

Case No : SIC/CCR.42/2019
Complainant/ Appellant : Shri Umashankar Singh.
Respondent : The SPIO, O/o the BDO, Kalain Development Block,
Vill. Kalain, Dist. Cachar, Assam, PIN Code-788815,
Assam.
Date of Hearing : 16-03-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam.

O R D E R
16-03-2021

1. The appellant Shri Umashankar Singh is absent. But he has sent a letter to the Commission informing about his inability to attend today's hearing. He has also stated that the SPIO, O/o the BDO, Kalain Development Block, Vill. Kalain, Dist. Cachar, has failed to provide him the information as per the directions of the Commission.
2. The SPIO, O/o the BDO, Kalain Development Block, Vill. Kalain, Dist. Cachar, is absent without any intimation.
3. From perusal of records it is seen that the complainant Shri Umashankar Singh had submitted one RTI application to the SPIO, O/o the BDO, Kalain Development Block, Vill. Kalain, Dist. Cachar, on 24.04.2019. On not receiving any response, the complainant Shri Umashankar Singh filed a complaint before the Commission on 20.09.2019 stating that the SPIO had rejected his request for information. Based on this complaint, the Commission held a hearing on 05.11.2019, but both parties were absent in the hearing. The Commission issued an order on 05.11.2019 directing the SPIO/ BDO, Kalain Development Block, Vill. Kalain, Dist. Cachar, to make a written submission explaining circumstances under which he failed to provide information to the appellant, and fixed 03.12.2019 as the next date of hearing.
4. The BDO, Kalain Development Block, Vill. Kalain, Dist. Cachar, on 30.11.2019, vide letter No. KLDB.09/RTI/Pt-I/08-9/17 submitted a written explanation to the Commission, in which he gave details of the action taken on the RTI petition submitted by Shri Umashankar Singh on 24.04.2019. He also submitted a bunch of Annexures in support of his contention.
5. The Commission in its hearing dated 03.12.2019, decided not to proceed further on the show cause notice issued to the BDO, Kalain Development Block, Vill. Kalain, Dist. Cachar, on 05.11.2019. Instead the Commission in its order said "The Commission observes that since the information relates to 15 G.P. Secretaries and most of the information sought for are held by the G.P. Secretaries, the BDO, Kalain should have furnished the information relating to his office and transferred the RTI petition to one of the G.P. Secretaries under Section (3) of the RTI Act, 2005, informing the petitioner, and should have directed the petitioner to file separate RTI petition to the Secretaries of the G.Ps. concerned." – and directed the BDO, Kalain Development Block, Vill. Kalain, Dist. Cachar, to act accordingly.
6. The complainant Shri Umashankar Singh on 05.02.2020, submitted a fresh complaint and said that he has not yet received the information sought for despite contacting the SPIO/BDO, over the telephone several times. Based on this complaint the Commission on 05.03.2020 directed the SPIO, O/o the BDO, Kalain Development Block, Vill. Kalain, Dist.

Cachar, to submit an Action Taken Report on the Commission's order dated 03.12.2019 within 10 (ten) days from the receipt of the letter. The Commission has not received any Action Taken Report till date despite lapse of more than 15 months

7. On 01.09.2020, the complainant once again filed a complaint against the SPIO of allegedly not providing the information.
8. From records it is seen that the SPIO, O/o the BDO, Kalain Development Block, Vill. Kalain, Dist. Cachar, had directed all GP Secretaries (15 in number) to directly furnish the information sought to the RTI applicant. It is also seen that the BDO, Kalain Development Block, Vill. Kalain, Dist. Cachar, vide letter No. KLDB.09/RTI/Pt-I/08-9/13 dated 07.11.2019, also informed the applicant Shri Umashankar Singh pointwise the response to all his queries.
9. In view of the above, the SPIO, O/o the BDO, Kalain Development Block, Vill. Kalain, Dist. Cachar, is directed once again to instruct all the concerned G.P. Secretaries to provide the informations directly to the complainant Shri Umashankar Singh free of cost within a specific time-frame and inform the Commission accordingly.
10. The complainant Shri Umashankar Singh is also directed to approach the respective G.P. Secretaries on the strength of the letter written by the SPIO, O/o the BDO, Kalain Development Block, Vill. Kalain, Dist. Cachar, on 17.11.2019, and collect the informations accordingly.
11. All the concern G.P. Secretaries are also directed to furnish the informations to the applicant within 21 (twenty-one) days from the receipt of this order. The BDO, Kalain Development Block, Vill. Kalain, Dist. Cachar, is directed to ensure that the G.P. Secretaries comply with this order. He is also directed to submit an Action Taken Report to the Commission within 30 (thirty) days from the receipt of this order. The SPIO, O/o the BDO, Kalain Development Block, Vill. Kalain, Dist. Cachar, is also reminded that the Commission will be constrained to invoke provisions of Section 20(1) of the RTI Act, 2005, and recommend disciplinary action and or penalty against him/her failure to ensure furnishing of the informations to the complainant as directed.
12. A copy of this order be sent to the Commissioner, Panchayat & Rural Development Department, Government of Assam, for information.
13. In view of the above, the case will be closed only after the concerned officials confirm implementation of this order to the Commission.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission.

Memo No. SIC/CCR.42/2019

Dated: 16-03-2021

Copy to:

1. The SPIO, O/o the BDO, Kalain Development Block, Vill. Kalain, Dist. Cachar, Assam, PIN Code-788815, for information and necessary action.
2. The petitioner, Shri Umashankar Singh, Vill. Meherpur, Near LIC Div Officer, Dist.Cachar, Assam, PIN Code. 788015, for information and necessary action.
3. The Commissioner, Panchayat & Rural Development Development, Govt. of Assam, Juripur, Panjabari Road, Guwahati, PIN Code-781022, for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.

Secretary & Registrar
Assam Information Commission.