

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

Case No. : KP(M).778/2016
Complainant/ Appellant : Shri Bhuban Sinha
Respondent : Commissioner of P&RD, Govt. of Assam
Date of hearing : 23.12.2016
Complaint/ Second : Shri H. S. Das, IAS (Rtd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R

23.12.16

The petitioner Shri Bhuban Sinha is present. The public authority is represented by Shri Amarendra Sarma, Asstt. Development Commissioner & PIO in the office of the Commissioner of P&RD, Govt. of Assam accompanied by Shri B.C. Kalita, Superintendent of the same office. The second appeal petition dated 9.12.16 is taken up for hearing in presence of both the parties.

The Joint Director & SPIO of the office of the Commissioner of P&RD has submitted a written statement dated 22.12.16 which is entered into the case records.

From perusal of the case records it is seen that the petitioner filed an RTI petition dated 30.6.16 before the SPIO of the office of the Commissioner of P&RD Department seeking various informations pertaining to the three preceding years, i.e. from 1.4.13 to 31.3.16 regarding implementation of various developmental schemes under Salchapra GP falling within the Salchapra Development Block in Cachar district of Assam. It appears from the case records that no information has been furnished to the petitioner so far.

The Jt. Director & SPIO of the office of the Commissioner of P&RD has sent a written submission dated 22.12.16 stating that the petitioner's RTI petition was transferred to the CEO, Zilla Parishad, Silchar Cachar and PD, DRDA, Silchar, Cachar vide letter No. DRD-2(A)/10/2007/Pt.I.120 dated 5.7.16, copy of which has been enclosed with the WS. The PIO of the office of the Commissioner, P&RD submitted that informations in respect of IAY/PMAY & MGNREGA are held by the Project Director, DRDA, Silchar, Cachar and all other informations sought for are held by the CEO, Zilla Parishad, Silchar, Cachar.

It appears from the WS submitted by the Jt. Director & SPIO that SPIO of CEO, Cachar Zilla Parishad has been repeatedly absents himself from appearing for hearing before the first appellate authority i.e. the Commissioner of P&RD Department. The written statement of the SPIO of the Commissioner of P&RD mentions that the first appeal petition dated 3.10.16 was transferred to the Deputy Commissioner, Cachar as the FAA of the district of Cachar in respect of informations held by PD, DRDA. **But**

there is no record of any hearing taken by the Deputy Commissioner, Cachar in his capacity as FAA. Meanwhile the petitioner continued to be deprived from informations sought for by him, which are admissible under the RTI Act, 2005.

In view of the above, this Commission, in exercise of power conferred u/s 19 (8) (a) (i) directs the SPIO in the office of the CEO of the Zilla Parishad, Silchar Cachar and the SPIO in the office of the PD, DRDA, Cachar, Silchar to furnish the information sought for by the petitioner as mentioned above within 15 days from the date of receipt of this order to the petitioner directly by registered post and free of cost.

The SPIO in the office of the CEO, Zilla Parishad and the SPIO of the Project Director, DRDA, Cachar, Silchar are also directed, in exercise of power conferred under section 20 of the RTI Act, 2005, to submit their written statements on or before 24.01.2017 and personally appear before this Commission at 11.30 AM on 24.01.2016 to avail an opportunity of being heard, before this Commission decides imposition of any penalty prescribed u/s 20 of the RTI Act, 2005 for their continued failure to comply with the provisions of this Act.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/KP(M).778/2016/21-A

Dtd. 23.12.2016

Copy to:

1. The Jt. Director & SPIO in the Directorate of P&RD, Panjabari, Guwahati 37 for information.
2. The SPIO of the office of the Chief Executive Officer, Zilla Parishad, Silchar, Cachar for information and necessary action.
3. The SPIO in the office of the Project Director, DRDA, Cachar Silchar for information & necessary action.
4. Shri Bhuvan Sinha, House No. 9, Swaraj Nagar, Bye Lance No. 4, PO- Dispur Sachivalaya, Dispur, Guwahati-6 for information.
5. Computer Section for uploading in the Website.
6. Office File.
7. Order Book.

Registrar
Assam Information Commission