



OFFICE OF THE

ASSAM INFORMATION COMMISSION

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Case No. : SIC/DHR.78/2021
Appellant : Md. Bellal Hussain
Respondent : The SPIO, o/o the
1.BDO, Jamadarhat Dev. Block
2. Secretary, Nichinpur GP
Date of hearing : 14.02.2022
Second Appeal heard by : Sri Kanak Ch. Sarma
State Information Commissioner, Assam

O R D E R

14.02.2022

The appellant Md. Bellal Hussain is present.

The SPIO of Jamadarhat Dev. Block and Secretary of Nichinpur Gaon panchayat are absent without information.

Sri Kalyan Kumar Talukdar, Asstt. Engineer and ASPIO, Jamadarhat Dev. Block is present without authorization.

The project Director, DRDA, Dhubri and 1st appellate authority has submitted a written statement vide letter no. DAE-108/Appeal/Jama/2017-18/172 dated 09.02.2022.

Perused the case record. The appellant submitted one petition dated 02.08.2021 under the RTI Act, 2005 before the SPIO of Jamdarhat Dev. Block seeking certain informations. He was not provided with the informations for which he submitted 1st appeal petition dated 20.09.2021 before the Project Director, DRDA, Dhubri. The project Director, DRDA, Dhubri and 1st appellate authority organized hearing against 1st appeal petition dated 20.09.2021 and disposed of the same directing the SPIO of Jamdarhat Dev. Block to furnish the sought for informations to the appellant within seven days. From the order of the FAA, It is implied that the sought for informtions are very much available in Jamdarhat Dev. Block and these are not barred under section 8 or 9 of the RTI Act, 2005. But the SPIO did not furnish the informations even after direction of the PD, DRDA, Dhubri. The appellant therefore, submitted 2nd appeal dated 29.11.2021 before the Commission.

It is observed that the SPIO of Jamadarhat Dev. Block as well as Secretary of Nichinpur GP has defied the order of the 1st appellate authority and also defied the provisions of the RTI Act, 2005 by not furnishing the sought for informations to the applicant. **Therefore, the Commission directs the SPIO of Jamadarhat Dev. Block and Secretary of Nichinpur GP to furnish the desired informations to the appellant within seven days of receipt of this order. The Commission further directs the Principal Secretary to the Government of Assam, Panchayat & Rural Development Deptt. and the Commissioner, Panchayat & Rural Development, Assam to draw up departmental proceedings against the ABDO and**

SPIO of Jamdarhat Dev. Block and Secretary, Nichinpur GP respectively who have defied provisions of the RTI Act, 2005 by not furnishing the informations and to impose penalty as per rule.

With the above directions, the 2nd appeal dated 29.11.2021 is disposed of.

Sd/-
(Kanak Ch. Sarma)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy


Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/DHR.78/2021

Dtd.14.02.2022

Copy to:

1. The Principal Secretary to the Government of Assam, Panchayat & Rural Development Deptt., Dispur, Guwahati- 6 for information and necessary action.
2. The Commissioner, Panchayat & Rural Development, Assam, Juripar, Panjabari, Guwahati- 37 for information and necessary action.
3. The SPIO, o/o the BDO, Jamadarhat Dev. Block, PO- Chirakuti, Dist.- Dhubri, Assam, Pin- 783 330 for information and necessary action.
4. The SPIO, o/o the Secretary, Nichinpur Gaon Panchyat, Medortari, Dist.- Dhubri, Assam, Pin- 783 330 for information and necessary action.
5. The First Appellate Authority/office of the Project Director, DRDA, Dhubri, Dist.- Dhubri, Assam, Pin- 783 301 for information
6. The Appellant, Md. Bellal Hussain, S/o- Lt. Kuran Ali, Vill- Kulamuya Choto Nichinpur, PO- Medortari, Dist.- Dhubri, Assam, Pin- 783 330, Contact No. 6901078122 for information.
7. Computer Section for uploading the order in the Website.
8. Office File.


Secretary & Registrar
Assam Information Commission