

**Case No.** : SIC/KP(M).232/2020  
**Complainant/ Appellant** : Shri Dipul Jyoti Hazarika  
**Respondent** : SPIO, Office of the Directorate of Social Welfare, Uzanbazar, Guwahati-01, Assam  
**Date of Hearing** : 05-02-2021  
**Complaint/ Second Appeal heard by** : Shri Samudra G. Kashyap.  
State Information Commissioner, Assam

**O R D E R**  
**05-02-2021**

1. The appellant Shri Dipul Jyoti Hazarika is present.
2. The Public Authority is represented by Shri Madhu Sudan Nath, ACS, SPIO, Addl. Director, Social Welfare, Govt. of Assam, and Smti Manjari Borthakur, Joint Director, Directorate of Social Welfare. The SPIO has also submitted 3 (three) pages of written statement No. DSW(G)7/2020/157 dated 30.01.2021.
3. From perusal of records it is seen that Shri Dipul Jyoti Hazarika had submitted an RTI application in the O/o the Directorate of Social Welfare Department, Govt. of Assam, Guwahati, on 22.06.2020. He had sought five specific information in reference to a Departmental letter No. DSW(ICDS)G/31/2020/2 dated 09.04.2020. On not receiving any response, Shri Dipul Jyoti Hazarika submitted a 1<sup>st</sup> Appeal on 24.07.2020, before the FAA of the Directorate of Social Welfare Department. Finding no response to the 1<sup>st</sup> Appeal, he preferred a 2<sup>nd</sup> Appeal in this Commission on 28.09.2020.
4. The Addl. Director/SPIO, Directorate of Social Welfare, in his written statement has stated that the RTI application dated 22.06.2020, submitted by Shri Dipul Jyoti Hazarika, has not been traced out in the RTI branch of the Directorate and as such action could be taken in this regard. The written statement also mentioned about the RTI application being apparently received by the P.A of the Director on 22.06.2020, who then send it to the then Branch Officer who in turn had endorsed the same to the then Dealing Assistant. The statement also mentions that the particular Dealing Assistant "might not have put up any of the letters because the office was not functioning properly during that time due to COVID-19 pandemic situation". If the contention of the petitioner is to be believed, then it appears that the Directorate of Social Welfare had issued a letter on 09.04.2020 amid the pandemic and lockdown, on the basis of which the appellant had sought the information. It is not for the Commission to examine whether any Dealing Assistant or other employee/officer of the Department had put up or not an RTI application as mentioned in the statement. It is an internal administrative matter of the Directorate, for which the Director is responsible. The RTI Act, 2005 clearly vests the responsibility of furnishing information to a citizen on the SPIO of a Public Authority. Hence, it is the responsibility of the SPIO to dispose of RTI applications within the time frame as laid down in the Act. It is also very unfortunate that an RTI application has

remained untraceable in a Government Department/Directorate even after it was received with seal and signature on the very day the appellant had submitted it.

5. In view of the above, the SPIO, Directorate of Social Welfare Department, Govt. of Assam, is directed to provide the informations sought for by the petitioner within 15 (fifteen) days from the receipt of this order and inform the Commission accordingly.
6. The SPIO is also directed to take up with the higher authorities of the Department the matter of careless and casual handling of an RTI application which is clear from the written statement where it has been stated the RTI application of the petitioner has not yet been traced out. The SPIO is also directed to inform the Commission about the steps taken in this regard.
7. The Director, Social Welfare Department, is directed to hold an enquiry into the matter of RTI application going missing and remaining untraceable after it was duly received with office seal and signature on 22.06.2020, fix responsibility on persons found guilty, and inform the Commission about the action taken within 21 (twenty-one) from the receipt of this order.
8. The appellant has expressed suspicion as to whether the Directorate of Social Welfare, Govt. of Assam, was actually functioning during the 21-day nationwide lockdown which began on 25.03.2020, and whether the Directorate had actually issued a letter on 09.04.2020, as claimed by the petitioner. In view of this, the Director, Social Welfare Department, is directed to conduct an inquiry and apprise the Commission within 15 (fifteen) days from the receipt of this order as to whether a letter No. DSW(ICDS)G/31/2020/2 dated 09.04.2020, was actually issued amid the lockdown.
9. With the above order, the 2<sup>nd</sup> Appeal is hereby disposed of.

Sd/-  
(Samudra G. Kashyap)  
State Information Commissioner, Assam,  
Panjabari, Guwahati.

Authenticated true copy.

Sd/-  
Secretary & Registrar  
Assam Information Commission

**Memo No. SIC/KP(M).232/2020**

**Dated: 05-02-2021**

Copy to:

1. The SPIO, O/o the Directorate of Social Welfare, Uzan Bazar, Guwahati Assam, PIN-781006 for information and necessary action.
2. The First Appellate Authority/ O/o the Director of Social Welfare, Uzan Bazar, Guwahati, Assam, PIN-781001, for information.
3. The Commissioner, Social Welfare Department, Guwahati, Assam, for kind information.
4. The petitioner, Shri Dipul Jyoti Hazarika, S/o- Lohit Ch. Hazarika, 403, Mandakini Apartment, Near SBI Colony, Rukminigaon, Guwahati, PIN-781022 Assam, for information.
5. Computer section for uploading in the website
6. Office File
7. Order Book

Secretary & Registrar  
Assam Information Commission