

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

Case No. : HLK.18/2013

Complainant/ appellant : Md Imran Hassan Choudhury

Respondent : Project Director, DRDA, Hailakandi District.

Date of hearing : 16.11.2015

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

O R D E R
16.11.2015

Public Authority is represented by (1) Shri Himangshu Ch. Das, Secretary, Matijuri-Paikan GP, and (2) Shri Samarjit Singha, Secretary Borband GP.

Appellant is absent.

Perused the case records. Following is the sequence of important events:

7.9.11	Submitted RTI Application to PD, DRDA, Hailakandi
20.10.11	First Appeal submitted to PD, DRDA, Hailakandi
31.10.11	Notice for First hearing
15.11.11	Refixed hearing date
14.12.11	Refixed hearing date
12.3.12	Second Appeal filed before the Commission
1.10.15	Hearing Notice of the Commission
13.10.15	PD, DRDA's Reply w.r.to hearing notice
27.10.15	Another date of hearing fixed
3.11.15	Hearing Notice by Commission

Perused the respective written statement submitted by Secretary, Matijui-Paikan GP and Borband GP. In the identically worded WS, the two GP Secretaries have submitted that they were not aware of the instant RTI application. The Secretary, Matijuri-Paikan GP submitted that he had not received the earlier Commission's notice dtd. 1.10.15 for hearing on 27.10.15 and had received the notice for today's hearing only yesterday. The Secretary, Borband GP submitted that he had not received the hearing notice and that he learnt about the hearing from the Secretary, Matijuri-Paikan GP. They further submitted that they had not received the RTI Application in question.

The records indicate that the RTI Application had been made to the PD, DRDA, Hailakandi. On receipt of the First appeal, he fixed date of hearing and notified the same to BDO, Hailakandi Dev. Block, BDO, Lala Dev. Block and the two GP Secretaries through his

letter No.DRDH-956/IHC/RTI/2011-12 dtd 31.10.11. The records show that the hearing was deferred twice.

The Commission's notice dtd 1.10.15 for the hearing on 27.10.15 had also been issued to two GP Secretaries among others

The two GP Secretaries present in today's hearing informed that they were unaware of the hearing notices issued by the PD, DRDA, Hailakandi. It is not understood how the two GP Secretaries could be unaware of the RTI Application in spite of the notices issued by the Commission and the PD, DRDA, Hailakandi

From the WS submitted by PD, DRDA, Hailakandi to Commission through letter No. DRDH-956/IHC/RTI/2011-12/19/6313-6315 dtd 13.10.15, with reference to the Commission's hearing notice dtd 1.10.15, it is seen that he had taken a hearing on 1.10.12 "which was attended by all the parties". It has also been submitted that in the hearing, BDO, Hailakandi Development Block agreed to furnish all the information within 20.1.12. As regards BDO, Lala Dev. Block, it was submitted that the original RTI petition was sent to the Secretary, Borband GP with direction to furnish the information to the petitioner. In his WS, the PD, DRDA, Hailakandi further stated that the Secretaries of Borband and Matijuri-Paikan GPs had been asked to furnish the information to the petitioner within "on 25.1.12". Copies of the said WS had been sent by PD, DRDA to two concerned BDOs "for information and necessary action". The copy of the PD, DRDA's order indicates that the same had been endorsed to all concerned officials including the two BDOs and two GP Secretaries. The enclosures also includes a copy of the postal receipt of the posting of the said order.

From the above, it is evident that there are anomalies and contradiction in the submission of PD, DRDA vis a vis the two GP Secretaries.

The Commission notes that the said two BDOs are not only absent from today's hearing but also have not sent any WS to inform the Commission about their compliance which the provision of the RTI Act, 2005 and the order of the First Appellate Authority/PD, DRDA, Hailakandi in respect of the RTI Application of Md. Imran Hassan Choudhury,.

After a careful consideration of facts and circumstances as enumerated above, the Commission hereby orders as follows:

1. The secretary, Borband GP and Secretary, Matijuri-Paikan GP will furnish the required information with respect to their own GPS to the RTI Applicant within 15 days of receipt of this order free of cost.

2. The respective SPIOs of Hailakandi Development Block and Lala Development Block will make WS before the Commission within 15 days of receipt of this order and explain as to why penalty u/s 20(1) of the RTI Act, 2005 shall not be imposed on them for their failure to furnish the information to the Applicant within the stipulated period of 30 days of receipt of the RTI Application in terms of the said Act and why this may not be treated as repeated failure to comply with the provisions of the said Act and warrants a recommendation for disciplinary action to the concerned department of the Government.

Date of another hearing will be fixed in due course, if necessary.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

Memo No. HLK.18/2013/

Dtd. 16.11.2015

Copy to:

1. The Project Director, DRDA, Hailakandi District, Assam, PIN- 788151 for information and necessary action.
2. The Block Development Officer, Lala Development Block, Monacherra, Dist. Hailakandi, Assam, PIN-788164 for information and necessary action.
3. The Block Development Officer, Hailakandi Dev. Block, Dist. Hailakandi, Assam, PIN-788151 for information and necessary action.
4. The Secretary, Matijuri - Paikan Gaon Panchayat, Dist. Hailakandi, Assam for information and necessary action.
5. The Secretary, Borband Gaon Panchaya, Dist. Hailakandi, Assam for information and necessary action.
6. Md Imran Hussain Choudhury, President, Creative people's & Student's Central Committee, Vill-Bashdahar-I, Town- Hailakandi, Dist. Hailakandi, Assam, PIN-788155 for information.
7. Computer Section for uploading in the Website.
8. Office File.

Secretary & Registrar
Assam State Information Commission