

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

Case No. : SIC/KP(M).760/2016
Appellant : Shri Harinarayan Pathak
Respondent : The SPIO, O/o the Commissioner, Panchayat & Rural
Development Deptt., Guwahati, Assam
Date of hearing : 15.03.2017
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
15.03.2017

Shri Biraj Mohan Adhikary, the ASPIO/Assistant Development Commissioner, Panchayat & Rural Development Deptt. is present. He has submitted a Written Statement dated 04.03.2017 from the PIO/Joint Director, P & RD Deptt., Assam.

The Appellant, Shri Harinarayan Pathak is present.

Heard the Appellant. He submitted that he has not been furnished with the information he had sought for and that he was not satisfied with the reply given to him by the SPIO/Joint Director, P & RD Deptt., Assam through a letter dated 14.09.2016.

Perused the W/S. A copy of the said letter dated 14.09.2016 has been enclosed wherein the Appellant was informed that the information sought through point numbers 1 and 2 were not available with his office and that BPL guidelines/notification may be available with Government of India. However, no evidence of posting the said letter has been produced. The same position was reported to the Appellant by the SPIO through a letter dated 22.11.2016.

Perused the case record. It is seen that the Appellant had submitted the RTI Application dated 14.06.2016 to the SPIO/Staff Officer, office of the Chief Secretary, Assam. The Appellant sought for the following information:-

- (i) Official Notification/Executive Order of Govt. of Assam or Govt. of India, as the case may be, for declaration of People Below Poverty Level in the state of Assam.
- (ii) Name and official address of the Competent Authority to whom entrusted the task for declaration and issuing the Below Poverty Level Certificate (BPL Certificate) to the Eligible individual belong to BPL category.
- (iii) Sample copy of Application for seeking of BPL Certificate from the Competent Authority.

The Application was transferred to the SPIO/Deputy Secretary, P& RD, Assam through a letter dated 17.06.2016. The Deputy Secretary, P & RD, Assam in turn transferred the same to the Commissioner, P& RD, Assam through a letter dated 18.06.2016. Stating that no information was furnished to him, he submitted the First Appeal dated 20.08.2016 to the Commissioner/First Appellate Authority. The Appellant did not receive any order from the FAA and therefore submitted his Second Appeal dated 24.09.2016. He has sought for access to the information and appropriate action against both the SPIO and the FAA for violation of the said Act.

Heard the ASPIO. He reiterated the submission made in the W/S. He was however, unable to tell the Commission as to how BPL beneficiaries of the various schemes administered/implemented by his department were identified. He was also not aware of the authority competent to issue BPL cards which are accepted to identify BPL beneficiaries by the Field Officers in his department.

The Commission is of the view that the SPIO and the ASPIO could not profess ignorance about Government guidelines pertaining to declaration of a BPL family and to furnish a copy of the form of application for seeking a BPL certificate. It is therefore necessary that the matter be addressed at higher levels. The issue could have possibly been addressed by the Commissioner, P & RD had he disposed of the First Appeal in his capacity as the FAA and issued an speaking order after hearing the SPIO and the Appellant. The Commission therefore, hereby orders that the Commissioner, P & RD shall have the matter investigated, and the information/documents furnished to the Appellant, if available. Further, the Commissioner, P & RD Deptt., Assam is hereby directed to submit a W/S before the Commission within 21 days of receipt of this order.

Should the P & RD, Assam not be the competent authority to declare any citizen as BPL beneficiary, it shall be the responsibility of the Public Authority to transfer the Application or the relevant part thereof to the public authority who might hold the information U/S 6 (3) of the said Act.

Fix next date of hearing in the fourth week of May, 2017.

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-
Joint Registrar
Assam Information Commission
Memo No. SIC/KP(M).760/2016

Dtd. 15.03.2017

Copy to:

1. The SPIO, O/o the Commissioner, Panchayat & Rural Development Deptt., Panjabari, Guwahati- 37, Assam for information and necessary action.
2. The Commissioner, Panchayat & Rural Development Deptt., Panjabari, Guwahati- 37, Assam for necessary action.
3. The SPIO/ the Staff Officer, O/o the Chief Secretary to the Govt. of Assam, Assam Secretariat, Dispur, Guwahati- 781 006, Assam for information and having the position regarding issue of BPL card/certificate ascertained and clarified.
4. The First Appellate Authority/The Commissioner, Panchayat & Rural Development Deptt., Panjabari, Guwahati- 37, Assam for necessary action.
5. Shri Harinarayan Pathak, Padum Pukhuri, Uzan Bazar, Guwahati- 781 001, Assam for information.
6. Computer Section for uploading in the Website.
7. Office File.

Joint Registrar
Assam Information Commission