



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

Case No. : MRN.2/2013
Complainant/ Appellant : Sri Prafulla Kumar Das
Respondent : The BDO, Moirabari Development Block,
Morigaon
Date of hearing : 11.12.2015
Complaint/ Second : Shri Pinuel Basumatary, IA&AS (Retd)
Appeal heard by : State Information Commissioner, Assam

O R D E R

11.12.2015

The SPIO/Assistant Project Officer (Tech.) in the Office of the DRDA, Morigaon present. The Appellant along with his assistant also present.

Perusal of the case records indicates the following sequence of significant dates:

28.05.12 RTI Application filed with D.C., Morigaon
13.06.12 Application was transferred to B.D.O., Moirabari, Dev. Block, Morigaon
07.07.12 First Appeal filed with PD, DRDA, Morigaon
29.09.12 Second Appeal filed before the Commission.
27.11.15 Notice issued by the Commission for hearing.

The Petitioner submitted in person that he was yet to receive the information he had sought for. The Appellant further submitted that BDO, Moirabari Development Block and a few Gaon Panchayat Secretaries wrote him advising him to deposit the estimated cost of photocopying after much delay in contravention of the provisions of the RTI Act, 2005.

The Appellant submitted that he had not deposited the said amount for the reason that the demand had been made after expiry of 30 days of his submission of Application for information. He also submitted that instead of disposing of his First Appeal in accordance with the provisions of the RTI Act, PD, DRDA merely issued instruction to BDO, Moirabari Development Block but to no effect.

The SPIO in the Office of BDO, Moirabari Development Block is not only absent from the hearing but has also not submitted any Written Statement on the case which he was asked to do by the Commission's hearing notice dated 21/11/2015.

The said SPIO has also not submitted an explanation as to why penalty will not be imposed on him/her Under Section 20 (1) of the RTI Act, 2005 for his/her failure to furnish the information to the Applicant within the stipulated period of 30 days.

The SPIO of PD, DRDA, Morigaon could not make any submission on the latest position of the case.

Considering the facts and circumstances brought out above, the Commission hereby orders that the SPIO, Office of the BDO, Moirabari Development Block will provide the information sought for by the Applicant/Appellant, free of cost, within a period of 10 days from the date of receipt of this order.

The Commission also orders that the SPIO, Office of the BDO, Moirabari Development Block shall submit an explanation to the Commission, within a period of 21 days of receipt of this order, as to why penalty will not be imposed on him/her Under Section 20 (1) of the RTI Act, 2005 for his/her failure to furnish the information to the Applicant within the stipulated period of 30 days.

Further , the Commission hereby orders that PD, DRDA, Morigaon shall consider and dispose of by a speaking on the First Appeal submitted by the Appellant dated 7/7/2012 within 21 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. MRN. 2/2013 -A

Dtd. 11.12.2015

Copy to:

1. The SPIO in the Office of the BDO, Moirabari Development Block, PO- Morigaon, PS- Morigaon, Dist- Morigaon (Assam) Pin- 782105 for information and necessary action.
2. The PD, DRDA, Morigaon, PO- Morigaon, PS-Morigaon, Dist- Morigaon (Assam) Pin- 782105 for information and necessary action.
3. Sri Prafulla Kumar Das, S/o- Mogala Das, Vill- Athgaon, Chapari, P.O.- Dhing, P.S.- Ding, Dist- Nagaon (Assam), Pin- 782123 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission