

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

Case No. : SIC/DRN.86/2017
Appellant : Md. Majafur Hussain
Respondent : The SPIO, O/o the Chief Executive Officer, Darrang Zilla Parishad, Darrang
Date of hearing : 16.02.2018
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
16.02.2018

The Appellant, Md. Majafur Hussain is present along with an assistant.

The SPIO absent. However, he/she has submitted a Written Statement dated 16.02.2018.

Heard the Appellant. He submitted that he had neither received the information nor any communication from the SPIO. He added that the First Appellate Authority/CEO, Darrang Zilla Parishad has not disposed of his First Appeal dated 11.09.2017.

Perused the Written Statement. With reference to the receipt of First Appeal, it has been submitted that the information could not be furnished on account of the FAA being on leave for the last one month. Further, he has sought for 15 days' time to "dispose of" the matter and conveyed his apology for not being able to appear in today's hearing.

The SPIO has not made an appropriate submission before the Commission. Instead of mentioning the date on which the Application had been received and the action taken, if any, to provide the information he has referred to the receipt of the First Appeal. Besides, the reason given by him for not being able to provide the information, namely the FAA being on leave is not acceptable. His/her plea that he has sought the information from the concerned officials is not acceptable for the reason that, as evidenced by the enclosed letters, he had written to the concerned officials only on 08.02.2018 i.e, as good as eight months after receiving the Application and possibly after receiving the notice for today's hearing. It is evident that he had not taken action to provide the information within the maximum stipulated time of 30 days from receipt of Application for information.

The Commission notes that the SPIO has simply put his/her signature on the Written Statement without recording his/her name and official designation. Consequently, he/she is not identifiable by name.

The SPIO's request to be allowed 15 (fifteen) day's time presumably to provide the information is not acceptable for the reason that he/she has already delayed furnishing of the information inordinately.

In view of the facts brought out above, the Commission hereby orders that the SPIO shall furnish full information to the Appellant, free of cost, within 10 days of receiving this order.

The Second Appeal is hereby disposed of. However, the Appellant shall be at liberty to move this Commission, if he is aggrieved with the response of the SPIO. Should the Appellant complain to the Commission about non-compliance by the SPIO, the Complaint will be heard where the SPIO and the deemed SPIOs, i.e. the holders of the information shall be required to be present personally and present their case before the Commission. The SPIO shall also be required to submit a detailed Written Statement indicating, inter alia, his/her name and the names of his predecessors SPIOs.

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

Authenticated true copy

Sd/-
Joint Registrar
Assam Information Commission

Memo No. SIC/DRN.86/2017

Dtd. 16.02.2018

Copy to:

1. The SPIO, O/o the Chief Executive Officer, Darrang Zilla Parishad, Darrang, Mangaldai, Dist- Darrang, Assam, Pin- 784 125 for information and necessary action.
2. The First Appellate Authority/Chief Executive Officer, Darrang Zilla Parishad, Darrang, Mangaldai, Dist- Darrang, Assam, Pin- 784 125 for information.
3. The Appellant, Md. Majafur Hussain, S/o- Alap Hussain, Vill- No. 1 Thekabari, PO- Balabari, PS- Dhala, Dist- Darrang, Assam, Pin- 784 146 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam Information Commission