

**Case No.** : SIC/NCH.5/2021  
**Complainant/ Appellant** : Shri Mairing Johori.  
**Respondent** : The SPIO, O/o the Soil Conservation, Maibang Division, Dima Hasao, Assam.  
**Date of Hearing** : 09-03-2022  
**Complaint/ Second Appeal heard by** : Shri Samudra G. Kashyap.  
State Information Commissioner, Assam

**O R D E R**  
**09-03-2022**

1. The complainant Shri Mairing Johori is absent. But the Commission has received a letter dated 09.03.2022 from the appellant stating that he has received the informations on 06.03.2022.
2. The SPIO, O/o the Soil Conservation, Maibang Division, Dima Hasao, Assam, is absent. But the Commission has received a statement from the Divisional Officer, Maibang Division dated 25.02.2022 informing that the informations have been furnished to the appellant Shri Mairing Johori.
3. From records it is seen that the appellant Shri Mairing Johori had submitted an RTI application to the SPIO, O/o the Soil Conservation, Maibang Division, Dima Hasao, Assam, on 03.11.2020 seeking certain informations related to the activities of the Department. On not getting any response, he submitted a 1<sup>st</sup> Appeal on 13.05.2021 to the Deputy Commissioner, Dima Hasao, and on 02.08.2021 submitted a complaint petition in the Commission stating that while he had not received any response to his RTI application of 03.11.2020, there was no reply from the FAA, O/o the Deputy Commissioner, Dima Hasao District, against his 1<sup>st</sup> appeal dated 13.05.2021. In the written statement dated 25.02.2022 the Divisional Officer, Maibang Division stated that it was "due to oversight as well as pre-occupation with other official responsibilities" that the informations could not be provided in time and that it was not an intentional error. The complainant Shri Mairing Johori in his letter dated 09.03.2022, to the Commission pointed out that since it took 456 (four hundred fifty-six) days for him to get the informations against his RTI petition dated 03.11.2020, as such it was a case of gross negligence on the part of the SPIO, Maibang Division, and prayed for imposition of penalty on the SPIO for not providing him the informations within the stipulated period as laid down in the RTI Act, 2005. The complainant also requested the Commission for refurnishing of informations for query No. 4 of his RTI application, saying that he had not received the completion report or proof of the scheme and projects mentioned in his query.
4. On examination of the documents available, it is seen that the SPIO, O/o the Soil Conservation, Maibang Division, definitely sat on the RTI application of 03.11.2020, which he has himself admitted in his statement to the Commission dated 25.02.2022 by describing as "due to oversight as well as pre-occupation with other official responsibilities." What has been also observed is that the SPIO/Divisional Officer, Maibang Division actually woke up only after the Commission's notice of hearing dated 08.02.2022 and hurriedly furnished the informations thereafter on 25.02.2022. Though the SPIO/Divisional Officer, Maibang Division has in his statement dated 25.02.2022 pleaded that it was "due to oversight as well as pre-occupation with other official responsibilities", that the informations could not be

provided in time, the Commission considers it as a clear case of negligence and disrespect to the RTI Act, 2005. **Considering the complainant's prayer for imposition of penalty on the SPIO/Divisional Officer, Maibang Division, the Commission deems it fit to give an opportunity to the SPIO/Divisional Officer, Maibang Division, to furnish a detailed written statement explaining why penalty under Section 20(1) of the RTI Act, 2005, shall not be imposed on him for his failure to furnish the sought for information within the stipulated time period, and why disciplinary action shall not be recommended against him for the inordinate delay in disposing the RTI application of Shri Mairing Johori of 03.11.2020. Needless to mention, Section 7 (1) of the RTI Act specifically states that an SPIO, on receipt of a request under Section 6 of the RTI Act, 2005, shall as expeditiously as possible, and in any case within 30 (thirty) days of the receipt of the request, either provide the information to the applicant or reject the request with specific reasons. The written statement should reach the Commission within 10 (ten) days from the date of receipt of this order. The next date for hearing will be fixed upon receipt of the said written statement.**

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

Authenticated true copy.


Sd/-  
Secretary & Registrar  
Assam Information Commission

**Memo No. SIC/NCH.5/2021**

**Dated: 09-03-2022**

Copy to:

1. The SPIO, O/o the Soil Conservation, Maibang Division, Dima Hasao, Assam, PIN 788831, , for information and necessary action.
2. First Appellate Authority/O/o the Deputy Commissioner, Dima Hasao, Halflong, Assam, PIN Code 788891, for information.
3. The petitioner, Shri Mairing Johori, General Secretary, All Dimasa Students' Union, P.O. & P.S. Maibang, Dist. Dima Hasao, Assam, PIN Code 788831, for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.

  
Secretary & Registrar  
Assam Information Commission.