

- Case No. : SIC/GLT 28/2022
Complainant/ Appellant : Shri Rohit Choudhury
Respondent : The SPIO, O/o the Divisional Forest Officer,
Kaziranga Tiger Reserve, Bokakhat, Assam
Date of Hearing : 23/11/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by State Chief Information Commissioner, Assam

O R D E R
23/11/2022

1. In continuation of earlier order dated 28.10.2022, the matter was taken up for hearing.
2. The petitioner Shri Rohit Choudhury is present.
3. The Public Authority is represented by Sri Nayanjyoti Rajbongshi, SPIO, O/o the Divisional Forest Officer, Eastern Assam Wildlife Division, Bokakhat, Kaziranga National Park.
4. The Commission asked the SPIO why no penalty to be imposed on him for not furnishing the information on time.

The SPIO said that he has directed his office to send an email to the petitioner and the office says that the email is sent.

In quoting Section 7(1) of the RTI Act, 2005 which *quotes*

Disposal of request.—

(1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9: Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request. *Unquote*

From the above, it is clear that the information should be given expeditiously within 30 days, but in this case it was not given. Even at First Appellate Authority level, the information was not given within thirty days.

Next date of hearing was fixed before the Commission on 28.10.2022 but the SPIO remained absent on the particular day mentioning about some official duty in Kaziranga.

Even today when the hearing is taken up, the SPIO knows fully well that the petitioner has also come to attend the hearing and obviously he is not well equipped to get the information through email.

5. The Commission observes that this is nothing but total violation of the RTI Act, 2005 which justifies imposition of penalty i.e., Rs.250/- per day for not furnishing the information/ordering of departmental proceedings. The Commission decides to impose penalty in this case, but before that seeking explanation of SPIO Sri Nayanjyoti Rajbongshi on imposition of penalty. The explanation if any should reach before the Registry of the Commission within ten days.

The SPIO will also confirm the dispatch and receipt of the information.

Sd/-
(Dr. A.P. Rout)

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/GLT. 28/2022

Dtd. 23.11.2022

Copy to:

.

1. The SPIO, O/o the Divisional Forest Officer, Eastern Assam Wildlife Division, Kaziranga National Park, Bokakhat Assam for information and necessary action. for information.
2. The petitioner Rohit Choudhury, Vill. Gormur Gaon, P.O. Lokhujan, Bokakhat, Dist. Golaghat, Assam 785612 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar
Assam Information Commission