

Case No. : SIC/DMJ.14/2019
Complainant/ Appellant : Shri Premananda Talukdar
Respondent : SPIO, Office of the Executive Officer,
Silapathar Town Committee, P.O.- Silapathar,
Dist- Dhemaji, Assam
Date of Hearing : 29-01-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R**29-01-2021**

1. The petitioner Shri Premananda Talukdar is absent, but he has sent letter dated 29.01.2021, to the Commission by e-mail expressing his inability to attend the hearing on health grounds.
2. The SPIO, O/o the Executive Officer, Silapathar Town Committee is absent without any intimation.
3. From perusal of records it is seen that the SPIO, O/o the Executive Officer, Silapathar Town Committee, has been continuously absent in the hearings dated (i) 30.07.2019, (ii) 06.10.2020, (iii) 03.11.2020 and (iv) 21.12.2020, without any intimation. The Commission considers it a matter of concern that the SPIO, O/o the Executive Officer, Silapathar Town Committee, has not bothered to respond to the RTI application submitted by a citizen on 05.02.2019 and to the notices of hearing issued by this Commission on (i) 08.07.2019, (ii) 16.09.2020, (iii) 06.10.2020 (iv) 21.12..2020 and (v) 29.01.2021. Section 7 of the RTI Act, 2005, specifically lays down procedure and states the responsibility of the State Public Information Officer towards expeditiously providing information to citizens who submit RTI applications. In the instant case, the SPIO O/o the Executive Officer, Silapathar Town Committee, has not only violated provisions of Section 7(1) but has also apparently chosen to ignore a series of notices and directions issued by this Commission, as is evident from the records, and has literally shown disrespect to the RTI Act, 2005.
4. In view of the above, the Commission hereby directs the SPIO, O/o the Executive Officer, Silapathar Town Committee, to personally appear before the Commission on **05.03.2021 at 12:00 PM, without fail** and explain why penalty under Section 20(1) of the RTI Act, 2005, shall not be imposed on him/her and why disciplinary action shall not be recommended against him/her for his/her failure to furnish the sought for information within the stipulated time period and also for his/her repeated failure to respond to the notices of hearing issued by this Commission as has been mentioned above. The Commission will be compelled to invoke provisions of Section 18(3), which provides the Commission the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect to summoning

and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things.

5. The Commission also directs the Deputy Commissioner, Dhemaji to inquire into the matter as to why the SPIO, O/o the Executive Officer, Silapathar Town Committee, has repeatedly failed to respond to notices sent by this Commission, and submit a written report to this Commission on or before **05.03.2021**.
6. Fix **05.03.2021** at **12:00 PM** as the next date of hearing.
7. **This order shall constitute notice of hearing. Both appellant and the SPIO, O/o the Silapathar Town Committee are directed to remain present in person in the hearing without fail.**

Sd/-
(Samudra G. Kashyap)
State Information Commissioner, Assam,
Panjabari, Guwahati.

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/DMJ.14/2019

Dated: 29-01-2021

Copy to:

1. The SPIO, Office of the Executive Officer, Silapathar Town Committee, P.O.- Silapathar, Dist.- Dhemaji, Assam for information and necessary action. He is directed to attend the hearing as mentioned above.
2. The Chairman i/c, Silapathar Town Committee, P.O.- Silapathar, Dist.- Dhemaji, Assam for information.
3. The Deputy Commissioner, Dhemaji, Dist.- Dhemaji, Assam for information and necessary action.
4. The petitioner, Shri Premananda Talukdar, Vill- Bordoloni Tiniali, P.O.- Bordoloni, Dist.- Dhemaji Assam. PIN-787026 for information. He is directed to attend the hearing as mentioned above.
5. Computer section for uploading in the website
6. Office File
7. Order Book

Secretary & Registrar
Assam Information Commission