

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

Case No. : SIC/NGN.80/2016
Appellant : Md. Inamul Huda
Respondent : The SPIO, O/o the Circle Officer, Nagaon Sadar, Nagaon
Date of hearing : 27.02.2017
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
27.02.2017

The Appellant, Md. Inamul Huda is present.

The SPIO is absent without information.

A Written Statement dated 23.02.2017 has been received from the First Appellate Authority/Deputy Commissioner, Nagaon.

Heard the Appellant. He submitted that the SPIO, O/o the Circle Officer, Nagaon Sadar, Nagaon has not complied with the order of the Commission dated 22.11.2016 and therefore has not received the information he had sought for. He submitted that he was still interested in the information.

Perused the W/S of the FAA. It is seen that the status as apprised to the Commission through the W/S submitted at the hearing of 22.11.2016 has been reiterated.

Perused the case record. It is seen that the Second Appeal was heard by the Commission on 22.11.2016 and an order issued 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 Circle Officer was absent in the hearing on 22.11.2016 as well. Further, he had not submitted a W/S to apprise the Commission about the action taken by him to furnish the information sought for by the Appellant through his RTI Application dated 22.06.2015. He had also not explained, as directed by the Commission through its Hearing Notice dated 18.10.2016, as to why penalty U/S 20 (1) of the RTI Act, 2005 should not be imposed on him for his failure to furnish the information sought for by the Appellant within the time stipulated. A W/S had been received from the FAA/DC, Nagaon wherein it was submitted that the FAA/DC, Nagaon had disposed of the case on 03.12.2015 by the hearing of the Appellant and the said Circle Officer directing that the information be furnished within 15 days.

The Commission has observed that the Circle Officer has not failed not only to provide the information to the Appellant within the 30 days' time mandated by the Act but had also to comply with the order of the FAA/DC, Nagaon.

The Commission further observes that the SPIO has continued to disregard his responsibility under the said Act and has not complied with the order of the Commission dated 22.11.2016.

Considering the facts of the case as detailed above, the persistent failure of the SPIO to furnish the information and appear before the Commission inspite of notices, the Commission hereby orders as follows-

(i) In reiteration of the Commission's order dated 22.11.2016, the Circle Officer, Nagaon Sadar, Nagaon shall furnish the information sought for by the Appellant, free of cost, within 10 days of receipt of this order.

(ii) The Commission imposes the maximum penalty of Rs. 25,000/- (Rupees twentyfive thousand) U/S 20 (1) of the RTI Act, 2005 and directs him to deposit the penalty amount through Treasury Challan under the Head-"0070-Other Administrative Services" with a copy of the same to the Commission within 15 days of receiving the order.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Sd/-

Dy. Registrar
Assam State Information Commission

Memo No. SIC/NGN.80/2016

Dtd. 27.02.2017

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 with the direction that he ensure compliance by the SPIO with this order.
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