



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

Case No. : SIC/NGN.75/2018
Appellant : Sri Durgeswar Das
Respondent : The SPIO, O/o the Block Dev. Officer, Batadrava Dev.
Block, PO- Dhing, Dist.- Nagaon, Assam
Date of hearing : 18.06.2018
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R
18.06.2018

The Appellant, Sri Durgeswar Das is present.

The SPIO has sent an e-mail conveying his apology and stating that a Written Statement has been sent by the BDO.

Perused the case record. The Second Appeal dated 09.01.2018 was filed on the ground that he did not receive the information he had sought for through his RTI Application dated 09.10.2017 and that the First Appellate Authority did not hold a hearing on his First Appeal dated 18.11.2017.

Perused the Written Statement. It has been stated that the RTI Application had been transferred to the Secretary of the concerned GP and that the GP Secretary had requested the Appellant in writing to deposit an amount of Rs. 400/- (Rupees four hundred) towards cost of photocopying. The First Appeal was heard and an order issued on 19.01.2018 directing the GP Secretary to provide the documents on payment of cost of photocopying and to allow, if necessary, inspection of the documents. It has further been added that the Block and the GP staff were engaged on NRC duty and it was not possible to attend the hearing in the Commission.

Heard the Appellant. He submitted that the BDO's office was the holder of the information and therefore it was wrong for it to transfer his RTI Application to the GP Secretary. He added that other BDOs have furnished similar information on MGNREGA work directly to him. He did not attend the First Appeal hearing for the reason that he had already submitted the Second Appeal and that the FAA had not heard his First Appeal within the stipulated time of 30 days.

The Commission observes that the SPIO, office of the Batadrava Dev. Block ought not have transferred the RTI Application and ought to have provided the information as available in the Block office directly, if any part of the information was not in the case file maintained by the Block office, the SPIO could have obtained the same by seeking assistance of the GP Secretary or transferred points to the GP for furnishing by him. The Commission further observes that SPIOs of some other Dev. Blocks have provided in the past similar information wholly without depending on the concerned GPs. As regards the order of the BDO as FAA, it is seen that the order did not make a specific reference to the First Appeal and the RTI

Application in this case. Further, the order of the FAA/BDO is omnibus in nature and applicable to three Appeal petitions of the Appellant without specifying that the First Appeal in the instant case.

The Commission takes due note of submission of the BDO regarding the involvement of his staff in the ongoing NRC work.

Considering the facts and circumstances brought out above, **the Commission hereby orders that the SPIO, office of the BDO, Batadrava Dev. Block shall, based on its record, provide the information to the Appellant, free of cost, within a period of 21 days of receipt of this order or to allow inspection of records/documents which are voluminous by fixing a date within the said period during office hours. The Commission further orders that while multiple First Appeals may be heard on the same day concerning the same Appellant and the same GP, the decision/orders must be issued in respect of each of the cases separately so as to make the same specific and unambiguous.**

The Second Appeal is hereby disposed of.

Sd/-

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

Authenticated true copy

Sd/-

Joint Registrar
Assam Information Commission

Memo No. SIC/NGN.75/2018/21-A

Dtd.18.06.2018

Copy to:

1. The SPIO, O/o the Block Dev. Officer, Batadrava Dev. Block, PO- Dhing, Dist- Nagaon, Assam, Pin- 782 123 for information and necessary action.
2. The SPIO, O/o the Secretary, Kandhulimari GP under Batadrava Dev. Block, PO- Dhing, Dist- Nagaon, Assam, Pin- 782 123 for information and necessary action.
3. The First Appellate Authority/Block Dev. Officer, Batadrava Dev. Block, PO- Dhing, Dist- Nagaon, Assam, Pin- 782 123 for information.
4. The Appellant, Sri Durgeswar Das, Residence of Christian Patty, PO- Nagaon, Dist- Nagaon, Pin- 782 001, Assam for information.
5. Computer Section for uploading in the Website.
6. Office File.

Joint Registrar
Assam Information Commission