



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/LPR.31 /2013

Complainant : Sri Rajen Dutta

Respondent : The SPIO/ Secretary, Paschim Machkhowa Samabay
Samity Ltd., Dhakuakhana, Lakhimpur, Assam

Date of hearing : 14.05.2019

Complaint heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R

14.05.2019

Sri Abu Tahar Samsuz Zaman Laskar, Sub-Inspector, FCS & CA Department, Dhakuakhana as deputed by the Addl. Deputy Commissioner i/c, Dhakuakhana, Sri Munindra Moral, the then SPIO/Superintendent, and Sri Pradip Chamuah, Secretary, Paschim Machkhowa Society are present.

The Appellant/Complainant, Sri Rajen Dutta is present.

Today's hearing was necessitated by the continued failure of the Secretary of the said Society to furnish the information to the Appellant and complied with several orders of the Commission starting from that on 27.03.2015 as brought out in the last order dated 21.01.2019. The said Secretary had failed to be present in the hearings of the Commission despite the notices served by the Commission. The Commission's last order was that the said Secretary would furnish the information within 15 days of receipt of the order and furnish the name(s) of the Secretaries of the Society since the month of May, 2013 in which the RTI Application was made. A Written Statement dated 25.04.2019 had been received from Sri Munindra Moral, Superintendent, FCS & CA, Dhakuakhana. The Superintendent was directed to ensure that the said Secretary obliged with the Commission's order. It has been submitted that on receipt of the Commission's order dated 07.09.2018, Sri Pradip Chamuah, the Secretary of the Society was personally directed to appear before the Commission along with relevant documents and a compliance report. However, Sri Chamuah was at the time "on the run" owing to a Police case lodged for misappropriate use of funds related to PDS items. He had neither reported to him (the Superintendent) nor appeared before the Commission. He was then placed on suspension. On resumption from his duty, the Superintendent summoned and directed him to comply with the orders of the Commission whereupon he (the Secretary) assured that he would furnish the information. The Superintendent submitted that he has tried his best to get the Commission's order complied with by the said Secretary but has failed in his effort.

Heard the Appellant/Complainant. He submitted that he had not received any response from the Respondents following the Commission's last order.

The Sub-Inspector of FCS & CA Department, Dhakuakhana submitted that the said Secretary of the Society has infact disregarded the instruction from his office.

Heard the Secretary of the Society. He submitted that he had joined as Secretary on 17.09.2017 and that his predecessor who did not furnish the information since May, 2013 has since retired. He added that he has been disturbed mentally in recent times owing to the Police case and the suspension and pleaded for leniency and for another opportunity to furnish the information. He assured that he would now collect the information and furnish the same in compliance with the Commission's order.

From his personal deposition, the Commission observes that although his predecessor had failed to furnish the information for long four years since the receipt of the RTI Application dated 14.05.2013, Sri Chamuah has too failed to do so since his taking over charge in the month of September, 2017. He did not take action on the latest order of the Commission and did not appear to be prepared to present his case before the Commission today. He submitted that he had not received latest orders of the Commission. Regarding the notice for hearing, it was found from the Postal Tracking System that the same was delivered to the addressee on 26.02.2019. He was not prepared to submit the list of Secretary/Secretaries which was asked of him by the Commission. It was only on the insistence by the Commission that he submitted in writing that Sri Boloram Doley, was the Secretary from 2013 to 2017 from he took over charge. The failure of the Secretary for such a long time to furnish the information sought for by a citizen and to comply with the orders of the Commission passed under the RTI Act, 2005 calls for penal action against him under the provisions of the said Act including imposition of penalty and recommendation of disciplinary action. It is also the responsibility of the relevant authorities of FCS & CA Department to take action on him under the relevant rules of engagement of the Society for PDS functions.

Considering the assurance by Sri Pradip Chamuah, the Commission has decided to give another opportunity to furnish the information and comply with the orders of the Commission and directs him to do the needful within 15 days of receipt of this order. The information will be furnished free of cost.

The Commission reiterates its order of 21.01.2019 that the Superintendent of FCS & CA, Dhakuakhana shall ensure/monitor the compliance by the said Secretary with this order. The Superintendent is also directed to address the issue of failure of Sri Chamuah as Secretary of Paschim Machkhowa SS Ltd. to discharge his responsibility as an agent of the Government Department towards the public in connection with PDS.

With the above direction, the Complaint of non-compliance is hereby disposed of.

Sd/-

Pinuel Basumatary IA & AS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar
Assam Information Commission

Memo No. SIC/LPR.31 /2013

Dtd.14.05.2019

Copy to:

1. Sri Pradip Chamuah, SPIO/Secretary, Paschim Machkhowa Samabay Samity Ltd., Dhakuakhana, Lakhimpur, Dist.- Lakhimpur, Pin- 787 055 for information and necessary action.
2. The First Appellate Authority/Assistant Registrar of Co-operative Societies, Dhakuakhana, Lakhimpur, Assam for information.
3. The Superintendent of Food, Civil Supplies and Consumer Affairs, Dhakuakhana, Lakhimpur, Assam shall ensure/monitor that the above order is complied with.
4. The Appellant, Sri Rajen Dutta, S/o- Sri Kanlora Dutta, Vill- Kamar Gaon, PO- Dhakuakhana, Dist.- Lakhimpur, Assam, Pin- 787 055 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Joint Registrar
Assam Information Commission