



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

Case No. : SIC/BPT.62/2013  
Appellant : Md. Taijuddin.  
Respondent : The SPIO/Secretary, Paschim Betbari GPSS Ltd.,  
Barpeta  
Date of hearing : 22.06.2016  
Second Appeal heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**

22.06.2016

Both the Appellant and the SPIO absent without information.

However, considering that this is a case of complaint by the Appellant about non-compliance of the Commission's order for providing information to the RTI Applicant, and the resolution of the RTI Application has been pending for some time, the Commission has decided to go ahead with the hearing process.

Perused the case record. It is seen that the Second Appeal case of Md. Taijuddin was heard by the Commission on 31.10.2015 and orders issued for the SPIO/Secretary, Paschim Betbari, GPSS Ltd. to provide information sought for by the Complainant/Appellant within a period of 15 days of receipt of the order free of cost. It was also ordered that the Complainant/Appellant would, if he so desired, make the First Appeal with the First Appellate Authority in the event of non-compliance, and that the FAA would dispose of the First Appeal within the time frame prescribed by the RTI Act, 2005.

Md. Taijuddin submitted an appeal for justice following non-compliance with the Commission's order by the SPIO and FAA/Deputy Director, F.C.S. & C.A., Barpeta.

In the Commission's hearing notice dated 01.10.2015, the SPIO had been directed to submit a Written Statement on furnishing of the information sought for by the RTI Applicant and also to explain 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 SPIO did not comply with the direction and he was neither present in the hearing on 31.10.2015 nor did he submit any Written Statement.

The facts mentioned above indicate that the SPIO has not only failed to act in accordance with the provisions of the RTI Act, 2005 for providing information sought for but has also failed to comply with the direction of the Commission both through the hearing notice and the subsequent order.

The FAA/Deputy Director, F.C.S. & C.A., Barpeta had been asked through Commission's hearing notice no. SIC/BPT.62/2013/17 dated 06.06.2016 to apprise the Commission about the steps he took to dispose of the First Appeal within the stipulated time either by a written submission or by deputing a representative on the date of the hearing. He has not complied with the direction of the Commission.

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

1. The SPIO/Secretary, Paschim Betbari GPSS Ltd. shall forthwith comply with the order of the Commission dated 30.10.2015 and submit a compliance report to the Commission, within a period of 10 days of receipt of this order;

2. The SPIO shall submit an explanation, within 10 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/Deputy Director, F.C.S. & C.A., Barpeta shall comply with the order of the Commission dated 31.10.2015 as regards disposal of the First Appeal submitted before him by the Appellant. This may be done within 15 days of receipt of this order.

Fix next date of hearing in the fourth week of July, 2016.

Sd/-

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar  
Assam Information Commission

Memo No. SIC/BPT.62/2013/18 -A

Dtd. 22.06.2016

Copy to:

1. The SPIO/Secretary, Pachim Betbari GPSS Ltd., Dist- Barpeta, Assam, Pin-781327 for information and necessary action.
2. The First Appellate Authority/Deputy Director, Food, Civil Supplies and Consumer Affairs, Barpeta, Dist- Barpeta, Assam for information and necessary action.
3. Md. Taijuddin, S/o Late Akkabar Ali, Vill-Kamalpur, PO- Kamalpur, Dist-Barpeta, Assam, Pin-781352 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar  
Assam Information Commission