



**OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : DHR.83/2012

Complainant/ appellant : Md. Saman Ali Seikh

Respondent : BDO, Bilasipara Dev. Block, Raniganj, Bilasipara

Date of hearing : 13.10.2015

Complaint/ Second : Shri Pinuel Basumatary, IA&AS (Retd)
appeal heard by : State Information Commissioner, Assam

O R D E R
13.10.2015

SPIO in the office of the BDO, Bilasipara Dev. Block, Raniganj is absent without any information.

Appellant Md. Saman Ali Seikh is present.

Hearing is taken up ex parte of SPIO.

While the hearing proceedings were going on, a copy of the First Appellate Authority's order on the hearing taken on 6.9.12 was received in the Commission by fax with the short covering letter informing about holding of a hearing. In his order, the First Appellate Authority had observed that SPIO/BDO, Bilasipara Dev. Block and the Secretary Lakhiganj Gaon Panchayat had failed to furnish the information to the petitioner within the stipulated time and that the BDO had "reportedly" furnished part of the information to the applicant. It was also ordered that the full information would be furnished to the applicant by the SPIO/BDO, Bilasipara Dev. Block and Secretary, Lakhiganj GP within 10 days.

Deposing before the Commission, the appellant submitted that he had not received any information he had sought and that the information he received from the SPIO in the office of the Bilasipara Dev. Block through letter No. BDB/RTI-14/2008-09/2886 dtd 9.7.2012 only informed him that Secretary Lakhiganj GP had not received the charge from his predecessor for the relevant period and that the question relating to supply of cooking gas to BPL family was not specific to any GP. Appellant submitted that he received the information pertaining to fund from the 8th, 9th and 10th Finance Commission.

Perusal of the relevant records clearly indicates that the SPIO has not been able to furnish the information sought for barring the one mentioned above. It is not acceptable that the information relating to vital records, such as Measurement Books are not available on the ground that the earlier incumbent had not handed over the said records. It is also not acceptable that information relating to the officials posted at the time is not available for providing the same to the appellant.

From the above it is also evident that SPIO/BDO, Bilasipara Dev. Block and Secretary, Lakhiganj GP have failed to comply with the order of the FAA in the matter of providing the information sought for by the Applicant.

Further, it is evident that if it is a fact that previous incumbent had not handed over official records to the successor; no effective action has been taken to obtain the relevant records and take appropriate action against the erring official(s).

After careful consideration of the facts and circumstances relating to Second Appeal preferred by Md. Saman Ali Seikh, the Commission passes the following order:

- (1) SPIO will provide the information sought for by the Appellant in full within 21 days of receipt of this order, and
- (2) Considering that prima facie a case of failure and negligence exists on the part of the SPIO in not furnishing the requisite information to the Applicant within time specified under Sub-Section(1) of Section 7, Project Director, DRDA, Dhubri is hereby directed to inquire into the matter within 30 days and submit a report on his findings to the Commission within 45 days of receipt of this order.

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

Memo No. DHR.83/2012/

Dtd. 13.10.2015

Copy to:

1. The Project Director, DRDA, Dist. Dhubri, Assam for information and necessary action.
2. The Block development Officer, Bilasipara Development Block, Raniganj, Bilasipara, dist. Dhubri, Assam for information and necessary action.
3. Md. Saman Ali Seikh, Vill-Sagunmari Part-IV, PO Bilasipara, Dist. Dhubri , Assam,. PIN-783348 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission