

OFFICE OF THE
ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : SIC/GLT 29/2022
Complainant/ Appellant : Sri Rohit Choudhury
Respondent : SPIO, O/o the Divisional Forest Officer, Guwahati
Wildlife Division, Basistha, Guwahati 781029
Date of Hearing : 28/10/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by State Chief Information Commissioner, Assam

O R D E R
28/10/2022

1. The petitioner Sri Rohit Choudhury has filed one RTI petition before the SPIO, O/o the Divisional Forest Officer, Guwahati Wildlife Division, Basistha, Guwahati on 6.6.2022 seeking following information:
 - (i) Please provide me the details of the area presently under encroachment of Eco Sensitive Zone and inside the Amchang Wildlife Sanctuary.
 - (ii) Provide me with the copy of the affidavit filed in Hon'ble Gauhati High Court for violation of status-quo of encroachment in Amchang Wildlife Sanctuary by the O/o the Divisional Forest Officer, Guwahati Wildlife Division.
2. On not getting any information, the petitioner filed 1st appeal before the 1st Appellate Authority & Divisional Forest Officer, O/o the Divisional Forest Officer, Guwahati Wildlife Division, Basistha, Guwahati 29 on 14.7.2022 and then he filed 2nd appeal before the Commission on 13.9.2022.

Accordingly, the matter was taken up for hearing.

3. The petitioner Sri Rohit Choudhury is present.
4. The Public Authority is represented by Md Safiqur Rahman, SPIO, Forest Ranger.
5. The SPIO vide his letter dated 28.10.2022 (sent through email to the petitioner) intimated that the matter of encroachment in Amchang Wildlife Sanctuary is under subjudiced in the Hon'ble Gauhati High Court vide PIL 27/2013 and accordingly as per the provision of Section 8(b) of the RTI Act,2005, the information is not furnished.
6. The petitioner mentioned that the PIL is pending from 2013 and its disposal may take some more time. As per Section 8(b) of the RTI Act,2005, if the information is not specifically forbidden by the Court or attract contempt , the same be given.
7. He further stated that if the SPIO has taken recourse to the exemption u/s 8(b) of the RTI Act,2005 and furnished reply only in two lines, there was no reason in not furnishing this information within 30 days at the SPIO level and another 30 days at 1st Appellate Authority level. Even this reply was sent on 28.10.2022 over email.

To this the SPIO Md.Safiqur Rahman replied that he was busy with other official duty and because of which he could not furnish the information on time.

8. The Commission would like to observe that this is utter callousness and irresponsibility on the part of the SPIO in not attending to RTI petitions and violating the provision u/s 7 of the RTI Act,2005. Such dereliction of duty and violation of the above provision attracts the penalty provision under Section 20 of the RTI Act, 2005.
9. However, the Commission takes a lenient view for this time only by cautioning the SPIO Md Safiqur Rahman, Forest Ranger.
10. As regards to the exemption plea taken by the SPIO, the Commission would like to opine that since the case is already at the Gauhati High Court and subjudice, as an abundance of caution, it is better to wait till the disposal of the case.

11. The case is conditionally disposed off.

Authenticated copies to be given to all concerned.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/GLT.29/2022

Dtd. 28.10.2022

Copy to:

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1. The SPIO, O/o the Divisional Forest Officer, Guwahati Wildlife Division, Basistha, Guwahati 29 Assam 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