



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

Case No. : DMJ.51/2017
Complainant : Shri Promud Borah
Respondent : Divisional Officer, Soil Conservation, Dhemaji-Jonai
S.C.Division.
Date of hearing : 15.6.2018
Complaint/ Second : Smti. N.A. Hazarika, IAS (Retd)
Appeal heard by : State Information Commissioner, Assam

O R D E R

15.6.2018

1. The petitioner Shri Promud Borah is absent without any intimation. The public authority is represented by Shri Jitu Talukdar, Divisional Officer (DO) Dhemaji-Jonai Soil Conservation Division. The second appeal petition dated 20.10.17 is taken up for consideration in the absence of the petitioner.
2. On perusal of the second appeal petition it is seen that the petitioner has mentioned that the information furnished to the petitioner by the public authority vide letter dated 24.8.17 was incomplete.
3. The DO and FAA, Dhemaji-Jonai S.C. Division has submitted a written statement dated 31.5.18 that on receipt of the RTI petition dated 24.7.17 the PIO had directed the Secretary, Jiadhal MWS No. 1 to furnish the information to the petitioner by 3.8.17. The Secretary Jiadhal MWS No.1 informed the PIO that the petitioner Shri Promud Borah is himself an Executive Member of the same Jiadhal MWS Development Committee. Being an active member of the Committee, he was aware of the operational activities of the same and that the Secretary would provide all the information to Shri Promud Borah in the next Working Committee executive meeting. He stated that on 24.8.17 the PIO of the Division furnished the information to the petitioner, a copy of which has been enclosed.
4. He also stated that on 18.9.17 the PIO of the Division received another petition from Shri Promud Borah, which could not be tallied with his previous petition and in addition he sought for some additional information. The PIO of the Division informed Shri Promud Borah, against his second petition, to deposit an amount of Rs. 1000.00 as photocopy charges. On 3rd October, 2017, the then Divisional Officer cum first appellate authority transferred the RTI petition to the Secretary, Jiadhal MWS No. 1, Dhemaji with copy to the petitioner to collect the information directly from the Jiadhal MWS No. 1 Committee office on payment of photocopy charges..
5. He further stated that without visiting his own MWS Committee office and not willing to pay the required dues, the petitioner submitted another petition on 2.11.2017. Vide letter dated 6.11.17, the petitioner was informed that the RTI petition was transferred to Secretary, MWS Jiadhal and the petitioner was requested to collect the

information directly from the Secretary, Jiadhal MWS on payment of photocopy charges.

6. He also stated that on 5.12.17 the then Divisional Officer received an appeal petition from the petitioner complaining that there was delay in transferring the RTI petition and that three new queries were included in the petition. The then DO vide letter dated 19.7.2017 informed the petitioner that there was delay in transferring of RTI petition due to unavoidable reason (i.e. NRC duty) and he was directed to file a fresh petition for the new queries.

7. The Secretary, Jiadhal MWS was directed to submit a written statement regarding the matter. Accordingly the Secretary Jidhal MWS was directed vide letter dated 23.5.18 informed the DO that he had furnished the information to the petitioner, vide letter dated 10.10.17 by ordinary post as the petitioner had not visited the office after repeated request.

8. The DO also stated that the petitioner harassed them by putting new queries on every appeal. Besides Shri Promud Borah being an active member of the Jiadhal MWS No. 1 Committee, had knowledge of all the activities carried out by the Committee and these matters can be discussed in every Working committee meeting being held in every month, rather than filing RTI petitions every time against his own Committee and requested the Commission to close the matter.

9. On perusal of letter dated 2.11.17 submitted by the petitioner it is seen that the petitioner had informed the PIO of Soil Conservation Division that since he has not been informed about the exact photocopy charges, he would not be able to deposit the estimated cost of Rs. 1000. As such he was requested to intimate the exact amount to be deposited as photocopy charges. It is also seen that vide letter dated 10.1.17, the petitioner was furnished information on his RTI petition dated 16.9.1, wherein he had also requested the petitioner to deposit an amount of Rs. 1550.00. It was also stated that if the amount is more than the amount required for making photocopies, the same would be refunded to him.

10. The Commission observes that no hearing was taken by the Divisional Officer – cum- first appellate authority on the first appeal petition filed by the petitioner on 5.07.17. The Commission therefore, remands the matter to the first appellate authority for disposal with a speaking order after hearing both the parties within 21 days from the date of receipt of this remand order.

11. The petitioner shall be at liberty to move this Commission with a second appeal petition or complaint petition, as the case may be, if he is aggrieved by the decision of the first appellate authority or because of non-disposal of the first appeal petition by the first appellate authority.

With the above direction, the second appeal petition dated 20.10.17 is disposed of.

Sd/-

(N.A. Hazarika)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Joint Registrar
Assam Information Commission

Memo No. SIC/ DMJ. 51/2017/

Dated 15.6.2018

Copy to:

1. The SPIO of the office of the Divisional Officer, Dhemaji-Jonai Soil Conservation Division, Silapathar, Dist. Dhemaji, Assam for information and necessary action.
2. The Secretary, Jiadhal MWS No.1, Dhemaji, Dist. Dhemaji, Assam for information and necessary action.
3. The FAA/ Divisional Officer, Dhemaji-Jonai Soil Conservation Division, Silapathar, Dist. Dhemaji, Assam for information and necessary action.
4. Shri Promud Borah, Vill- Bishnupur Gohpuria Gaon, Dist. Dhemaji, Assam for information.
5. Computer Section for uploading in the Website.
6. Office File.
7. Order Book.

Joint Registrar
Assam Information Commission