



**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 : 22.06.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R

22.06.2016

The Appellant present.

The SPIO absent without information.

The Appellant has submitted that the SPIO/BDO, Lawkhowa Development Block and the First Appellate Authority (FAA)/PD, DRDA, Nagaon had not complied with the Commission's order dated 05.05.2016.

Perused the case record, it is seen that the Second Appeal case of Md. Rahmat Ullah was heard by the Commission on 05.05.2016 and orders issued for i). the SPIO, office of the BDO, Lawkhowa Development Block to obtain the information from the Secretaries of the respective GPs and provide the same to the Appellant within a period of 10 days of receipt of the order and ii) the FAA/PD, DRDA, Nagaon to consider and dispose of the First Appeals dated 15.11.2013 with a speaking order within a period of 15 days of receipt of the order.

There is no evidence of the said SPIO and the FAA having complied with the Commission's order.

The SPIO was absent without information in the said hearing dated 05.05.2016. In the hearing notice dated 28.04.2016, 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 had however not complied with the direction and he was neither present in the hearing nor did he submit any Written Statement. The FAA too had been asked through the said hearing notice to apprise the Commission about the steps he had taken to dispose of the First Appeal within the stipulated time.

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 regarding imposition of penalty.

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 forthwith comply with the order of the Commission dated 05.05.2016 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/PD, DRDA, Nagaon shall comply with the order of the Commission dated 05.05.2016 as regards disposal of the First Appeal submitted before him by the Appellant, Md. Rahmat Ullah. This is long overdue and 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/NGN.19-A/2014/ -A

Dtd. 22.06.2016

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