

Case No. : SIC/DHR.12/2021.
Complainant/ Appellant : Shri Nozmul Hoque.
Respondent : 1. The SPIO, The Secretary, Tushpara G.P., Tushpara,
P.O. Barkanda, P.S. Bilasipara, Distt. Dhubri, Assam,
PIN Code 783348.
2. The SPIO, O/o the BDO, Mahamaya Development
Block, P.O. Bagribari, Distt. Dhubri, PIN Code 783349,
Assam.
Date of Hearing : 23-09-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
23-09-2021

1. The appellant Shri Nozmul Hoque is present.
2. The SPIO/Secretary, O/o the Block Development Officer, Mahamaya Development Block, and SPIO/Secretary, Tushpara G.P., both of district Dhubri, are absent. The Commission on 20.09.2021 received a letter No. ZPD-52/Pt-XII/RTI/2020-21/43 from the CEO and First Appellate Authority, Zilla Parishad Dhubri, being direction to (i) SPIO, Mahamaya Development Block and (ii) G.P. Secretary, Tushpara G.P. to attend the hearing of 2nd Appeal in the Commission on 23.09.2021. A copy is also marked to the Secretary & Registrar, Assam Information Commission. Despite that the SPIO, Mahamaya Development Block and the G.P. Secretary, Tushpara G.P. had failed to be present in today's hearing. **The CEO, Zilla Parishad Dhubri, to take note of this and take necessary action.**
3. From perusal of records it is seen that the appellant Shri Nozmul Hoque had submitted an RTI application to the SDO(Civil) Bilashipara on 24.09.2020, seeking certain informations relating to the MGNREGA work under Tushpara G.P. The said application was transferred by the SPIO, O/o the Sub-Divisional Officer (Civil), Bilasipara, to the SPIO, O/o the BDO, Mahamaya Development block, on 30.09.2020. The SPIO/BDO, Mahamaya Development Block vide letter No. MMDB-8/RTI Pt-IV/2012-13/ to 2019-20 dated 08.10.2020 directed the Secretary, Tushpara G.P. to furnish the information related to the G.P. directly to the petitioner within 7 (seven) days. On 10.12.2020 the appellant Shri Nozmul Hoque submitted a 1st Appeal in the O/o the CEO, Zilla Parishad, Dhubri. Accordingly the FAA held the Appeal on 24.12.2020 and passed an order to provide the appellant the information within 7 (seven) days free of cost on the basis of the submissions made by SPIO, Mahamaya Development Block, and the Secretary Tushpara G.P. that the informations sought for were ready for furnishing.
4. The appellant Shri Nozmul Hoque on being aggrieved that he had not received any information despite the order of the FAA preferred a 2nd Appeal in this Commission on 05.02.2021. A hearing was scheduled on the Appeal for 19.04.2021 which had to be postponed due to the Covid pandemic situation and rescheduled for 07.09.2021. In the meantime the Commission had received a letter from the CEO FAA, Zilla Parishad Dhubri, No. ZPD-52/Pt-IX/RTI/2020-21/ dated 30.04.2021 in which it was stated that a speaking order was issued directing the SPIO, Mahamaya Development Block and Secretary, Tushpara G.P. to provide the relevant information to the appellant free of cost within 7 (seven) days.
5. In today's hearing the SPIO, Mahamaya Development Block and G.P. Secretary, Tushpara G.P. remained absent despite a direction from the CEO, Zilla Parishad, Dhubri. The appellant Shri Nozmul Hoque stated that he had not received any information as yet.

6. In view of the above, the SPIO, Mahamaya Development Block, and the Secretary, Tushpara G.P. are directed to furnish the informations sought by the appellant within 7 (seven) days from the date of receipt of this order free of cost and apprise the Commission accordingly.
7. The SPIO, O/o the BDO, Mahamaya Development Block and the Secretary, Tushpara G.P. are also directed to submit a written statement explaining why penalty under Section 20 (1) of the RTI Act, 2005, shall not be imposed on both of them for their failure to furnish the sought for information within the stipulated time period. The written statement should reach the Commission within 21 days from the receipt of this order. In case- (i) the SPIO, O/o the BDO, Mahamaya Development Block and (ii) the Secretary, Tushpara G.P. fail to submit the written statement within the stipulated period, the Commission shall consider passing an order against them under Section 20 of the RTI Act, 2005.
8. The CEO, Zilla Parishad Dhubri, is directed to apprise the Commission regarding what steps were taken against the SPIO, Mahamaya Development Block, and the G.P. Secretary, Tushpara G.P. for their blatant refusal to abide by his order dated 24.12.2020 to provide information to the appellant within 7 (seven) days.
9. With the above order, this 2nd Appeal is hereby disposed of.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/DHR.12/2021

Dated: 23-09-2021

Copy to:

1. The SPIO, The Secretary, Tushpara G.P., Tushpara, P.O. Barkanda, P.S. Bilasipara, Distt. Dhubri, Assam, PIN Code 783348 for information and necessary action.
2. The SPIO, O/o the BDO, Mahamaya Development Block, P.O. Bagribari, Distt. Dhubri, PIN Code 783349, Assam, for information and necessary action.
3. The CEO, Dhubri Zilla Parishad, P.O. & Distt. Dhubri, PIN Code 783301, Assam, for information and necessary action.
4. First Appellate Authority/O/o the CEO, Dhubri Zilla Parishad, P.O. & Distt. Dhubri, PIN Code 783301, Assam, for information.
5. The petitioner, Shri Nozmul Hoque, S/o Lt. Khobiruddin, Vill Tushpara, P.O. Barkandi, P.S. Bilasipara, Distt. Dhubri, PIN Code 783348, Assam, for information.
6. Computer section for uploading in the website.
7. Office File.
8. Order Book.


Secretary & Registrar
Assam Information Commission.