



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

Case No. : SIC/MRN.2/2013
Complainant/ Appellant : Sri Prafulla Kumar Das
Respondent : SPIO, O/o the BDO, Moirabari Development Block,
Morigaon
Date of hearing : 05.07.2016
Complaint/Second Appeal heard by : Shri H.S. Das, IAS (Retd)
Chief Information Commissioner, Assam

O R D E R
05.07.2016

The petitioner Sri Prafulla Kumar Das is present. The public authority to be represented by the SPIO, office of the BDO, Moirabari Development Block, Morigaon is absent without any information.

The Complaint petition dated 20.04.2016 filed by the petitioner Sri Prafulla Kumar Das complaining of non-compliance of this Commission's earlier order dated 11.12.2015 is taken up for hearing *ex parte* in the absence of the public authority.

From perusal of the case records, it is seen that vide his order dated 11.12.2015, the State Information Commissioner, Sri P. Basumatary directed the SPIO, office of the BDO, Moirabari Development Block, Morigaon to provide the sought for information, free of cost, within 10 days from the date of receipt of that order. This is in connection with the petitioner's RTI petition dated 28.05.2012 seeking information on various aspects of implementation of MGNREGA Scheme. By the same order dated 11.12.2015, the SIC directed the SPIO to submit an explanation to the Commission, within a period of 21 days from the date of receipt of the order, as to why penalty will not be imposed on him under section 20 (1) of the RTI Act, 2005 for his failure to furnish the information to the applicant within the stipulated period of 30 days.

It is seen from the case records that the SPIO, office of the BDO, Moirabari Development Block was absent on the last date of hearing by this Commission *i.e.* on 11.12.2015 also without any information. Nor did he submit any written statement in compliance with this Commission's earlier notice dated 27.11.2015.

From the above, it appears that the SPIO, office of the BDO, Moirabari Development Block, Morigaon has been willfully avoiding furnishing of the sought for information to the petitioner inspite of clear order from this Commission. It also appears that he has already been given enough opportunity to explain as to why penalty under section 20 (1) of the RTI Act, 2005 shall not be imposed on him for his failure to furnish the sought for information to the petitioner. No further opportunity seems to be necessary.

This Commission therefore imposes a penalty of Rs.15, 000/- on the SPIO, office of the BDO, Moirabari Development Block, Morigaon. He shall deposit the penalty of Rs. 15, 000/- under the Head of the account "0070-Other Administrative Services through Treasury Challan" within 15 days from the date of receipt of this order and furnish a copy of Challan depositing the penalty to this Commission, within 25 days from the date of receipt of this order.

Further, the Project Director, DRDA, Morigaon is directed to cause an inquiry into the refusal by the SPIO, office of the BDO, Moirabari Development Block, Morigaon to furnish the

sought for information to the petitioner and enforce his order dated 30.01.2013 with information to this Commission within 30 days from the date of receipt of this order.

The matter will be reviewed again on **23.08.2016** at **12:30 PM**.

Issue notice to: i) the PD, DRDA, Morigaon, ii) the BDO, Moirabari Development Block, Morigaon, and iii) the SPIO, office of the BDO, Moirabari Development Block, Morigaon for their attendance on the next date of hearing.

Sd/-

(H.S. Das)

**Chief Information Commissioner, Assam
Panjabari, Guwahati**

Authenticated true copy.

Sd/-

Registrar

Assam Information Commission

Memo No.SIC/MRN.2/2013/28 -A

Dtd. 05.07.2016

Copy to:

1. The SPIO, Office of the BDO, Moirabari Development Block, PO- Morigaon, PS-Morigaon, Dist- Morigaon (Assam) Pin- 782105 for information and necessary action.
2. The BDO, Moirabari Development Block, PO- Morigaon, PS-Morigaon, Dist- Morigaon (Assam) Pin- 782105 for information and necessary action.
3. The First Appellate Authority/Project Director, DRDA, Morigaon Dist- Morigaon (Assam) Pin- 782015 for information and necessary action.
4. Sri Prafulla Kumar Das, S/o- Mogala Das, Vill- Athgaon, Chapari, P.O.- Dhing, P.S.- Ding, Dist- Nagaon (Assam), Pin- 782123 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Registrar

Assam Information Commission