

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

Case No. : SIC/HLK.59/2017  
Appellant : Shri Fakruzzaman Laskar  
Respondent : The SPIO, O/o The Child Development Project Officer,  
Hailakandi ICDS Project, Assam.  
Date of hearing : 08.11.2017  
Second Appeal heard by : Nilufer Alam Hazarika, IAS(Retd.)  
State Information Commissioner, Assam

**O R D E R**  
08.11.2017

The petitioner Shri Fakruzzaman Laskar is represented by Advocate Shri Mahmudul Hussain. The Public Authority to be represented by the Child Development Project Officer, Hailakandi ICDS Project is absent without any intimation.

On perusal of the case record, it appears that the CDPO, Hailakandi was directed vide order dt. 4-9-2017 to furnish the information to the petitioner within 15 days from the date of receipt of the order and to submit a written explanation to the Commission within 15 days from the date of receipt of the order as to why penalty shall not be imposed on him U/S. 20(1) of the RTI Act, 2005 for his failure of furnish the information to the appellant within 30 days of receipt of the RTI petition. The 1<sup>st</sup> Appellate Authority/CDPO, Hailakandi was directed to consider and dispose the 1<sup>st</sup> Appeal within 21 days.

The Commission thereafter vide order dt. 10-10-2017 in view of absence of the CDPO and non-submission of any explanation as to why penalty shall not be imposed on him for his failure to furnish the required information, was given a last opportunity to reply to the show cause issued vide order dt. 4-9-2017. He was directed to submit written reply to the Commission indicating clearly the date of receipt of the RTI petition and the date of furnishing record/information to the appellant at the time of hearing, when the CDPO Hailakandi shall be heard in person before passing any order to that effect.

This Commission is therefore of the view that enough opportunity of being heard was given to the CDPO Hailakandi, but he did not avail of the opportunity, nor he furnished the information sought for by the petitioner. This appears to be non-compliance of order dt. 4-9-2017 and order dt. 10-10-2017. This Commission therefore imposes a penalty of Rs. 10,000/- on the CDPO Hailakandi for his continuous failure to furnish the information sought for by the petitioner in compliance to the Commission's order. He shall deposit the penalty amount of Rs. 10,000/- under the Head of Account "0070 - Other Administrative Services" through Treasury Challan within 15 days from the date of receipt of this order with intimation to this Commission.

Contd.. 2.

The Commission also recommends appropriate disciplinary action against the CDPO, Hailakandi under appropriate Service Rules. The Commission also directs the Director of Social Welfare Department to look into the matter of failure of the CDPO, Hailakandi to comply with the statutory act under the R.T.I. Act, 2005 as well as order of the Commission and direct the District Social Welfare Officer, Hailakandi to ensure furnishing of the information to the petitioner within 30 days from the date of receipt of this order.

With the above direction, the 2<sup>nd</sup> Appeal petition dt. 18-7-2017 is disposed of.

Sd/-  
Nilufer Alam Hazarika, IAS (Retd.)  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy

Sd/-  
Joint Registrar  
Assam Information Commission

Memo No. SIC/HLK.59/2017

Dtd. 08-11-2017.

Copy to:

1. The Director of Social Welfare Department, Assam for information and necessary action.
2. District Social Welfare Officer, Hailakandi, Dist- Hailakandi, Assam for information and necessary action.
3. The First Appellate Authority/C.D.P.O., Hailakandi, Dist. Hailakandi, Assam for information and necessary action.
4. The SPIO, Office of the Child Development Project Officer, Hailakandi ICDS Project, Dist. Hailakandi, Assam for information and necessary action.
5. Shri Fakruzzaman Laskar, S/o- Tuta Mia Laskar, Vill- Ranagauti Pt.1, P.o- Ranagauti, P.s & Dist- Hailakandi, Assam for information
6. Computer Section for uploading in the Website.
7. Office File.

Joint Registrar  
Assam Information Commission