

**PROCEEDINGS OF THE ASSAM INFORMATION COMMISSION**

**FULL COMMISSION**

(Complaint Under Section 18 of the RTI Act, 2005)

**Present** : 1. **Shri R. S. Mooshahary**  
**State Chief Information Commissioner.**

2. **Dr. B.K. Gohain**  
**State Information Commissioner**

**Case No** In matters of complaint of  
**HLK.2/2007** **Shri Nirupam Banerjee**  
- Vs-  
**PD, DRDA, Hailakandi**

**Date of hearing** **24.4.08**

**Name of the Complainant** : **Shri Nirupam Banerjee**  
**Ramkrishna Sarani, Sonai Road**  
**Silchar, Dist- Cachar**

**Name of the Public Authority / SPIO:** **PD, DRDA, Hailakandi**

Shri A.H. Choudhury, PD, DRDA, Hailakandi submitted prayer vide his letter dated 23.4.08 to exonerate him from personal appearance of the Commission as he was not able to attend the hearing due to his illness.

The Commission decided to hear the case and had its sitting today.

**Brief of the case**

The Commission in its hearing on 25.3.08 passed the following orders in the complaint case No. HLK.2/2007 (Shri Nirupam Banerjee –vs- PD, DRDA, Hailakandi)

- (i) The Commission on careful consideration of the facts and circumstances of the case decided to execute the penalty imposed on him on 14.2.08 under section 20 (1) of the Act. A.H. Choudhury, PD, DRDA, Hailakandi is directed to pay a penalty calculated w.e.f. 17.7.07 at the rate of Rs. 250/- per day till the date of this order to a maximum of Rs. 25,000/- for his refusal to furnish information to the complainant and to deposit the same in Hailakandi Treasury under the Head of Account 0070 – other Administrative Services failing which the Commission would be compelled to issue directive to the Deputy Commissioner, Hailakandi and the Treasury Officer, Hailakandi to withhold his monthly salary. The D.C. Hailakandi as well as the Treasury Officer, Hailakandi shall inform the Commission whether A.H. Choudhury has deposited the penalty amount.
- (ii) PD, DRDA, Hailakandi was also directed to furnish the complete information to the complainant within a month of this order.
- (iii) The Commission fixed the next hearing on 24.4.08 at 1300 hours when it would decide further course of action in case of failure of PD, DRDA to comply with the decisions aforementioned.

**Submission of the PD, DRDA, Hailakandi**

The PD, DRDA, Hailakandi vide his letter dated 23.4.08 submitted before the Commission that (i) as per decision of the Hon'ble Commission dated 25.3.08 under section 19(8) of the RTI Act, 2005 he paid a sum of Rs. 25,000/- to Hailakandi Treasury vide Challan No. 2008/04/03480 dated 22.4.2008 (ii) the required information of DRDA, Hailakandi is furnished to Shri N. Banerjee through Logistic Post vide receipt No. A-1 dated 24.3.04.2008 & A-2 dated 23.4.08 & (iii) the programme like NFBC, Health Care, Old Age Pension, TFC Backward Class Development Fund, FDR, Mosquito Net etc. are not within the purview of Project Director, DRDA, Hailakandi.

**Observation of the Commission**

1. The Commission, on perusal of the letter of the PD, DRDA, Hailakandi dated 23.4.08 observed that Shri A.C. Choudhury, PD, DRDA Hailakandi had complied with the direction of the Commission issued on 25.3.08 and paid a sum of Rs. 25,000/- to Hailakandi Treasury vide Challan No. 2008/04/03480 dated 22.4.2008 and he had furnished a copy of the paid challan as the proof of the same
2. The Commission further observed that he had complied with the direction of the Commission given on 25.3.08 by furnishing the information relating to the DRDA, Hailakandi through post vide receipt No. A-1 dated 23.4.08 and A-2 dated 23.4.08, photocopies of the receipts having been sent to the Commission along with his prayer .
- 3 The Commission was of the opinion that his personal appearance be dispensed with in view of the medical certificate of the Reader and Physician, Department of Medicine, Silchar Medical College Hospital attached with his prayer.

**Decision of the Commission under section 19(8)© of RTI Act, 2005**

The Commission having been satisfied that the directions of the Commission were complied with by the PD, DRDA, Hailakandi found no cause for further direction.

**Sd/- (R.S. Mooshahary)**

Chief Information Commissioner, Assam  
Janata Bhawan, Dispur.

**Sd/- (Dr. B K Gohain)**

State Information Commissioner, Assam  
Janata Bhawan, Dispur.

**Authenticated true copy**

**(Jiauddin Ahmed)**

Secretary, State Information Commission, Assam  
Janata Bhawan, Dispur.

**Memo No SIC/HLK 2/2007**

**dated April 24, 2008**

**CC:**

1. Mr. A.H. Choudhury, PD, DRDA, Hailakandi , Dist Hailakandi
2. Shri Nirupam Banerjee, Journalist, Ramkrishna Sarani, Sonai Road, Silchar, Dist-Cachar, Assam.
3. The DIPR, Dispur, Guwahati.
4. MD, AMTRON, Bamunimaidan
5. Office file.

Secretary  
State Information Commission, Assam