

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

Case No. : SIC/KP(M).1038/2017
Appellant : Shri Hari Narayan Pathak
Respondent : The SPIO, the Department of Geology & Mining, Government of Assam, Dispur
Date of hearing : 24.01.2018
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
24.01.2018

The Appellant, Shri Harinarayan Pathak is present.

The SPIO, O/o the Director, Geology & Mining Department, Assam is absent. However, she (Smt. Tulika Kumari Das), Deputy Director/SPIO, Geology & Mining Department, Government of Assam has submitted a letter dated 22.01.2018.

Perused the SPIO's letter. It has been submitted that information had been furnished on 18.03.2017 and it has been requested to re-fix today's hearing on the plea that the Director was out of station. However, as the Appellant is present and the issue of furnishing of information has been pending for almost a year, the Commission decided to conduct the hearing proceedings *ex parte*.

The submission of the SPIO, Directorate of Geology & Mining, Government of Assam that the Director was out of station and that therefore the hearing be re-fixed was not acceptable. The responsibility to respond on the RTI matters and to attend hearing in the Commission lies with the SPIO and not the head of the office.

Perused the case record. It is seen that the Appellant had submitted his Second Appeal dated 23.06.2017 being aggrieved at the information furnished to him by the SPIO, O/o the Director, Geology & Mining, Assam and non-receipt of any decision/order from the First Appellate Authority/Director, Geology & Mining, Government of Assam to his First Appeal dated 27.03.2017. It is seen that the Application for information dated 25.01.2017 was made to the SPIO, Mines & Minerals Department, Government of Assam. The Application was transferred to the Directorate by the Department through a letter dated 07.02.2017. Through the Application he had sought for a copy of the official notification issued by the Department or the Directorate for allowing extraction of Coal in the state and whether the Department had issued any N.O.C. in favour of the said Director for issuing any lease permit to any private organizations/individual for Coal mining in the Klurdung area in West Division of Karbi Anglong district, and documentary evidence thereof was sought.

Heard the Appellant. He submitted that he had sought information from the Department and not from the Directorate and was therefore not satisfied with the transfer of the case by the Department. He explained that he had to submit his First Appeal to the Director in view of the said transfer. He further stated that he was not satisfied with the information given by the SPIO

of the Directorate to the effect that no notification in this regard had been issued by the Directorate while copies of two documents on the matter had been provided. He submitted that the letter from the Divisional Forest Officer, Karbi Anglong West Division and the reply of the Directorate to the said DFO were somewhat in contradiction of the first statement of the Directorate. Further, the information provided in respect of point number 2 as “no such N.O.C. was received from the Government to DGM” too was not in agreement with the aforementioned information relating to point number 1.

Considering the case record and the submission by the Appellant, the Commission hereby concludes that the information furnished to the Appellant by the Directorate, Geology & Mining suffers from the lack of clarity. Besides, the information has been provided as of the Directorate whereas the Appellant had sought the same from the Government. In view of this, the Commission hereby orders that the SPIO, O/o the Mines & Minerals Department, Government of Assam shall provide the information sought for by the Appellant through his Application dated 25.01.2017, free of cost, within 15 days of receiving this order taking into account the information already provided by the Directorate as mentioned above.

The Second Appeal is hereby disposed of. However, the Appellant shall be at liberty to move this Commission, if he is aggrieved with the response of the SPIO.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar
Assam Information Commission

Memo No. SIC/KP(M).1038/2017

Dtd.24.01.2018

Copy to:

1. The SPIO, Mines & Minerals Department, Government of Assam, Dispur, Guwahati- 6 for information and necessary action.
2. The SPIO, O/o the Director, Geology & Mining, Dakhingaon, Kahilipara, Guwahati- 19 for information and necessary action.
3. The First Appellate Authority/ Department of Geology & Mining, Government of Assam, Dispur, Guwahati- 6 for information.
4. The Appellant, Shri Hari Narayan Pathak, Padum Pukhuri, Uzan Bazar, Guwahati- 781 001, Assam for information.
5. Computer Section for uploading in the Website.
6. Office File.

Joint Registrar
Assam Information Commission