipulated period of 30 days. The concerned officials of PWD are directed to be more careful in future in dealing with RTI petitions.

This Commission also observed that the information sought for by the petitioner should have been put in the public domain by the concerned public authority as is mandatorily required under Section 4 of the RTI Act, 2005.

This Commission, therefore, directs the Additional Chief Secretary, Govt. of Assam, PWD to issue necessary instructions to all concerned under their administrative jurisdiction to strictly comply with the provisions of Section 4 of the RTI Act, 2005 relating to proactive disclosure of the RTI Act. Action may be taken within 30 days from the date of receipt of this order with intimation to this Commission.

With the above order, the complaint petition dated 20-1-2014 is disposed of.

Sd/-
(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No.SIC/KP(M) 173/2014/11-A

Dtd. 15-6-2016

Copy to:

1. Additional Chief Secretary, Govt. of Assam, PWD, Dispur, Guwahati-6 for information and necessary action, as above.
2. Sri Ajit Kumar Borah, PIO and Superintending Engineer,PWD (Roads), Chandmari, Guwahati for information and necessary action..
3. Mg. Jarbon Kutum, Citizen, Opposite International Hospital, Ganeshguri, Christian Basti, Guwahati-5 for information.
4. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar
Assam Information Commission