



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

Case No. : SIC/CCR.129/2012
Complainant : Md. Sabir Ahmed Mazumdar.
Respondent : The SPIO, O/o the PD, DRDA, Silchar, Cachar.
Date of hearing : 01.02.2016
Complaint heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
01.02.2016

Neither party present. However, Written Statement dated 19/1/2016 received from PD, DRDA, Cachar. A perusal of the case records indicate that the case had been heard by the Commission ex parte on 30/10/2015 and following had been ordered –

1. The SPIO in the office of the PD, DRDA shall furnish the information sought for by the Complainant, free of cost, within a period of 10 days of receipt of the order and submit an action taken report to the Commission;
2. The SPIO shall furnish to the Commission, within 15 days of receipt of the order, 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 Applicant within the stipulated period of 30 days;
3. The PD, DRDA, Cachar shall review the Complaint/Appeal submitted by the Applicant and pass a speaking order within a period of 21 days of receipt of the Commission's order; and
4. Another date of hearing to be fixed.

It is seen that the Complainant/Applicant had written to the Commission through his letter dated 16/11/2015 to the effect that he had not received the information he had sought for through his Application dated 7/3/2012. He had added that he had received a letter dated 30/10/2015 from the Secretary, Sonapur GP under DRDA, Cachar requesting him to collect the information from his (the Secretary, Sonapur GP) office. It has been submitted that on receipt of the letter he visited the office of the Secretary, Sonapur GP several times but did not find the Secretary in the office and he could not get the information. The Complainant has submitted that he has faced various hindrances since he filed the RTI Application, and he has been deprived of his legitimate rights under the RTI Act, 2005.

The SPIO in the office of the PD, DRDA, Cachar has not complied with the direction of the Commission through its hearing notice dated 28/8/2015 and 5/1/2016 to make a Written Submission regarding furnishing of information and to 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 Commission reiterates its observation made in the order dated 30/10/2015 that the plea made by the SPIO through his letter dated 10/9/2015 as to why penalty not be imposed on him is not acceptable for the reason that the SPIO ought to have obtained the relevant information from the concerned GP u/s 5 (4) of the RTI Act, 2005 and furnished it to the Petitioner.

Perused the Written Statement dated 19/1/2016 received from the PD, DRDA, Cachar. Through the W/S the position stated by the Secretary, Sonapur GP has merely been endorsed without furnishing the information applied for.

It is seen that no copy of speaking order, if any, passed by the PD, DRDA in compliance with the order of the Commission dated 30/10/2015 has been received. It is also seen from the copy of the order of the PD, DRDA, Cachar, passed after his hearing on 24/7/2012, and forwarded to the Commission through letter no. CRD.47/RTI/SAM/APL/12/36 dated 10/8/2015 did not relate to the instant RTI Application/Complaint.

1. In view of the facts brought out above, the Commission hereby orders the following –
The SPIO in the office of the PD, DRDA, Cachar shall obtain the information sought for by the Complainant/Applicant from the concerned GP and send it to the Applicant, free of cost, within a period of 10 days of receipt of this order, by registered post;
2. The PD, DRDA as First Appellate Authority (FAA) shall consider and dispose of , with a speaking order, the First Appeal, within a period of 21 days of receipt of this order.

With this, the Complaint Petition is disposed of.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

Memo No. SIC/CCR.129/2012 -A

Dtd. 01.02.2016

Copy to:

1. The SPIO, Office of the Project Director, District Rural Development Agency (DRDA), Silchar, Dist- Cachar, Assam, Pin- 788001 for information and necessary action.
2. The First Appellate Authority/ Project Director, District Rural Development Agency (DRDA), Silchar, Dist- Cachar, Assam, Pin- 788001 for information and necessary action.
3. Md. Sabir Ahmed Mazumdar, Vill & P.O.- Bhangarpar, PT-I, Dist- Cachar, Assam, Pin- 788817 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission