



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

Case No. : DBR. 2/2018  
Complainant/ appellant : Shri P. Bezbaruah  
Respondent : SPIO of the office of the Deputy Commissioner, Kamrup (M)  
Date of hearing : 31.7.2019  
Complaint/ Second : Shri H.S. Das, IAS ( Retd)  
Appeal heard by : Chief Information Commissioner, Assam

**O R D E R**  
31.7.2019

1. The petitioner/appellant Shri P. Bezbaruah is again absent without any information. The public authority to be represented by the SPIO and Addl. Deputy Commissioner (L.R. Branch) of the office of the Deputy Commissioner, Kamrup (M) is also absent. However, the Deputy Commissioner, Kamrup (M) sent a written submission dated 30.7.2019 stating that in compliance with Hon'ble Supreme Court's order, the complete NRC for Assam has to be published by 31<sup>st</sup> August, 2019 and therefore, the SPIO, ASPIO and ADC i/c Land Records Branch – all of them are busy with NRC works. He prayed for exemption of the officers from today's hearing.
2. In this connection, it is seen from the case records that the required informations have already been furnished to the petitioner by the concerned SPIO, though it was much after the stipulated time period. The appellant prayed for imposition of penalty on the SPIO for the delay. Accordingly, vide orders dated 29.4.2019, 30.5.2019 and 1.7.2019 the SPIO and the deemed PIO, i.e., Addl. Deputy Commissioner (Land Records Branch) of the Deputy Commissioner's office were asked to show cause as to why penalty shall not be imposed on them u/s 20 of the RTI Act, 2005 for their failure to furnish the informations within the prescribed timeline.
3. One unsolicited, unsigned and undated letter explaining the reasons for delay in furnishing the informations was received from one Shri Medini Baishya, Junior Assistant of the Land Records Branch of the Kamrup (M) DC's office, although no show cause notice was served on him. This unsolicited, unsigned and undated letter could not be taken into consideration.
4. The ADC (Land Record Branch) has submitted reply to the show cause notice vide letter No. KRC(M)-251/2015/RTI/Part I/2292 dated 29.07.2019. The ADC (LR Branch) stated that "due to certain unintentional preoccupation of the concerned Dealing Assistants Shri Bali Ram Kalita, Sr. Assistant and one of the Junior Assistants of the branch Shri Medini Baishya, the stated documents could not be supplied back to the applicant in due time". It appears from the records that the RTI application was filed on 10.3.2017 followed by first appeal on 4.5.2017. Due to non-receipt of information, the second appeal was filed on 10.2.2018. The applicant was informed by ADC ( LR Branch) vide letter dated 11.6.2018 that the case records could not be traced out and the same will be provided as soon as the records were found out. This Commission vide order

dated 11.6.2018 directed the SPIO concerned to provide the sought for information with copy to this Commission within 30 (thirty) days from the date of receipt of the order.

5. The Addl. Deputy Commissioner (LR Branch) provided the informations to appellant vide letter No. KRC(M)-251/2016/RTI/Part I dated 26.3.2019 – after nine and half months of the order passed by this Commission. By another written statement dated 29.7.2019 the Addl. Deputy Commissioner i/c LR Branch of Kamrup (M) district further explained the circumstances under which the above mentioned delay took place in furnishing the sought for informations to the information seeker in compliance with this Commission's order dated 11.6.2018. Besides, other contributing factors, the Addl. DC i/c LR Branch Shri Khitish Pegu submitted in his WS that after taking charge of the LR Branch on 5.4.2018, he was persistently preoccupied with works relating to duties as Nodal Officer, NRC updation and Parliamentary elections. It is also seen from his WS that this Commission's order dated 11.6.2018 was received in the LR Branch on 5.7.2018, which was sent to the Record Keeper, Mahapeshkhana for furnishing a readable copy of a sale deed pertaining to mutation case no. 225/05-06. The document was received from the Mahapeshkhana vide letter No. KAF-2/2017/26 dated 24.8.2018, copy of which was also sent to the petitioner Shri P. Bezbaruah. The Addl. DC, i/c LR Branch has enclosed a copy of this letter dated 24.8.2018 with his WS, although it is not clear whether the sought for documents were enclosed with the copy marked to the petitioner Shri P. Bezbaruah. However, after receipt of this Commission's notice dated 28.2.2019, the sought for informations were sent to the petitioner again vide letter dated 26.3.2019.

6. From the above, it appears that though the RTI applicant did not receive the sought for informations in time, there seems to have been no willful negligence of duty on the part of the Addl. Deputy Commissioner i/c LR Branch. Therefore, imposition of penalty on him may not be fully justified under the circumstances narrated above.

7. However, in course of hearing of the instant second appeal case it appeared to this Commission that the level of precision, efficiency, adherence to the prescribed time limit and inter branch co-ordination within the Deputy Commissioner's office in dealing with the RTI matters fall short of the desired level. This Commission, therefore, directs the Deputy Commissioner, Kamrup (M) u/s 19 (8) of the RTI Act, 2005 to put in place a suitable mechanism for timely monitoring of disposal of RTI application.

With the above order, the second appeal petition dated 10.2.2018 is disposed of.

Sd/-

(H. S. Das)

Chief Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.



Registrar i/c  
Assam Information Commission

Memo No. SIC/ DBR.2/2018/

Dated. 31.7.2019

- Copy to: 1. The Deputy Commissioner, Kamrup (M), Panbazar, Guwahati- 781 001 for Information and necessary action.
2. The Addl. Deputy Commissioner (LR Branch) of the office of the Deputy Commissioner, Kamrup (M), Panbazar, Guwahati- 781 001 for information and necessary action.
3. Shri P. Bezbaruah, B.R. Path, Amolapatty, PO- Dibrugarh, Assam, PIN- 78600-12 for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book



Registrar i/c  
Assam Information Commission