



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

Case No. : SIC/DHR.21/2013
Appellant : Md.Anowar Husain.
Respondent : The SPIO, O/o the District Elementary Education
Officer (DEEO), Dhubri
Date of hearing : 01.03.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
01.03.2016

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

However, considering that the matter has been pending for some time, the Commission has decided to go ahead with the hearing on this appointed day *ex parte*.

Perused the case records. It is seen that the Appellant had submitted his Application for information dated 07.11.2012 with the SPIO, office of the DEEO, Dhubri and then his First Appeal dated 12.12.2012 being aggrieved that the SPIO had refused to receive the Application fee at the time of filing of the Application. He went on to file the Second Appeal dated 12.03.2013 with the Commission for the reason that i). the information subsequently furnished to him by the SPIO through a letter no. EED-318/RTI/06/13/1981 dated 28.02.2013 was 'incomplete' and 'misleading', and ii) he received no response from the FAA/DEEO, Dhubri.

It is seen from the copies of the aforementioned letters through which some information had been furnished to the Appellant that the information furnished was indeed incomplete in that whereas the Appellant/Applicant had sought for copies of orders/rules that empowered DEEO, Dhubri to 'attached' teachers and staffs to offices/schools other than offices/schools to which they belong. Likewise, whereas the Appellant/Applicant sought the names and designation of the teachers/staffs who had been attached to other schools/offices, and copies of connected orders. The SPIO has simply provided the photocopies of two orders containing three names without stating whether that was complete list sought for by the Applicant.

The failure of the SPIO to apprise the Commission on the action taken by them to furnish the information indicates that the SPIO, office of the DEEO, Dhubri has not dealt with the RTI Application with the seriousness it deserves and he has failed to perform his duty mandated by the RTI Act, 2005. Similarly, the FAA/DEEO, Dhubri has failed to perform his duty under the said Act in not only not disposing of the First Appeal but also in neglecting to apprise the Commission on the status of the First Appeal.

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 had received any further information subsequent to filling the Second Appeal dated 12.03.2013.

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

1. The SPIO, office of the DEEO, Dhubri shall furnish the full information as sought for by the Applicant/Appellant, free of cost, within a period of 10 days of receipt of this order,

2. The First Appellate Authority/DEEO, Dhubri shall consider and dispose of the First Appeal dated 12.12.2012, with a speaking order, within a period of 21 days of receipt of this order, and
3. Both the SPIO and FAA shall henceforth be more diligent in responding to RTI Applications/First Appeals in compliance with the RTI Act, 2005.

With this, the Second Appeal case is disposed of.

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

Authenticated true copy.

Sd/-
Deputy Registrar
Assam Information Commission

Memo No. SIC/DHR.21/2013/ -A

Dtd. 01.03.2016

Copy to:

1. The SPIO, office of the District Elementary Education Officer, Dist-Dhubri, PO- Dhubri, Assam, Pin- 783301 for information and necessary action.
2. The First Appellate Authority/District Elementary Education Officer, Dist-Dhubri, PO- Dhubri, Assam, Pin- 783301 for information and necessary action.
3. Md. Anowar Hussain, Advocate, Dhubri Bar Association, Dist- Dhubri, PO- Dhubri, Assam, Pin- 783301 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission