

Case No. : SIC/HLK.7/2021
Complainant/ Appellant : Shri Foriz Uddin Laskar
Respondent : The SPIO, O/o the BDO, Hailakandi Development Block, P.O. Lakshmi Sahar, P.S. & Distt. Hailakandi, Assam.
Date of Hearing : 17-01-2022
Complaint/ Second Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam.

O R D E R
17-01-2022

1. The appellant Shri Foriz Uddin Laskar is absent. But the Commission has received a letter from him vide e-mail dated 17.01.2022 signed by Shri Foriz Uddin Laskar in which he has expressed his inability to appear in today's hearing due to illness. He has also informed that the BDO, Hailakandi Development Block has not yet provided him the informations he had sought through his RTI application dated 25.08.2020.
2. The SPIO, O/o the BDO, Hailakandi Development Block, Distt. Hailakandi is absent without any intimation.
3. Despite the absence of the SPIO the case is taken up for hearing today in the interest of speedy disposal of appeals, and also in the interest of speedy access of information by the applicant.
4. From records it is seen that the appellant Shri Foriz Uddin Laskar had submitted an RTI application to the SPIO. O/o the BDO, Hailakandi Development Block, on 25.08.2020 seeking certain informations related to implementation of PMAY-G schemes in the Hailakandi Development Block from 2016-17 to 2019-20. Records show that while the appellant Shri Foriz Uddin Laskar had submitted an Appeal before the FAA in the O/o the Project Director, DRDA, Hailakandi on 28.10.2020, the FAA (CEO cum Project Director) DRDA, Hailakandi held a hearing on 10.11.2020. The appellant Shri Foriz Uddin Laskar was absent in that hearing. But despite that the FAA in his/her order dated 10.11.2020 had clearly directed the BDO, Hailakandi Development Block, to furnish the sought for information to the appellant Shri Foriz Uddin Laskar within 9 (nine) days i.e. on or before 19.11.2020. Records show that Shri Foriz Uddin Laskar received no response from the BDO despite the FAA's order of 10.11.2020, and thus submitted a 2nd Appeal in the Commission. The Commission held a hearing on 18.09.2021 in which both appellant Shri Foriz Uddin Laskar as well as the SPIO, O/o the BDO, Hailakandi Development Block were absent without any intimation. Thus the Commission on 18.09.2021 passed an order fixing 04.10.2021 as the next date of hearing. On 01.10.2021 the SPIO/BDO, Hailakandi Development Block informed the Commission in writing that he would not be able to attend the hearing on 04.10.2021 and requested for deferring the date of hearing. Accordingly the Commission fixed 25.11.2021 as the next date of hearing. But while the appellant Shri Foriz Uddin Laskar informed over telephone about his inability to attend the hearing on that day (i.e. 25.11.2021) and requested for fresh date, the SPIO/BDO, Hailakandi Development Block was absent without any intimation. As such the Commission re-fixed the hearing for 17.01.2022 and notices were sent out to both parties accordingly. Despite that, as has been already mentioned, the appellant has informed in writing regarding his inability to attend the hearing, but there has been no information whatsoever from the SPIO/BDO, Hailakandi Development Block.
5. **In view of the above and particularly in view of the repeated absence of the SPIO, O/o the BDO, Hailakandi Development Block, the Commission is constrained to draw the attention**

of the Project Director, DRDA, Hailakandi, as well as the Commissioner, Panchayat & Rural Development, Govt. of Assam, to this serious lapse on the part of the BDO and take necessary steps as applicable.

6. The SPIO, O/o the BDO, Hailakandi Development Block, is directed to furnish the informations sought by the appellant Shri Foriz Uddin Laskar within 15 (fifteen) days from the date of receipt of this order, free of cost, without fail. The Project Director, DRDA, Hailakandi, is directed to take necessary action so that the appellant Shri Foriz Uddin Laskar is provided all the informations which he has sought vide his RTI application dated 25.08.2020.
7. From records the Commission has seen that the SPIO, O/o the BDO, Hailakandi Development Block, has twice failed to abide by the provisions of the RTI Act, 2005, - (i) when the appellant Shri Foriz Uddin Laskar had submitted an RTI application on 25.08.2020 and, (ii) later when the FAA (CEO cum Project Director) DRDA, Hailakandi, had vide order No. DRDH-806/RTI/Ful/2019-20/ dated 10.11.2020 clearly directed him to furnish the informations on or before 19.11.2020. The SPIO, O/o the BDO, Hailakandi Dev. Block, has also repeatedly failed to respond to the notice of hearing issued by this Commission. This is not expected from a gazetted officer of the government.
8. **In view of this, the SPIO, O/o the BDO, Hailakandi Development Block, is directed to submit a written statement and explain why penalty under Section 20 (1) of the RTI Act, 2005, shall not be imposed on him/her for his/her failure to furnish the sought for information within the stipulated time period. The written statement shall reach the Commission within 10 (ten) days from the date of receipt of this order.**
9. On examination of the RTI application submitted By Shri Laskar on 25.08.2020 it is seen that the informations which he had sought should have been ideally available in the official website of the concerned Department. Section 4 (2) of the RTI Act, 2005, clearly stated that "It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information." The Act in Section 4 (3) also says that "every information shall be disseminated widely and in such form and manner which is easily accessible to the public". Had the authorities bothered to abide by the Section 4 of the RTI Act, 2005, citizens like Shri Foriz Uddin Laskar would not have had to go from pillar to post seeking the said information. **In view of this, the Project Director, DRDA, Hailakandi District is directed to enquire why the basic informations related to PMAY (G) of Hailakandi Development Block are not available in the public domain and what action has been taken by him/her to ensure that such informations are made available in the public domain as has been directed by the RTI Act, 2005.**
10. **A copy of this order be marked to the Commissioner, Panchayat & Rural Development, Govt. of Assam, for information and necessary action.**

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/HLK.7/2021

Dated: 17-01-2022

Copy to:

1. The SPIO, O/o the BDO, Hailakandi Development Block, P.O. Lakshmi Sahar, P.S. & Distt. Hailakandi, Assam, PIN Code 788152, for information and necessary action.
2. The Commissioner, Panchayat & Rural Development Department, Govt. of Assam, Juripar, Panjabari, PIN Code 781037, for information and necessary action.
3. The Project Director, DRDA, Hailakandi. PIN Code 788151, for information and necessary action.
4. First Appellate Authority/ Project Director, DRDA, Hailakandi. PIN Code 788151, for information and necessary action.
5. The petitioner, Shri Foriz Uddin Laskar, S/o- Lt. Arjumond Ali Laskar, Vill. & P.O. Kanchanpur Pt-II, P.S. & Distt. Hailakandi, Assam, PIN Code 788152, Assam, for information.
6. Computer section for uploading in the website
7. Office File
8. Order Book



Secretary & Registrar
Assam Information Commission