

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

Case No. : SIC/NGN.18/2017
Appellant : Shri Durgeswar Das
Respondent : The SPIO, O/o the Dhing Municipal Board, Dhing, Nagaon
Date of hearing : 06.06.2017
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
06.06.2017

The Appellant, Shri Durgeswar Das is present.

The SPIO absent. An official claiming to be from the SPIO's office came to the office wanting to be present at the hearing in lieu of the former (SPIO). However, as he had carried no authority letter and identification documents, the Commission did not allow him to attend the hearing.

Heard the Appellant. He submitted that he had not received the information or any communication from the SPIO.

The SPIO has not submitted any Written Statement and has not explained 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 within the time stipulated. However, considering that the RTI Application has been pending for as long as two years and that the Appellant is present, the Commission decided to conduct the hearing proceedings *ex parte* of the SPIO.

Perused the case record. The Appellant had submitted his Second Appeal dated 22.09.2016 being aggrieved in not receiving the information sought for by him through his RTI Application dated 05.06.2015 and any response to his First Appeal dated 08.07.2015. It is evident that the SPIO not only did not furnish the information within the stipulated 30 days but also in the subsequent 23 months. By his failure to be present in today's hearing and to submit the written statement and explanation regarding imposition of penalty as sought for by the Commission through the Hearing Notice dated 19.05.2017, he has demonstrated disregard to his duties and responsibilities enjoined upon him by the RTI Act, 2005. His indifference in this regard can also be seen in a pronounced way when he failed to depute an official from his office to today's hearing in his absence. This is repeat act on his part as he had demonstrated the same conduct and attitude in respect of the hearing held in respect of case nos. SIC/NGN.20/19/23/24/2017 on 30.05.2017. On the occasion of that hearing too, an official had appeared in the Commission stating that he was deputed by the SPIO but having no written authority to that effect. He was allowed to be present at the said hearing to facilitate a decision on the Second Appeal.

After a careful consideration of the facts and circumstances and the records of the case, the Commission hereby orders as follows –

- (i) The SPIO, O/o the Dhing Municipal Board, Nagaon shall furnish the information as sought for by the Appellant, free of cost, within 10 days of receipt of this order,
- (ii) The SPIO, O/o the Dhing Municipal Board, Nagaon shall submit an explanation 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 within the time stipulated. The explanation shall be submitted to the Commission within 15 days of receipt of this order. Should the SPIO be absent in the next hearing, the Commission may make a decision on this without giving further opportunity of personal hearing.

- (iii) The SPIO shall furnish to the Commission the name(s), designation(s) of the concerned SPIO(s)/official(s) along with date(s) of their incumbency since June, 2015 to date, and
- (iv) The SPIO is hereby directed to be prompt in furnishing information to information seekers under the said Act in the future and to be more diligent in responding to the Commission's Hearing Notices.

The next date of hearing is fixed on 17.07.2017 at 12:30 PM.

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

Authenticated true copy

Sd/-
Joint Registrar
Assam State Information Commission

Memo No. SIC/NGN.18/2017

Dtd.06.06.2017

Copy to:

1. The SPIO, O/o the Dhing Municipal Board, Dhing, Nagaon, Assam for information and necessary action.
2. The First Appellate Authority/Chief Executive Officer, Dhing Municipal Board, Nagaon, Assam for information. As the controlling officer, he is advised to ensure that the SPIO of his office comply with this order within the stipulated time.
3. The Appellant, Shri Durgeswar Das, Asst. Secretary, KMSS, Nagaon District Committee, Vill- No. 1 Biltola, PO- Dhing, Nagaon, Pin- 782 123, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam State Information Commission

