



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

Case No. : SIC/CCR.10/2013
Appellant : Md. Khalil Uddin Barbhuiya
Respondent : The SPIO, O/o the Block Development Officer, Borkhola
Development Block, Cachar.
Date of hearing : 17.02.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
17.02.2016

Neither party present. No Written Statement has been received from the SPIO.

A perusal of the case records indicate the following sequence of significant dates:

31.12.11 RTI Application filed with the SPIO, Office of the BDO, Borkhola
Development Block, Cachar
14.05.12 A reminder submitted to the SPIO.
19.05.12 BDO, Borkhola Development Block writes to Secretary, Badarpur-
Masimpur GP, Cachar
06.06.12 Secretary of the said GP writes to BDO, Borkhola Development Block
about the illegibility of the copy of the RTI Application and requesting
for a clearer copy.
19.06.12 First Appeal filed with the PD, DRDA, Cachar
11.09.12 Reminder to PD, DRDA, Cachar
02.11.12 Second Appeal filed before the Commission.

The SPIO, office of the BDO, Borkhola Development Block has not submitted any Written Submission which was sought for by the Commission through its hearing notice dated 04.02.2016. 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 detailed Written Statement from the SPIO, the Commission is not in a position to determine as to why the RTI Application had been transferred to the Secretary of the concerned GP when the information related to IAY houses and beneficiaries, and therefore, the information ought to have been available for the SPIO to provide to the Appellant instead of directing the Secretary of the said GP to provide the information delaying the matter without good and sufficient reason.

The First Appellate Authority (FAA)/PD, DRDA, Cachar 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 said hearing notice of the Commission.

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, if not already furnished.
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 19.06.2012 submitted 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.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Dy. Secretary & Dy. Registrar
Assam State Information Commission

Memo No. SIC/CCR.10/2013/ -A

Dtd. 17.02.2016

Copy to:

1. The SPIO, Office of the Block Development Officer, Borkhola Development Block, P.O.- Borkhola, Dist- Cachar, Assam, Pin- 788110 for information and necessary action.
2. The First Appellate Authority/Project Director, District Rural Development Agency, P.O.- Silchar, Dist- Cachar, Assam, Pin- 788001 for information and necessary action.
3. Md. Khalil Uddin Barbhuiya, S/o- Late Ataur Rahman, Vill- Badarpur Part-I, P.O.- Niz Joynagar, Dist- Cachar, Assam, Pin- 788025 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Secretary & Dy. Registrar
Assam State Information Commission