



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

Case No. : HLK.24/2014
Complainant/ Appellant : Md. Selim Uddin Laskar
Respondent : SPIO, O/o the BDO, Hailakandi Development
Block, Hailakandi
Date of hearing : 08.01.2016
Complaint/ Second Appeal heard by : Shri Pinuel Basumatary, IA&AS (Retd),
State Information Commissioner, Assam

O R D E R
08.01.2016

The Appellant present.

The SPIO absent without any information.

No Written Statement has been received in the Commission from the SPIO. The SPIO further has 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 his/her failure to furnish the information to the Appellant within the stipulated period of 30 days.

The Commission had asked through its hearing notice dated 18.12.2015, the First Appellate Authority/ BDO, Hailakandi Development Block, Hailakandi to apprise the Commission about the steps he/she has taken to dispose of the First Appeal dated 25.08.2014 in time either by a Written Submission or by deputing his authorized representative to today's hearing. The FAA has not complied with this direction.

The Petitioner has submitted that he has not received the information he had sought for. He has also submitted that he has not received any order of disposal of his First Appeal submitted to the BDO, Hailakandi Development Block, Hailakandi.

In the absence of the SPIO in the hearing and any W/S from him, the Commission is not in a position to verify the compliance or otherwise by the SPIO with the provisions of the RTI Act, 2005. If it is a fact that the information sought for by the RTI Application dated 26.05.2014 has not been furnished to the Applicant, there has been inordinate delay and failure on the part of the SPIO to act in accordance with the provisions of the Act.

The Commission notes that it was the responsibility of the SPIO in the office of the B.D.O., Hailakandi Development Block to provide the information to the Applicant based on the records available in his office instead of transferring the Application under Section 6 (3) of the RTI Act, 2005 to all the Gaon Panchayat Secretaries in the Block causing undue delay in providing the information.

In view of the above position, the Commission hereby orders that the SPIO in the Office of the B.D.O., Hailakandi Development Block shall furnish the information sought for by the Applicant, free of cost, within a period of 10 days of receipt of this order, if already not furnished.

The Commission also orders that the SPIO shall submit a written explanation to the Commission within 15 days of receipt of this order as to why penalty shall not be imposed on him/her under Section 20 (1) of the RTI Act, 2005 for his/her failure to furnish the information to the Appellant within the stipulated period of 30 days.

Further, the Commission hereby orders that the FAA/ BDO, Hailakandi Development Block, Hailakandi shall consider and dispose of the First Appeal dated 25.08.2014, with a speaking order, within 21 days of receipt 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.HLK.24/2014 - A

Dtd. 08.01.2016

Copy to:

1. The First Appellate Authority/ Block Development Officer, Hailakandi Development Block, Hailakandi, Dist- Hailakandi, Assam for information and necessary action.
2. The SPIO in the office of the Block Development Officer, Hailakandi Development Block, Dist- Hailakandi, Assam for information and necessary action.
3. Md. Selim Uddin Laskar, S/o Ansar Uddin Laskar, Vill- Kuchila, PO- Kuchila, PS/ Dist- Hailakandi, Assam, Pin- 788155 for information.
4. Computer Section for uploading in the Website.
5. Office File.

**Secretary & Registrar
Assam State Information Commission**