



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

Case No. : SIC/GLT.52/2016
Complainant/Appellant : Shri Hemanta Kumar Mahanta
Respondent : The SPIO, O/o the
1. Divisional Forest Officer, Golaghat Forest Division, Golaghat
2. Regional Officer, Pollution Control Board, Golaghat
Date of hearing : 18.07.2016
Complaint/Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
18.07.2016

The Complainant/Appellant present.

The SPIO, office of the D.F.O., Golaghat and the SPIO, office of the Regional Officer, P.C.B., Golaghat are absent. However, Written Statements dated 13.07.2016 and 02.07.2016 from the Conservator of Forest, Eastern Assam Circle, Jorhat and SPIO, office of the D.F.O., Golaghat respectively received.

Perused the case record. It is seen that the RTI Application dated 15.03.2015 had been transferred by the SPIO, office of the SDO (C), Dhansiri, Sarupathar to the – 1) Divisional Forest Officer, Golaghat, and 2) Regional Officer, Pollution Control Board, Golaghat through a letter dated 01.04.2015 under Section 6 (3) of the RTI Act, 2005 as the information sought for related to those SPIOs. On not receiving the information, the Complainant/Appellant filed a First Appeal dated 09.06.2015 to the Chief Conservator of Forest, Upper Assam Circle, Jorhat.

Perused the W/S from the Conservator of Forest. It has been submitted that First Appeal had been transferred to the appropriate First Appellate Authority, namely D.F.O., Golaghat through a letter dated 13.07.2016.

Perused the W/S from the SPIO, office of the D.F.O., Golaghat. It has been submitted that the information had been provided by post through a letter dated 30.04.2015 and 14.07.2015 which have been enclosed with the W/S.

Heard the Complainant/Appellant. He submitted that he had received the letter dated 14.07.2015 from the SPIO. The letter dated 30.04.2015 stated to have been enclosed was not found by the latter. On the copy of the said letter dated 30.04.2015 having been shown during the hearing to the Complainant/Appellant, he was of the opinion that the replies given in respect of point no. 2,3 and 4 did not indicate as to how the issue of noise and air pollution was not applicable to the Forest Department and if it was not related to that department they ought to have transferred the same to the appropriate SPIO. He further submitted that he had received some information from the SPIO, office of the P.C.B., Golaghat. However, they were not specific and did not indicate the authorities who are concerned with matters like collection of sample and maintenance of records. As records, point no. 5 related to the extent for compliance of the terms and conditions of license by the Stone Crusher Units, the SPIO, office of the P.C.B., Golaghat stated that some units were complying without specifying the units and those which were not complying.

The Complainant requested in writing that as he was still interested in getting the information his Complaint case may be treated as an Appeal.

The records indicate that the SPIO, office of the Regional Officer, Pollution Control Board, Golaghat to whom the RTI Application had also been transferred was not notified about today's hearing.

In view of the facts brought out above, the Commission hereby orders as follows –

1. The SPIO, office of the Regional Officer, Pollution Control Board, Golaghat shall review the information already furnished to the Appellant and provide additional information so as to complete the information with reference to the RTI Application dated 15.03.2015, free of cost, within 10 days of receipt of this order;
2. The SPIO, office of the Divisional Forest Officer, Golaghat Division shall similarly review the information which they have stated to have provided through the letter dated 30.04.2015 and provide full information and related documents to the Appellant, free of cost, within 10 days of receipt of this order and transfer those parts of the Application in respect of which his office is not the holder.

With this, the Appeal Petition is disposed of.

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

Authenticated true copy.

Sd/-
Deputy Registrar
Assam Information Commission

Memo No. SIC/ GLT.52/2016/ 23 -A

Dtd. 18.07.2016

Copy to:

1. The SPIO, office of the Divisional Forest Officer, Golaghat Forest Division, Golaghat, Dist- Golaghat, Assam for information and necessary action.
2. The SPIO, office of the Regional Officer, Pollution Control Board, Golaghat, Dist- Golaghat, Assam for information and necessary action.
3. The First Appellate Authority/Chief Conservator of Forest (T), Upper Assam Circle, Circuit House Road, Jorhat, Dist- Jorhat, Assam, Pin-785001 for information and necessary action.
4. Shri Hemanta Kumar Mahanta, S/o- Shri Ghana Kanta Mahanta, R/o- Pavojan, P.O.- Barpathar, Dist- Golaghat, Assam, Pin- 785602 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Deputy Registrar
Assam Information Commission