



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

Case No. : SIC/NGN.95/2012  
Appellant : Shri Gobin Chandra Hazarika  
Respondent : The SPIO, O/o the Inspector of Schools, Nagaon District  
Circle, Nagaon.  
Date of hearing : 09.02.2016  
Second Appeal heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
09.02.2016

The SPIO, office of the Inspector of Schools, Nagaon absent without any information. No Written Statement has been received from the SPIO on furnishing of the information sought for and 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 Applicant within the stipulated period of 30 days.

The First Appellate Authority (FAA)/Inspector of Schools, Nagaon has not apprised the Commission about the steps he had taken to dispose of the First Appeal either by a Written Submission/or by deputing his authorized representative to the hearing which he was directed to do through the hearing notice of the Commission.

The Appellant is present.

Heard the Appellant. He has submitted that he has not received the information he had sought for. He further submitted that he had received a telephone call from a person who identified him as an official in the SPIO's office last night at 7.59 PM instructing him to collect the information from the office today.

A perusal of the case records indicate that the RTI Application dated 10/2/2012 was submitted to the SPIO, office of the Inspector of Schools, Nagaon. On not receiving the information sought for, the Appellant had submitted the First Appeal dated 27/3/2012 and the reminder dated 4/6/2012 to the First Appellate Authority (FAA)/ Inspector of Schools, Nagaon.

The fact that the SPIO has not furnished the information in a period of long 4 (four) years can be seen as indicative of his disregard to his responsibilities under the RTI Act, 2005. Further, he has neglected to attend today's hearing and to submit a Written Statement as sought for through hearing notice of the Commission dated 27/1/2016. In fact, instead of attending today's hearing or making Written Submission before the Commission, the SPIO offered to provide the information to the Appellant by inviting him to his office today, *i.e.*, the date of hearing and thus, distracting the Appellant from attending today's hearing.

Further, there is no evidence of the Inspector of Schools, Nagaon having disposed of the First Appeal in the capacity of FAA within a period of 30 days as mandated by the said Act.

In view of the facts brought out above, the Commission hereby orders the following –

1. The SPIO shall furnish the information sought for by the RTI Applicant/Appellant, free of cost, within a period of 10 days of receipt of this order.
2. The SPIO shall submit an explanation to the Commission, within a period of 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 Applicant within the stipulated period of 30 days.

3. The FAA shall hear the First Appeal dated 27.03.2012 by the Appellant and pass an appropriate speaking order in compliance with the relevant provisions of the RTI Act, 2005, within a period of 21 days of receipt of this order.

Should the SPIO fail to take appropriate action to provide the information to the Appellant in terms of the RTI Act, 2005 and these orders, it may be necessary for the Commission to recommend disciplinary action against him under the service rules applicable to him as provided for by the said Act.

Sd/-

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Dy. Secretary & Dy. Registrar  
Assam State Information Commission

Memo No. SIC/NGN.95/2012 -A

Dtd. 09.02.2016

Copy to:

1. The SPIO, Office of the Inspector of Schools, Nagaon District Circle, PO- Nagaon, Dist- Nagaon, Assam, Pin- 782001 for information and necessary action.
2. The First Appellate Authority/Inspector of Schools, Nagaon District Circle, PO- Nagaon, Dist- Nagaon, Assam, Pin- 782001 for information and necessary action.
3. Shri Gobin Chandra Hazarika, S/o- Late Shehram Hazarika, Vill- Samdhara, P.O.- Juria, Dist- Nagaon, Assam, Pin- 782124 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Secretary & Dy. Registrar  
Assam State Information Commission