

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

Case No. : **DBR.1/2015**

Complainant/ appellant : **Smti Annapurna Nath**

Respondent : **Secretary, Bakul Gaon Panchayat, Dibrugar**

Date of hearing : **30-8-2016**

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

O R D E R

The petitioner Smti Annapurna Nath is present accompanied by her brother Sri Sarat Ch. Neog. The public authority is represented by :- (1) Sri Khagen Handique, Secretary, Bakul G.P, and (2) Sri Ujjal Saikia, Bakul G.P Lahoal Development Block .

The second appeal petition dated 9-1-2015 is taken up for hearing in presence of both the parties.

From perusal of the case records it is seen that the petitioner filed an RTI petition dated 9-10-2014 before the President of Bakul G.P, followed by a first appeal petition dated 15-11-2014 before the Project Director, DRDA, Dibrugarh. The P.D, DRDA , Dibrugarh transferred the first appeal petition dated 7-11-2014 to the BDO, Lahoal Development Block with a request to furnish the required information directly to the petitioner.

Getting no response from the concerned G.P or the BDO, the petitioner filed a second appeal petition dated 9-1-2015, which has been taken up for hearing today.

The petitioner has filed a written statement dated 30-8-2016, stating inter alia, that no information was furnished to her during the stipulated period. However, the Secretary of Bakul G.P hurriedly furnished some information to her on 6th August, 2016 after receiving notice from this Commission for today's hearing. The information furnished by the Secretary Bakul G.P have been found by the petitioner to be incorrect and incomplete, instances of which she has mentioned in her written statement. Her written statement is entered into the case records.

The Secretary and President of Bakul G.P made a separate joint written submission dated 30-8-2016, which is also entered into the case records. They submitted that the RTI petition of the petitioner was transferred by the BDO, Lahoal Development Block to the Secretary of Bakul G.P vide a letter dated 8-2-2016, copy of which they showed to this Commission. In their written statement they have mentioned that Bakul G.P did not get any schemes for CFL bulbs, low cost toilets and MARK 2 hand pumps.

As regards the figures of IAY houses, the petitioner was asked to deposit the required cost , which she did not deposit. In their written statement they also alleged that the petitioner is normally present in the Gram Sabhas where decisions are taken for implementation of various schemes and that she has filed RTI petitions against several G.Ps like Lahoal , Bakul, Mohanbari, Timona and Rohmaria G.Ps. They have alleged also that the petitioner has used Right to Information as an instrument to harass the concerned public authorities. In their joint written statement the President and Secretary of Bakul G.P further said that they have already furnished the information relating to the schemes implemented by their G.P along with IAY beneficiaries indicating the cost of IAY costs of construction.

However, the petitioner has already mentioned that she is not satisfied with the information furnished on the ground that they are incomplete and incorrect , instances of which she has mentioned in her written submission dated 30-8-2016.

On the other hand it is seen that the information sought for by her is voluminous , although admissible under the RTI Act, 2005. This Commission, therefore, directs the Secretary of Bakul G.P to allow the petitioner to inspect all relevant records and documents with reference to her RTI petition dated 9-10-2014, during office hours, on any working day within 15 days from the date of receipt of this order and allow her to take notes and photo copies of relevant documents free of cost up to 25 copies and thereafter on payment of Rs. 2/- for every additional page of photo copy.

As regards the delay in furnishing the required information, it is seen that the RTI petition dated 9-10-2014 was received by the Secretary of Bakul G.P, although no date of receipt has been mentioned . It is also seen that the first appeal petition dated 15-11-2014 was transferred by the P.D, DRDA, Dibrugarh to the BDO , Lahoal Development Block ,thereafter it was transferred by the BDO to the Secretary, Bakul G.P on 2-8-2016. Both BDO, Lahoal Development Block and Secretary, Bakul G.P appears to have failed to stick to the time frame prescribed under the RTI Act. They are directed to submit their written explanations as to why penalty under Section 20 of the RTI Act shall not be imposed on them for their failure to comply with the provisions of the RTI Act, 2005. Their written reply to reach this Commission within 15 days from the date of receipt of this order.

Issue notices on both BDO, Lahoal Development Block, Dibrugarh district and Secretary of Bakul G.P.

Fix **28-9-2016 at 11.30 A.M** for the next hearing.

**Sd/-
(H.S.Das)**

**Chief Information Commissioner, Assam
Panjabari, Guwahati**

Authenticated true copy.

**Sd/-
Registrar
Assam Information Commission**

**Memo No.SIC/DBR.1/2015/14-A
Copy to:**

Dated.30-8-2016

1. Sri Khagen Handique, Secretary, Bakul G.P,.Lahoal, Dibrugarh district for information and necessary action.
2. Smti Annapurna Nath, Dibrugarh Changmai Gaon, P.O –Lahoal, District- Dibrugarh for information and necessary action.
3. Computer Section for uploading in the Website.
4. Office File.

**Registrar
Assam Information Commission**