

**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/ KP(M)270/2020
Complainant/ Appellant : Sri Harinarayan Pathak
Respondent : SPIO of Office of Department of Personnel
(Personnel::A), Assam Secretariat (Civil) Dispur,
Guwahati-781006
Date of Hearing : 8-12-2020
Complaint/ Second : Dr. A.P.Rout, IPS(Retd)
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
8-12-2020

1. The petitioner Sri Harinarayan Pathak is absent without any intimation.
2. The Public Authority is represented by Sri Dharani Dhar Das, Under Secretary to the Govt. of Assam and SPIO, Personnel (A) Department. The SPIO has submitted a written statement dated 7.12.2020 which is taken into records. In the written statement he has mentioned that the RTI petition was received on 10.2.2020 and the same was forwarded to Deemed PIO vide letter no. AAP.23/2018/32 dated 27.2.2020.
3. As per Section 7(1) of the RTI Act, 2005, the petition should have been forwarded within 5 days but in this case it was forwarded almost after 17 days.
4. In the meantime, the Deemed PIO on receipt of RTI petition in pursuance to letter dated 27.2.2020 kept the file pending allegedly on Covid-19 pandemic and subsequent lockdown. However the details of Covid-19 lockdown is as follows:

Timeline of Covid-19 related Lockdown in Assam

	Period	Remarks	AIC Remarks
Countrywide Lockdown	Phase -1 25/03/2020 to 14/04/2020	Full Lockdown	Office Closed
	Phase -2 15/04/2020 to 03/05/2020	Extended Lockdown	Office open from 22/04/2020
	Phase -3 04/05/2020 to 17/05/2020	Extended Lockdown with some relaxation. The country was divided into three zones namely RED, ORANGE & GREEN.	Office open with 30% staff attendance
	Phase -4 18/05/2020 to 31/05/2020	Extended Lockdown with some additional relaxation. State and UT Govt.s were given the power to demarcate RED, ORANGE & GREEN zones.	Office open with 50% staff attendance
Lockdown in Kamrup(M)	Phase -1 28/06/2020 to 12/07/2020	Full Lockdown except medical emergency	Office Closed
	Phase -2 12/07/2020 to 19/07/2020	Extended Lockdown	Office Closed
	From 20/07/2020		Office Open

5. But unfortunately the said RTI petition received on 10.2.2020 is forwarded from Department of Personnel (A) vide letter no. AAP.23/2018/61 dated 5-12.2020 to the Dept. of Industry and Commerce for taking necessary action, that means the letter was kept in Personnel Department (with DPIO/PIO) up to 1st week of December, 2020 which is gross violation of the provision under Section 7 of RTI Act, 2005.
6. The PIO of the Department of Industry & Commerce is directed to furnish the information if not falling under exemption vide Section 8 and also under Section 11 where 3rd party is not willing to share the information of the RTI Act 2005 within December 2020.
7. The instant 2nd appeal petition dated 13.7.2020 is disposed off.

Sd/-
Dr. A.P.Rout

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/KP(M) 270/2020

Dated: 8-12-2020

Copy to:

1. SPIO of the Office of Office of Department of Personnel (Personnel::A), Assam Secretariat (Civil) Dispur, Guwahati-781006 for information.
2. Deemed PIO of Department of Personnel (Personnel::A), Assam Secretariat (Civil) Dispur, Guwahati-781006 for information.
3. PIO of Industry & Commerce Department, Assam Secretariat, Dispur, Guwahati-781006 for information and necessary action.
4. The petitioner Sri Harinarayan Pathak, Padumpukhuri Uzanbazar Ghy-01 for information.
5. Computer section for uploading in the website
6. Office File
7. Order Book

Secretary & Registrar
Assam Information Commission