



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/DMJ.44/2017
Complainant : Sri Premananda Talukdar
Respondent : The SPIO, O/o the BDO, Sisiborgaon Dev. Block, PO-
Sisiborgaon, Dist.- Dhemaji, Assam
Date of hearing : 18.07.2019
Complaint heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R

18.07.2019

The SPIO absent.

From the Postal Tracking System, it is seen that the hearing notice was delivered to the addresses on 07.06.2019.

A Written Statement dated 17.07.2019 received from the Appellant/Complainant stating that inspite of the order of the Commission dated 18.06.2018 he has been furnished with only the first of the three points on which he had sought information through his RTI Application dated 12.09.2017. He has conveyed his apology on account of ill health and has requested to facilitate access to the information on the remaining two points.

Perusal of the case record indicates that the Second Appeal dated 25.11.2017, received in the Commission on 06.12.2017 was heard on 18.06.2018 in which the Appellant was present whereas the SPIO was absent without information. He had not submitted any Written Statement and had not explained 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 sought for within the time stipulated. After hearing the Appellant, the Commission had passed an order that the SPIO furnish the information to the Appellant, free of cost, within 15 days of receiving the order. A complaint letter dated 28.02.2019 was received from the Appellant stating that he had not received the information despite the order of the Commission and his several visits to the office. The Commission sought an Action Taken Report from the SPIO through a letter dated 15.03.2019. No ATR has been received. In the meantime the Appellant submitted another Complaint/request to the Commission dated 13.05.2019. Consequently, today's hearing was notified by the Commission through its notice dated 30.05.2019.

From the copy of the letter written by the SPIO to the Appellant/Complainant dated 10.07.2018, it is seen that he was informed that the information was ready to be collected by him in the office. This position is contradicted by the Appellant's statement that he had visited the office several times. It is not understood why complete information has not been furnished if the information was ready to be collected.

From the above, it is evident that the SPIO has failed to perform his duty under the RTI Act, 2005 in furnishing the information within the stipulated time of 30 days from the date of receipt of the RTI Application and to comply with the Commission's order dated 18.06.2018 within 15 days of receipt thereof. His absence in today's hearing and non-submission of any Written Statement inspite of the Commission's notice are indicative of his deliberate indifference to his duty in this regard. This makes him liable to imposition of penalty U/S 20 (1) of the RTI Act, 2005. **The Commission hereby directs the SPIO to submit an explanation and show cause as to why penalty of rupees two hundred and fifty each day till the information is furnished, should not be imposed to the extent of a maximum of Rs. 25, 000/- as provided for U/S 20 (1) of the RTI Act, 2005 within 15 days of receipt of this order. He is also directed to explain as to why the information could not be furnished to the Appellant if the same was ready to be collected as informed by him.**

Further, the SPIO is hereby directed to furnish the information on the remaining two items to the Appellant within 10 days of receipt of this order.

Furthermore, the BDO, Sisiborgaon Development Block is hereby directed to ensure that his SPIO comply fully with the above order.

The Commission shall decide, based on the SPIO's explanation, on hearing him in person before making a final decision on imposition of the said penalty.

Review the status of receipt of the information in due course.

Sd/-

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

Authenticated true copy

Sd/-

Registrar i/c
Assam Information Commission

Memo No. SIC/DMJ.44/2017

Dtd.18.07.2019

Copy to:

1. The SPIO, O/o the BDO, Sisiborgaon Dev. Block, PO- Sisiborgaon, Dist.- Dhemaji, Assam for information and necessary action.
2. The BDO, Sisiborgaon Dev. Block, PO- Sisiborgaon, Dist.- Dhemaji, Assam with a request to ensure that the above order is complied with.
3. The First Appellate Authority/BDO, Sisiborgaon Dev. Block, PO- Sisiborgaon, Dist.- Dhemaji, Assam for information.
4. The Appellant, Sri Premananda Talukdar, Vill- Bordoloni Tiniali, PO- Bordoloni, Dist.- Dhemaji, Assam, Pin- 787 026, Assam for information.
5. Computer Section for uploading in the Website.
6. Office File.

Registrar i/c
Assam Information Commission