

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

Case No. : SIC/NLB.74/2017
Appellant : Shri Lalchand Ali Ahmed
Respondent : The SPIO, O/o the Asstt. Executive Engineer (PHE), Belsor
Sub-Division, Belsor, Nalbari

Date of hearing : 03.04.2018
Second Appeal heard by : Shri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R
03.04.2018

The Appellant, Shri Lalchand Ali Ahmed is present.

The SPIO absent without information.

Perused the case record. It is seen that the Second Appeal Dated 12.12.2017 with regard to the RTI Application dated 09.10.2017 submitted to the SPIO, office of the Assistant Executive Engineer, PHE, Belsor, Nalbari was heard in the Commission on 14.02.2018 and an order passed. In the hearing, the SPIO was absent without information. He had not submitted any Written Statement and also had not submitted any 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 First Appellate Authority/ Executive Engineer, PHE, Nalbari Division was also absent without information and had not apprised the Commission about the steps he might have taken to dispose of the First Appeal in accordance with the RTI Act, 2005. As the Appellant was present the hearing was conducted *ex parte* of the SPIO. The Appellant had submitted that he had neither received information from the SPIO nor any decision from the FAA on his First Appeal dated 08.11.2017. He had further submitted that after receiving the notice for the hearing an official from the Respondent Public Authority had asked him to withdraw the Application.

It was seen that instead of providing the information the AEE had 'transferred' the RTI Application to a Sectional Officer. In the copy submitted by the Appellant to the Commission neither the name of the Sectional Officer nor of his Section was mentioned. It was therefore observed that by passing on the RTI Application to one of his subordinates his office AEE, PHE took an action which was not in accordance with the Act. Considering that the SPIO had neither attended the hearing nor had submitted any Written Statement, the Commission had invoked the provisions of the said Act U/S 18 (3) regarding the powers of the Civil Court while trying a suit under the Code of Civil Procedure, 1908 to summon and enforce the attendance of the respondents and compel them to give oral or written evidence on oath and to produce documents. Hence, today's date for hearing. The notice was served through the Superintendent of Police or the OC, Belsor Police Station, Nalbari. However, no confirmation of service has been received from the SP/OC, Belsor Police Station, Nalbari.

Heard the Appellant. He submitted that by contacting the SPIO's office he had learnt that they had received the notice for hearing and did not indicate any intention to attend today's hearing. The Appellant further submitted that the Respondents have not complied with the said order of the Commission and he was yet to receive the information.

In view of the above, the Commission hereby decided to give another opportunity to the Respondents to appear before the Commission to personally apprise the Commission the action taken to furnish the information and to comply with the said order of the Commission. Fix another date for hearing.

The provisions of the said Act U/S 18 (3) regarding the powers of the Civil Court while trying a suit under the Code of Civil Procedure, 1908 to summon and enforce the attendance of the respondents and compel them to give oral or written evidence on oath and to produce documents remain invoked.

Serve notice to the Superintendent of Police, Nalbari with a request to him/her to confirm service thereof.

Sd/-
Pinuel Basumatary IA & AS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-
Joint Registrar
Assam Information Commission

Memo No. SIC/NLB.74/2017 /10A
Copy to:

Dtd.03.04.2018

1. The Superintendent of Police, Nalbari, Dist- Nalbari, Assam for information and necessary action.
2. The SPIO, O/o the Asstt. Executive Engineer (PHE), Belsor Sub-Division, Dist- Nalbari, Assam, Pin- 781 334 for information and necessary action.
3. The First Appellate Authority/Executive Engineer (PHE) Nalbari Division, Dist- Nalbari, Assam, Pin- 781 335 for information.
4. The Appellant, Shri Lalchand Ali Ahmed, S/o- Jamaluddin, Vill- Damdama Pather, PO- Rampur, Dist- Nalbari, Assam, Pin- 781 312 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Joint Registrar
Assam Information Commission