



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

Case No. : SIC/KMJ.64/2016  
Appellant : Md. Hifzur Rahman  
Respondent : The SPIO, O/o the PD, DRDA, Karimganj, Dist- Karimganj,  
Assam  
Date of hearing : 02.02.2017  
Second Appeal heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
02.02.2017

The Appellant, Md. Hifzur Rahman present along with Advocate Shri Sukomal Roy for assisting him.

The SPIO, O/o the PD, DRDA, Karimganj absent. However, Shri Amar Kanti Sinha, Junior Assistant, DRDA, Karimganj present. Although the SPIO has not communicated to the Commission that the official was deputed to present his case, Shri Sinha was allowed to attend the hearing in the interest of the Appellant.

A Written Statement dated 01.02.2017 has been received from the Block Dev. Officer, R. K. Nagar Dev. Block, Karimganj with reference to the Second Appeal case.

Heard the Appellant. He submitted that he had not received the information he had sought for.

Perused the Written Statement. The Written Statement has referred to the Second Appeal case no. SIC/KMJ.64/2016 but has not provided detailed information as sought for from the SPIO, O/o the PD, DRDA, Karimganj in the Commission's notice for the hearing dated 29.12.2016. Further, from the enclosure of the Written Statement, it is seen that the acknowledgement of receipt of information given by the Appellant pertained to a different RTI Application which was dated 12.12.2012 whereas the instant RTI Application was dated 02.11.2015. Thus, the Written Statement submitted by the BDO is plainly misleading, submitted without any sense of responsibility or application of mind or both.

Heard the assistant from the O/o the PD, DRDA, Karimganj. He submitted that the First Appeal was heard by the PD, DRDA, Karimganj wherein the BDO, R.K. Nagar Dev. Block was called and present. It was added that as the Appellant was absent, the First Appellate Authority disposed of the case by disposing it of. He submitted a copy of the notice for the hearing and the order dated 20/22.01.2016.

Perused the case record and the copy of the documents submitted by the said assistant. It is seen that the SPIO, O/o the PD, DRDA, Karimganj has not dealt with the RTI Application in accordance with the RTI Act, 2005. It is not known as to why only the BDO, R.K. Nagar Dev. Block was called to the said hearing in a case where information had been sought for for the entire jurisdiction of the PD, DRDA, Karimganj i.e. Karimganj District. The representative of the SPIO could not submit any evidence of the case having been transferred to the said BDO.

A perusal of the said order of the FAA indicates that FAA had disposed of the First Appeal without any direction to furnish the information solely on the ground of absence of the Appellant in the Hearing.

In view of the facts brought out above, the Commission is constrained to observe that the PD, DRDA, Karimganj has dealt with the RTI Application and the related First Appeal casually. He has not only failed to provide the information within the stipulated time of 30 days but also failed to transfer the RTI Application to the holders of the information in accordance with the provisions of the RTI Act, 2005 in case some information was not available in his office. He has not informed the Commission about the Application having been transferred to the BDO, R.K. Nagar Dev. Block who in his part has submitted a misleading Written Statement as stated above.

As regards the disposal of the First Appeal, the FAA ought to have disposed of the First Appeal by directing the concerned SPIO to furnish the information to the Appellant if his office was the holder of the information.

In view of the facts brought out above, the Commission hereby orders that the SPIO, O/o the PD, DRDA, Karimganj shall furnish the information within 15 days of receipt of this order, free of cost.

The Commission further, directs the PD, DRDA, Karimganj and R.K. Nagar Dev. Block to responds to the matters relating to RTI Act, 2005 with the seriousness they deserve in accordance with the relevant provisions of the Act.

The Second Appeal case is hereby disposed of. However, the Appellant shall be at liberty to approach the Commission, if he is aggrieved by the response of the SPIO.

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

Sd/-  
Dy. Registrar  
Assam State Information Commission

Memo No. SIC/KMJ.64/2016/25-A

Dtd. 02.02.2017

Copy to:

1. The SPIO, O/o the PD, DRDA, Karimganj, Dist- Karimganj, Assam, Pin- 788 733 for information and necessary action.
2. The SPIO, O/o the BDO, R.K. Nagar Dev. Block, Karimganj, Assam for information with reference to his letter no. RDB109/MISC.35/2009 dated 01.02.2017.
3. The First Appellate Authority/ PD, DRDA, Karimganj, Dist- Karimganj, Pin- 788 733 Assam for information and necessary action.
4. The Appellant, Md. Hifzur Rahman, PO- Ratabari, Dist- Karimganj, Assam, Pin- 788 733 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Dy. Registrar  
Assam State Information Commission