



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

Case No. : SIC/NGN.74/2018
Appellant : Sri Durgeswar Das
Respondent : The SPIO, O/o the Block Dev. Officer, Batadrava Dev.
Block, PO- Dhing, Dist.- Nagaon, Assam
Date of hearing : 11.06.2018
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R
11.06.2018

Md. Gazi Ziaur Rahman, SPIO, Batadrava Dev. Block is present. He has submitted a Written Statement dated 07.06.2018 from the BDO, Batadrava Dev. Block.

The Appellant has sent an apology on account of his illness and requested to fix another date for hearing.

Considering that the SPIO is present along with a Written Statement and that the RTI Application dated 09.10.2017 has been pending for good seven months, the Commission decided to go ahead with the hearing proceedings *ex parte* of the Appellant.

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 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 was received on 25.10.2017 and transferred to Bilotia GP through a letter dated 31.10.2017 on the plea that it related to the latter. The fact of the transfer was communicated to the Appellant through a letter dated 18.11.2017. The First Appeal was received on 27.11.2017 and a hearing was called for by the BDO on 19.01.2018 through a letter dated 25.12.2017. The Appellant was further informed by Speed Post letter dated 27.12.2017 which was delivered, per postal record, on 29.12.2017. The hearing was taken but the Appellant was absent. The GP Secretary submitted with evidence that the Appellant had been requested to deposit an amount of Rs. 1730/- (Rupees one thousand seven hundred thirty) towards cost of photocopying and to collect the information from the office after inspecting records. The FAA issued an order dated 19.01.2018 directing the GP Secretary to provide the documents on payment of the photocopying charges and also after inspection of the documents during office hours. 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.

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 the FAA,

it is seen that the order did not relate itself specifically to the First Appeal and the RTI Application in this case. Further, the First Appeal was not heard within the stipulated 30 days.

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 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.74/2018 /20-A

Dtd.11.06.2018

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, Bilotia 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