



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

Case No. : HLK. 27/2017  
Complainant : Shri Akhtar Husain Laskar  
Respondent : Chief Executive Officer, Hailakandi Jilla Parishad  
Date of hearing : 29.1.2018  
Complaint/ Second : Smti. N.A. Hazarika, IAS (Retd)  
Appeal heard by : State Information Commissioner, Assam

**O R D E R**

29.1.2018

The petitioner Shri Akhtar Hussaain Laskar has informed that he will not be able to attend the hearing today as train No. 55616 dated 28.1.18 from Cachar has been cancelled for Dima Hassao problems.

Shri B.R. Bhowmik, Junior Assistant of the office of the CEO, Hailakandi Zilla Parishad submitted a letter addressed to him with copy to the Commission that he has been directed by the CEO, Hailakandi Jilla Parishad to provide the records to the petitioner and attend the Commission's hearing as ASPIO on 29.1.18. He submitted 8 copies of fund sanction letters under 13<sup>th</sup> Finance Commission for various schemes for the year 2013-14 and 8 copies of sanction letters for the year 2014-15. He stated that no fund was released for the year 2015-16. He has also stated that funds under 4<sup>th</sup> Finance Commission were not sanctioned for the year 1013-14 and 2015-16. Funds were released only for the year 2014-15. He mentioned that the petitioner never contacted him. He stated that the documents sought for by the petitioner were approximately 1205 pages and the same would be provided to the petitioner on receipt of the photocopy charges but the petitioner never contacted him. It appears that the Commission considering that the SPIO was absent on 14.12.17 and had not submitted a written statement and explanation as to why penalty u/s 20(1) of the RTI Act, 2005 should not be imposed on him ordered on 14.12.17 that the case would be heard again on 29.1.18 and the SPIO of the office of the Hailakandi Zilla Parishad shall be personally present in addition to making a written statement. Considering the repeated failure of the respondent to be present in the hearing of the Commission and his failure to explain the circumstances under which the information could not be furnished or the complainant was not allowed to inspect the records, the Commission directed to issue summon and enforce the attendance of the respondent and compel him to give written or oral evidence on oath and to produce documents.

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The CEO, Hailakandi Zilla Parishad is neither present nor has he submitted any written explanation in the matter today. He simply directed the Jr. Assistant to provide records to the petitioner as per order of the Commission and be present for hearing today. The CEO being the administrative head should have been personally present as directed by the Commission vide its order dated 14.12.17. The Jr. Assistant present stated that the petitioner never approached him for documents nor made any written communication.

In view of absence of the petitioner and the CEO, Hailakandi Zilla Parishad and non-submission of any written statement by the CEO Zilla parishad, hailakandi it could not be ascertained whether any action was taken by the CEO, Hailakandi Zilla Parishad for furnishing of documents except issue of a direction to the Jr. Assistant to produce the documents to the petitioner.

In view of the position discussed above, the CEO, Hailakandi Zilla Parishad is directed to ensure that the documents are made available to the petitioner in his presence on payment of photocopy charges on a fixed date informing the petitioner and the Jr. Assistant. He is directed to make a written submission on the entire matter before the next date fixed for hearing. Copies of the sanction letters referred to above have been returned to the ASPIO as requested by him for furnishing the same along with other documents to the petitioner.

Fix 1.00 PM on 3.3.2018 for next hearing.

Sd/-  
(N.A. Hazarika)  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-  
Joint Registrar  
Assam Information Commission

Memo No. SIC/ HLK.27/2017/

Dated 29.1.2018

Copy to:

1. The SPIO, Hailakandi Zilla Parishad, Dist. Hailakandi, Assam for information and necessary action.
2. The FAA/ CEO, Hailakandi Zilla Parishad, Dist. Hailakandi, Assam for information and necessary action
3. Shri Akhtar Hussain Laskar, W/ No. XI, PO- R.P. Road, dist. Hailakandi Assam, Pin- 788155 for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Joint Registrar  
Assam Information Commission