

Case No.	: SIC/KAN.9/2021
Complainant/ Appellant	: Shri Bhaskar Baruah.
Respondent	: The SPIO, O/o the Executive Officer, Bakalighat Municipal Board, Karbi Anglong, Assam.
Date of Hearing	: 01-11-2021
Complaint/ Second Appeal heard by	: Shri Samudra G. Kashyap. State Information Commissioner, Assam

O R D E R
01-11-2021

1. The appellant Shri Bhaskar Baruah is present.
2. The Executive Officer, Bakaliaghat Municipal Board, Karbi Anglong, Assam is absent. But the Executive Officer has vide letter No. BMB/RTI/61/2021-22/3672 dated 30.10.2021 authorised Shri Bidor Sing Bey, Junior Engineer and two others namely Shri Sukanta Kr. Das, Tax Daroga & Shri Ajit Acharyee, Sectional Assistant of Bakaliaghat Municipal Board to attend the hearing. Accordingly the above-mentioned three persons are present.
3. From perusal of records it is seen that Shri Bhaskar Baruah had submitted one RTI Application to the Executive Officer, Bakaliaghat Municipal Board, on 01.12.2021 requesting for informations related to programmes executed under the SPOD fund under the municipal area from 2018-19 to 2019-20, under 9 queries. On not receiving any response he submitted a 1st Appeal in the Bakaliaghat Municipal Board on 18.10.2021 and later a 2nd Appeal in this Commission on 18.03.2021.
4. During today's hearing the Public Authority submitted one written statement No. BMB/Administrative/2/2019-20/3680 dated 30.10.2021 in which the Executive Officer, Bakaliaghat Municipal Board has stated that the office had "misplaced" the RTI application of Shri Bhaskar Baruah dated 01.12.2020. The Executive Officer, Bakaliaghat Municipal Board has also stated that the office had "forgotten the matter" and was thus not able to provide the informations within the stipulated period. The Executive Officer also stated that the informations were available and was ready to be furnished. Given the above, the Executive Officer has also prayed for not imposing any penalty for the delay.
5. **The officer representing the Executive Officer, Bakaliaghat Municipal Board, during today's hearing stated that the informations were ready for furnishing except for a few portions of it. In view of the above, the Executive Officer, Bakaliaghat Municipal Board, is hereby directed to furnish the informations sought by Shri Bhaskar Baruah, within 10 (ten) days from the receipt of this order, free of cost. In case the informations are voluminous in nature, then only the first 100 pages shall be provided free of cost and the remaining pages shall be furnished after collecting the required photocopying charges from the appellant. However if some portions of the informations are not ready for furnishing because of the ongoing nature of the particular scheme in that case, the applicant may be informed accordingly, and told that the said information will be provided after completion of the particular scheme or programme.**
6. The Commission however is constrained to put on record the written statement of the Executive Officer, Bakaliaghat Municipal Board, dated 30.10.2021, in which several reasons have been cited for not responding to the RTI petition of Shri Bhaskar Baruah. It includes (i) the Executive Officer was not only holding additional charge of Bakaliaghat Municipal Board, but also transferred from Bakalia to Hamren during that period when the RTI application was submitted,

(ii) the particular dealing assistant in the office had met with an accident and continues to be absent, (iii) the RTI application was thus misplaced, and (iv) that “we have forgotten the matter”. The contentions of the Executive Officer, Bakaliaghat Municipal Board, who is holding a responsible position, is not acceptable to the Commission. The RTI Act, 2005, has laid down clear procedures in simple words about how to dispose an RTI application. But the contentions of the Executive Officer only exposes the lackadaisical and casual approach and attitude of a senior responsible government officer towards the RTI Act, 2005. **The Commission would like to bring this matter to the notice of the Principal Secretary, Municipal Administrative Department, Government of Assam, Dispur, Guwahati, for information and necessary action.** Accordingly a copy of this order may be marked to the Principal Secretary, Municipal Administrative Department, Government of Assam, Dispur, Guwahati.

7. **The Executive Officer, Bakalighat Municipal Board, is also directed to submit an Action Taken Report on this order immediately upon completion of the 10 (ten) day period.**
8. With the above order, this 2nd Appeal is hereby disposed of.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/KAN.9/2021

Dated: 01-11-2021

Copy to:

1. The SPIO, O/o the Executive Officer, Bakalighat Municipal Board, Karbi Anglong, Assam, for information and necessary action.
2. The Principal Secretary, Municipal Administrative Department, Government of Assam, Dispur, Guwahati, for information and necessary action.
3. First Appellate Authority/ O/o Bakalighat Municipal Board, Karbi Anglong, Assam, for information.
4. The petitioner, Shri Bhaskar Baruah, Executive Member, (USUKA, CEC), Dumukhi Dighal Pani, P.S. Howraghat, P.O. Baligaon, Dist. Karbi Anglong, PIN Code 782481, for information.
5. Computer section for uploading in the website.
6. Office File.
7. Order Book.


Secretary & Registrar
Assam Information Commission.