



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

Case No. : SIC/NGN.88/2012
Appellant : Md. Abdul Malek Dhali
Respondent : The SPIO/A.D.C., Nagaon, Assam
Date of hearing : 19.01.2016
Second Appeal heard by : Shri Pinuel Basumatary
State Information Commissioner, Assam

O R D E R

19.01.2016

Both parties absent.

However, a Written Statement dated 18.01.2016 has been received from the PIO in the office of the Deputy Commissioner, Nagaon.

Perused the W/S. It has been submitted that the RTI Petition dated 20.06.2011 had been transferred to the A.D.C. (Revenue), Nagaon on 04.11.2011 and the same was forwarded to the Circle Officer (Sadar) Revenue Circle by the A.D.C. (Revenue) through a letter dated 23.03.2012. It has further been submitted that the Circle Officer (Sadar) has not informed as to whether the information has been supplied to the Applicant.

The Commission observes that the SPIO in the office of the D.C. Nagaon has not followed the procedure envisaged in the RTI Act, 2005. As the SPIO is the designated officer for the said Act for the entire office of the D.C., instead of transferring the same to the A.D.C. (Revenue) U/S 6 (3) of the Act, he ought to have collected the information by seeking assistance of the A.D.C. (Revenue) or the Circle Officer (Sadar), Nagaon U/S 5 (4) of the said Act.

The Commission notes that the consequence of the inappropriate procedure followed by the SPIO resulted in delay and violation of the Act in the matter of actual furnishing of information to the Petitioner.

The Commission therefore orders that the SPIO in the office of the D.C, Nagaon follow the right procedure and avoid delay and the wanting of information that has happened in the instant case.

The Commission hereby draws the attention of the SPIO to the provisions in the Act relating to imposition of penalty for failure to provide the information within the stipulated time and recommendation of disciplinary proceedings for more serious failure in this regard. The Commission further orders that the SPIO shall obtain the information sought for by the RTI Applicant and furnish it to him, free of cost, within a period of 10 days of receipt of this order.

Further, the Commission has not received any evidence of the First Appellate Authority (FAA)/ D.C. Nagaon having disposed of the First Appeal dated 15.12.2011 as required by the Act. The Commission, therefore, orders that the FAA shall consider

and dispose of the said First Appeal, with a speaking order, within a period of 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. SIC/NGN.88 /2012 -A

Dtd.19.01.2016

Copy to:

1. The SPIO, Office of the Deputy Commissioner (Revenue), Nagaon, Dist.- Nagaon, Assam, Pin- 782001 for information and necessary action.
2. The First Appellate Authority/Deputy Commissioner, Nagaon, Dist. - Nagaon, Assam, Pin- 782001 for information and necessary action.
3. Md. Abdul Malek Dhali, Vill- Bhutaiati, PO- Dimaruguri, Dist- Nagaon, Assam, Pin- 782003 for information.
4. Computer Section for uploading in the Website.
5. Office File.

**Secretary & Registrar
Assam State Information Commission**