

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

Case No. : SIC/NGN.68/2014
Appellant : Md. Ajir uddin.
Respondent : The SPIO, O/o the Block Development Officer, Binnakandi
Development Block, Nagaon
Date of hearing : 25.07.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
25.07.2016

The Appellant absent.

The SPIO is neither present nor has submitted any Written Statement which was asked for by the Commission through its hearing notice no. SIC/NGN.68/2014/5 dated 27.05.2016. He has also not explained as to why penalty shall 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.

The First Appellate Authority/PD, DRDA, Nagaon has not apprised the Commission about the steps he may have taken to dispose of the First Appeal dated 19.02.2014 which he was asked to do through its aforementioned hearing notice.

The instant Second Appeal was originally scheduled for hearing on 08.06.2016 at 1:30 PM as notified through the Commission's notice as referred to above. The SPIO was absent in the hearing and he had not submitted any written statement. The Commission therefore fixed today's date of hearing the time being 12:30 PM.

The Commission is of the view that by his absence and failure to submit any written statement on both dates of hearing has betrayed indifference to his responsibility as SPIO enjoined up on him by the RTI Act, 2005. The case records indicate that the Appellant had sought for certain information about the IAY beneficiaries pertaining to a G.P. under Binakandi Development Block through his Application dated 26.12.2013. He had then filed his First Appeal with the PD, DRDA, Nagaon. Through the First Appeal dated 19.02.2014, he had submitted that he did not receive the information he had sought for.

In the absence of the SPIO and any written statement from him, the Commission could not determine as to whether the information was furnished subsequent to filing of the Second Appeal.

In view of the repeated failure of the SPIO to appear in the hearing and to submit a written statement and explanation as sought for through its hearing notice, the Commission hereby orders that he/she shall show cause as to why – (a) 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 (b) disciplinary action against him may not be recommended under the service rules applicable to him/her under section 20 (2) of the said Act.

The SPIO shall furnish his/her reply to the Commission within 15 days of receipt of this order.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/NGN.68/2014/ -A

Dtd. 25.07.2016

Copy to:

1. The SPIO, office of the Block Development Officer, Binnakandi Development Block, Nagaon, Dist- Nagaon, Assam, Pin- 782001 for information and necessary action.
2. The First Appellate Authority/Project Director, District Rural Development Agency, Nagaon, Dist- Nagaon, Assam, Pin- 782001 for information and necessary action.
3. Md. Ajir Uddin, Vill- Jugijan, P.O.- Jungle Block, Dist- Nagaon, Assam, Pin- 782428 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission