



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

Case No. : SIC/CCR.75/2013  
Complainant : Sri Jaharlal Das  
Respondent : 1. The SPIO/Secretary, Subong Gaon Panchayat, Cachar.  
2. The SPIO, O/o the B.D.O., Borkhola Development Block, Cachar  
Date of hearing : 29.02.2016  
Complaint heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
29.02.2016

Neither SPIO/Secretary, Subong Gaon Panchayat, Cachar nor SPIO, office of the BDO, Borkhola Development Block, Cachar who were notified present.

Both the SPIOs have not submitted any Written Statement on the status of furnishing of information which was sought for by the Commission through its hearing notice dated 09.02.2016. The SPIOs have also not submitted any explanation as to why penalty shall not be imposed on them under Section 20 (1) of the RTI Act, 2005 for their failure to furnish the information to the Applicant within the stipulated period of 30 days.

Perused the case record. It is seen that the Complainant submitted his Complaint dated 13.09.2013 before the Commission after he failed to receive the information he had sought for through his RTI Application dated 27.07.2012 from the SPIO, office of the BDO, Borkhola Development Block and Secretary, Subong GP to whom the Application had been transferred through letter no. BDB-139/RTI/05/2011-12. The Complainant had added in his Complaint letter that he had submitted a Complaint before the Additional D.C., i/c RTI Cell, Cachar who in turn had ordered PD, DRDA, Cachar to arrange to provide the information within a period of 15 days. It has further been submitted that the PD, DRDA had fixed 07.12.2012 as date of hearing and issued notice, however, the BDO and GP Secretary did not attend the same, although the Complainant was present. The Complainant filed the Complaint with the Commission after he failed to receive the information inspite of the action taken by the PD, DRDA.

It appears that the Complainant had not filed formal First Appeal with the First Appellate Authority.

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

1. The SPIO/Secretary, Subong GP, Cachar shall furnish the information sought for by the Complainant/Applicant, free of cost, within a period of 10 days of receipt of this order.
2. While providing the information the SPIO shall explain to the Complainant/Applicant clearly in case any part of the information sought for is not in his custody and request BDO, Borkhola Development Block to provide the same to the Petitioner.
3. The SPIO, office of the BDO, Borkhola Development Block to whom the instant RTI Application had originally been addressed shall coordinate with Secretary, Subong GP and ensure with the information sought for shall be provided to the RTI Applicant within the time specified above.

4. Both the SPIO shall submit written explanation to the Commission, within a period of 15 days of receipt of this order, as to why penalty shall not be imposed on them under Section 20 (1) of the RTI Act, 2005 for their failure to furnish the information to the Applicant within the stipulated period of 30 days.

The Complainant shall be at liberty to file First Appeal with the First Appellate Authority in case no action taken or is not satisfied with the compliance.

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

Authenticated true copy.

Sd/-  
Deputy Registrar  
Assam State Information Commission

Memo No. SIC/CCR.75/2013/ -A

Dtd. 29.02.2016

Copy to:

1. The SPIO/Secretary, Subong Gaon Panchayat under Borkhola Development Block, P.O.- Subong, Dist- Cachar, Assam, Pin- 788111 for information and necessary action.
2. The SPIO, Office of the Block Development Officer, Borkhola Development Block, P.O.- Borkhola, Dist- Cachar, Assam, Pin- 788110 for information and necessary action
3. The First Appellate Authority/Project Director, District Rural Development Agency, P.O.- Silchar, Dist- Cachar, Assam, Pin- 788001 for information.
4. Sri Jaharlal Das, Vill- Boulabasti, P.O.- Laborbond, Dist- Cachar, Assam, Pin-788002 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Deputy Registrar  
Assam State Information Commission