



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

Case No. : SIC/GLT.17/2017  
Complainant : Smt. Smritirekha Hazarika  
Respondent : The SPIO, O/o the Chairman, Dergaon Municipal Board,  
Golaghat  
Date of hearing : 05.08.2017  
Complaint heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
05.08.2017

Shri Sumanta Hazarika is present as deputed by the Complainant.

The SPIO, O/o the Chairman, Dergaon Municipal Board has sent an apology for his absence in the hearing by e-mail on account of a reported bandh in the state.

Considering that the Complainant's depute is present, the Commission decided to conduct the hearing proceedings *ex parte* of the SPIO.

A Written Statement dated 17.07.2017 has been received from the Director, Municipal Administration, Assam to whom the First Appeal had been submitted. Perused the same. It has been submitted that the First Appeal dated 29.04.2017 was transferred on 08.05.2017 as the Director, Municipal Administration was not the FAA for Urban Local Bodies.

The SPIO has not submitted any Written Statement and also has not explained as to why penalty U/S 20 (1) of the RTI Act, 2005 should not be imposed on him for his failure to furnish the information within the time stipulated.

In the absence of the SPIO or any Written Statement from him, the Commission was unable to ascertain his views.

Heard the depute of the Complainant. He submitted that the Complainant has received the information in respect of point numbers 1 and 4 from the Deputy Director, Town & Country Planning, Golaghat and was satisfied with it. However, the information received from the SPIO, O/o the Dergaon Municipal Board dated 05.06.2017 in respect of point numbers 2 and 3 were not to-the-point and therefore not satisfactory. Submitting a copy of the said letter stating that the information required in respect of point number 2 was about measures taken by DMB to control the pollution caused by sound generated by a particular steel fabrication industry in Ward No. 9 and the information sought for in point number 3 was whether the NOC issued by the DMB for thickly populated areas was in accordance with section 228 of the Municipal Act.

The Complainant's depute submitted that the Complainant was still interested in the information and submitted a written request to treat the Complaint as an Appeal for information.

A perusal of the RTI Application and the information provided by the DMB indicated that the information was not provided in accordance with the information sought for by the Appellant. The SPIO ought to have provided information in the form of documents relating to the measures taken for controlling noise pollution and compliance of NOC to such noise polluting industry with section 228 of the Municipal Act.

In view of the above submissions by the Appellant's depute, the Commission hereby orders that the SPIO, O/o the Dergaon Municipal Board shall review the information furnished to the Appellant in respect of point numbers 2 and 3 of the RTI Application and provide direct, to-the-point information as sought for, based on records, free of cost, within 10 days of receipt of this order.

The Complaint/Appeal is hereby disposed of. However, the Appellant shall be at liberty to move this Commission, if she is not satisfied with the response of the SPIO.

Sd/-

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar  
Assam State Information Commission

Memo No. SIC/GLT.17/2017/15-A  
Copy to:

Dtd. 05.08.2017

1. The SPIO, O/o the Chairman, Dergaon Municipal Board, Dergaon, Dist- Golaghat, Assam, Pin- 785 621 for information and necessary action.
2. The First Appellate Authority/Director, Municipal Administration, Dispur, Guwahati- 781 006 for information.
3. The Complainant, Smt. Smritirekha Hazarika, Dergaon Town, Ward No- 9, Dist- Golaghat, Assam, Pin- 785 621 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar  
Assam State Information Commission