



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

Case No. : SIC/CCR.62/2013  
Appellant : Md. Mansoor Hassan Barbhuyan.  
Respondent : The SPIO/Secretary, Rongpur Gaon Panchayat,  
Silchar, Cachar.  
Date of hearing : 24.02.2016  
Second Appeal heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
24.02.2016

Neither party present.

The SPIO has not submitted any Written Statement on the status of furnishing of information which was sought for by the Commission through its hearing notice dated 02.02.2016. The SPIO has also not submitted any 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.

In the absence of the Appellant in today's hearing and any written communication from him, the Commission could not determine as to whether he has received the information he had sought for subsequent to filing the Second Appeal dated 20.07.2013. The case records indicate that through his RTI Application dated 13.04.2013, the Appellant had sought information relating to "Gram Sabhas held and Public Audit Reports from the financial year 2001-02 till the date of filing of the RTI Application" and he had filed the Second Appeal after he failed to receive the information from the Secretary, Rongpur GP.

The Appellant has submitted that he filed his First Appeal with D.C., Cachar u/s 19 (1) of the RTI Act, 2005 for the reason that, at that time, there was no C.E.O. in the office of the Cachar Zilla Parishad, *i.e.* district head of PRI institution and it was under the administrative function of the D.C., Cachar. Further, he was aggrieved that without examining his First Appeal dated 05.06.2013, and instead of transferring the said Appeal to the appropriate Public Authority, the D.C.'s office returned the same to the Appellant describing it as not relating to him.

Perusal of case records indicate that the First Appellate Authority did indeed return the said First Appeal by letter dated 14.06.2013 issued by the Addl. D.C., i/c RTI Cell, Cachar Silchar. Thus, the D.C., Cachar failed to dispose of the said First Appeal in accordance with the RTI Act, 2005.

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

1. The SPIO/Secretary, Rongpur Gaon Panchayat shall furnish the information as sought for by the Applicant/Appellant, free of cost, within a period of 10 days of receipt of this order,
2. The SPIO shall submit a written explanation to this 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 Applicant within the stipulated period of 30 days, and

3. Further, considering that Cachar Zilla Parishad has now a C.E.O., therefore, as First Appellate Authority/C.E.O., Cachar Zilla Parishad shall consider and dispose of the First Appeal dated 05.06.2013, with a speaking order, within a period of 21 days of receipt of this order.

The D.C., Cachar is hereby advised that, in similar cases in future where he is not the appropriate authority, shall forward the First Appeal he receives to the appropriate First Appellate Authority in the Public Authority for disposal in accordance with the RTI Act, 2005.

Sd/-

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar  
Assam State Information Commission

Memo No. SIC/CCR.62/2013/ -A

Dtd. 24.02.2016

Copy to:

1. The SPIO/Secretary, Rongpur Gaon Panchayat, Dist- Cachar, Assam, Pin- 788001 for information and necessary action.
2. The First Appellate Authority/Chief Executive Officer, Cachar Zilla Parishad, Dist- Cachar, Assam, Pin- 788001 for information and necessary action.
3. The Deputy Commissioner, Cachar, Dist- Cachar, Assam, Pin- 788001 for information.
4. Md. Mansoor Hassan Barbhuyan, C/o- M. A. Barbhuyan (IAS, Retd.), Rongpur Part-IV, VIP Road, NH- 53, Silchar, Dist- Cachar, Assam, Pin-788009 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Deputy Registrar  
Assam State Information Commission