



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

Case No. : SIC/KRJ.4/2015
Complainant : Ms. Mangla Sahni.
Respondent : The SPIO, O/o the Probation Officer cum
District Child Officer, Kokrajhar.
Date of hearing : 04.02.2016
Complaint heard by : Shri Pinuel Basumatary
State Information Commissioner, Assam

O R D E R
04.02.2016

Both parties absent.

No Written Statement received from the SPIO.

A perusal of the case records indicate that the Complainant had lodged the Complaint dated 17/5/2014 after not receiving the information he had sought for through her RTI Application dated 15/4/2014. While forwarding a copy of the RTI Application through her letter 4/10/2015 in response to the Commission's letter dated 2/9/2015, the Complainant reiterated that she had not received the information related to question nos. 11C, 11D, 14A, 14C and 14D.

Through its hearing notice dated 22/1/2016, the Commission had directed the SPIO to submit a written reply mentioning the exact date of receipt of the RTI Application, date of furnishing information, if any, and explain 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 SPIO had been asked to submit the said reply before the start of the hearing. He had also been given an opportunity of being heard in person before passing any order relating to the imposition of penalty per the provisions of the Act. The SPIO has neither sent the written reply nor is present in the hearing today.

It is seen from records that the SPIO had directed the Nedan Foundation through letter no. DCPO (KJR) 15/2012/303 dated 28/4/2014 to furnish the information sought for by the Petitioner directly to him. The SPIO has not acted in accordance with the provisions of the RTI Act, 2005 in passing the responsibility of providing the information to an organization which is not a Public Authority. The proper course of action would have been for the SPIO to obtain the information and provide the same to the RTI Applicant.

In view of the facts brought out above, the Commission hereby orders that the information remaining to be furnished to the Complainant/Applicant shall be provided by the SPIO, free of cost, within a period of 10 days of receipt of this order.

The SPIO is hereby given another opportunity to submit a written explanation, 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 Applicant within the stipulated period of 30 days.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Secretary & Registrar
Assam State Information Commission

Copy to:

1. The SPIO/ Probation Officer cum District Child Protection Officer, Kokrajhar, Dist-Kokrajhar, Assam, Pin- 783370 for information and necessary action.
2. Ms. Mangla Sahni, 30A/43, West Punjabi Bagh, New Delhi – 110026 for information.
3. Computer Section for uploading in the Website.
4. Office File.

Secretary & Registrar
Assam State Information Commission