

Case No. : SIC/NLB.2/2021
Complainant/ Appellant : Shri Rafiqul Hussain.
Respondent : The SPIO, 59 No. Mukalmua Narayanpur Gaon Panchayat, Mukalmua, Distt Nalbari, PIN Code 781126, Assam.
Date of Hearing : 26-04-2021
Complaint/ Second Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
08-07-2021

1. The appellant Shri Rafiqul Hussain is present.
2. Shri Nilotpal Goswami, SPIO, and Secretary, 59 No. Mukalmua Narayanpur Gaon Panchayat, Distt Nalbari, is present.
3. From perusal of records it is seen that the appellant Shri Rafiqul Hussain had submitted one RTI application to the SPIO, 59 No. Mukalmua Narayanpur Gaon Panchayat, Distt. Nalbari on 29.09.2020, seeking certain information related to repair and maintenance of the Barkhetri Mini Stadium Pavilion, under 14th Finance Commission schemes of 2018-19. On not receiving any response to his RTI application, Shri Rafiqul Hussain submitted an Appeal before the FAA in the O/o the BDO, Barkhetri Development Block, Mukalmua, Distt Nalbari, on 14.12.2020. The BDO, Barkhetri Development Block, held a hearing on the matter on 11.01.2021, and passed an order No. BDB/RTI/II/2014-15/Pt-v/ dated 04.01.2021 directing the Secretary, 59 No. Mukalmua Narayanpur Gaon Panchayat, to furnish the required information to the petitioner Shri Rafiqul Hussain within 15 (fifteen) days from the date of hearing. On not getting any response despite the specific order of the FAA/BDO, Barkhetri Development Block, Mukalmua, Shri Rafiqul Hussain preferred a 2nd Appeal in this Commission on 05.02.2021.
4. During today's hearing it was found that the SPIO/Secretary, 59 No. Mukalmua Narayanpur Gaon Panchayat, had not only failed to respond to the RTI petition of 21.09.2020, but had also failed to carry out the order of the FAA/BDO, Barkhetri Development Block, passed on 11.01.2021. The SPIO/Secretary, 59 No. Mukalmua Narayanpur Gaon Panchayat has also failed to submit a written statement explaining why penalty under Section 20 (1) of the RTI Act, 2005, shall not be imposed on him for his failure to furnish the sought for information within the stipulated period. This is an ideal case in which the SPIO/Secretary 59 No. Mukalmua Narayanpur Gaon Panchayat attracts penal provisions as defined in Section 2(1) of the RTI Act, 2005.
5. **In view of the above, the SPIO/Secretary, 59 No. Mukalmua Narayanpur Gaon Panchayat, Distt Nalbari, is hereby directed to furnish the sought for informations to the appellant Shri Rafiqul Hussain within 7 (seven) days from the receipt of this order and inform the Commission accordingly.**
6. **The appellant Shri Rafiqul Hussain is also directed to inform the Commission immediately upon receiving the information.**
7. **The BDO, Barkhetri Development Block, Distt. Nalbari and the Chief Executive Officer, Nalbari Zilla Parishad be also sent a copy each of this order for information about**

how the SPIO/Secretary, 59 No. Mukalmua Narayanpur Gaon Panchayat, had repeatedly failed to respond to RTI application filed by the citizen under provisions of the RTI Act, 2005. The BDO, Barkhetri Development Block and the CEO, Nalbari Zilla Parishad may take necessary action if required.

8. Issue of this order was delayed due to the ongoing pandemic situation.
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/NLB.2/2021

Dated: 08-07-2021

Copy to:

1. The SPIO, 59 No. Mukalmua Narayanpur Gaon Panchayat, Mukalmua, Distt Nalbari, PIN Code 781126, Assam, for information and necessary action.
2. The First Appellate Authority/ Block Development Officer, Barkhetri Development Block, Narayanpur, Mukalmua, Assam, for information and necessary action.
3. The Chief Executive Officer, Nalbari Zilla Parishad, Distt Nalbari, PIN Code 781335, Assam for information.
4. The petitioner, Shri Rafiqul Hussain, Vill & P.O. Narayanpur, P.S. Mukalmua Distt. Nalbari, PIN Code 781126, Assam, for information and necessary action.
5. Computer section for uploading in the website.
6. Office File.
7. Order Book.

Secretary & Registrar
Assam Information Commission.