

Case No. : SIC/NCH.3/2020
Complainant/ Appellant : Shri Mairing Johori
Respondent : The SPIO, O/o the Executive Engineer, PWD,
Maibang (R&B) Division, Maibang, Dima Hasao,
Assam.
Date of Hearing : 11-03-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
11-03-2021

1. The complainant Shri Mairing Johori is present.
2. Shri Jayanta Baishya, PIO and Asstt. Executive Engineer, PWD (R&B), Maibang Division is present. He has also submitted a written statement No. M/125/11/3436 dated 09.03.2021. The PIO in his written statement mentioned that instead of sending the information to the applicant Shri Mairing Johori, he had “mistakenly assumed that the sought for information is to be sent directly to the Assam Information Commission instead of the petitioner as the hearing is going on”, and had accordingly sent the information to the Commission on 14.12.2020.
3. From perusal of records it is seen that the complainant Shri Mairing Johori had submitted one RTI application to the PIO, O/o the Executive Engineer, PWD, Maibang (R&B) Division, Dima Hasao, on 16.09.2020, seeking certain information regarding a portion of Pradhan Mantri Gram Sadak Yojna road under the Division. On not receiving any response Shri Mairing Johori submitted an Appeal before the FAA in the O/o the Deputy Commissioner, Dima Hasao, Haflong, on 06.11.2020. The PIO and Additional Deputy Commissioner, Dima Hasao, on 10.11.2020, directed the Executive Engineer, PWD, Maibang (R&B) Division, Dima Hasao, vide letter No. NCHG/D-220/2020-21 to submit the information directly to the RTI applicant within 30 days, i.e. 10.12.2020.
4. On not receiving any response even after the direction of the FAA, he submitted a complaint before this Commission on 24.12.2020. The petitioner should have ideally submitted a 2nd Appeal in the Commission instead of a complaint. However keeping in view the interest of the citizen seeking certain information related to public interest, the Commission has entertained the complaint and taken up the matter for hearing today.
5. The Commission is constrained to note that the Public Authority, in this case Office of the Executive Engineer, PWD, Maibang (R&B) Division, Dima Hasao, has taken the RTI matter very lightly and chosen to remain silent on it at the first instance. Even after the direction from the Deputy Commissioner, Dima Hasao, the PIO, O/o the Executive Engineer, PWD, Maibang (R&B) Division, Dima Hasao, showed a lackadaisical attitude towards an RTI matter which involves the right of a citizen to access information. Moreover, instead of providing the information to the RTI applicant he sent it to the Information Commission. Such attitude of a government officer on handling RTI matters cannot be taken lightly.

6. The PIO meanwhile has stated that the information has been dispatched to be delivered in person by office staff to the complainant Shri Mairing Johori on 09.03.2021. The complainant Shri Mairing Johori however said he has not yet received the information till date.
7. In view of the above, the PIO is directed to ensure that the information sought by the complainant is furnished within 7 (seven) days from the date of receipt of this order, with a confirmation of delivery sent to the Commission at the earliest.
8. The Executive Engineer, PWD, Maibang (R&B) Division, Dima Hasao, and the Principal Secretary, NC Hills Autonomous Council are hereby directed to note how RTI matters are dealt with in offices under their respective jurisdictions.
9. With the above order, this complaint is hereby disposed of.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission.

Memo No. SIC/NCH.3/2020

Dated: 11-03-2021

Copy to:

1. The SPIO, O/o the Executive Engineer, PWD, Maibang (R&B) Division, Maibang, Dima Hasao, Assam, for information and necessary action.
2. The Principal Secretary, NC Hills Autonomous Council, Dima Hasao, Haflong, for information and necessary action.
3. The First Appellate Authority/ O/o the Deputy Commissioner, Dima Hasao, Haflong, Assam, PIN-788819, for information.
4. The petitioner, Shri Mairing Johori, General Secretary, All Dimasa Students' Union, P.O. & P.S. Maibang, PIN-788831, Dist. Dima Hasao, Assam, for information.
5. Computer section for uploading in the website.
6. Office File.
7. Order Book.

Secretary & Registrar
Assam Information Commission.