

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

Case No. : SIC/NGN.76/2016
Appellant : Md. Inamul Huda
Respondent : The SPIO, O/o the Circle Officer, Nagaon Sadar, Nagaon
Date of hearing : 22.11.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
22.11.2016

The SPIO/ADC absent but has submitted a Written Statement dated 17.11.2016 as from the First Appellate Authority/Deputy Commissioner, Nagaon.

The Appellant, Md. Inamul Huda is present.

A perusal of the case record indicates that the Appellant had filed his Second Appeal dated 01.03.2016 after he failed to receive the information he had sought for from the Circle Officer, Sadar Revenue Circle, Nagaon to whom his RTI Application dated 03.06.2015 had been transferred on 03.07.2015 by the SPIO, O/o the DC, Nagaon. He has added that his First Appeal had been heard and disposed of by the FAA/DC, Nagaon and an order issued dated 03.12.2015 to the Circle Officer, Sadar Revenue Circle, Nagaon to furnish the information to him i.e., the Appellant, within 15 days. The said Circle Officer is yet to comply with the FAA's order.

It is seen from the above, that the Circle Officer has not only failed to provide the information to the Appellant within the 30 days' time mandated by the RTI Act 2005 but has also failed to comply with the order of the FAA/DC, Nagaon mentioned above.

Perused the Written Statement. The action taken in respect of the RTI Application to transfer it to the Circle Officer as stated above and the disposal of the First Appeal has been detailed. A copy of the FAA's order has been enclosed for evidence.

The Circle Officer has not submitted any Written Statement and has not explained in writing as to why penalty U/S 20 (1) of the RTI Act, 2005 shall not be imposed on him for his failure to furnish the information sought for within the stipulated time period.

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

- (i) The Circle Officer, Sadar Revenue Circle, Nagaon shall provide the information sought for by the Appellant, free of cost, within a period of 10 days of receipt of this order.
- (ii) The said Circle Officer shall explain in writing as to why penalty U/S 20 (1) of the RTI Act, 2005 shall not be imposed on him for his failure to furnish the information sought for within the stipulated time period. The explanation may be submitted to the Commission within 10 days of receipt of this order. While submitting the explanation the Circle Officer shall clearly indicate his name and his predecessors, if any, in his office since receipt of the RTI Application.

The next date of hearing may be fixed in 6 weeks' time.

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Sd/-
Dy. Registrar
Assam State Information Commission

Copy to:

1. The SPIO, O/o the Circle Officer, Nagaon Sadar, Nagaon, Assam for information and necessary action.
2. The First Appellate Authority/Deputy Commissioner, Nagaon, Assam for information.
3. The Appellant, Md. Inamul Huda, Advocate, 1st Floor, Nagaon Bar Association, Nagaon-782 001, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Registrar
Assam State Information Commission