



OFFICE OF THE

ASSAM INFORMATION COMMISSION**JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**

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Case No. : SIC/HLK.8 /2019

Appellant : Sri Foriz Uddin Laskar

Respondent : 1. The SPIO, O/o the Deputy Commissioner, Hailakandi, Dist.- Hailakandi, Assam
2. The SPIO, O/o the Dist. Elementary Education Officer, Hailakandi, Dist.- Hailakandi, Assam

Date of hearing : 25.07.2019

Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

ORDER

25.07.2019

The SPIO has sent a W.T. message dated 24.07.2019 requesting to re-fix the date of hearing on account of preoccupation with flood relief works.

A Written Statement dated 24.07.2019 has been received from the Addl. Deputy Commissioner and First Appellate Authority, DC's office, Hailakandi.

The Appellant absent without information.

Considering that the RTI Application has been pending with the SPIO for furnishing the information for over fifteen months, the Commission decided to go ahead with the hearing proceedings *ex parte*.

Perused the case record. The Appellant had sought information on 5 (five) points through his RTI Application dated 16.02.2018 relating to venture and provincialised schools in the district of Hailakandi. He was aggrieved that he had not received the information and no action by the DC, Hailakandi to whom the First Appeal dated 07.05.2018 had been submitted.

Perused the Written Statement of the FAA along with its enclosures. It is seen that the SPIO had forwarded the RTI Application to the ADC, Development Branch with a request to furnish the information directly to the Appellant through his/her letter dated 05.03.2018. The ADC, Development informed the Appellant through his letter dated 26.03.2018 that information on point numbers 1, 2, 3 and 5 related to the office of the DEEO, Hailakandi and that the information on point number 4 could be furnished from his office on completion of the scrutiny process. In point number 4, the Appellant had sought a photocopy of the verification report of "scrutinized/scanning committee" of venture schools in the district. The First Appeal could not be heard as the notice could not be served on the Petitioner who was in the custody at the time.

The Commission observes that instead of directing the ADC, Development to furnish the information directly he/she as the SPIO ought to have obtained the information from the ADC, Development U/S 5 (4) of the RTI Act, 2005 and provided the same to the Petitioner and that if point numbers 1, 2, 3 and 5 related to DEEO, Hailakandi he/she ought to have transferred the RTI Application within 5 days U/S 6 (3) of the said Act to the SPIO, office of

the DEEO, Hailakandi. Further, it is not understood as to why the information on point number 4 has not been furnished although over fifteen months have elapsed since the issue of the letter/information to the Petitioner. The Public Authority is not clear in the matter of dealing with the RTI Application.

In view of the facts brought out above, **the Commission hereby orders as follows-**

- (i) **The SPIO, office of the Deputy Commissioner, Hailakandi shall transfer the part of the RTI Application which, as stated, pertains to the DEEO, Hailakandi within 5 days of receipt of this order.**
- (ii) **The SPIO, office of the DEEO, Hailakandi shall furnish the information within the stipulated time of 30 days from the date of receipt of this order.**
- (iii) **The SPIO shall furnish the information relating to point number 4 within 10 days of receipt of this order.**

Further, the SPIO is hereby directed to henceforth ensure that the information is furnished within the time stipulated by the said Act and transfer the Application or any part thereof that relates to another Public Authority within the stipulated time under the said Act.

The Second Appeal is hereby disposed of. However, the Appellant shall be at liberty to submit a fresh First Appeal to the appropriate First Appellate Authority within the time stipulated by the said Act.

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

Authenticated true copy

Sd/-
Joint Registrar
Assam Information Commission

Memo No. SIC/HLK.8/2019

Dtd.25.07.2019

Copy to:

1. The SPIO, O/o the Deputy Commissioner, Hailakandi, Dist.- Hailakandi, Assam for information and necessary action.
2. The SPIO, O/o the Dist. Elementary Education Officer, Hailakandi, Dist.- Hailakandi, Assam for information and necessary action.
3. The First Appellate Authority/office of the Deputy Commissioner, Hailakandi, Dist.- Hailakandi, Assam for information.
4. The Appellant, Sri Foriz Uddin Laskar, S/o- Lt. Arrjumond Laskar, Vill- Kanchanpur Part-II, PO- Kanchanpur, PS & Dist.- Hailakandi, Assam, Pin- 788 152 for information.
5. Computer Section for uploading in the Website.
6. Office File.


Joint Registrar
Assam Information Commission

