

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

Case No. : SIC/NGN.110/2016
Appellant : Shri Durgeswar Das
Respondent : The SPIO, O/o the BEEO, Kathiatoli, Nagaon
Date of hearing : 17.11.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
17.11.2016

The SPIO absent without information.

The Appellant, Shri Durgeswar Das is present.

An endorsement of a letter dated 20.10.2016 addressed by the District Elementary Education Officer, Nagaon to the Block Elementary Education Officer, Kathiatoli, Nagaon has been received. The DEEO, Nagaon to whom the First Appeal had been submitted has directed the BEEO to furnish the information within “stipulated time”.

Heard the Appellant. He submitted that he had not received the information sought for at point no. 7, 8, and 9 in his letter dated 31.10.2016. The BEEO had informed him that those points “were not directly related to the office of the BEEO, Kathiatoli” without explaining what was meant by ‘directly’. The BEEO has also not transferred that portion of the Application to the appropriate Public Authority. The Appellant has submitted a photocopy of the said letter with enclosures.

From the facts brought out above, it is seen that the SPIO has failed to provide the information within the time mandated by the RTI Act, 2005 and explain the reason for not providing some of the information. It appears that the SPIO took action to provide even the partial information only after receiving the Commission’s Hearing Notice dated 04.10.2016. Further, the BEEO, Kathiatoli, Nagaon has not explained as to what is meant by the information not being directly related to his office and has not provided any help by transferring the relevant parts of the Application to the appropriate authority in his Department.

The DEEO, Nagaon has failed to dispose of the First Appeal dated 28.01.2016, submitted to him as FAA in accordance with the said Act. It appears that he too took the action to write to the BEEO only after receiving the Commission’s Hearing Notice.

In view of the facts brought out above, the Commission hereby orders that the SPIO/BEEO, Kathiatoli, Nagaon shall review the availability of the information sought for by the Appellant by the said point numbers 7, 8, 9 and furnish the information to the Appellant as soon as possible, and if not available with his office, transfer that part of the RTI Application to the appropriate SPIO/Public Authority within a period of 15 days of receipt of this order.

The Commission further, orders that DEEO, Nagaon shall review the availability of information pertaining to point numbers 7, 8 and 9 of the RTI Application in his office and if the same is available, it provide to the Appellant within a period of 21 days of receipt of this order.

Furthermore, the DEEO, Nagaon is hereby advised henceforth to dispose of First Appeals with speaking order after hearing the concerned parties within the stipulated time of 30 days of receipt of the said Appeal as required by the said Act.

The Second Appeal is hereby disposed of.

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

Sd/-
Dy. Registrar
Assam State Information Commission

Memo No. SIC/NGN.110/2016

Dtd. 17.11.2016

Copy to:

1. The SPIO, O/o the BEEO, Kathitoli, Nagaon for information and necessary action.
2. The First Appellate Authority/DEEO, Nagaon for information.
3. The Appellant, Shri Durgeswar Das, Residence of Christian Patty, PO- Nagaon, Nagaon-782 001, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Registrar
Assam State Information Commission