



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

Case No. : MRN.13/2013  
Complainant/ Appellant : Sri Dulal Bora.  
Respondent : The C.E.O., Morigaon Zilla Parishad, Morigaon.  
Date of hearing : 09.12.2015  
Complaint/ Second : Shri Pinuel Basumatary, IA&AS ( Retd)  
Appeal heard by : State Information Commissioner, Assam

**O R D E R**

09.12.2015

Chief Accounts Officer/SPIO, Morigaon Zilla Parishad and Assistant Project Officer/SPIO, DRDA, Morigaon present on behalf of the Public Authority.

The Appellant also Present.

A perusal of the case records indicate the following significant dates:

07.03.13 RTI Application filed with the C.E.O., Zilla Parishad, Morigaon.  
25.06.13 First Appeal filed with the C.E.O., Zilla Parishad, Morigaon.  
04.09.13 Second Appeal filed before the Commission.  
26.11.15 Issue of hearing notice by the Commission.

The Appellant has submitted in person that he has not received the information he had sought for.

Perused the Written Statement submitted by the SPIO, Morigaon Zilla Parishad. It has been submitted that as the matter relating to the information sought for by the Applicant did not relate to the Zilla Parishad, the RTI Application was transferred to PD, DRDA, Morigaon by letter dated 18/4/2013. The PD, DRDA on his part transferred the Application to the BDOs of Mayong, Bhurbandha, Kapili, Laharighat and Moirabari Development Blocks. A copy of the letter of PD, DRDA to the said BDOs dated 22/4/2013 is enclosed with the Written Statement.

Further, it appears from the W/S that the BDOs of the aforementioned Development Blocks had been instructed by the SPIO, Morigaon Zilla Parishad to depute the PIOs of the respective Offices with relevant records relating to the said RTI Application to the hearing by the Commission.

Perused the W/S dated 5/12/2015 submitted by the CEO, Morigaon Zilla Parishad. The W/S has made similar submission as that of the SPIO of his office.

The Commission noted that the responsibility of providing the information to the Appellant/Applicant lay with the SPIOs in the Office of the BDOs of the aforementioned Development Blocks, and it was their responsibility to either submit a W/S before the Commission before the start of the hearing or be present at the hearing to apprise the Commission of the steps they had taken to furnish the said information. The respective BDOs and their said PIOs have failed to discharge their responsibility in this regard mandated by the relevant provisions of the RTI Act, 2005.

In view above, the Commission hereby orders that the SPIO's of the respective BDOs' office shall provide the information sought for by the Applicant so far as it relates to their jurisdiction, free of cost, within 10 days of receipt of this order.

Further, considering that the First Appeal was not correctly addressed to any Appellate Authority, the Applicant/Appellant may, if he so desires, file the First Appeal before the appropriate Appellate Authority namely the respective BDOs or the PD, DRDA, if he does not

receive the information or is not satisfied with the information furnished to him in accordance with this order, and upon receiving the First Appeal, the FAA shall dispose of the same within the time frame stipulated by the RTI Act, 2005.

RTI Application had been transferred to the aforementioned BDOs through his letter no. DRDA (M)768/RTI/2012-2013/98 dated 22/4/2013. For want of evidence and as submitted by the Appellant, the information has not been supplied to him by the said BDOs/their SPIOs in over 2 years time. The SPIO's of the Offices of the BDOs of Mayong, Bhurbandha, Kapili, Laharighat and Moirabari Development Blocks will submit an explanation, within 15 days of receipt of this order, as to why penalty will not be imposed on them Under Section 20 (1) of the RTI Act, 2005 for their 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.13/2013 -A

Dtd. 09.12.2015

Copy to:

1. The SPIO, Office of the Chief Executive Officer, Morigaon Zilla Parishad, Morigaon for information and necessary action.
2. The PD, DRDA, Morigaon for information.
3. The BDO, Mayong Development Block, Morigaon for information and necessary action.
4. The BDO, Bhurbandha Development Block, Morigaon for information and necessary action
5. The BDO, Kapili Development Block, Morigaon for information and necessary action
6. The BDO, Laharighat Development Block, Morigaon for information and necessary action
7. The BDO, Moirabari Development Block, Morigaon for information and necessary action
8. Sri Dulal Bora, Kainadhara Tiniali, House no.- 118, Khanapara, Guwahati, Dist- Kamrup(M), Assam, Pin-781022 for information.
9. Computer Section for uploading in the Website.
10. Office File.

Secretary & Registrar  
Assam State Information Commission