



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

Case No. : SIC/NGN.19-A/2014
Appellant : Md. Rahmat Ullah.
Respondent : The SPIO, O/o the Block Development Officer, Lawkhowa
Development Block, Singimari, Nagaon
Date of hearing : 05.05.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
05.05.2016

The SPIO absent without information. He has not made a Written Statement before the Commission which he was directed to do by the Commission's hearing notice about the status of furnishing the information sought for by the RTI Applicant. He has also not explained 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.

The Appellant is present with an assistant.

Heard the Appellant. He has submitted that he has not received any part of the information he had sought for from SPIO.

Perused the case record. It is seen that he had filed his Second Appeal Petition after he failed to receive the information he had sought for from the SPIO. It is also seen that that the Appellant had submitted 3 (three) Applications all dated 30.09.2013 to the BDO seeking information relating to three separate GPs and the BDO had transferred the Applications to the Secretaries of the respective GPs.

The Commission is of the view that it was the responsibility of the SPIO, office of the BDO, Lawkhowa Development Block to obtain the information sought for by seeking assistance under Section 5 (4) of the RTI Act, 2005 instead of transferring them under Section 6 (3) of the Act and ought to have attended today's hearing along with the three GP Secretaries as deemed PIOs as directed by the Commission through its hearing notice.

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

1. The SPIO, office of the BDO, Lawkhowa Development Block shall obtain the information from the Secretaries of the respective GPs and provide the same to the Applicant/Appellant, free of cost, within a period of 10 days of receipt of this order and if there are any documents which are voluminous for copying, upto 20 copies may be provided to the Applicant, free of cost and offer the rest to the Applicant/Appellant to inspect and make copies as he would desire at his own cost;
2. The First Appeal in respect of the said 3 (three) RTI Applications were made on 15.11.2013 before the PD, DRDA, Nagaon. It is hereby ordered that PD, DRDA, Nagaon in the capacity of FAA shall consider and dispose of the said First Appeals within a period of 15 days of receipt of this order with a speaking order.

Fix next date of hearing in the first week of June, 2016.

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 Block Development Officer, Laokhowa Development Block, P.O.- Singimari, Dist- Nagaon, Assam, Pin- 782125 for information and necessary action.
2. The First Appellate Authority/Project Director, District Rural Development Agency, Nagaon, P.O.- Nagaon, Dist- Nagaon, Assam, Pin- 782001 for information and necessary action.
3. Md. Rahmat Ullah, S/o- Md. Nasir Uddin, Vill- Puthikhaiti, P.O.- Kuwarimari, Dist- Nagaon, Assam, Pin- 782140 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission