

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

Case No. : SIC/DHR.28/2014  
Appellant : Md. Ramjan Ali.  
Respondent : The SPIO, O/o the Block Elementary Education Officer,  
Bilasipara, Dhubri  
Date of hearing : 04.08.2016  
Second Appeal heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
04.08.2016

The SPIO absent without information. He has not submitted any Written Statement on the status of furnishing of information which was sought for by the Commission through its hearing notice dated 13.07.2016. 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 First Appellate Authority/DEEO, Dhubri has submitted a Written Statement dated EED-318/RTI/2016/5490 dated 29.07.2016 stating that he has not received the First Appeal and prayed for leave of absence from today's hearing owing to floods in the area.

The Appellant absent and has not presented his case before the Commission in the hearing.

Perused the case record. It is seen that the Appellant had filed his Second Appeal after he failed to receive the information he had sought for. It is also seen that the Appellant had filed his First Appeal dated 08.01.2014 before the SDO (Civil), Bilasipara, and that the latter had forwarded it to the DEEO, Dhubri through a letter dated 10.01.2014 to dispose of the Appeal under the provisions of the RTI Act, 2005 being the First Appellate Authority. It is further seen that the DEEO, Dhubri had issued a notice dated 20.01.2014 to the BEEO, Bilasipara and the Appellant fixing a date of hearing on 28.01.2014 mentioning therein that the said Appeal had been received from the SDO (Civil). However, no record is available in the Commission regarding passing of order by the FAA, if any.

It is evident from the above that the DEEO, Dhubri has misrepresented facts in his W/S by submitting that no Appeal Petition had been received from the Appellant.

The Commission observes that the DEEO, Dhubri as FAA has failed to do due diligence in the matter of disposing of the First Appeal in accordance with the Act, and reporting thereon to the Commission in response to the Commission's hearing notice in connection with this Second Appeal case.

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

1. The SPIO shall furnish the information sought for by the Appellant, free of cost, within 15 days of receipt of this order; and
2. The SPIO shall submit an explanation to the Commission, within 21 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.

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 Elementary Education Officer, Bilasipara, P.O.- Bilasipara, Dist- Dhubri, Assam information and necessary action.
2. The First Appellate Authority/District Elementary Education Officer, Dhubri, Dist- Dhubri, Assam information.
3. Md. Ramjan Ali, S/o- Haji Kuddus Ali., Vill & P.O.- Suwapata Pt.- IV, Dist- Dhubri, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar  
Assam Information Commission