

Case No. : SIC/CCR.18/2021.
Complainant/ Appellant : Shri Sujahan Ahmed Barbhuiya.
Respondent : The SPIO, District Development Commissioner, O/o the Deputy Commissioner, Cachar, Silchar, Assam.

Date of Hearing : 01-10-2021
Complaint/ Second Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
01-10-2021

1. The appellant Shri Sujahan Ahmed Barbhuiya is present.
2. The SPIO/Distt. Development Commissioner, O/o the Deputy Commissioner, Cachar, Silchar, Assam is absent without any intimation. Despite that the matter is taken up for hearing in the interest of speedy disposal of the RTI petition.
3. From perusal of records it is seen that the appellant Shri Sujahan Ahmed Barbhuiya had submitted one RTI application to the Distt. Development Commissioner, Cachar, Silchar, on 05.03.2019, seeking certain informations relating to MSDP 11th Plan and 12th Plan funds earmarked for areas under Borkhola LAC, Borkhola Block and Salchapra Block for the years 2016-21. The Distt. Development Commissioner, Cachar, on 11.06.2019, i.e. **clear 3 months** after receipt of the RTI petition transferred the same to the Member Secretary, Construction Committee, MSDP 12th Plan, Borkhola LAC vide letter No. CDP(Plan).52/2012-13/76 dated 11.06.2019, with a request to provide the relevant information directly to the petitioner. On 26.08.2019 the appellant submitted a 1st Appeal before the Deputy Commissioner, Cachar. The Deputy Commissioner, Cachar, on 06.09.2019, forwarded the Appeal to the District Social Welfare Officer, Cachar, Silchar vide letter No. CAJ.6(Appeal Case)/2019/29 dated 06.09.2019. On 05.11.2019 the District Social Welfare Officer, forwarded the original copies of RTI petition to the Member Secretary, Construction Committee, MSDP 12th Plan, Borkhola LAC vide letter No. DSWO.(C) 24/RTI/Pt-I/2013-14/ dated 05.11.2019, which is **after lapse of nearly 2 (two) months** from when the Additional Deputy Commissioner, Cachar, had forwarded it. On 19.02.2021 the appellant Shri Sujahan Ahmed Barbhuiya submitted a 2nd appeal in this Commission.
4. From available records it is seen that a section of officers have nearly made a mockery of the RTI Act, 2005, by leaving RTI petitions pending in their respective offices for periods which longer than as stipulated by the RTI Act. Section 7(1) of the Act clearly states that the SPIO, on receipt of a request under Section 6 shall, **as expeditiously as possible, and in any case within 30 days of the receipt of the request**, either provide the information on demand of such fee as may be prescribed or reject the request for any of the reasons specified in Section 8 and 9. Section 7(2) of the Act on the other and makes it clear that if the SPIO fails to give a decision on the request for information within the period specified under Section (1), the SPIO shall be deemed to have refused the request. Section 20(1) of the Act on the other hand very clearly states that where the State Information Commissioner at the time of deciding any Complaint or Appeal is of the opinion that the SPIO, without any reasonable cause either refuse to receive an application for information, or has not furnished information within the time specified under Section 7(1), and so on, shall impose penalty on the SPIO.

5. In the instant case of the RTI application submitted by Shri Sujahan Ahmed Barbhuiya on 05.03.2019, records show that the SPIO, O/o the District Development Commissioner, Cachar, had simply not bothered to respect the provisions of the RTI Act, 2005. Other officers including the Member Secretary, Construction Committee, MSDP 12th Plan, Borkhola LAC and the District Social Welfare Officer, Cachar, have also shown equal disrespect to the RTI Act, 2005, by way of leaving the RTI application and the orders and directions thereof gather dust by keeping them pending at their sweet will in total contravention to the RTI Act, 2005. This should not happen in the future. The District Development Commissioner and the Deputy Commissioner, may please take note of this and take remedial measures as applicable.
6. **The Commission directs the SPIO/Distt. Development Commissioner, O/o the Deputy Commissioner, Cachar, to expedite the process and direct the concerned officials holding the information to furnish the sought for information to the appellant Shri Sujahan Ahmed Barbhuiya within 21 (twenty-one) days from the receipt of this order. The concerned officer is also directed to direct the appellant to the specific links in the official website if the sought for information are already available as uploaded these. In case the information sought are voluminous in nature, the appellant shall be provided the first 100 pages free of cost and the remaining pages on payment of photocopying charges as applicable. The Distt. Development Commissioner, Cachar, is also directed to submit an Action Taken Report on this order within 30 (thirty) days from the receipt of this order.**
7. 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/CCR.18/2021

Dated: 01-10-2021

Copy to:

1. The SPIO, District Development Commissioner, O/o the Deputy Commissioner, Cachar, Silchar, Assam, for information and necessary action.
2. First Appellate Authority/ The District Social Welfare Officer, Cachar, Silchar, Assam, for information.
3. The petitioner, Shri Sujahan Ahmed Barbhuiya, S/o Lt. Abdul Wahid Barbhuiya, Vill. & P.O. Sonapur, Pt-1, P.S. Borkhola, Distt. Cachar, PIN Code 788817 Assam, for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.


Secretary & Registrar
Assam Information Commission.