

**Case No.** : SIC/KAN.10/2020  
**Complainant/ Appellant** : Shri Gulson Bey  
**Respondent** : SPIO, Office of the Karbi Anglong Autonomous Council, Diphu, Karbi Anglong, PIN Code-782460, Assam.  
**Date of Hearing** : 08-03-2021  
**Complaint/ Second Appeal heard by** : Shri Samudra G. Kashyap.  
State Information Commissioner, Assam

**O R D E R**  
**16-03-2021**

1. The appellant Shri Gulson Bey is absent without any intimation.
2. The SPIO, O/o the Karbi Anglong Autonomous Council, Diphu, Karbi Anglong, Assam, is absent without any intimation. But the Commission on 16.03.2021 received a letter No. KAAC/T&D-90/RTI/2018/150 dated 15.03.2021, from the Principal Secretary, Karbi Anglong Autonomous Council, Diphu, stating that he would ensure that available information would be furnished to the petitioner within 7 days from 16.03.2021.
3. From perusal of records it is seen that the appellant Shri Gulson Bey had submitted one RTI application to the SPIO, O/o the Development Commissioner for Hill Areas of Assam, Dispur, Guwahati, on 27.03.2019. He wanted information about (i) Total amount of funds sanctioned for Watershed Development Project in shifting cultivation areas in Karbi Anglong District, from 2010-11 to 2018-19, and (ii) photocopies of information/release orders against the above-mentioned schemes. The SPIO, O/o the Development Commissioner for Hill Areas of Assam, Guwahati, on 22.04.2019, transferred the said RTI application to the SPIO, O/o the Karbi Anglong Autonomous Council, Diphu, with a request to furnish the information directly to the appellant. On not receiving any response Shri Gulson Bey submitted an Appeal before the FAA, O/o the Principal Secretary, Karbi Anglong Autonomous Council, Diphu, on 11.06.2019 which was followed by a 2<sup>nd</sup> Appeal in this Commission on 08.08.2019. The Commission fixed 11.01.2021, as date of hearing on the 2<sup>nd</sup> Appeal. But both appellant Shri Gulson Bey and the SPIO, O/o the Karbi Anglong Autonomous Council, Diphu, remained absent without any intimation to the Commission. The Commission fixed 09.02.2021, as the next date of hearing and sent notices to both parties accordingly. But both parties again remained absent in that hearing of 09.02.2021 without any intimation. In view of this, and in the interest of the citizen seeking information about a vital subject related to development and welfare of the hill people, the Commission fixed 08.03.2021, as the next date of hearing and issued notices accordingly directing both parties to appear without fail. Additionally, FAA and Principal Secretary, Karbi Anglong Autonomous Council, Diphu, was also directed to take necessary action in the light of the SPIO of his office failing to appear in all consecutive hearing dates fixed by Commission.
4. The Commission notes with concern that the appellant Shri Gulson Bey and the SPIO, O/o the Karbi Anglong Autonomous Council, Diphu, have both remained absent in three consecutive hearing dates fixed by the Commission without any intimation. While it is not binding on a citizen or RTI applicant to remain present in hearing under provisions of the RTI Act, 2005, it is not a good practice that a public servant and government officer holding

responsibility of SPIO in a crucial Public Authority like the Karbi Anglong Autonomous Council to repeatedly ignore notices of the Commission and remain absent without any intimation. The Principal Secretary, Karbi Anglong Autonomous Council, Diphu and the Development Commissioner for Hill Areas of Assam, Guwahati, may kindly take note of this and take corrective measures so that on one hand the citizen seeking information by using the RTI Act, 2005, is not deprived of his/her right to information, and on the other hand valuable time and resources of the Information Commission are also not wasted because of such attitudes of public servants. In this context, officers in all Public Authorities who handle RTI matters are reminded of the provisions of Section 7(1) of the RTI Act, 2005, according to which the Central Public Information Officer or State Public Information Officer, as the case may be, on receipt of an RTI application or request under Section 6 of the Act, "shall, as expeditiously as possible, and in any case within 30 (thirty) days of the receipt of the application or request, either provide the information or reject the request" for any of the reasons as specified in Sections 8 and 9 of the Act. Moreover, Section 20 of the Act empowers the State Information Commission with powers to impose a penalty on an SPIO, and/or recommend for disciplinary against an SPIO under service rules applicable to him/her for his/her failure to comply with the provisions of the RTI Act, 2005..

5. On 16.03.2021, the Commission had received a letter No. KAAC/T&D-90/RTI/2018/150 dated 15.03.2021, from the Principal Secretary, Karbi Anglong Autonomous Council, Diphu, explaining the reasons for delay in disposing the RTI petition of 27.03.2019, which was transferred to his office from the O/o the Development Commissioner for Hill Areas, Assam, on 22.04.2019, as also on the Commission's order dated 09.02.2021. It has been also mentioned in the written statement that the 1<sup>st</sup> Appeal of Shri Gulson Bey dated 11.06.2019, and the communication received from the O/o the Development Commissioner for Hill Areas of Assam, dated 22.04.2019, transferring the original RTI application "could not be traced out" in the Council. The Commission considers the untraceability of the RTI petition dated 11.06.2019 and the Commission received from the O/o the Development Commissioner for Hill Areas of Assam, dated 22.04.2019 as matters of concern. The Commission however appreciates that the Principal Secretary, Karbi Anglong Autonomous Council, Diphu, has stated that he will ensure that available information would be furnished to the petitioner Shri Gulson Bey within 7 (seven) days from 16.03.2021.
6. **In view of the above, the Principal Secretary, Karbi Anglong Autonomous Council, Diphu, is directed to furnish the information sought for by Shri Gulson Bey as assured in his letter dated 15.03.2021. The Principal Secretary shall also submit an Action Taken Report on this order to the Commission at the earliest.**
7. With the above order this 2<sup>nd</sup> 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.10/2020**

**Dated: 16-03-2021**

Copy to:

1. The SPIO, Office of the Karbi Anglong Autonomous Council, Diphu, Karbi Anglong, PIN-782460, Assam, for information.
2. The Development Commissioner for Hill Areas of Assam, Dispur, Guwahati, PIN Code-781006, for information and necessary action.
3. First Appellate Authority/ The Principal Secretary, KAAC: Secretariat, Diphu-782460 Dist-Karbi Anglong, PIN-782460, Assam for information and necessary action.
4. The petitioner, Shri Gulson Bey, Autonomous State Demand Committee (ASDC) Central Committee Office, Near Diphu Municipal Board Office, Diphu-782460, Karbi Anglong, Assam, for information.
5. Computer section for uploading in the website.
6. Office File.
7. Order Book.

Secretary & Registrar  
Assam Information Commission