



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

Case No. : BPT.25/2014
Complainant/ Appellant : Shri Parimal Arjya.
Respondent : The SPIO, O/o the B.D.O., Bhawanipur Dev. Block,
Dist- Barpeta, Assam.
Date of hearing : 30.12.2015
Complaint/ Second Appeal heard by : Shri Pinuel Basumatary, IA&AS (Retd),
State Information Commissioner, Assam

O R D E R
30.12.2015

The Appellant/Petitioner present.

The SPIO, Office of the B.D.O., Bhawanipur Development Block, Barpeta to whom the Commission's hearing notice dated 5/12/2015 had been issued is absent. However, a Written Statement has been received from the B.D.O., Bhawanipur Development Block/First Appellate Authority(FAA).

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

25.11.13	RTI Application filed with the Office of the B.D.O., Bhawanipur Development Block, Barpeta.
26.12.13	First Appeal filed with the Office of the B.D.O., Bhawanipur Development Block, Barpeta.
17.02.14	Order of the First Appellate Authority
29.08.14	Second Appeal filed before the Commission.

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

Perused the aforementioned Written Statement received from the FAA. It has been submitted by the FAA that on receipt of the RTI Application in his office the B.D.O., Bhawanipur Development Block had transferred the Application through a letter dated 25/11/2013 to the Secretary, Geruapara Gaon Panchayat with a request to furnish the information directly to the Petitioner. It is further been submitted that on receipt of the First Appeal dated 26/12/2013 the FAA issued an order to the effect that the Secretary, Geruapara GP should furnish the information within 7 days free of cost.

It has also been submitted that the Secretary, Geruapara GP had written a letter dated 12/3/2014 to the B.D.O. to the effect that he has not been able to furnish the information owing to non-availability thereof in his office.

From the facts and circumstances brought out above, it appears that the Secretary, Geruapara GP had not responded to the RTI Application with the degree on seriousness and purposefulness required by various provisions of the RTI Act, 2005.

It is also seen that no explanation has been received in the Commission from the SPIO as to why penalty shall not be imposed on him Under Section 20 (1) of the RTI Act, 2005 for his failure to furnish the information to the Appellant within the stipulated period of 30 days.

In view of the above, the Commissioner hereby orders that the required information shall be provided to the Appellant/Petitioner by the SPIO/Secretary, Geruapara GP free of cost, within 10 days of receipt of this order.

The Commission further orders that the B.D.O., Bhawanipur Development Block as the FAA will consider and dispose of with a speaking order the First Appeal dated 26/12/2013 submitted to him by the Appellant within a period of 15 days of receipt of this order, in the context of this order.

The Second Appeal Petition is hereby disposed of.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

Memo No. BPT.25/2014 -A

Dtd. 30.12.2015

Copy to:

1. The SPIO, O/o the B.D.O. Bhawanipur Development Block, Howly, Dist- Barpeta, Assam, Pin- 781316 for information and necessary action.
2. The First Appellate Authority/ B.D.O. Bhawanipur Development Block, Howly, Dist- Barpeta, Assam, Pin- 781316 for information and necessary action.
3. Shri Parimal Arjya, S/o- Lt. Narendra Arjya, Vill- Puran-Bhawanipur, P.O.- Puran-Bhawanipur, Dist- Barpeta, Assam, Pin- 781318 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission