

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

Case No. : CCR.129/2012

Complainant/ appellant : Md Sabir Ahmed Mazumdar

Respondent : Project Director, DRDA, Cachar, Silchar

Date of hearing : 30.10.2015

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

O R D E R
30.10.2015

The SPIO in the office of the PD, DRDA, Cachar, Silchar is absent without any information.

The Appellant is also absent without any information.

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

7.3.12	Md Sabir Ahmed Mazumdar submitted RTI Application to PD, DRDA, Cachar
19.4.12	Complaint.First Appeal submitted to Commission
22.8.12	The complaint forwarded by the Commission to PD, DRDA, Cachar
30.10.12	Second complaint before the Commission
9.7.15	ATR on the complaint./First Appeal Petition sought by the Commission.
10.8.15	Submission of ATR by PD, DRDA
28.8.15	Hearing Notice by the Commission
10.9.15	Request received for re-fixing date of hearing
14.10.15	Second hearing notice.

No written submission has been received from the SPIO in response to the request made through the above mentioned hearing notice dtd 14.10.15. This is in spite of re-fixing the date of hearing on receipt of request from the SPIO and despite deferring the date of hearing of 11.9.15. This is indicative of indifference to an application made for information and the directions issued by the Commission under the relevant provisions of the RTI Act, 2005. In fact, PD, DRDA, Cachar had also taken a hearing and issued an order on 2.11.12 directing the Secretary of the concerned Gaon Panchayat to furnish the required information to the Applicant within 20 days of the date of hearing which was 22.11.12.

In his WS No. CRD.84/RTI/SAM/2012/8 dtd 10.9.15 in connection with the earlier hearing notice, the SPIO had pleaded that penalty not be imposed on him as the information was to be furnished by the Secretary of the concerned GP.

The plea of SPIO is not acceptable as it was his responsibility to procure the information and supply it to the Applicant. In the Commission's hearing notice he had also been directed to ask any deemed SPIO from whom he had sought any assistance u/s 5(4) of the RTI Act, 05, and was responsible for the delay in furnishing the information to attend to the hearing along with all relevant documents. The SPIO has neither attended the hearing today nor has he caused the deemed SPIO to attend to the hearing.

In view of the facts as enumerated above, the Commission concludes that it is not only the SPIO but also the deemed SPIO who have failed to furnish the information under the RTI Act, it is now, ordered that the information sought for by the Applicant will be provided to him free of cost within 10 days of receipt of this order and submit Action Taken Report to the Commission.

Further, the SPIO shall furnish to the Commission an explanation as to why penalty u/s 20(1) of the RTI Act, 2005 should not be imposed on him or the deemed SPIO for failure to furnish the information to the Applicant within the stipulated period of 30 days and in spite of direction issued by the First Appellate Authority namely PD, DRDA, Cachar to do so within 20 days of the date of hearing by him, which was dtd 24.7.12.

It is also ordered that PD, DRDA, Cachar will review the Complaint/First Appeal submitted by the Applicant and pass a speaking order within a period of 21 days of receipt of this order under intimation to the Commission.

Fix another date of hearing in 6 (six) weeks.

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Secretary & Registrar
Assam State Information Commission

Memo No. CCR.129/2012/

Dtd. 30.10.2015

Copy to:

1. The Project Officer, DRDA, Cachar District, Silchar, Assam, PIN-788 001 for information and necessary action.
2. Md Sabir Ahmed Mazumdar, Vill & PO- Bhangarpar Part-I, Dist. Cachar, Assam, PIN-788 817 for information.
3. Computer Section for uploading in the Website.
4. Office File.

Secretary & Registrar
Assam State Information Commission