



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

Case No. : SIC/DHR.4/2014
Appellant : Md. Salim Ahmed.
Respondent : The SPIO, O/o the Block Development Officer,
Jamadarhat Development Block, Dhubri
Date of hearing : 19.08.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R

19.08.2016

The Appellant present.

The SPIO absent without information. He has not submitted any Written Statement to apprise the Commission about the status of the RTI Application which he was directed to do while notifying today's rescheduled date of hearing.

Heard the Appellant. He submitted that he has not received the information he had sought for through his RTI Application dated 03.08.2013. He has also not received any order in respect of his First Appeal dated 28.09.2013 submitted to the BDO, Jamadarhat Development Block.

Perused the case record. It is seen that the Appellant had submitted his RTI Appeal dated 03.08.2013 to the SPIO, office of the D.C., Dhubri. The Application was transferred to PD, DRDA, Dhubri who in turn transferred it to I) BDO and President, Construction Committee, Jamadarhat Development Block, and II) SPIO, office of the BDO, Jamadarhat Development Block. The Appellant filed his Second Appeal dated 24.11.2013 after he failed to receive the information from the SPIO and any hearing/order in response to his First Appeal. The Second Appeal case was scheduled for hearing on 13.07.2016. While the Appellant had sent his apology for his inability to attend the hearing owing to his illness, the SPIO neither attended the hearing nor sent any Written Statement on the status of the case which was sought through the Commission's hearing notice dated 28.06.2016. Further, he had not submitted any written explanation as to why penalty should 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/BDO, Jamadarhat Development Block had been asked through the said hearing notice to apprise the Commission about the steps he took to dispose of the First Appeal Petition within the stipulated time, either by a written submission or by his personal attendance or by deputing his authorized representative on the date of hearing.

From the copies of the RTI Application and the First Appeal enclosed with the Second Appeal by the Appellant, it is seen that both these documents had been acknowledged as received by the official of the office of the SPIO.

The Commission has not received any evidence of the SPIO demonstrating due diligence in the matter of dealing with Application for information made under RTI Act, 2005. Further, there is no evidence of the BDO having disposed of the First Appeal in his capacity as First Appellate Authority.

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

1. The SPIO, office of the BDO, Jamadarhat Development Block shall furnish the information sought for by the Appellant, free of cost, within 10 days of receipt of this order;

2. The SPIO, office of the BDO, Jamadarhat Development Block shall show cause as to why i) penalty shall not be imposed on him/her under Section 20 (1) of the RTI Act, 2005, and ii) disciplinary action against him may not be recommended under Section 20 (2) of the said Act for his/her failure to furnish the information to the Applicant within the specified u/s 7 (1) of the Act, within 15 days of receipt of this order; and

3. The FAA/BDO, Jamadarhat Development Block shall consider and dispose of the First Appeal 28.09.2013, with a speaking order, within 21 days of receipt of this order.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar
Assam Information Commission

Memo No. SIC/DHR.4/2014/ -A

Dtd. 19.08.2016

Copy to:

1. The SPIO, office of the Block Development Officer, Jamadarhat Development Block, Dist- Dhubri, Assam for information and necessary action.

2. The First Appellate Authority/Block Development Officer, Jamadarhat Development Block, Dist- Dhubri, Assam for information and necessary action.

3. Md. Salim Ahmed, S/o- Lt. Boyez Uddin, Vill- Bauluri, P.O.- Chirakuti Bazar, Dist- Dhubri, Assam, Pin- 783330 for information.

4. Computer Section for uploading in the Website.

5. Office File.

Registrar

Assam Information Commission