



তথ্য
জন্য
অধিকাৰ

অসম তথ্য আয়োগ
জোনাকী কমপ্লেক্স শিল্পগ্ৰাম,
পাঞ্জাবাৰী গুৱাহাটী -৭৮১০৩৭
দূৰভাষ নং-০৩৬১-২৩৩২৭০৪
ফেক্চ নং -০৩৬১-২৩৩২৭০৯

ASSAM INFORMATION COMMISSION

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ASSAM INFORMATION COMMISSION



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Introduction

The Right to Information Act was passed by the Indian Parliament on 12th May 2005 and received Presidential assent on 15th June 2005. The Assam Information Commission was constituted vide Government Notification No.AR.77/2005/38 dated 06.10.2005 and started its functioning w.e.f.01.03.2006.

Powers and Functions of the Commission

The Powers and Functions of the Information Commission are enumerated under chapter 5 of the RTI Act, 2005. These, in brief, are as under:

1. Inquiry into Complaints

It shall be the duty of the Commission to receive and inquire into complaints from persons aggrieved by any of the reasons given under section 18 (1) of the Act. Where the Commission is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry thereof. While conducting an inquiry into a complaint, the Commission shall have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the matters given under section 18 (3) of the Act. During an inquiry into a complaint under this Act, the Commission can examine any record to which the RTI Act applies which is under the control of the Public Authority.

2. Deciding 2nd Appeals

Section 19(3) of the RTI Act provides for 2nd appeal before the Central/State Information Commission. The 2nd appeal shall lie within 90 days from the date on which the decision should have been made by or was actually received from the first appellate authority. The Information Commission may admit the 2nd appeal after the expiry of the period of 90 days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. While making a decision, the State Information Commission has the power to require the Public Authority to comply with the Provisions of the RTI Act -

3. Imposing Penalties

The State Information Commission has the power to impose penalty on the State Public Information Officer for the following defaults

Where the State Public Information Officer has –

- a) without reasonable cause refused to receive an application for information, or
- b) has not furnished information within the specified time limit or
- c) malafidely denied the request for information or knowingly given incorrect incomplete, or
- d) misleading information or destroyed information which was the subject of the request or
- e) obstructed in any manner in furnishing the information.

4. Awarding Compensation

The RTI Act empowers the Information Commission to require the Public Authority to compensate the complainant for any loss or other detriment suffered.

5. Recommending for disciplinary Action

Where the State Information Commission, at the time of deciding any complaint or appeal is of the opinion that the State Public Information Officer has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, the Commission can recommend for disciplinary action against the State Public Information Officer, under the service rules applicable to him under section 20(2) of the Act.

6. Monitoring and Reporting under Section 25 of the Act.

Under the provisions of section 25 of the RTI Act, 2005, the State Information Commission after the end of each year is required to prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the Government for laying before the State Legislature by the State Government.

Under the provisions of this section, each department is required to collect and provide information to the State Information Commission to prepare the report. Accordingly, all the concerned Heads of Departments were requested vide Commission's letter No SIC.13/2008/84 dated 26-04-16 to furnish a compiled report after collecting the reports of all public authorities under each department. Suitable formats for the purpose were devised and sent to each and every department to submit their reports within a fixed date. The formats were also made available in the website of the Commission. In this connection, a meeting of all administrative heads of the Departments were held on 12th May, 2016 in presence of the Chief Secretary wherein it was impressed upon them that the report on the implementation of the provisions of the Act as per proforma should reach the Commission within the timeline without fail. However, report from some departments were not received and 4 (four) reminders had to be issued to them. Despite the Commission did not receive report from Labour & Employment and Horticulture & Food Processing Departments.

Commission has, therefore, decided to compile the Annual Report on the basis of the reports received as mentioned above. The report includes the following:

- a. A brief note on Assam Information Commission;
- b. Events;
- c. Status of disposal of Complaints and Appeals by Assam Information Commission;
- d. No. of defective Appeal and Complaint petitions returned for removal of deficiencies;
- e. Compensation awarded by Commission;
- f. Penalty imposed by Commission;
- g. Departmental actions recommended by Commission;

- h. No of Public Authorities under various Departments which have submitted their report;
- i. No. of RTI applications received and disposed of by State Public Information Officers of public authorities and their analysis;
- j. No. of RTI applications rejected and their analysis;
- k. No. of First Appeal petitions received and disposed by First Appellate Authorities and their analysis;
- l. Recommendations of the Assam Information Commission; and
- m. Significant Orders of the Commission.

“ I hope also that real Swaraj will come by the acquisition of authority by a few but by the acquisition of the capacity by all to resist authority when abused.”

- Mahatma Gandhi

Chapter I

Assam State Information Commission

The Assam State Information Commission was constituted vide Govt. Notification No. AR.77/2005/38, dt. 6.10.2005.

Sri Ranjit Sekhar Mooshahary, IPS (Retd) was appointed as the Chief Information Commissioner. Dr. Birendra Kumar Gohain, IAS (Retd) was appointed as the State Information Commissioner. Both of them were administered the oath of office by His Excellency, the Governor of Assam on 01.03.2006. Sri Mooshahary demitted office on 25.06.2008 on his appointment as Governor of Meghalaya.

Sri Deepak Narayan Dutt, IPS (Retd), former Director General of Police, Assam joined as the Chief Information Commissioner on 7-8-2009.

Sri Mohan Chandra Malakar, IFS (Retd) joined the Commission on 05.12.2011 and continued till 15.03.2014.

Sri Himangshu Sekhar Das, IAS (Retd) was appointed as the Chief Information Commissioner who was administered the oath of office by His Excellency, the Governor of Assam on 01.12.2014.

Sri Pinuel Basumatary, IAAS (Rtd.) was appointed as the State Information Commissioner vide Government Notification No. AR.76/2005/Vol.1/443 dated 01-08-2015. He was administered the oath of office by His Excellency, the Governor of Assam on 07-08-2015.

Smti Nilufer Alam Hazarika, IAS(Rtd.) was also appointed as State Information Commissioner vide Government Notification No. AR 76/2005/Vol.-1/479 Dated 26-02-16. She was administered the oath of office by His Excellency, the Governor of Assam on 03-03-2016.

The infrastructure of the State Information Commission is not yet complete. The State Information Commission is housed in a rented building. The existing office space in the rented building is inadequate as compared to the volume of work that the Commission has to handle.

A proposal however, been submitted to the Government for allotment of a plot of land for construction of its own building, which is awaiting approval.

Section 16(6) of the Act provides that “the State Government shall provide the State Chief Information Commissioner and the State Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed

So far 14 posts of different categories have been sanctioned by Government. The List is given below:

SI No	Name of posts	Sanctioned existing no of posts	Remarks
1	2	3	4
1	Secretary	1	Filled up.
5	Accountant-cum-Cashier	1	vacant
6	Senior Administrative Assistant	2	vacant
7	Junior Administrative Assistant	2	vacant
8	Typist-cum-Computer Operator	1	Filled up
9	Driver	5	3 vacant, One expired in January,
10	Chawkidar	2	Filled up 2016.
Total		14	

The Commission was run by the following officials/ staff during the period of report.

SI No	Name of posts	Number	Remarks
1	2	2	3
1	Secretary	1	Posted by Government. Handed over Charge on 23/02/16
2	Deputy Secretary	1	Additional Charge. Substantively posted as Deputy Secretary, A&RT Department. Functioning as Secretary i/c w.e.f.23/02/16
3	Consultant	1	Functioning as Registrar i/c w.e.f. 23/02/16
4	Accountant-cum-Cashier	1	On contract basis
5	Senior Administrative Assistant	1	Deputed by Government
6	Junior Administrative Assistant	3	Deputed by Government
7	ASI (Computer)	1	Borrowed from APRO
8	Typist-cum-Computer Operator	1	Appointed by Commission against sanctioned post
9	Driver	3	Appointed by Commission against sanctioned post. One expired in January, 2016.
10	Chawkidar	2	Appointed by Commission against sanctioned post
11	Stenographer	5	On contract basis
12	Rider-cum-Process Server	1	Borrowed from Kamrup Police
13	Peon(Grade IV)	5	3 Deputed by Government. 2 engaged by Commission as casual workers.
14	Casual worker(Grade III)	3	On daily wage basis
15	Sweeper-cum-Cleaner	1	On contract basis
16	Home guards	4	

BUDGET ALLOTMENT AND EXPENDITURE DURING THE YEAR 2015 - 16

NON PLAN

HEAD OF ACCOUNT	TOTAL BUDGET PROVISION	Expenditure	Remarks
01-Salaries	Rs.67,10,000/-	Rs. 55,09,920.00	
01-Salaries (05-L.T.C.)	Rs. 5,00,000/-	Rs. 51,996.00	
01-Salaries (08-Medical Reimbursement)	Rs. 3,00,000/-	Rs. 1,65,187.00	
01-Salaries (Fixed Pay)	Rs.13,00,000/-	Rs. 9,24,544.00	
02-Wages(04-Bunglow Peon) (23-Cleaner)	Rs. 3,00,000/- Rs. 1,42,000/-	Rs. 90,703.00 Rs. 1,24,000.00	
03-Travel Expenses	Rs. 4,50,000/-	Rs. 3,47,416.00	
04-O.E.(03-Electricity and Water Charges)	Rs. 2,00,000/-	Rs. 1,31,232.00	
04-O.E.(04-O.E. including Computer Accessories)	Rs.18,00,000/-	Rs. 16,80,107.00	
04-O.E.(05-Stationery and Printing Forms)	Rs. 2,00,000/-	Rs. 73,435.00	
04-O.E.(09-Petrol, Oil and Lubricants)	Rs. 3,00,000/-	Rs. 1,68,213.00	
04-O.E.(10-Books and Periodicals)	Rs. 1,00,000/-	Rs. 52,287.00	
04-O.E.(99-Others)	Rs. 11,00,000/-	Rs. 10,75,658.00	
05-Payment for professional and Special Services (99-Others)	Rs. 4,40,000/-	Rs. 4,32,600.00	
06-Rent, Rates & Taxes (01-Rents for Hired Building)	Rs.15,00,000/-	Rs. 10,26,960.00	
07-Publication (99-Others)	Rs. 1,25,000/-	-	
08-Advertising, Sales & Publicity	Rs. 2,00,000/-	Rs. 95,000.00	
11-Hospitality Expenses (01-Hospitality Expenses)	Rs. 1,30,000/-	Rs. 1,29,918.00	
14-Minor Works	Rs. 10,50,000/-	Rs. 7,61,218.00	
15-Machinery and Equipment (99-Others)	Rs. 3,50,000/-	Rs. 3,11,769.00	
16-Motor Vehicle			
19-Materials and Supplies (99-Others)	Rs. 4,70,000/-	Rs. 4,38,463.00	
26-Other charges (99-Others)	Rs. 1,60,000/-	Rs. 1,53,911.00	
TOTAL	Rs. 1,78,27,000/-	Rs. 1,37,44,537.00	

BUDGET ALLOTMENT AND EXPENDITURE DURING THE YEAR 2015-16

PLAN

HEAD OF ACCOUNT	TOTAL BUDGET PROVISION	Expenditure	Remarks
26-Other charges (99-Others)	Rs. 30,00,000/-	0	Due to late receipt of sanction and engagement of officials in the districts with NRC and Election works, the amount could not be spent.
TOTAL	Rs. 30,00,000/-		

The following are some of the observations of the Commission on implementation of RTI act during 2015-16.

- In most cases, there were genuine information seekers, who had been deprived of their rights under the RTI Act, 2005.
- There are instances of seeking voluminous information on a variety of issues and on different subjects which might in some cases be taken recourse to in order to harass the Public authorities by some unscrupulous persons.
- Many second appeal and complaint petitions were found to be defective which were filed without mentioning the proper address of the SPIOs, FAAs and the appellant/complainant. Many second appeal petitions were filed without enclosing requisite documents, like copy of the RTI application, copy of the order of FAA etc. and without furnishing verification. Some of the enclosed copies were found to be not legible and readable. Commission had to return such appeals/complaints for removing the deficiencies. This resulted in loss of valuable time of the Commission and delay in disposing of appeals/complaints.
- Many RTI petitions are for redressal of grievances or are in the nature of questions which do not fall within the ambit of Section 2 (f) of the RTI Act.
- A large number of RTI applications are filed to seek information on public distribution system, Panchayat and Rural Development, flood damage, Gram Panchayat level Co-operative Societies, land records and land disputes, allotment of Govt. contracts or supply of work orders, education – mainly regularization of the services of primary school teachers, roads, agriculture, power, public health sanitation, other civic amenities and delayed payment of retirement benefits.

Chapter II

Events

One-day Regional Workshop on Right to Information Act 2005

A one-day regional workshop on Right to Information Act 2005 was held on October 7, 2015, jointly organized by the Assam Administrative Staff College and Assam State Information Commission and sponsored by the Department of Personnel and Training (DoPT), Government of India.

The workshop was formally inaugurated by Shri Tarun Gogoi, Hon'ble Chief Minister, Assam. In his inaugural speech, the Hon'ble Chief Minister stated that Assam had introduced the Right to Information Act, 2001. After enactment of the Central RTI Act in 2005, Assam adopted the same. During the last ten years, implementation of the RTI Act has played a significant role in ensuring transparency, good governance and curbing of corruption in administration. He also emphasized on sharing of good practices adopted by various States for successful implementation of the RTI Act. He stressed on the need for a combined effort from both government and civil society to make the RTI Act even more effective.

The Workshop was attended by

1. Shri Vijai Sharma, IAS(Rtd.), Central Chief Information Commissioner,
2. Prof. M. Sridhar Acharyuullu, Central Information Commissioner,
3. Shri H.S. Das, I.A.S.(Rtd.), Chief Information Commissioner, Assam,
4. Shri C.D. Kynjing, IAS(Rtd.), Chief Information Commissioner, Meghalaya,
5. Shri T.I . Singh, IFS (Rtd.), Chief Information Commissioner, Manipur,
6. Shri Pinuel Basumatary, IA&S(Rtd.), State Information Commissioner, Assam,
7. Shri Bukchem Phom, State Information Commissioner, Nagaland,
8. Shri Mathiem Linggi, State Information Commissioner, Arunachal Pradesh,
9. Chief Secretary, Assam,
10. Additional Chief Secretaries and Senior Officers of Government of Assam, Civil Society Members, RTI Activists, SPIOS of various Public Authorities, District Officials etc.

Shri R.S. Mooshahary, former Chief Information Commissioner, Assam and Former Governor of Meghalaya, Mr. D.N. Dutt, former State Chief Information Commissioner, Assam and Shri. M. Malakar, former State Information Commissioner, Assam also attended the programme.

Delivering the key-note address of the day-long workshop, Dr Vijai Sharma, Central Chief Information Commissioner, analysed the issues involved in the effective implementation of the RTI Act in the 10 years since its inception in 2005 and appealed to all concerned to join hands and strengthen the RTI movement in the country.

The following papers were presented in the Workshop:

1. "Perceived Gap between Legislative Intent and Actual Implementation of the RTI Act, 2005" by Prof. M. Sridhar Acharyuullu, Central Information Commission.
2. "Status of Voluntary Disclosures under Section 4 of the RTI Act" by Shri S.P. Nandy, IAS.

3. “Protected Interests under Section-8 of the RTI Act vis-a-vis Requirement of Transparency in Public Interest” by Shri Kula Saikia, IPS.

Papers on behalf of the civil society were also presented by -

1. Shri Debojit Goswami, Secretary, Assam RTI Forum and State Resource Person, RTI on “RTI and its Compliance Issues”,
2. Shri Pranab Barua, Assistant Professor of Statistics, JB College, Jorhat on “RTI Act and Benefit of Common Man: a Personal Experience”; and
3. Shri Kiron Ayengia, State Resource Person and Secretary, Donyi Polo Youth Society, North Lakhimpur on “Brainstorming Social Audit: an Outcome of the RTI Act.”

Shri VK Pipersenia, Chief Secretary, Assam thanked the Assam State Information Commission and Assam Administrative Staff College for organizing the day-long workshop.

Earlier, Shri HS Das, State Chief Information Commissioner, Assam delivered the welcome address.



Photograph of

One day Regional Workshop on Right to Information Act, 2005

Orientation Programme of SPIOs and FAAs of Jorhat District.

An orientation programme of the SPIOs and FAAs of Jorhat district was held in the conference hall of Deputy Commissioner, Jorhat on 20th January, 2016. Shri H.S. Das, IAS (Rtd.), State Chief Information Commissioner attended the programme. The salient features of the RTI Act, 2005 and rules made there under were thoroughly discussed. The SPIOs and FAAs were requested to strictly follow the provisions of the ARI Act and rules while disposing RTI applications and 1st Appeal cases. The State Chief Information Commissioner stated that there are large number of Appeal and Complaint Cases pending for disposal at Assam Information Commission. He stressed upon quality and timely disposal of RTI applications as well as the 1st Appeal petitions so that the poor people need not go to the State Information Commission for 2nd Appeal/Complaint. He also emphasised that suomotu disclosure of information by public authorities in compliance with section 4 of the RTI Act will reduce the number of RTI applications and subsequent appeal and complaint petitions. He stressed on the need for generation of public awareness through Panchayati raj Institutions and civil society members for effective implementation of the RTI Act and curbing corruption.

Later, the State Chief Information Commissioner addressed media persons and requested them to extend their helping hands for generation of public awareness about the provisions of the RTI Act and rules made there under.

“Let the people know the facts, and the country will be safe”

– Abraham Lincoln

Chapter III

Disposal of Cases etc. by Assam Information Commission Status of cases during the year 2015-16

Previous Balance		Cases received during the year		Total		Cases Disposed during the year		Pending cases	
Appeal cases	Complaint cases	Appeal cases	Complaint cases	Appeal cases	Complaint cases	Appeal cases	Complaint cases	Appeal cases	Complaint cases
2010	684	2005	122	4015	806	1630	366	2385	443

District wise no. of Appeal & Complaint cases registered during the year

SI No.	Name of District	Previous Balance		Received during the period		Disposed during the period		Balance	
		Appeal cases	Complaint cases	Appeal cases	Complaint cases	Appeal cases	Complaint cases	Appeal cases	Complaint cases
1	Baksa	7	2	10	5	4	0	13	7
2	Barpeta	52	26	54	4	34	24	72	6
3	Bongaigaon	22	17	43	4	24	12	41	9
4	Cachar	76	31	56	4	22	18	110	17
5	Chirang	12	16	13	3	6	2	9	17
6	Darrang	24	14	34	5	29	6	29	13
7	Dhemaji	22	24	25	3	14	8	33	19
8	Dibrugarh	58	25	14	4	24	19	48	10
9	Dima Hasao	28	16	18	4	2	0	44	20
10	Dhubri	84	36	68	4	43	28	109	12
11	Goalpara	33	22	54	5	46	18	41	9
12	Golaghat	48	18	19	2	37	16	30	4
13	Hailakandi	35	22	52	5	36	24	51	3
14	Jorhat	27	13	26	4	16	14	37	3
15	Karbi Anglong	152	84	81	7	56	34	177	57
16	Karimganj	84	46	52	4	28	16	108	34
17	Kokrajhar	29	24	23	4	8	2	44	26
18	Kamrup(M)	1010	120	1089	24	1024	48	1075	96
19	Kamrup	42	24	33	3	24	12	51	15

20	Lakhimpur	13	13	17	4	12	8	18	9
21	Morigaon	11	6	19	4	18	8	12	2
22	Nagaon	46	20	72	4	34	18	84	6
23	Nalbari	13	8	47	4	36	12	24	0
24	Sonitpur	32	20	20	1	18	8	34	13
25	Sivasagar	19	20	20	2	17	6	22	16
26	Tinsukia	11	7	21	2	12	2	20	7
27	Udalguri	8	6	14	3	3	0	19	9
28	Other States	12	4	11	0	3	3	20	4
	Total	2010	684	2005	122	1630	366	2385	443

It will appear from the above that the district of Kamrup(M) alone constitutes 52.32% of the total cases and the district of Baksa constitutes only 0.70% of the total cases received during the year. It also appears that the number of cases received from BTAD districts is very less. Similar is the case with Dima Hasao and Dibrugarh districts. This indicates that awareness level about the RTI Act in these districts is very low. The concerned Deputy Commissioners of these districts should focus on implementation of the RTI Act in their respective districts urgently and should take corrective measures accordingly.

Penalty Imposed during the year

Sl No.	Date of Order	Cases no.	Public Authority	Amount
1	02-06-2015	KP(M).536/2014	B.D.O, Katigorah	Rs. 7,500.00
2	02-06-2015	KP(M).11/2013	Principal, Sontali Anchalik College	Rs. 5,000.00
3	19-06-2015	KAN.12/2012	BDO, Langsomepi Dev. Block K/ Anglong	Rs. 10,000.00
4	01-07-2015	JRT.40/2011	SDO, Majuli	Rs. 10,000.00
5	07-07-2015	JRT.29/2012	SPIO, Teok Town Committee	Rs. 10,000.00
				Rs. 42,500.00

No. of Defective cases returned for re-submission during the year

Sl No.	Name of the District	No. of Petition returned		Remarks
		Appeal	Complaint	
1	Baksa	20	2	
2.	Barpeta	11	4	
3.	Bongaigaon	8	0	
4.	Cachar	48	16	
5.	Chirang	1	0	
6.	Darrang	7	3	
7.	Dhemaji	36	12	
8.	Dibrugarh	6	1	
9.	Dima Hasao	4	0	

10.	Dhubri	47	8	
11.	Goalpara	11	0	
12.	Golaghat	20	5	
13.	Hailakandi	12	4	
14.	Jorhat	9	2	
15.	Karbi Anglong	30	9	
16.	Karimganj	24	8	
17.	Kokrajhar	2	0	
18.	Kamrup (M)	301	41	
19.	Kamrup	12	4	
20.	Lakhimpur	4	1	
21.	Morigaon	1	0	
22.	Nagaon	10	4	
23.	Nalbari	14	4	
24.	Sonitpur	15	2	
25.	Sivasagar	7	1	
26.	Tinsukia	4	0	
27.	Udalguri	0	0	
28.	Other State	10	2	
	Total	674	133	

It appears that total 807 cases had to be returned to the petitioners for not filing the same as per provisions of RTI Act, 2005 and rules there under. There is an urgent need to educate the people about the provisions of law so that they can file Appeal and Complaint cases correctly.

“ Information is the currency that every citizen requires to participate in the life and governance of society.”

– Justice A. P. Shah

Chapter –IV

Number of Public Authorities & State Public Information Officers under various Departments

Sl. No.	Name of Department	No. of Public Authorities	No. of Public Information Officers designated
1	2	3	4
1.	Assam Legislative Assembl Secretariat	1	1
2.	Administrative Reforms & Training	3	3
3.	Agriculture	8	8
4.	Animal Husbandry & Veterinary	3	5
5.	Border Areas	2	2
6.	Cooperation	23	24
7.	C.M. Secretariat	1	1
8.	Cultural Affairs	7	39
9.	Education (Elementary)	273	288
10.	Education (Secondary)	259	262
11.	Education (Higher)	322	12
12.	Environment and Forest	2	2
13.	Election	51	54
14.	Excise	4	3
15.	Finance	23	43
16.	Fisheries	32	32
17.	Food & Supplies Civil	63	61
18.	GAD	36	34

19.	Guwahati Development	4	4
20.	Governor's Secretariat	1	1
21.	Handloom, Textile & Sericulture	106	106
22.	Health & Family Welfare	6	9
23.	Hills Areas	1	1
24.	Home	15	16
25.	Horticulture & Food Processing	NR	NR
26.	Implementation of Assam Accord	1	1
27.	Information & Public Relation	2	57
28.	Industries & Commerce	33	35
29.	Irrigation	17	17
30.	Judicial	2	3
31.	Labour & Employment	NR	NR
32.	Legislative	24	24
33.	Minority Welfare	7	11
34.	Panchayat & Rural Development	169	224
35.	Parliamentary Affairs	2	1
36.	Passport	1	1
37.	Personnel	4	4
38.	Pension & Public Grievances	1	1
39.	Planning and Development	1	1
40.	Political	1	1
41.	PHE	1	1

42.	Printing & Stationary	2	2
43.	Mines & Mineral	6	4
44.	Power (Electrical)	15	150
45.	PWD (NH & Building)	69	72
46.	PWD (Roads)	303	303
47.	Public Enterprise	1	1
48.	Revenue, and Disaster Management	5	4
49.	SAD	2	2
50.	Social Welfare	31	33
51.	Soil Conservation	71	57
52.	Sports & Youth Welfare	29	29
53.	Science & Information Technology	2	3
54.	Transport	2	6
55.	Tea Tribes Welfare	4	3
56.	Tourism	18	14
57.	Urban Development	22	23
58.	WPT & BC	104	104
59.	Water Resource	74	79
		2265	2271

There are 2265 Public Authorities under various departments. The Department of Higher Education has the highest number of Public Authorities (322) followed by the PWD (R) numbering 303, Departments of Elementary Education (273) and Department of Secondary Education (259).

Against 2265 numbers of Public Authorities, there are 2271 numbers of State Public Information Officers.

1 (One) department did not furnish this information to the Commission despite several reminders.

“ In a government like ours, where all the agents of the public must be responsible, there can be but few secrets. The people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries..... The responsibility of officials to explain or to justify their acts is the chief safeguard against oppression. - K K Mathew

Chapter V

Number of RTI application received and disposed by State Public Information Officers under various Public Authorities.

Sl. No.	Name of Department	Requests pending at the beginning of the year (01-04-15)	No. of Requests received during the year	Total no. of Requests	No. of Requests disposed of	Requests pending at the end of the year (31-03-16)
1	2	3	4	5	6	7
1.	Assam Legislative Assembly Secretariat	0	118	118	110	8
2.	Administrative Reforms & Training	0	22	22	22	0
3.	Agriculture	4	172	176	113	62
4.	Animal Husbandry & Veterinary	4	163	167	153	23
5.	Border Areas	0	15	15	15	0
6.	Cooperation	2	181	183	182	0
7.	C.M. Secretariat	6	207	213	213	0
8.	Cultural Affairs	0	62	62	60	2
9.	Education (Elementary)	20	2951	2971	2681	290
10.	Education (Secondary)	34	1783	1817	1663	154
11.	Education (Higher)	0	454	454	452	0
12.	Environment and Forest	6	105	111	111	0
13.	Election	5	910	915	882	33
14.	Excise	0	70	70	69	1
15.	Finance	0	183	183	182	1
16.	Fisheries	5	279	279	256	23
17.	Food & Supplies Civil	1	166	167	161	6
18.	GAD	13	5769	5793	5761	11
19.	Guwahati Development Department	2	843	1944	1889	55
20.	Governor's Sectt.	0	92	92	92	0
21.	Handloom, Textile & Sericulture	0	199	199	199	0
22.	Health & Family Welfare	5	771	771	770	4

23.	Hills Areas	0	13	13	13	0
24.	Home	10	409	419	406	13
25.	Horticulture & Food Processing	NR	NR	NR	NR	NR
26.	Implementation of Assam Accord	0	11	11	11	0
27.	Information & Public Relation	0	48	48	45	3
28.	Industries & Commerce	8	265	273	256	17
29.	Irrigation	0	242	242	240	2
30.	Judicial	1	176	177	100	3
31.	Labour & Employment	NR	NR	NR	NR	NR
32.	Legislative Deptt.	0	47	47	47	0
33.	Minority Welfare	0	73	73	73	0
34.	Panchayat & Rural Development	200	2860	3060	2867	193
35.	Parliamentary Affairs	0	22	22	22	0
36.	Passport	0	5	5	5	0
37.	Personnel	0	594	594	593	1
38.	Pension & Public Grievances	0	47	47	47	0
39.	Planning and Development	0	60	60	60	0
40.	Political	0	5	5	5	0
41.	PHE	0	61	61	61	0
42.	Printing & Stationary	0	38	38	38	0
43.	Mines & Mineral	0	40	40	40	0
44.	Power (Electrical)	16	221	237	213	23
45.	PWD (NH & Building)	3	494	497	488	9
46.	PWD (Roads)	72	1641	1713	1599	114
47.	Public Enterprise	0	4	4	4	0
48.	Revenue, and Disaster Management	0	184	184	184	0
49.	SAD	2	55	57	53	4
50.	Social Welfare	20	339	359	299	60
51.	Soil Conservation	3	348	351	347	4
52.	Sports & Youth Welfare	0	48	48	48	0
53.	Science & Information Technology	0	22	22	22	0

54.	Transport	2	165	167	151	18
55.	Tourism	0	56	56	55	1
56.	Tea Tribes Welfare	0	19	19	19	0
57.	Urban Development	4	206	210	207	3
58.	WPT & BC	0	37	37	37	0
59.	Water Resource	5	1166	1171	1134	37
		453	25526	25989	25812	166

25526 RTI applications were received by various Public Authorities during the year 2015-16. General Administrative Department (GAD) received the highest number of RTI application numbering 5769 followed by Elementary Education Department (2951) and Panchayat & Rural Development Department (2860). Only 4 (four) RTI applications were received by the Public Enterprise Department during the year. A total of 148 RTI applications were pending for disposal at the close of the year 2015-16.

Out of 25989 RTI applications at hand during the year, a total of 25812 RTI application were disposed of, the rate of disposal being 99.32%.

Labour & Employment and Horticulture & Food Processing departments did not furnish this information to the Commission despite reminders.

“ The people of this country have a right to know every public act, everything, that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing.

- Justice K K Mathew

Chapter VI

Number of Applications rejected

SI No.	Name of the Department	No. of Requests rejected u/s 8	No. of Requests rejected u/s 9	No. of Requests rejected u/s 11	No. of Requests rejected u/s 24	Total no. of Requests rejected
1	2	3	4	5	6	7
1.	Assam Legislative Assembly Secretariat	28	0	0	0	28
2.	Administrative Reforms & Training	0	0	0	0	0
3.	Agriculture	1	0	0	0	1
4.	Animal Husbandry & Veterinary	0	0	0	0	0
5.	Border Areas	0	0	0	0	0
6.	Cooperation	1	0	0	0	1
7.	C.M. Secretariat	0	0	0	0	0
8.	Cultural affairs	0	0	0	0	0
9.	Education(Elementary)	0	0	0	0	0
10.	Education (Secondary)	1	1	0	0	2
11.	Education (Higher)	2	0	0	0	2
12.	Environment and Forest	2	0	0	0	2
13.	Election	1	0	0	0	1
14.	Excise	1	0	0	0	1
15.	Finance	0	0	0	0	0
16.	Fisheries	0	0	0	0	0
17.	Food & Supplies Civil	0	0	0	0	0
18.	GAD	0	2	0	0	2
19.	Guwahati Development	0	0	0	0	0
20.	Governor's Secretariat	0	0	0	0	0
21.	Handloom, Textile & Sericulture	0	0	0	0	0
22.	Health & Family Welfare	0	0	0	0	0
23.	Hills Areas	0	0	0	0	0

24.	Home	4	0	0	0	4
25.	Horticulture & Food Processing	NR	NR	NR	NR	NR
26.	Implementation of Assam Accord	0	0	0	0	0
27.	Information & Public Relation	0	0	0	0	0
28.	Industries & Commerce	0	1	0	0	1
29.	Irrigation	0	0	0	0	0
30.	Judicial	75	0	0	0	75
31.	Labour & Employment	NR	NR	NR	NR	NR
32.	Legislative	0	0	0	0	0
33.	Minority Welfare	2	0	0	0	2
34.	Panchayat & Rural Development	0	0	0	0	0
35.	Parliamentary Affairs	0	0	0	0	0
36.	Passport	0	0	0	0	0
37.	Personnel	0	0	0	0	0
38.	Pension & Public Grievances	1	3	0	0	4
39.	Political	0	0	0	0	0
40.	Planning and Development	0	0	0	0	0
41.	PHE	0	0	0	0	0
42.	Printing & Stationary	0	0	0	0	0
43.	Mines & Mineral	0	0	0	0	0
44.	Power (Electrical)	1	0	0	0	1
45.	PWD (NH & Building)	0	11	0	0	11
46.	PWD (Roads)	0	1	0	0	1
47.	Public Enterprise	0	0	0	0	0
48.	Revenue and Disaster Management	2	0	0	0	2
49.	SAD	0	0	0	0	0
50.	Social Welfare	0	0	0	0	0
51.	Soil Conservation	0	0	0	0	0
52.	Sports & Youth Welfare	0	0	0	0	0
53.	Science & Information Technology	0	0	0	0	0
54.	Transport	2	0	0	0	2

55.	Tea Tribes Welfare	0	0	0	0	0
56.	Tourism	0	0	0	0	0
57.	Urban Development	0	0	0	0	0
58.	WPT & BC	0	0	0	0	0
59.	Water Resource	1	0	0	0	1
		125	19	0	0	144

A total of 125 requests were rejected u/s 8 and 19 requests were rejected u/s 9 of the Act.

Out of the 125 rejected cases u/s 8, Judicial Department rejected 75 and Legislative Department rejected 28 requests.



Chapter VII

Number of First Appeal Petitions received and disposed by First Appellate Authorities.

SI No.	Name of the Department	First Appeals pending with the FAAs at the beginning of the year (01-04-15)	No. of First Appeal received during the year	Total no. of First Appeals with Appellate Authorities	No. of Firsts Disposed by the First Appellate Authorities	No. of First Appeals pending with the FAAs at the ending of the year (31-03-15)
1	2	3	4	5	6	7
1.	Assam Legislative Assembly Secretariat	0	2	2	2	0
2.	Administrative Reforms & Training	0	2	2	2	0
3.	Agriculture	0	12	12	12	0
4.	Animal Husbandry & Veterinary	0	8	8	7	1
5.	Border Areas	0	1	1	1	0
6.	Cooperation	1	33	34	34	0
7.	C.M. Secretariat	0	133	133	133	0
8.	Cultural affairs	3	15	18	18	0
9.	Education (Elementary)	26	521	389	400	121
10.	Education (Secondary)	9	435	444	404	40
11.	Education (Higher)	0	1	1	1	
12.	Environment and Forest	0	2	2	2	0
13.	Election	7	61	68	68	0
14.	Excise	0	5	5	5	0
15.	Finance	0	12	12	12	0
16.	Fisheries	0	12	12	12	0
17.	Food & Supplies Civil	0	6	6	6	0
18.	GAD	0	273	270	275	4
19.	Guwahati Development	0	150	288	284	4
20.	Governor's Secretariat	0	2	2	2	0
21.	Handloom, Textile & Sericulture	0	4	4	4	0

22.	Health & Family Welfare	0	52	52	51	1
23.	Hills Areas	0	2	2	2	0
24.	Home	0	10	10	9	1
25.	Horticulture & Food Processing	NR	Nr	NR	NR	NR
26.	Implementation of Assam Accord	0	0	0	0	0
27.	Information & Public Relation	0	1	1	1	0
28.	Industries & Commerce	0	14	14	14	0
29.	Irrigation	0	6	6	4	2
30.	Judicial	1	14	15	15	0
31.	Labour & Employment	NR	NR	NR	NR	NR
32.	Legislative	0	1	1	1	0
33.	Minority Welfare	0	1	1	1	0
34.	Panchayat & Rural Development	25	264	289	190	99
35.	Parliamentary Affairs	0	9	9	9	0
36.	Passport	0	0	0	0	0
37.	Personnel	Nil	2	2	2	0
38.	Pension & Public Grievances	0	2	0	2	0
39.	Political	0	0	0	0	0
40.	Planning and Development	0	0	0	0	0
41.	PHE	0	0	0	0	0
42.	Printing & Stationary	0	0	0	0	0
43.	Mines & Mineral	0	3	3	3	0
44.	Power (Electrical)	0	17	17	17	0
45.	PWD (NH & Building)	0	75	81	79	0
46.	PWD (Roads)	9	330	339	307	32
47.	Public Enterprise	0	0	0	0	0
48.	Revenue and Disaster Management	0	13	13	13	0
49.	SAD	0	15	15	15	0
50.	Social Welfare	7	49	56	45	11
51.	Soil Conservation	3	83	86	82	4
52.	Sports & Youth Welfare	0	0	0	0	0
53.	Science & Information Technology	0	3	3	3	0

54.	Transport	0	7	7	7	0
55.	Tea Tribes Welfare	0	0	0	0	0
56.	Tourism	0	0	0	0	0
57.	Urban Development	1	44	45	45	0
58.	WPT & BC	0	2	2	2	0
59.	Water Resource	0	280	280	274	6
		92	2989	3081	2814	267

A total of 2989 First Appeals were filed before the First Appellate Authorities (FFAs) during the period of report. Out of 3081 First Appeal cases including the arrear of the Previous year pending with various First Appellate Authorities.

Total 2814 numbers of First Appeals were disposed of during the year 2015-16, the rate of disposal being 91.33%.

Labour & Employment and Horticulture & Food Processing departments did not furnish this information to the Commission despite reminders.

“Transparency promotes development indirectly, through better control of corruption and capture, which in turn we know are breaks to development and growth”

- Daniel Kaufmann

Chapter -VIII

Summary of fees collected by the Public Authorities during the year

SI No.	Name of the Department	Amount Collected (in rupees)
1	2	3
1.	Assam Legislative Assembly Secretariat	1712.00
2.	Administrative Reforms & Training	1130.00
3.	Agriculture	1150.00
4.	Border Areas	106.00
5.	Animal Husbandry & Veterinary	2,382.00
6.	Cooperation	42,290.00
7.	C.M. Secretariat	380.00
8.	Cultural Affairs	348.00
9.	Education (Elementary)	9,390.00
10.	Education (Secondary)	19,469.00
11.	Education (Higher)	11,148.00
12.	Environment and Forest	1,150.00
13.	Election	3998.00
14.	Excise	840.00
15.	Finance Establishment (B)	6070.00
16.	Fisheries	1350.00
17.	Food & Supplies Civil	1,180.00
18.	GAD	40,245.00
19.	Guwahati Development	9560.00
20.	Governor's Secretariat	940.00
21.	Handloom, Textile & Sericulture	2,236.00
22.	Health & Family Welfare	7,746.00
23.	Hills Areas	1,050.00
24.	Home	4192.00
25.	Horticulture & Food Processing	NR
26.	Implementation of Assam Accord	214.00
27.	Information & Public Relation	384.00
28.	Industries & Commerce	1610.00
29.	Irrigation	575.00
30.	Judicial	4350.00
31.	Labour & Employment	NR
32.	Legislative Deptt.	80.00
33.	Minority Welfare	210.00
34.	Panchayat & Rural Development	7170.00
35.	Parliamentary Affairs	0
36.	Passport	0
37.	Personnel	5194.00
38.	Pension & Public Grievances	230.00
39.	Political	0

40.	Planning and Development	0
41.	PHE	620.00
42.	Printing & Stationary	420.00
43.	Mines & Mineral	240.00
44.	Power (Electrical)	0
45.	Power (Electrical)	1694.00
46.	PWD (NH & Building)	3,634.00
47.	PWD (Roads)	23,318.00
48.	Public Enterprise	10.00
49.	Revenue and Disaster Management	3048.00
50.	SAD	560.00
51.	Social Welfare	1870.00
52.	Soil Conservation	60.00
53.	Sports & Youth Welfare	350.00
54.	Science & Information Technology	330.00
55.	Transport	1630.00
56.	Tea Tribes Welfare	210.00
57.	Tourism	930.00
58.	Urban Development	2,902.00
59.	WPT & BC	1,569.00
60.	Water Resource	16,204.00
		2,49,678.00

Chapter VIII

RECOMMENDATIONS

1. Under Section 4(1) of the RTI Act, 2005 every Public Authority has obligation to publish certain information under 17 items within one hundred and twenty days from the enactment of the Act.

Section 4(2) of the Act provides that it shall be constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of subsection (1) to provide as much information *suo motu* to the public at regular intervals through various means of communication, including internet, so that the citizens have minimum resort to the use of this Act to obtain information.

It has come to the notice of the Commission that many public authorities have not yet published the information under section 4(1) b and 4(2). Some departments of the state government have launched their websites; but required information as per provisions of the RTI Act, 2005 has not been displayed in their websites. The Commission believes that *suo motu* and proactive disclosure of information by public authorities as mandated by the Act will considerably reduce the number of RTI applications and subsequent appeal and Complaint petitions and that will save public money and time.

The State Government should ensure that every public authority comply with the provisions of section 4 of the Act. The Commission also recommends appropriate action against those public authorities which fail to comply with the provisions of section 4.

2. Section 26 of the Act stipulates that Government should develop and organise educational programmes to advance the understanding of the public, in particular the disadvantaged communities as to how to exercise the rights contemplated in the Act, encourage public authorities to participate in the development and organisation of such programmes and to undertake such programme themselves and to promote timely and effective dissemination of accurate information by public authorities about their activities.

Government should come up with proper Action Plan so that this provision of the Act is strictly followed.

3. The Commission has observed that a large number of Second Appeals have been necessitated by the First Appellate Authority's failure to dispose of the First Appeal within the time stipulated by the Act. The Commission, therefore, recommends prompt and quality disposal of appeals by the First Appellate Authorities.

4. The Commission has come across some instances where public authorities could not provide the information to the RTI applicants due to missing of the concerned files/records.

Government should ensure that all public Authorities maintain all records properly under the provisions of the relevant Acts and rules. The Commission also recommends appropriate action against officials responsible for safe custody of such files and records who fail in their duty in this regard.

5. The number of cases received in BTAD districts and Dima Hasao are very less. Special focus on creation of awareness about the RTI Act is to be given in these districts.
6. Commission observes that due to lack of information about the SPIOs many RTI petitions for information have been filed in Public Authorities which are actually not custodian of such records. Similarly, many First Appeals have been filed before the Officers who are not concerned with those appeals.
The Commission repeats its recommendation that all public authorities should display the names and designations of their SPIOs and FAAs in a prominent place of the Office Complex. Besides, their names and designations should be uploaded in their websites. The SPIOs while disposing of RTI petitions should indicate the name and designation of the FAA to whom first appeal is to be filed, if aggrieved with the decision of the SPIO.
7. Proposal for creation of some additional posts for proper functioning of the works of the Commission is pending with Government since long. These posts should be created without further delay to enable the Commission to cope up with the increasing volume of works.
8. The Assam Information Commission is functioning in a rented building. A proposal for allotment of land for construction of its own building is pending with Government. The Commission recommends that allotment of land and construction of the Commission's own building are expedited.
9. The Commission observes that required reports for preparation of Annual report have not been received in time from some departments. Labour & Employment and Horticulture & Food Processing departments did not submit reports despite several reminders. The Commission recommends appropriate actions in this regard.

“ An unformed public can do no good. Only with information can we contribute and improve the way we live. Ignorance really is not bliss. The more secrecy we have within our government, the less accountability.”

- Robert Freeman

Chapter X

Significant orders of the Commission



**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : **KP(M).118/2013**
Complainant/ appellant : **Smti Purobi Kotoky**
Respondent : **Director of Health Services, Assam**
Date of hearing : **31-03-2016**
Complaint/ Second appeal heard by : **Shri H.S. Das, IAS (Retd)
Chief Information Commissioner, Assam**

O R D E R

In compliance with the order dated 18-3-2016 the applicant Smti Purabi Kotoky submitted her written statement dated 19th March, 2016 before this Commission, which is perused and entered into the case records. The appellant and the respondent were heard at length on 24-2-2016 and again on 18-3-2016.

(A) FACTS OF THE CASE AS PER RECORDS –

1. The petitioner Smti Purabi Kotoky, wife of Late Madhob Ch. Kotoky of Rajamaidum, New Colony ,Ward No-1, Jorhat-1 filed an RTI petition dated 21-4-2012 before the Director of Health Services, (DHS) Assam. By her RTI petition she wanted to know the position regarding letter No. ST/2002-2003/230-32 dated 28-5-2003 relating to reimbursement. of medical treatment bills of her deceased husband. She also wanted to know :- (a) why the sanction was not made till the date of her RTI application, (b) how many days are needed for sanction, and (c) if not sanctioned, why.

2. From the case records it is seen that the above-mentioned letter was from the Deputy Commissioner, Sivasagar, addressed to the Director of Health Services, Assam, Hengrabari, Guwahati, forwarding the original application dated 26-11-2002 of Smti Purabi Kotoky, for reimbursement of an amount of Rs. 62,605/- incurred for the treatment of her late husband Madhob Ch. Kotoky, who was an employee of Sivasagar Treasury. and who expired on 16-7-2012. The Deputy Commissioner, Sivasagar mentioned that he had enclosed the medical papers including the medical bills with his letter. Not getting any response to her RTI application, the applicant filed First Appeal Petition dated 29-10-2012 before the Director of Health Services, Assam, Hengrabari, Guwahati. Getting no response to the First Appeal Petition also the petitioner filed her second appeal petition dated 27-12-2012 before this Commission, praying for reimbursement of the medical bill of her husband with interest.

3. As already noted in this Commission's earlier orders dated 24-2-2016 and 18-3-2016, the applicant neither received reimbursement of medical bills of her late husband, nor did she get any reply or response to her RTI petition and First Appeal Petition from the Office of the Director of Health Services. In his written submission dated 17-3-2016, the DHS has stated that

application of the petitioner in his official record. He also mentioned that there is no medical bills pending , as revealed from the records. The DHS has further stated that the applicant may submit the bills in his office for taking expeditious measures.

4. The applicant has enclosed with her second appeal petition, photo copies of her RTI application, Postal Order for Rs. 10/-, First Appeal Petition, Deputy Commissioner, Sivasagar's letter dated 28-5-2003 to the DHS forwarding the original application of the petitioner for medical reimbursement with the relevant bills, her original prayer dated 26-11-2002 and receipts issued by Indian Post..

5. Out of the 7 officers who functioned as SPIOs in the office of the DHS since 2012 as reported by the DHS vide enclosures with his letter dated 17-3-2016,, 2(two) of them, namely Dr. N. Lalsingh Addl. DHS (Hills)and Dr. Rajiv Kr. Sama- Addl. DHS (G) submitted their written submissions dated 17-3-2016 stating that during their tenures as SPIOs, the RTI application as well as the First Appeal Petition mentioned above were not brought to their notice. The other 5 (five) officers did not make any written submission within the stipulated time dated 18-3-2016.

B, FINDINGS AND CONCLUSION –

6. The petitioner has submitted photocopies of several documents, which includes her RTI petition, First Appeal Petition, her original prayer dated 26-11-2002, photo copy of the Postal Order enclosed with the RTI petition and photo copies of the Postal receipts issued by the Indian Post with dates which tally with the dates of her correspondence, especially the official correspondence dated 28-5-2013 from the Deputy Commissioner, Sivasagar to DHS. Although furnishing of photo copies of the postal receipts and other supporting documents by the petitioner may not be conclusive evidence that her prayers and RTI petitions as well as Deputy Commissioner, Sivasagar's letter dated 28-5-2003 actually reached the office of the DHS, Assam, the Officers from the office of DHS who appeared before this Commission also could not adduce any conclusive evidence to the contrary. As already mentioned, the DHS stated in his written submission dated 17-3-2016 that there is no record of receipt of the medical bills or RTI petitions in his office. Non-availability of records does not necessarily lead to the conclusion that the communications from the Deputy Commissioner, Sivasagar and other correspondence of the petitioner never reached the office of the DHS, Assam. From the corroborative documents as available in the case records, the balance of evidence appears to be tilted heavily in favour of the petitioner and it appears that the original prayer dated 26-11-2002 of the petitioner Smti Purabi Kotoky, the original medical bills, and Sivasagar Deputy Commissioner's proposal dated 28-5-2003 were either lost or irretrievably mis-placed , along with the RTI petition and the First Appeal Petition, in the office of the Director of Health Services.

7. This Commission is also of the view that it will be unreasonable to expect the petitioner to obtain copies of the medical bills and other related papers from Apollo Hospital , Chennai after long 13 years to submit them again before the DHS.

8. This Commission is of the view that the applicant, who is the widow of the

C.

ORDER

9. After due consideration of the above facts and circumstances of the case, this Commission passes the following orders :-

(a) The concerned public authority i.e., the Directorate of Health Services, Govt. of Assam, Hengrabari, Guwahati, shall pay the petitioner, through the Deputy Commissioner, Sivasagar District, the Controlling Authority of the deceased employee, on or before 31st May, 2016, a sum of Rs. 1,00,000/- (Rupees One Lakh) only - Rs. 62,605/- towards reimbursement of the Medical Bill + Rs. 25,395/- as estimated Interest @ 10% simple interest per annum from the date of her RTI application i.e., 21-4-2012 and an additional amount of Rs. 12,000/- as a token compensation for the harassment and mental agony that the applicant had to go through due to the delay in getting any information in response to her RTI application as well as to the First Appeal Petition.

The compensation order is passed in exercise of powers conferred **under Section 19 (8)(b) of the RTI Act, 2005**

(b) In exercise of powers conferred **under Section 19 (8) (a) of the RTI Act, 2005**, the Director of Health Services, Govt. of Assam is directed to cause an inquiry into the missing medical reimbursement bills forwarded by Deputy Commissioner, Sivasagar vide his forwarding letter dated 28-5-2003 and fix responsibility **within 60 days** from the date of receipt of this order and take appropriate action against those found guilty.

(c) In exercise of powers conferred under **Section 19(8)(a) (iv) of the RTI Act, 2005** the Director of Health Services is directed to maintain records of receipt and disposal of all RTI applications including First Appeal Petitions in a systematic manner. The RTI Register, which was produced before this Commission at the time of hearing on 18-3-2016 appeared to be maintained in a haphazard and shabby manner.

(d) Commissioner and Secretary, Health & Family Welfare Department, Govt. of Assam is directed to cause an inspection after 60 days and within 90 days from the date of receipt of this order to verify and confirm that the DHS, Assam has complied with the above orders. The Commission considers order (c) above necessary in view of the possibility of loss or misplacement of medical reimbursement bills in the office of the DHS, Assam.

With the above order **which is binding under Section 19(7) of the RTI Act, 2005**, the second appeal petition dated 24-2-2016 is disposed of.

Sd/-

(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.
Sd/-
Registrar
Assam Information Commission

1. Commissioner & Secretary, Health and Family Welfare Department, Govt. of Assam for information and necessary action.
2. Director of Health Services, Assam, Hengrabari, Guwahati -5 for information and necessary action, as above., and submit Action Taken Report for appraisal of the Commission.
3. SPIO in the office of the Director of Health Services, Assam for information and necessary action.
4. Deputy Commissioner, Sivsagar, for information and necessary action.
5. Smti Purabi Kotoky, Raja Moidum, Kanaklata Devi Baruahni Path, Jorhat, District-Jorhat for information .
6. Director, Information & Public Relations, Dispur, Guwahati-6 for publication.
7. Computer Section for uploading in the Website.
8. Office File.

**Registrar
Assam Information Commission**



**OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : KP (M).519/2013
Complainant/ Appellant : Smt Kusum Devi
Respondent : Guwahati Municipal Corporation, Panbazar, Guwahati
Date of hearing : 08.12.2015
Complaint/ Second : Shri H.S Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

ORDER
08.12.2015

The petitioner Smt. Kusum Devi is absent without information.

The public authority is represented by 1) Narayan Prasad Sarmah, Zonal Engineer, i/c Assistant Planner, 2) Archana Konwar, Zonal Engineer, 3) Udayaditya Gogoi, Collector and PIO, GMC, and 4) P. Rajesh Singh, Attached to PIO, GMC.

The Second Appeal Petition dated 29.07.2013 is taken up for consideration ex-parte in the absence of the petitioner.

The Collector and PIO of GMC has made a written submission dated 07.12.2015 which is entered into the case records. In his written submission, the PIO has narrated the sequence of actions taken by GMC to furnish the required information to the petitioner.

It is seen from the case records that vide her RTI petition dated 01.08.2012 (in Hindi), the petitioner wanted information about the areas of land with length and breadth on which building permission was given, with the date of permission, copy of building permission and copy of the site plan of the building. In the RTI petition she mentioned the Patta no. and Dag no. (old and new) along with the Holding no. and Ward no. (old and new) along with the names of the owners of the buildings. The petitioner did not file any other information. Vide letter dated 01.09.2012, the PIO of GMC informed the petitioner that no records could be found for the period 01.01.2002 to 31.07.2012 relating to the information sought for by the petitioner.

Thereafter, the petitioner filed the First Appeal Petition before the GMC Commissioner on 27.09.2012. This was heard by the First Appellate Authority and the Commissioner, GMC on 29.10.2012 and passed an order directing the Associate Planner i/c of GMC to search the records for 10 more years i.e. from 1992 to 2001. The search result was communicated by the PIO of GMC to the petitioner vide letter dated 21.11.2012 stating that the records of building permission in the names of Sri. Dinabandhu Roy and Smt. Premlata Devi were searched for the period of 1998 to 31.07.2012 but the required information could not be found. The petitioner was also informed that no records prior to 1998 are available.

Not satisfied with the reply, the petitioner filed Second Appeal Petition before this Commission on dated 29.07.2013.

This Commission took notes on the deposition of the PIO of GMC that till 2014 both GMC and GMDA used to give building permissions. However, from March, 2014 GMDA can give only the planning permission for construction of buildings. The final building permission is given only by GMC. So, it is possible that the sought for information may be available with GMDA, if the same could not be traced out in GMDA records. Hence, at this stage there seems to be two options- (i) The RTI application may be transferred by GMC to GMDA or (ii) GMC in exercising of its statutory powers can seek for the building permission records from Sri Dinabandhu Roy and Smt. Premlata Devi, ascertaining the relevant information and furnishing the same to the petitioner.

Since the matter is already been delayed by more than 3 years, the Commission goes for the second option and directs GMC to obtain the information from Sri Dinabandhu Roy and

Smt. Premlata Devi with reference to Holding nos. mentioned in the RTI Application by the petitioner and furnish the same to the petitioner within 45 days from the date of receipt of this order subject to compliance with: - (i) The provisions of Section 11 of the RTI Act, if any Third Party information is involved and (ii) Section 8 (1) (j) of the RTI Act, so that there is no undue intrusion into the privacy of the Third Parties.

With the above order, the Second Appeal Petition is disposed of.

**Sd/-
(H.S Das)**

**Assam State Chief Information Commissioner,
Panjabari, Guwahati**

Authenticated true copy.

**Sd/-
Secretary & Registrar
Assam State Information Commission**

Memo No. KP (M).519/2013-A

Dtd. 08.12.2015

Copy to:

1. The PIO in the office of the Guwahati Municipal Corporation, Panbazar, Guwahati for information and necessary action.
2. Smt Kusum Devi, C/o Unique Arts, Ahmed Building, H.B. road, Fancy Bazar, Guwahati – 01, (Assam)for information and necessary action.
3. Computer Section for uploading in the Website.
4. Office File.

**Secretary & Registrar
Assam State Information Commission**



**OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : **KP(M)657.2013**

Complainant/ appellant : **Sri Smti Nandita Bayan Baruah**

Respondent : **Gauhati University**

Date of hearing : **16-11-2015**

Complaint/ Second appeal heard by : **Shri H.S. Das, IAS (Retd)
Chief Information Commissioner, Assam**

O R D E R

The petitioner/ appellant Smti Nandita Bayan Baruah is absent. The public authority is represented by (1) Dr. S. K. Nath, Registrar, Gauhati University (2) Sri U. A. Khanikar, Dy. Registrar, Gauhati University and (3) Sri Nagen Ch. Das, Superintendent, Certificate Branch, Gauhati University.

The matter is taken up for hearing ex parte in the absence of the petitioner/ second appellant and in continuation of this Commission's earlier order dated 30-9-2015.

In response to the first directive of this Commission in its order dated 30-9-2015 the present Registrar and First Appellate Authority of Gauhati University, Dr. S. K. Nath has made a written submission. He has stated that the first appeal petition dated 16-8-2013 was handled by his predecessor. The present incumbent Dr. S. K. Nath took over the charge of the post of Registrar on 24-12-2013. In his written statement he has stated that on receipt of the first appeal petition on 19-8-2013 his predecessor forwarded the same to the PIO on 19-8-2013. The delay took place in the Certificate Branch, who furnished the information to the PIO on 14-12-2013 which was communicated to the appellant vide letter dated 24-12-2013. In view of the clarifications furnished, this Commission observes that the first Appellate Authority, instead of forwarding the first appeal petition to the PIO, should have heard the appellant as well as the PIO and the concerned branch official of Gauhati University and pass appropriate speaking order. Unfortunately, this was not done. The First Appellate Authority is directed to note this for his future guidance.

In response to the second directive Sri N. C. Das, Superintendent, Certificate Branch, Gauhati University has made a separate written submission which is also entered into the case records. He has stated, inter alia, that :-

- i) The then Superintendent Sri D. Roychudhury was on long leave due to the expiry of his mother at the time the RTI petition was received in the Certificate Branch.
- ii) The petitioner Smti Nandita Bayan Baruah did not submit any documents to the Registrar or the Vice Chancellor to show that she was in urgent need of the certificates.
- iii) The then Superintendent was an old person and of 65 years of age. He had suffered from stroke and unable to attend office at that time. The present Superintendent of Certificate Branch Sri N. C. Das took charge of the office of the Certificate Branch of Gauhati University on 16-2-2015.

This Commission is of the view that non-submission of document by the petitioner to justify the urgency cannot be a justification under the RTI Act. It is statutorily mandatory that such information must be furnished within 30 days from the date of receipt of the RTI application.

This Commission therefore, directs the Superintendent of Certificate Branch of Gauhati University to handle all future RTI applications taking note of the various time-lines provided under the RTI Act, 2005.



**OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : LPR.24/2013
Complainant/ appellant : Sri Romananda Baruah
Respondent : Principal, Nowboicha College
Date of hearing : 9-10-2015
Complaint/ Second appeal heard by : Shri H.S. Das, IAS (Retd)
Chief Information Commissioner, Assam

O R D E R

The complainant Sri Romananda Baruah is present. The public authority is represented by (1) Smti Chinmoyee Talukdar, Deputy Director and SPIO, Directorate of Higher Education, Assam (2) Sri Nilomoni Kalita, Jr. Asstt. Office of the Directorate of Higher Education, Assam & (3) Dr. Dilip Hazarika, Principal, Nowboicha College, Lakhimpur.

The complaint petition dated 9-7-2013 is taken up for hearing in presence of both the parties. The Principal, Nowboicha College and the SPIO and Deputy Director, Higher Education, Assam Smti Chinmoyee Talukdar both have filed separate written submissions dated 8-10-2015, which are entered into the case records.

From perusal of the case records, it is seen that the applicant Sri Romananda Talukdar filed an appeal petition dated 3-4-2013 before the Deputy Commissioner, Lakhimpur and the same application on the same date was also filed before the Director, Higher Education, Assam. On 27-5-2013 vide his letter No. BDE/RTI/53/2013/13 the then SPIO and Deputy Director, Higher Education, Assam Mrs. Ajanta Kotoyi forwarded letter No. NC/RTI/RB/2013/96 dated 17-5-2013 received from the Principal, Nowboicha College to Sri Ramananda Baruah, the applicant. Vide that letter, the Principal stated that a Registered letter was sent to Sri Romananda Baruah on 10-4-2013 requesting him to collect the required information from the office of the Principal, Nowboicha College. The applicant, however, did not visit the Nowboicha College, as deposed by him before the Commission today. Instead he filed a complaint petition on 9-7-2013 before this Commission. When asked by this Commission, the complainant stated that he is still interested in receiving the information as sought for vide his written submission dated 3-4-2013 and made a written submission to that effect. Accordingly, the Commission converts the complaint petition into an appeal petition under Section 19 and takes it up for consideration accordingly.

The substantive issue raised in the RTI application dated 3-4-2013 is that Hon'ble Gauhati High Court passed an order in Writ Appeal No. 361/2009 on 19-10-2012. The applicant wants to know the action taken by the concerned Authorities for implementation of the above-mentioned High Court Order. Both the parties present agreed that the process of implementation of High Court's order will have to begin with a proposal from the Principal, Nowboicha College to the Director, Higher Education and then to the Govt. The Principal, Nowboicha College submitted that in reply of Hon'ble High Court's order, as mentioned above, he placed the matter in the meeting of the Governing Body on 22-12-2014 and the proposal of the Governing Body was forwarded to the Director, Higher Education, Assam. Under the facts and circumstances, the Commission directs the Principal, Nowboicha College to allow the petitioner to inspect the relevant documents/ records/ Governing Body meeting and any proposal sent by him to the Higher Authorities for implementation of Hon'ble High Court's order dated 19-10-2012, allow to take notes thereof or take photo copies of any document relevant to his information on payment of Rs. 2/- for each page of photo copy, within 15 days from the date of receipt of this order. Thereafter, the petitioner will be free to approach the SPIO in the office of the Director, Higher Education within 15 day's from the date of inspection of documents of Nowboicha College and inspect the relevant documents/ office records, as above, regarding action taken by the Director, Higher Education on any proposal received by them from the Principal, Nowboicha College and also take notes and photo copies as may be required by him, as per procedure mentioned above. Similarly, the applicant will be allowed to inspect the



**OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : **KP(M).8/2015**

Complainant/ appellant : **Sri Soumitra Sengupta**

Respondent : **SPIO & Joint Secretary,
Revenue & Disaster Management Department**

Date of hearing : **1-9-2015**

Complaint/ Second
appeal heard by : **Shri H.S. Das, IAS (Retd)
Chief Information Commissioner, Assam**

O R D E R

The appellant Sri Soumitra Sengupta is present. The Public Authority is represented by Sri S. K. Das, Joint Secretary and SPIO, Revenue and Disaster Management Department. The second appeal petition is taken up for hearing in presence of both the parties.

The Joint Secretary and SPIO, Revenue and Disaster Management Department submitted a copy of recorded decision under RTI dated 24th August, 2015 of the Revenue & Disaster Management Authority, Govt. of Assam with reference to the RTI application dated 10-8-2012 of Sri Soumitra Sengupta. These submissions of the Joint Secretary and SPIO of Revenue and Disaster Management Department will be considered separately in the separate appeal case No. KP(M) 58/2013.

The Principal and SPIO of Assam Engineering College, Guwahati has submitted a written statement dated 27-8-2015, expressing his inability to attend the hearing today due to other heavy work-load. His written submission is entered into the case records and the second appeal petition is taken up for hearing ex-parte of Principal & SPIO, Assam Engineering College.

The appellant submitted that he is interested to receive information in response to Point No. 1,2, 3 & 4 of his original RTI application dated 16th October, 2012 and no longer interested in the remaining 15 points.

From a perusal of the first 4 points of the RTI application, it is seen that they relate to (i) correspondence between the Revenue and Disaster Management Department and the office of the Principal, Assam Engineering College (point No. 1 and 4) (ii) dates on which interviews or re-interviews were held for selection of technical support persons by officials representing Assam Engineering College, Govt. of Assam and any other officials (Point No-2), (iii) and names of the Technical Support Persons who were deputed to the offices of the Sub-Registrars in Assam for the project- ***“State-wide roll out of Computerization of Land Registrations in Assam”*** after their selection through interviews / re-interviews as mentioned above.

The Commission has gone through the written submission dated 27-8-2015 submitted by the SPIO and Principal, Assam Engineering College, Guwahati. The Assam Engineering College Principal and SPIO contends that furnishing of the information to the RTI applicant will amount to giving away third party information relating to IL&FS Technologies Ltd, who entered into a fiduciary relationship with Revenue and Disaster Management Department, Govt. of Assam and Assam Engineering College in implementing the ***“State wide roll-out of Computerization of land registrations in Assam”*** Project.

After careful consideration of the submission of the Principal and SPIO of Assam Engineering College with reference to the relevant provisions of the RTI Act relating to third party information as well as the contents of the letter dated 10th June, 2015 from IL&FS Ltd., the Commission is of the view that the first 4 points of the RTI application dated 16-10-2012 submitted by Sri Soumitra Sengupta do not come within the purview of Section (11) relating to third party information. As already mentioned, the information sought for by the applicant under the first 4 points relate to correspondence between two organs of the State Govt. , namely the Revenue and Disaster Management Department and the Assam Engineering College and names of Technical Support persons selected and deputed for a public purpose along with the dates of their interviews and names of the interviewers. However, the Commission is of the view that disclosure of the names and other particulars of the interviewers, whether from Govt. of Assam or from Assam Engineering College or from any other Organization is not warranted as it involves a fiduciary relationship and therefore, come under Section 8(1)(e) of the RTI Act, 2005.

The Commission, therefore, directs the Principal and the SPIO of Assam Engineering College , Guwahati to furnish the information, except the names and particulars of the interviewers, to the applicant Sri Soumitra Sengupta in respect of point Nos. 1, 2, 3 & 4 only of his RTI application dated 16th October, 2012, within 15 days from the date of receipt of this order with intimation to the Commission.

As for the remaining 15 points, since the applicant himself stated that he is no longer interested in them, they are dropped from the ambit of the second appeal petition.

With the above order the second appeal petition is disposed of.

Sd/-
(H. S. Das)
Assam State Chief Information Commissioner,
Panjabari, Guwahati-37

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

Memo No. KP(M) 8/2015/ -A

Dtd. 1-9-.2015

Copy to:

1. SPIO & Joint Secretary, Revenue & Disaster Management Department, Dispur, Guwahati-6 for information .
2. SPIO & Principal , Assam Engineering College, Guwahati for information and necessary action.
3. Sri Soumitra Sengupta, C/O Sri Gagan Ch Sarma, Flat E-01, 1st Floor, Shanti Enclave, Namghar Path, Panjabari, Guwahati-37 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission



**OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : DBR.26/2012
Complainant/ appellant : Md. Raiyan Zubery
Respondent : Jamiul Uloom Madrassa, Dibrugarh

O R D E R
11.9.2015

Seen the earlier order of this Commission dtd 28.11.13 directing the Principal/ Muhtamin of Assam Jamiul Uloom Madrassa, Dibrugarh to furnish the required information to the RTI applicant Md. Raiyan Zubery free of cost within 20 days from the date of receipt of the order in response to his RTI application dtd 12.3.12. Following this order the Principal of the Said madrassa submitted the detailed petition praying for recalling of the earlier order dtd 28.11.13 of this Commission and to pass further appropriate order. The main contention of the respondent is that: - (a) The madrassa, which was established in 1903 was registered under Society's Act in the year 1955 with the objective of imparting religious education to the children and has been running ever since with donations from the members of the public, (b) Although the madrassa received a grant of Rs. 43 lakhs from the Government, it is not dependent on the said grant for running of the institution. It has been self sustained since inception, (c) The institution was established at the initiative of members of the community. It is a private institution, and (d) In view of (a), (b) and (c), it should not be deemed to be a Public Authority.

Secretary and Registrar of the Commission vide its letter dtd 21.7.15 wrote to the Principal of the said madrassa requesting him to furnish a statement of income/ receipt and expenditure of the institution, both under revenue and capital heads, for the last three accounting years. The Principal of the madrassa furnished the said information vide his letter dtd 17.8.15 to the Secretary & Registrar of the Commission.

From perusal of the accounts of the madrassa for the period from 5.7.12 to 18.5.15, it is seen that for day to day running of the madrassa it is not at all dependent on Government funding. In other words all the expenditure of the madrass is met by its own income from various non-governmental sources like Ramdan collection, rent, donations, etc. The principal further mentioned that the Govt. grant of Rs. 43 lakhs, which was one time grant, was used for construction of the new building of the madrassa.

From perusal of the above mentioned accounts and records, the Commission is convinced that the Assam Jamiul Uloom Madrassa, Dibrugarh has been running since its inception without any financial support from the Govt. and entirely on the strength of public donations and its own income from various sources. The Commission is also of the view that the madrassa would have continued its functioning smoothly even without the Government grant of Rs. 43 lakhs which was given for construction of new building. In reconsideration of its earlier order dtd 28.11.13 the Commission upholds the submission of the Principal of the Assam Jamiul Uloom Madrassa, Dibrugarh and comes to the final conclusion that the said madrassa cannot be deemed to be a Public authority and cannot, therefore, be brought under the purview of the RTI Act, 2005. The Commission's earlier order dtd 28.11.13 stands corrected to that extent.

With the above order the second appeal petition is disposed of.

Sd/-
(H. S. Das)
Assam State Chief Information Commissioner,
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam State Information Commission

Memo No. DBR.26/2012/

Dtd. 11.9.2015

Copy to:

1. The Principal/ Muhtamin, Assam Jamiul Uloom Madrassa, Dibrugarh, Assam, PIN -786 001 for information.
2. Md. Raiyan Zubery, Mirzabagh, PO- Dibrugarh, Dist. Dibrugarh, Assam, PIN- 786 001 for information.
3. Computer Section for uploading in the Website.
4. Office File.

Secretary & Registrar
Assam State Information Commission



**OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

2nd appeal Case No. : **KP(M) 281/2013**

**FAA- Finance Secretary &SPIO/ Deputy Secretary. Finance
(Taxation) Department, present :**

Date of hearing : **1100 Hrs on 18-11-2015**

Appellant: **Sri Harinarayan Pathak is present**

**Complaint/ Second
appeal heard by** : **Shri P. Basumatary, IA& AS (Retd)
State Information Commissioner, Assam**

O R D E R

Perused the case records and the written statement submitted by First Appellate Authority and also the SPIO.

The appellant submitted that the files which could not be produced to him are numbered ;-FTX.208/99, FTX.56/2003, FTX 142/2001, FTX 164/2001 and FTX 193/2002.

Secretary, Finance who is the First Appellate Authority and the Deputy Secretary and ASPIO submitted that these files could not be located in spite of formal inquiry having been instituted and that the Inquiry Officer's report that the said files got lost on account of the shifting of the department to the new building, and therefore, it was not possible to trace them in spite of several searches in his presence.

As regards responsibility for the loss of the said files, the Inquiry Officer reported that since the way the files went missing could not be ascertained , responsibility could not be fixed for it.

The appellant submitted that information from the said files was necessary for him to connect with the information he has already received.

On perusal of the report of the aforesaid Inquiry Officer it indicates that the report was summary in nature without detailing the procedure that had been followed in the inquiry.

Considering the facts and circumstances of the case, the Commission hereby orders that the Finance Department may like to get the issue of missing files re-investigated/ re-inquired through the Senior most Secretary of the Department with the help of a multi-member Committee to determine the procedure that was followed in the movement of files from the previous office to the new office building, so as to identify the individual officials who were responsible for the safe custody and systematic movement of such files. This objective of the Committee will be in addition to the effort to locate the missing files so that the information which the appellant has sought under the RTI Act, 2005 can be made available to him fully.

The Inquiry process may be completed within a period of 45 days and on completion of the outcome of the report may be communicated to the appellant including a copy of the same.

With this the second appeal petition is disposed of.

The appellant will, however, be free to approach this Commission, if he is not satisfied with the response of the public authority.

**(P. Basumatary)
Assam State Information Commissioner,
Panjabari, Guwahati**

Authenticated true copy.

**Secretary & Registrar
Assam State Information Commission**

Memo No. **KP(M),281/2013/ -A**

Dtd. 18-11-2015

Copy to:,

1. First Appellate Authority, Finance Department, Dispur, Guwahati-6 for information and necessary action.
2. Sri Harinarayan Pathak ,Padum Pukhuri, Uzan Bazar, Guwahati- 1 for information
3. Computer Section for uploading in the Website.
4. Office File.

**Secretary & Registrar
Assam State Information Commission**



**OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : KP(M).560/2013
Complainant/ appellant : Shri Bhagwati Prasad Siotia
Respondent : Guwahati Metropolitan Dev. Authority, Guwahati
Date of hearing : 06.10.2015
Complaint/ Second appeal heard by : Shri Pinuel Basumatary, IA&AS (Retd)
State Information Commissioner, Assam

ORDER
06.10.2015

The SPIO namely Secretary, GMDA is not present. However, he has submitted a written reply on the Appeal matter through his letter No. GMDA/RTI/2009/116/25 dtd 5.10.15.

The Appellant Shri Bhagwati Prasad Siotia is present along with Shri Robin Siotia to assist him.

Perused the said written reply submitted by the Public Authority. It is stated therein that the NOC in question has been provided to the Applicant through their letter No. GMDA/RTI2009/116/48 dtd 11.6.13 and that the related land documents could not be furnished owing to Third Party objection.

Perused also the order dtd 10.7.2013 by the First Appellate Authority rejecting the First Appeal petition on the ground of Third Party objection to providing the land documents. The First Appellate Authority had, however, allowed the petitioner to inspect the said documents.

Deposing before the Commission, the Appellant Shri Bhagwati Prasad Siotia submitted that the land documents in question could not be considered as Third Party information for the following reasons:-

- (i) In the application made u/s 28,29 and 32 of GMDA Act for obtaining No Objection on 18/3/2000, he was one of the purchasers being a representative as a Director of M/S Siotia Multi Products Pvt. Ltd and this fact is indicated in para 9 of the said application made by his father Lt. Radhakrishna Siotia, Director, M/S Radhakrishna Deendayal Pvt Ltd.
- (ii) The NOC dtd 23.3.01 issued by the GMDA was in favour of him as well as the others as the same indicates him (Shri Bhagwati Prasad Siotia) as one of the parties for the purchase of the land.
- (iii) He (Shri B.P. Siotia) was an interested party in the said application that culminated in the grant of right to him along with the others named in the document for the purpose of sale of the land involved in the NOC.
- (iv) Under the circumstances, the other parties involved in the NOC have no locus standi to raise any objection to make the related document available to him (Shri B.P.Siotia).

- (v) He also submitted that the application for NOC from the GMDA for transfer of land was accompanied by four documents listed in the application form, namely (i) trace map of the land, (ii) the permission from the Deputy Commissioner, (iii) proof of ownership of the land, and (vi) An affidavit regarding roads and that he was now not in possession of these documents or their copies.

The Appellant clarified that a mere inspection of the documents did not satisfy his need and prayed for these four documents to be provided to him by the GMDA.

After careful consideration of the written reply submitted by the Public Authority, the application for information made by the Appellant, the Appeal to the First Appellate Authority, the order of the First Appellate Authority, and the Second Appeal preferred to the Commission, the Commission comes to the conclusion that he is himself a part of the so called Third Party and that, therefore, the remaining documents sought for by the Appellant could not be treated as confidential and Third Party information. In fact the order of the First Appellate Authority has the effect of giving access to the Appellant to the said document through the facility of inspection.

In view of the above, the SPIO of the Public Authority, GMDA is hereby directed to make photocopies of the said four documents available to the Appellant Shri Bhagwati Prasad Siotia free of cost within a period of 21 days from the date of receipt of this order.

With this the Second Appeal made by Shri Bhagwati Prasad Siotia is disposed of.

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Secretary & Registrar
Assam State Information Commission

Memo No. KP(M). 560/2013/

Dtd. 06.10.2015

Copy to:

1. The SPIO in the office of the Guwahati Metropolitan Development Authority, Bhangagarh, Guwahati-781 005 for information and necessary action.
2. Sri Bhagwati Prasad Siotia, 29, Radha Bazar (Third Floor), S.R.C.B. Road, Fancy Bazar, Guwahati- 781 001 for information.
3. Computer Section for uploading in the Website.
4. Office File.

Secretary & Registrar
Assam State Information Commission

ANNEXURES

A. Correspondence of Annual Report 2015-16



**OFFICE OF THE
ASSAM INFORMATION COMMISSIONER
JONAKEE COMPLEX, SHILPGRAM, PANJABARI
GUWAHATI - 781037**

No. SIC.13/2008/84

Dated 26 /04/2016.

From: **Secretary I/C**

Assam Information Commission

Jonakee Complex, Shilpgram, Panjabari, Guwahati-37

To :

The Additional Chief Secretary/ Principal Secretary/ Commissioner & Secretary

----- **Department**

Sub : Annual Administrative Report for the Financial year 2015-16 on the implementation of the RTI Act, 2005.

Reference : Section 25 of the RTI Act, 2005.

Sir/ Madam,

With reference to above, I am directed to inform you that as mandated by section 25 of the RTI Act, 2005, this Commission is required to prepare Annual Administrative Report on the implementation of the provisions of this Act for placing before the State Assembly.

You are, therefore, requested to furnish the report of your Department after compiling the reports of all authorities under your department for the financial year 2015-16 in the formats 1-5 enclosed herewith.

Your report should be prepared in A4 size paper in Excel and should be furnished both in hard and soft copies so as to reach this Commission within 15th June, 2016.

All Public Authorities under your department should be instructed not to submit Annual Report directly to the Commission.

The formats 1-5 are also uploaded in Commission's website (www.sicassam.in).

Encl : Formats 1-5

Yours faithfully,

Sd/-

Secretary I/C

Assam Information Commission
Jonakee Complex, Shilpgram Road
Panjabari, Guwahati-37

Format -1**Number of Public Authorities and Public Information Officers for the year 2015-16 under section 5(1)**

Sl. No.	Name of Department	No. of Public Authorities	No. of Public Information Officers designated
1	2	3	4

Format -2**Requests for Information filed under section 6 of the RTI Act and their disposal by the Public Information Officers for the year 2015-16.**

Sl. No.	Name of Department	Requests pending at the beginning of the year (01-04-15)	No. of Requests received during the year	Total no. of Requests	No. of Requests disposed of	Requests pending at the end of the year (31-03-16)
1	2	3	4	5	6	7

Format -3**Number of Requests rejected under various sections of the RTI Act for the year 2015-16**

Sl No.	Name of the Department	No. of Requests rejected u/s 8	No. of Requests rejected u/s 9	No. of Requests rejected u/s 11	No. of Requests rejected u/s 24	Total no. of Requests rejected
1	2	3	4	5	6	7

Disposal of Appeals by First Appellate Authorities filed under section 19(1) of the RTI Act for the year 2015-16

Sl No.	Name of the Department	First Appeals pending with the FAAs at the beginning of the year (01-04-15)	No. of First Appeal received during the year	Total no. of First Appeals with Appellate Authorities	No. of Firsts Disposed by the First Appellate Authorities	No. of First Appeals pending with the FAAs at the ending of the year (31-03-15)
1	2	3	4	5	6	7

Summary of fees collected by the Public Authorities during the year 2015-16

Sl No.	Name of the Department	Amount Collected (in rupees)
1	2	3



**OFFICE OF THE
ASSAM INFORMATION COMMISSIONER
JONAKEE COMPLEX, SHILPGRAM, PANJABARI
GUWAHATI - 781037**

No. SIC.13/2008/86

Dated 07/06/2016.

From : **Secretary I/C
Assam Information Commission
Jonakee Complex, Shilpgram, Panjabari, Guwahati-37**

To :

1. **All Addl. Chief Secretaries to the Govt. of Assam**
2. **All Principal Secretaries to the Govt. of Assam**
3. **All Commissioner & Secretaries to the Govt. of Assam**
4. **All Secretaries to the Govt. of Assam**

Sub : **Reminder for Submission of Annual Report for the Financial Year 15-16.**

Ref. Memo No.SIC.13/2008/84 dated 26-4-2016

Sir,

In continuation of this Commission's letter cited above, I am directed to request you kindly to submit the Annual Report of your department after compiling the reports of all authorities under your control for the financial year 2015-16.

The report should be prepared in A4 size paper and in Excel format both in hard and soft copies so as to reach this Commission within 20-6-2016. Further, all Public Authorities under your may kindly be directed not to submit Annual Report directly to this Commission as in another cases it is seen that the Public Authorities furnished the report to this Commission directly.

The Department concerned may kindly be asked to furnish Report within 10 (ten) days from the date of received of this letter. It is to be mentioned here that most of the Public Authorities furnished the report directly to the Commission.

The matter may be treated as urgent.

Yours faithfully,

Sd/-

**Secretary, I/C
Assam state Information Commission
Jonakee Complex, Shilpgram, Panjabari, Guwahati-37**



**OFFICE OF THE
ASSAM INFORMATION COMMISSIONER
JONAKEE COMPLEX, SHILPGRAM, PANJABARI
GUWAHATI - 781037**

No. SIC.13/2008/88

Dated 12/07/2016.

From : **Secretary I/C
Assam Information Commission
Jonakee Complex, Shilpgram, Panjabari, Guwahati-37**

To : **The Principal Secretaries / Commissioner & Secretaries to the Govt. of Assam**

..... Deptt.

Sub : **Second reminder for Submission of Annual Report for the Financial Year 15-16.**

Ref. Memo No.SIC.13/2008/84 dated 26-4-2016 and No. SIC.13/2008/86 dtd. 07-06-2016

Sir,

In continuation of this Commission's letter cited above, I have the honour to request you kindly to submit the Annual Report of your department at an early date after compiling the reports of all Public authorities under your control for the financial year 2015-16.

The report should be prepared in A4 size paper and in Excel format both in hard and soft copies so as to reach this Commission within 22-7-2016. Further, all Public Authorities under your control may kindly be directed not to submit Annual Report directly to this Commission as in some cases it is seen that the Public Authorities furnished the report to this Commission directly. Due to non submission of the report by some deptts. the process of compiling the Annual Report is getting delayed.

Yours faithfully,

Sd/-

**Secretary, I/C
Assam state Information Commission
Jonakee Complex, Shilpgram, Panjabari, Guwahati-37**



**OFFICE OF THE
ASSAM INFORMATION COMMISSIONER
JONAKEE COMPLEX, SHILPGRAM, PANJABARI
GUWAHATI - 781037**

No. SIC.13/2008/89

Dated Guwahati the 28th July, 2016

**From : Secretary I/C
Assam Information Commission
Jonakee Complex, Shilpgram, Panjabari, Guwahati-37**

**To : The Principal Secretary / Commissioner & Secretary to the Govt. of Assam
..... Deptt.**

Sub : Reminder for Submission of Annual Report for the Financial Year 2015-16.

**Ref. Letter No.SIC.13/2008/84 dated 26-4-2016, SIC.13/2008/86 dtd. 07-06-2016 and SIC.13/2008/88
dtd. 12-07-2016**

Sir/Madam,

With reference to the letter's and subject mentioned above, I have the honour to state that we have not received the Annual Report from your department, where the last date for submission of the same was **on 22nd July, 2016.**

I would therefore like to request you to kindly submit the same at an early date, as the process of compiling the Annual Report is already delayed due non receipt of the same from some departments.

Yours faithfully,

Sd/-

Secretary, I/C

**Assam state Information Commission
Jonakee Complex, Shilpgram, Panjabari, Guwahati-37**

Memo No. SIC.13/2008/89-A

Dated Guwahati the 28th July, 2016

Copy to :

1. The Joint Secretary to the Govt. of Assam, Administrative Reforms & Training Deptt., Dispur, Guwahati-6 for Information.
2. PS to Chief Information Commissioner, Assam for information of CIC.

**Secretary, I/C
Assam state Information Commission**



**OFFICE OF THE
ASSAM INFORMATION COMMISSIONER
JONAKEE COMPLEX, SHILPGRAM, PANJABARI
GUWAHATI - 781037**

No. SIC.13/2008/90

Dated Guwahati the 15th September, 2016

From : Secretary I/C
Assam Information Commission
Jonakee Complex, Shilpgram, Panjabari, Guwahati-37

To : The Commissioner & Secretary to the Govt. of Assam
..... Department
Assam Secretariat Dispur, Guwahati-6

Sub : Reminder for Submission of Annual Report for the Financial Year 2015-16.

Ref. Letter No.SIC.13/2008/84 dated 26-4-2016, SIC.13/2008/86 dtd. 07-06-2016, SIC.13/2008/88
dtd. 12-07-2016 and SIC.13/2008/89 dtd. 28-07-2016,

Sir/Madam,

With reference to the letter's and subject mentioned above, I have the honour to state that we have not received the Annual Report from your department, where the last date for submission of the same was already over.

I would therefore like to request you to kindly submit the same on or before 20th September, 2016 as the process of compiling the Annual Report is already delayed due non receipt of the same from some departments.

Yours faithfully,

Sd/-

Secretary, I/C

Assam state Information Commission
Jonakee Complex, Shilpgram, Panjabari, Guwahati-37

Memo No. SIC.13/2008/90-A

Dated Guwahati the 15th September, 2016

Copy to :

1. The Joint Secretary to the Govt. of Assam, Administrative Reforms & Training Deptt., Dispur, Guwahati-6 for Information.
2. PS to Chief Information Commissioner, Assam for information of CIC.

Secretary, I/C
Assam state Information Commission

B. Name of the Departments who submitted the Annual Report within due date.

1. Assam Legislative Assembly Secretariat
2. Cultural Affairs
3. Science & Information Technology
4. Tea Tribes Welfare
5. Parliamentary Affairs
6. Chief Minister's Secretariat
7. Planning & Development Deptt.

C. Name of Departments who Submitted the report after First Reminder

1. SAD
2. Border Areas
3. Health & Family Welfare
4. Food, Civil Supplies and Consumer Affairs
5. PWD Building & National Highway
6. PWD Roads
7. Finance
8. Governor Secretariat
9. PHE
10. Irrigation
11. A.H& Veterinary
12. Personnel
13. Judicial
14. Excise
15. Minority Welfare
16. Revenue Disaster Management
17. I & PR
18. Mines & Mineral
19. Power (Electrical)
20. Handloom Textile & Sericulture
21. Elementary Education
22. Election
23. Pension & Public Grievances
24. Tourism
25. Sports & Youth Welfare
26. Environment & Forest
27. Printing & Stationary
28. Public Enterprise
29. Higher Education
30. Panchayat & Rural Development
31. Water Resource

32. A.R&T
33. Agriculture
34. GAD
35. GDD
36. Social Welfare
37. Home
38. Political

D. Name of the Departments who submitted their Reports after 4th

reminder

1. Secondary Education
2. Soil Conservation
3. Passport
4. WPT & BC
5. Industries & Commerce
6. Legislative
7. Fishery
8. Urban Development
9. Hills Area
10. Transport
11. Implementation of Assam Accord.
12. Co-operation

E. Name of the Departments who did not submit report

1. Labour & Employment
2. Horticulture & Food Processing
