



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

Case No. : SIC/NGN.19 A/2014
Appellant : Md.Rahmatullah
Respondent : The SPIO, O/o the BDO, Lawkhowa Dev. Block, Nagaon.
Date of hearing : 21.10.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
21.10.2016

The Appellant Md. Rahmatullah is present.

The SPIO is absent. A Written Statement dated 20.10.2016 has been submitted by the BDO, Lawkhowa Development Block.

Heard the Appellant. It has been submitted that he has not received the information he had sought for inspite of the three orders of the Commission dated 05.05.2016, 22.06.2016 and 06.09.2016 for the SPIO to provide the information within specified each time.

Perused the Written Statement of the BDO. It has been submitted that he was unable to attend today's hearing on account of a meeting convened by Sub-Divisional Officer (Civil), Kaliabor and he has requested to fix another date of hearing. It has also been added that documents dating back to 2001 as sought for by the Appellant are still to be found owing to shortage of staff.

Perused the case record. It is seen that the Second Appeal case has been heard three times and orders passed each time as mentioned above. The SPIO had not attended the first two hearings and orders had to be passed *ex parte* of the Appellant for the SPIO. The SPIO has not submitted the explanation called for by the Commission as to why penalty should not be imposed on him U/S 21 of the RTI Act, 2005, for his failure to furnish the information to the Appellant within the stipulated period of 30 days.

The BDO attended the hearing on 06.09.2016 but was unable to apprise the Commission the status of furnishing the information to the Appellant.

The BDO had informed that Shri Dipen Sarma Doley, Extension Officer (C) was the current SPIO in his office, and that he would comply with the Commission's order dated 05.05.2016 and 22.06.2016 immediately.

The Commission then ordered that the SPIO failed to comply with the order of the Commission in respect of the Second Appeal. It was also ordered that the BDO, Lawkhowa Dev. Block, Nagaon, the First Appellate Authority should consider and disposes of the First Appeal within 15 days of receipt of the order. It was ordered that the SPIO should submit a compliance report to the Commission in this regard, within 15 days of receipt of this order.

The Commission is constrained to observe that the SPIO Shri Dipen Sarma Doley, EO, (C), O/o the BDO, Lawkhowa Dev. Block, Nagaon had utterly failed to comply with the aforementioned orders and thus violated the mandate of the said Act.

As noted above, the Appellant has submitted that he had not received the information from the SPIO in accordance with the aforementioned orders of the Commission. No compliance reports have been received in the Commission from the SPIO which he was asked to do within 15 days of receipt of the Commission's order dated 06.09.2016.

In view of the facts brought out above, the Commission hereby orders once again that the SPIO, O/o the Lawkhowa Dev. Block, Nagaon shall furnish the information sought for within 10 days of receipt of this order.

Further, the SPIO has not furnished the information within the time specified U/S 7 of the Act. He is hereby given the last and final opportunity to explain as to why (a) the penalty of Rupees two hundred and fifty each day till information is furnished shall not be imposed on him and (b) Disciplinary action against him may not be recommended for his persistent failure to provide the information without reasonable cause.

The BDO, Lawkhowa Dev. Block, Nagaon as the appropriate FAA and the controlling officer of the SPIO is directed to ensure furnishing of the information to the Appellant and a compliance with the orders of the Commission.

Further, the FAA/ BDO, Lawkhowa Dev. Block, Nagaon and the SPIO, namely Shri Dipen Sarma Doley, EO (C) are hereby directed to be prompt and responsive in future in dealing with RTI Applications and the First Appeal.

Further, hearing of the Second Appeal case shall depend on compliance/non-compliance by the SPIO and the BDO as the controlling officer of the SPIO.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Sd/-

Dy. Registrar
Assam State Information Commission

Memo No. SIC/NGN.19 A/2014/

Dtd. 21.10.2016

Copy to:

1. The SPIO, O/o the BDO, Lawkhowa Dev. Block, Nagaon, Assam for information and necessary action.
2. The First Appellate Authority/ BDO, Lawkhowa, Nagaon, Assam for information.
3. The Appellant, Md. Rammatullah, S/o- Nasiruddin, Vill- Puthikhaiti, PO- Kaoimari, PS- Rupohihat, Nagaon- 782 140, Assam, for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Registrar

Assam State Information Commission