

Case No. : SIC/BNG.20/2021
Complainant/ Appellant : Shri Bipul Kalita.
Respondent : The SPIO, O/o the BDO, Boitamari Development Block, P.O. Boitamari, Assam, PIN Code- 783389.
Date of Hearing : 23-03-2021
Complaint/ Second Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam.

O R D E R
23-03-2021

1. The appellant Shri Bipul Kalita is present.
2. The SPIO, O/o the BDO, Boitamari Development Block, P.O. Boitamari, Assam, is absent. But the Commission has received a written statement No. BDB-07/RTI/2019-20/424 dated 22.03.2021, from the FAA and i/c BDO, Boitamari Development Block. The i/c BDO, Boitamari Development Block has also requested for fixing another date of hearing as most of the officials are currently engaged in Assam Assembly election duty. The Commission however decided to conduct the hearing on the basis of the available records in the interest of speedy disposal of the matter.
3. From perusal of records it is seen that the appellant Shri Bipul Kalita had submitted one RTI petition to the SPIO, O/o the BDO, Boitamari Development Block, on 10.08.2020, seeking certain information related to installation of solar streets lights in panchayat areas of the Block under the 14th Finance Commission. The appellant however received no response and hence submitted an Appeal before the FAA, O/o the BDO, Boitamari Development Block, on 29.09.2020, and later a 2nd Appeal in this Commission on 27.11.2020. The written statement submitted by the i/c BDO, Boitamari Development Block, mentions that a copy of the RTI petition submitted on 10.08.2020, by the appellant was transferred to all Gaon Panchayat Secretaries vide letter No. BDB-7/RTI/2017-18/188 dated 24.08.2020 for providing the information sought for within the stipulated period. A photocopy of the said transfer letter has been annexed with the written statement. It also mentions that after the appellant Shri Bipul Kalita submitted his 1st Appeal on 29.09.2020, the BDO sent a reminder to all the concerned Gaon Panchayat Secretaries vide letter No. BDB-7/RTI/2017-18/253 dated 01.10.2020. It has been also mentioned that only one Gaon Panchayat i.e. Sankarghola GP has responded to the RTI application, though the appellant Shri Bipul Kalita said that the Sankarghola GP Secretary had only informed him about an estimate for photocopying charges against the information sought.
4. The Commission appreciates the fact that the BDO, Boitamari Development Block, had acted upon the RTI application and transferred the same to all the concerned Gaon Panchayat Secretaries. But as has been evident from the records provided by the i/c BDO, Boitamari Development Block in his/her written statement dated 23.03.2021, the i/c BDO has failed to illicit any response from the concerned Gaon Panchayat Secretaries. Since the Gaon Panchayat Secretaries, who are government employees,

are deemed SPIOs on the basis of the transfer of the RTI application to them, as such they are liable to attract penal provisions as provided under Section 20 of the RTI Act, 2005. But in view of the fact that the concerned Gaon Panchayat Secretaries have not been given an opportunity to explain their position vis-à-vis their failure to respond to the RTI application and furnish the informations sought for , the i/c BDO, Boitamari Development Block, is directed to inform all the Gaon Panchayat Secretaries to (i) Provide the information sought for by the appellant Shri Bipul Kalita within 23.04.2021 without fail, and (ii) To direct all concerned Gaon Panchayat Secretaries to explain to the Commission as to why penalty under Section 20(1) of the RTI Act, 2005, shall not be imposed on them for their failure to furnish the sought for information within the stipulated time period. The Commission will be constrained to proceed with invoking the provisions of Section 20 of the RTI Act, 2005, against the BDO, Boitamari Development Block as well as all the concerned Gaon Panchayat Secretaries related to this particular case, in the event of non-furnishing of the sought for informations to the appellant Shri Bipul Kalita within 23.04.2021

5. The BDO, Boitamari Development Block, is also directed to submit an Action Taken Report on this order within 1 (one) week of expiry of the last date fixed for furnishing of the informations to the appellant.
6. In view of the above, this case will be disposed of only on receipt of the information by the appellant and also on receipt of the Action Taken Report from the BDO, Boitamari Development Block, as directed.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/BNG.20/2021

Dated: 23-03-2021

Copy to:

1. The SPIO, O/o the BDO, Boitamari Development Block, P.O. Boitamari, Assam, PIN Code- 783389, for information and necessary action.
2. The First Appellate Authority/ O/o the BDO, Boitamari Development Block, P.O. Boitamari, Assam, PIN Code- 783389, for information and necessary action.
3. The petitioner, Shri Bipul Kalita, in front of SDO (C) Office, North Salmara. P.O. Abhayapuri, Dist. Bongaigaon, PIN Code-783384, for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.

Secretary & Registrar
Assam Information Commission