

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

Case No. : SIC/NGN.218/2017
Appellant : Shri Durgeswar Das
Respondent : The SPIO/ Secretary, Silpukhuri Gaon Panchayat,
Dist- Nagaon, Assam
Date of hearing : 20.02.2018
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
20.02.2018

The SPIO/Secretary, Silpukhuri Gaon Panchayat, Nagaon absent.

The First Appellate Authority/Block Dev. Officer, Batadrava Dev. Block, Nagaon has submitted a Written Statement dated 14.02.2018.

The Appellant absent. He has sent by e-mail an apology and request to fix another date for hearing. However, considering that the Respondent has submitted a Written Statement, the Commission decided to conduct the hearing proceedings *ex parte*.

Perused the Written Statement. The BDO as the FAA has submitted that he had heard the Appeal on 04.10.2017 after duly notifying the GP Secretary and Appellant. In the hearing, the GP Secretary was present whereas the Appellant neither attended the hearing nor did he depute anybody on his behalf. In the hearing, the GP Secretary had submitted that he had written to the Appellant requesting him to either inspect the records in his office or deposit a sum of Rs. 640/- (Rupees six hundred forty) towards the cost of photocopying. He had also assured that any fund that may remain a surplus would be refunded to the Appellant. He was also informed that the information related to IAY for the years 2002-03 was not available in the GP Secretary's office but in the Dev. Block. The FAA had ordered that the GP Secretary would allow the Appellant to inspect the documents and take notes and photocopies of the documents within 15 days of the receipt of the order, after depositing the cost thereof. The FAA has added that according to the office records the Applicant/Appellant had never attended any hearing in the Block office nor did he respond to any official letters. It has further been added that according to postal records the letters written to the Appellant had been delivered. The FAA has requested the Commission that direct to explain the Appellant as to why he did not receive the letters issued by the office while the letter from this Commission was already received at the same address. A copy of the GP Secretary's letter to the Appellant and other related correspondences had been enclosed with the Written Statement for a proof.

The Commission notes that the Respondent has complained about the Appellant's statement that he had not received any written communication from the Public Authority while he was in the receipt of communications from the Commission at the same address. The Commission further notes that some other respondent Public Authorities have made similar

submissions about the same issue, namely denial of the Appellant of receiving written communications.

In view of the above, the Commission hereby orders that the Appellant shall inspect the records in the office of the Secretary, Silpukhuri GP, Nagaon, take notes etc. and indicate the documents whose photocopies he would require, and deposit the cost thereof. The Secretary of the GP shall fix a mutually convenient date within 10 days of receiving this order likewise the BDO shall take action as regards the information relating to the IAY for 2002-03 which are reported by the GP Secretary to be in the office of the BDO.

Further, in view of the submissions by the Public Authority, the Commission hereby directs the Appellant to verify the address he has been mentioning in his Application for information under the RTI Act, 2005 and take necessary action to ensure that the address given is correct and detailed to facilitate delivery of notes.

The Second Appeal is hereby disposed of.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar
Assam Information Commission

Memo No. SIC/NGN.218/2017

Dtd.20.02.2018

Copy to:

1. The SPIO/ Secretary, Silpukhuri Gaon Panchayat, PO- Dhing, Dist- Nagaon, Assam for information and necessary action.
2. The First Appellate Authority/Block Dev. Officer, Batadrava Dev. Block, Dist- Nagaon, Assam for information.
3. Shri Durgeswar Das, Residence of Christian Patty, PO- Nagaon, Dist- Nagaon, Pin- 782 001, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam Information Commission