

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

Case No. : SIC/DHR.44/2013
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*.

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 17.02.2016. 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.

From perusal of the case records it is seen that the Appellant had submitted his Second Appeal dated 19.07.2013 being aggrieved at not receiving the information he had sought for through his RTI Application dated 10.04.2013 and no response from the First Appellate Authority(FAA)/DEEO, Dhubri to his First Appeal dated 28.05.2013.

There is no evidence of the FAA having disposed of the aforementioned First Appeal in accordance with the RTI Act, 2005.

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 filling the Second Appeal dated 19.07.2013.

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 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, office of the DEEO, Dhubri 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. The First Appellate Authority/DEEO, Dhubri shall consider and dispose of the First Appeal dated 28.05.2013, with a speaking order, within a period of 21 days of receipt of this order.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Copy to:

1. The SPIO, office of the District Elementary Education Officer, PO- Dhubri, Dist- 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