

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

Case No. : SIC/KMJ.39/2016
Complainant : Shri Shyamal Dutta
Respondent : The SPIO, O/o the Commissioner & Secretary, Govt. of
Assam, Education (Elementary) Department
Date of hearing : 01.09.2017
Complaint heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
01.09.2017

The Appellant, Shri Shyamal Dutta is present along with an assistant.

The SPIO is absent. However, a Written Statement dated 31.08.2017 has been received from the Commissioner & Secretary, Government of Assam, Elementary Education Department.

Perused the Written Statement. It has been submitted that the SPIO, O/o the Elementary Education Department has since been transferred and appointment of a new SPIO is under process. It has been added that it would be difficult to attend today's hearing owing to preoccupation with various works including assembly matters. A request has been made to fix another date of hearing on the matter.

However, considering the fact that the Appellant is present and the Appellant has complained twice regarding non-compliance by the SPIO with the Commission's past orders, the Commission decided to conduct the hearing proceedings *ex parte* of the SPIO.

Heard the Appellant. He submitted that he had not received any response from the SPIO subsequent to the orders of the Commission inspite of reminders by him.

Perused the case record. It is seen that the Second Appeal had been heard by the Commission and orders passed on 05.11.2015 and then on 26.09.2016 reiterating the earlier order. A complaint about non-compliance dated 11.01.2017 was received from the Appellant. An Action Taken Report was sought by the Commission from the SPIO through its letter dated 25.01.2017 within 15 days. No ATR has been received from the SPIO in the last seven months. Another complaint dated 05.07.2017 was received from the Appellant stating that he had not received any response from the SPIO.

Perusal of the case record indicates that the SPIO was absent from the hearing on 05.11.2015 without information. He was however, present at the hearing on 26.09.2016. It was clearly observed in the order dated 05.11.2015 that the Appellant had informed the SPIO that he was not satisfied with the "incomplete/false/misleading" information received by him. The Commission had also ordered that considering the allegations of furnishing of incomplete/false/misleading information, the Commissioner & Secretary, Government of Assam, Elementary Education Department have the entire matter inquired, facts determined and take necessary action on the findings within a period of 40 days from the date of receipt of that order.

No evidence has been received by the Commission of the said Public Authority having taken any action regarding the inquiry inspite of reiteration of the said order in the order of the Commission dated 26.09.2016.

In the order dated 26.09.2016, the Commission had ordered that the SPIO should verify information/documents already furnished to the Appellant with reference to his complaints and take necessary action to furnish additional information, if any.

After a careful consideration of the facts brought out above, the Commission hereby reiterates that the SPIO shall comply with the said orders of 05.11.2015 and 26.09.2016 and discharge the responsibility enjoined upon him by the RTI Act, 2005.

Further, the Commission reiterates its order dated 05.11.2015 that the Commissioner & Secretary, Government of Assam, Elementary Education Department have the said inquiry conducted and take necessary action.

The Second Appeal/Complaint case will be heard again on 10.10.2017 at 12:15 PM.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Registrar i/c
Assam State Information Commission

Memo No. SIC/KMJ.39 /2016/199-A

Dtd.01.09.2017

Copy to:

1. The SPIO, O/o the Commissioner & Secretary, Govt. of Assam, Education (Elementary) Department, Dispur, Guwahati- 781 006 for information and necessary action.
2. The First Appellate Authority/Commissioner & Secretary, Govt. of Assam, Education (Elementary) Department, Dispur, Guwahati- 781 006 for information.
3. The Appellant, Shri Shyamal Dutta, Assistant Teacher, No. 270 Modan Mohan L. P. School, Modan Mohan Road, PO- Karimganj Bazar, Dist- Karimganj, Assam, Pin- 788 710 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Registrar i/c
Assam State Information Commission

