



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

Case No. : HLK.27/2014  
Complainant/ Appellant : Md. Foriz Uddin Laskar.  
Respondent : The SPIO, O/o the Secretary, Mohamedpur  
Joykrishnapur GP, Hailakandi.  
Date of hearing : 18.12.2015  
Complaint/ Second Appeal heard by : Shri Pinuel Basumatary, IA&AS ( Retd),  
State Information Commissioner, Assam

**O R D E R**  
18.12.2015

The Petitioner Foriz Uddin Laskar present.

The SPIO/Secretary of Mohamedpur Joykrishnapur Gaon Panchayat, Hailakandi absent without information. No Written Statement has also been received from the SPIO.

The B.D.O., Lala Development Block, Hailakandi has not apprised the Commission about the steps he/she may have taken to dispose of the First Appeal in time. The First Appellate Authority was directed by the Commission through hearing notice dated 1/12/2015 to do so either by a Written Statement or deputing his authorized representative on the date of hearing.

A perusal of the case records indicates the following sequence of significant dates:

23.10.13 RTI Application filed with the Mohamedpur Joykrishnapur G.P.  
09.12.13 First Appeal filed with the B.D.O., Lala Development Block,  
Hailakandi  
22.01.14 Second Appeal filed before the Commission.

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

The submission of the Appellant, the non-submission of any Written Statement by the SPIO as directed through the Commission's hearing notice dated 1/12/2015 and his absence from today's hearing without information are can be treated as indicative of indifference of the Public Official to the provisions of RTI Act, 2005.

There is no evidence of the First Appellate Authority *i.e.* B.D.O., Lala Development Block having disposed of First Appeal dated 9/12/2013 submitted by the Appellant/Petitioner.

However, taking a lenient view on the ground of the location of the GP, the Commission has decided to give another opportunity to him (Secretary, Mohamedpur Joykrishnapur GP) to submit an explanation to the Commission within 15 days of receipt of this order, as to why (a) penalty shall not be imposed on them 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, (b) this may not be treated as the case of persistent failure to provide information under the RTI Act and be recommended for disciplinary action Under Section 20 of the RTI Act, 2005.

The Commission orders that the SPIO shall provide the information sought for by the Appellant/Petitioner free of cost and/or offer inspection of documents which may be voluminous for photocopying, within a period of 15 days from the date of receipt of this order.

The Commission further orders that the First Appellate Authority shall consider and dispose of the First Appeal dated 9/12/2013 filed by the Petitioner, with a speaking order, within a period of 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. HLK.27/2014 -A

Dtd. 18.12.2015

Copy to:

1. The SPIO, Office of the Secretary, Mohamedpur Joykrishnapur G.P., Hailakandi, Dist- Hailakandi, Assam, Pin- 788151 for information and necessary action.
2. The First Appellate Authority, Office of the B.D.O., Lala Development Block, Hailakandi, Dist- Hailakandi, Assam, Pin- 788164 for information and necessary action.
3. Md. Foriz Uddin Laskar, S/o- Lt. Arrjumond Ali, Vill- Kanahonpur-II, P.O.- Kanchanpur, P.S.- Hailakandi, Dist. Hailakandi, (Assam) Pin-788152 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar  
Assam State Information Commission