



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

Case No. : MRN.3/2013
Complainant/ Appellant : Sri Prafulla Kumar Das
Respondent : 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:

25.06.12 RTI Application filed with BDO, Moirabari Development Block, Morigaon
24.08.13 First Appeal filed with PD, DRDA, Morigaon
30.01.13 Order by First Appellate Authority.
19.03.13 Second Appeal filed before the Commission.

The Petitioner submitted in person that he was yet to receive the information he had sought for. He also added that the SPIO in the Office of the BDO, Moirabari Development Block has not complied with the order of First Appellate Authority (FAA) dated 30/1/2013, according to which the PIO and BDO, Moirabari was directed to deliver the information to the Applicant within 15 days. The Appellant further submitted that through letter no. LGP3/2011-12/2012/13/257 dated 24/9/2011, Secretary to Lahkar Gaon Panchayat had requested him (the Appellant) for depositing the cost of photocopying the relevant records stating also that the M/B relating to 2009-10 were not available with them.

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 and that the information being offered was incomplete on account of the M/B for 2009-10 being unavailable.

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. In view of the facts mentioned above, the Commission has reached the conclusion that the SPIO in the Office of the BDO, Moirabari Development Block has not taken effective steps to provide the information to the Applicant/Appellant in accordance with the provisions of RTI Act, 2005. The Commission also concludes that it is the responsibility of the BDO, Moirabari Development Block to take necessary action to ensure that public document such as the M/B which was reported to be unavailable by Secretary, Lahkar GP and to fix responsibility on responsible officials, if the same is indeed.

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 further orders that, considering that the order of the FAA namely PD, DRDA was not complied with by the SPIO, Office of the BDO, Moirabari Development Block, the FAA will consider and dispose of once again with a speaking order the First Appeal filed by the Applicant/Appellant having due regard to the order dated 31/1/2013 on the First Appeal.

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 15 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.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Secretary & Registrar
Assam State Information Commission

Memo No. MRN. 3/2013 -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 BDO, Moirabari Development Block, 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