

Cover page



তথ্য
জনাব
অধিকাৰ

অসম তথ্য আয়োগ

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

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Chapter – I

Introduction

The Right to Information Act, 2005 which was passed by the Indian Parliament on 12th May 2005 and received Presidential assent on 15th June 2005 is an “Act to provide for setting out the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority”.

The aims of the Act are to empower the citizens, promote transparency and accountability in the working of the Government, contain corruption, and make our democracy work for the people in real sense.

The Act mandates timely response to citizen’s request for information regarding any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data-material held in any electronic form and information relating to any private body which can be accessed by a public authority under any law for the time being in force.

Right to information means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to:-

- I. inspection of works, documents, records;
- II. taking notes, extracts or certified copies of documents or records;
- III. taking certified samples of material;
- IV. obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device.

Records means- (a) any document, manuscript and file, (b) any microfilm, microfiche and facsimile copy of a document, (c) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and (d) any other material produced by a computer or any other device;

The public authority under the RIT Act is not supposed to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions.

Under the provisions of section 25 of the RTI Act, 2005, each department is required to collect and provide information to the State Information Commission to prepare the Annual Administrative Report.

Accordingly, all the concerned Heads of Administrative Departments were requested vide Commission's letter No SIC.13/A.R/ 2017/01 dated 23rd May, 2017 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. However, reports from some departments were not received within the time frame. 3 (three) reminders had to be issued to them. Even then the Commission did not receive report from 13 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 cases by Assam Information Commission etc.
- d. No. of Public Authorities & SPIOs under various Departments.
- e. No. of RTI Applications received and disposed by State Public
- f. Information Officers under various Public Authorities.
- g. No. of RTI application rejected.
- h. No. of First Appeal petitions received and disposed by First Appellate Authorities.
- i. Status of Collection of fees
- j. Status of Suo-moto disclosure of Information under section 4 of the RTI Act,2005
- k. Recommendations
- l. Significant orders of the Commission

Chapter – II

Summary information on filing RTI applications, Complaints and Appeals.

Filing of RTI application

1. Any person can file an RTI application seeking informations before the Public Information Officer of any public authority. There is no prescribed format for filing RTI application. It may be hand written, typed or computer printed, in plain paper, in English or in the official language of the local area. The application should be accompanied by prescribed fee.
2. **Information means** any material in any form like documents, records, letters, file note sheets, etc., as detailed in section 2(f) of the RTI Act, 2005. Any information which is yet to be generated does not come under the purview of the RTI.
3. The information seeker **should be specific** about the information, i.e. documents, records, etc., that he is seeking. The application should be specific and brief as far as possible and free from all vagueness and avoidable details. Questions like “why”, “how”, “when”, etc., may be avoided as far as possible. Even in case of such question, the RTI applicant should indicate the material like document, circular, file note sheet, letter, etc. which will contain answers to such questions. RTI applications asking multiple questions involving voluminous informations, that is likely to **disproportionately divert** the resources of the public authority, may be avoided as far as possible.
4. RTI applications seeking informations from Central Government offices or bodies and institutions set up by, owned, controlled or substantially financed by the Central Government should be addressed to the Central Public Information Officer of such public authorities and subsequent second appeal petition and the complaint petition should be addressed to the Central Information Commission, **CIC, Bhawan, Baba Gangnath Marg, Munirka, New Delhi- 110 067**
5. RTI applications seeking informations about State Government offices or bodies and institutions set up by, owned, controlled or substantially financed by the State Government should be addressed to the State Public Information Officer of those public authorities and subsequent second appeal petition and the complaint petition should be addressed to the State Information Commission, **Jonakee Complex, Shilpgram Road, Panjabari, Guwahati-781 037**

6. **Informations about any private bodies** like private schools, colleges, hospitals, hotels, airlines, companies, co-operative societies, telephone companies, etc., can also be sought for by submitting RTI application before the PIOs of the concerned Central or State public authorities as the case may be, if such public authority is empowered to access and obtain such information under any other law like Indian Companies Act, Societies Act, Co-operative Societies Act, Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006, etc. (Refer to section 2(f).
7. The public authorities are required to either furnish the sought for information or reject the request for information for any of the reasons specified under section 8 or 9 of the Act within maximum 30 days from the date of receipt of request for information. If such request concerns life or liberty of a person, then information has to be furnished within 48 hours.

First Appeal

8. If an information seeker does not get satisfactory replies from the concerned PIO within the prescribed time, then he or she can file an appeal petition within 30 days from the expiry of the stipulated time limit within which the information had to be furnished to the first appellate authority, i.e. an officer who is senior in rank to the PIO of the public authority

Second Appeal

9. A second appeal petition can be filed before the State or Central Information Commission, as the case may be, within 90 days from the date on which the decision of the first appellate authority should have been made or was actually received, with the Central or State Information Commission, as the case may be.

Complaint

10. There is however, no time limit to submit a complaint petition before the Central or State Information Commission under section 18 of the RTI Act, 2005. However, as per orders of Hon'ble Supreme Court of India in Civil Appeal Nos. 10787-10788 of 2011 between State Chief Information Commissioner of Manipur Vs the State of Manipur, Information Commissions can inquire into such complaints and take or recommend necessary penal actions, but cannot pass orders directing the concerned PIO to furnish sought for informations. On the other hand, in case of second appeal petition, Information Commissions can pass orders to furnish the sought for informations besides taking or recommending penal actions, if necessary.

Binding nature of the RTI and Court's jurisdiction

11. The decisions of the Central or State Information Commissions are binding.

12.No suit, application or other proceedings can be entertained by any court in respect of any order made under the RTI Act, 2005, and no such order shall be questioned except by way of an appeal under section 19 of the Act.

Exemptions and exceptions to exemptions

13. Section 8(1) of the RTI Act has given a list of informations which are exempted from disclosure. But these exemptions are not valid if public interest in disclosure outweighs the harm to the protected interests.

14. Section 24(4) of the RTI Act, 2005 has authorized the State Governments to notify in their official gazette list of Intelligence and Security organizations like CID, BIEO, Special Branch, Vigilance, etc., exempting such organizations from the purview of the RTI Act, 2005. Similar exemptions have been granted to the Security and Intelligence organizations listed in the Second Schedule of the RTI Act read with sec. 24(1) of the Act.

15. Such exemptions will, however not apply in case of informations pertaining to allegations of corruption and human rights violations subject to the condition that in case of human rights violations, the sought for informations can be provided with prior approval of the Central or State Information Commission, as the case may be.

Chapter-III

Powers and Functions of the State Information 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 of any 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.

Chapter IV

Assam State Information Commission

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

Former State Chief Information Commissioners:

Sl. No	Name	Date of taking over charge	Date of handing over charge
1	Sri Ranjit Sekhar Mooshahary, IPS (Retd)	01.03.2006	25.06.2008
2	Sri Deepak Narayan Dutt, IPS (Retd)	07.08.2009	31-12-2011

Former State Information Commissioners:

Sl. No	Name	Date of taking over charge	Date of handing over charge
1	Dr. Birendra Kr. Gohain, IAS (Rtd.)	01.03.2006	28-02-2011
2	Sri Mohan Ch Malakar, IFS (Retd)	05.12.2011	15.03.14

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.

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.

Till 2016-17 Government has sanctioned the following posts

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

11. BUDGET ALLOTMENT DURING THE YEAR 2016 – 17

HEAD OF ACCOUNT	TOTAL BUDGET PROVISION	EXPENDITURE	SAVINGS
01-Salaries	98,20,000	Rs. 79,19,646.00	19,00,354.00
01-Salaries (05-L.T.C.)	6,00,000	Rs. 1,24,769.00	4,75,231.00
01-Salaries (08-Medical Reimbursement)	5,00,000	Rs. 95,419.00	4,04,581.00
01-Salaries (12-Arrear Pay)	1,000		1,000.00
01-Salaries (16-Fixed Pay)	13,00,000	Rs. 12,95,500.00	4,500.00
02-Wages(04-Bunglow Peon)	2,00,000	Rs. 1,79,694.00	20,306.00
(23-Cleaner)	2,00,000	1,56,000.00	44,000.00
03-Travel Expenses	4,50,000	Rs. 1,53,366.00	2,96,634.00
04-O.E. (01-Postage Stamp)	3,00,000	Rs. 2,00,000.00	1,00,000.00
04-O.E. (02-Telephone Charge)	3,00,000	Rs. 94,343.00	2,05,657.00
04-O.E.(03-Electricity and Water Charges)	5,00,000	Rs. 1,57,265.00	3,42,735.00
04-O.E.(04-O.E. including Computer Accessories)	12,00,000	Rs. 11,88,056.00	11,944.00
04-O.E.(05-Stationery and Printing Forms)	2,00,000	Rs. 1,10,768.00	89,232.00
04-O.E.(06-Furniture)	5,00,000	Rs. 71,171.00	4,28,829.00
04-O.E.(07-Liveries)	2,00,000		2,00,000.00
04-O.E.(08-Purchase and Maintenance of Staff Car)	6,00,000	Rs. 16,73,815.00	4,26,185.00
Reappropriation from 16-Motor Vehicles	15,00,000		
04-O.E.(09-Petrol, Oil and Lubricants)	6,00,000	Rs. 3,29,872.00	2,70,128.00
04-O.E.(10-Books and Periodicals)	1,50,000	Rs. 87,434.00	62,566.00
04-O.E.(11-Refreshment Expenses)	2,00,000	Rs. 38,620.00	1,61,380.00
05-Payment for professional and Special Services (01-Remuneration for Professional Services)	6,00,000	Rs. 2,58,000.00	3,42,000.00
05-Payment for professional and Special Services (02-Legal Services)	2,00,000	Rs. 1,17,750.00	82,250.00
05-Payment for professional and Special Services (99-Other)	196,80,000	Rs. 9,90,000.00	9,90,000.00
06-Rent, Rates & Taxes (01-Rents for Hired Building)	15,00,000	Rs. 12,57,120.00	2,42,880.00
07-Publication (99-Others)	2,00,000	Nil	2,00,000.00
08-Advertising, Sales & Publicity (99-Others)	3,00,000	Rs. 65,000.00	2,35,000.00

11-Hospitality Expenses (01-Hospitality Expenses)	1,50,000	Rs. 45,399.00	1,04,601.00
14-Minor Works	11,00,000	Rs. 4,69,284.00	6,30,716.00
15-Machinery and Equipment (99-Others)	3,50,000	Rs. 1,45,662.00	2,04,338.00
16-Motor Vehicle (Reappropriation to 04-O.E. (08- Purchase and Maintenance of Staff Car)			
19-Materials and Supplies (99-Others)	5,00,000	Rs. 18,234.00	4,81,766.00
26-Other charges (99-Others)	2,00,000	Rs. 1,62,558.00	37,442.00
TOTAL	2,64,01,000	Rs. 1,74,04,745	89,96,255

BUDGET ALLOTMENT AND EXPENDITURE DURING THE YEAR 2016-17

PLAN

HEAD OF ACCOUNT	TOTAL BUDGET PROVISION	Expenditure	Remarks
Head of Account 2070- Other Administrative Service II-Other State Plan and Non Plan Scheme-800-Other Expn. 3388 Assam State Information Commission	2,64,01000	1,78,73776	Saving of fund due to non filling of sanctioned post in III Grade and IV Grade category
TOTAL	2,64,01000	1,78,73776	

Chapter -V

Events

One day Workshop on Right to Information at Assam Administrative Staff College

On 16.03.17 the Assam Information Commission organized a day long workshop on Right to Information for the SPIOs and First Appellate Authorities under various public authorities situated in the State Headquarters. Total 120 officers participated in the programme. The workshop was organized with financial support from the National Federation of Information Commissioners of India (NFICI).

Zonal/ District level Training Programmes for Master Trainers

The following training programmes were organized by the Commission on zonal basis covering 2-4 districts in the plain districts for the Master Trainers who will in turn impart training to SPIOs and FFAs on RTI in district, sub-district and block levels. In hill districts the programme was organized in district level. The fund for the purpose was provided by National Federation of Information Commissioners of India (NFICI).

Sl. No	Venue of Training	Districts covered	Date of training	No. of participants
1	Circuit House Conference Hall, Kamrup(M)	Darrang,Udalguri, Kamrup Metro,Kamrup,Nalbari, Baksa.	16.11.2016	105
2	District Library Auditorium, Tezpur	Dhemaji,Lakhimpur,sonitpur, Biswanath,Hojai,Nagaon, Morigaon.	14.12.2016	105
3	DRDA Conference Hall, Sivasagar	Tinsukia,Dibrugarh,Sivasagar ,Charaideo,Jorhat,Majuli,Gola ghat.	03.12.2016	105
4	Auditorium, DRDA, Silchar	Cachar, Hailakandi, Karimganj	17.12.2016	45
5	District Agricultural Training Centre, Bongaigaon	Dhubri, South Salmara,Kokrajhar,Chirang, Bongaigaon, Goalpara.	05.01.2017	90
6	Conference Hall, D.C.'s Office, Dima Hasao	Dima Hasao	04.01.2017	45
7	Conference Hall, D.C.'s Office, Karbi Anglong	Karbi Anglong	28.12.2016	45



Training program at Sivasagar



Training programme at Tezpur

Chapter - VI

Status of disposal of cases by Assam Information Commission during the year 2016-17

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
2385	443	1886	376	4271	819	2613	439	1658	380

District wise no. of Appeal & Complaint cases registered during the year 2016-17

Sl 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	13	7	10	5	18	5	5	7
2	Barpeta	72	6	87	24	95	13	64	17
3	Bongaigaon	41	9	55	20	63	10	33	19
4	Cachar	120	16	87	24	87	20	120	20
5	Chirang	9	7	12	0	19	3	2	4
6	Darrang	29	13	49	12	38	14	40	11
7	Dhemaji	33	12	28	3	32	14	29	1
8	Dibrugarh	48	10	34	7	48	10	34	7
9	Dima Hasao	4	2	6	4	6	4	4	2
10	Dhubri	109	12	68	18	104	14	73	16
11	Goalpara	54	8	72	9	61	10	65	7
12	Golaghat	30	4	32	6	28	7	34	3
13	Hailakandi	68	13	81	16	63	7	86	22
14	Jorhat	37	3	33	18	47	4	23	17
15	Karbi Anglong	177	57	48	28	128	47	97	38
16	Karimganj	108	61	54	18	112	37	50	42
17	Kokrajhar	44	16	14	18	49	14	9	20
18	Kamrup(M)	1075	96	884	64	1268	120	691	40
19	Kamrup	51	15	42	7	68	18	25	4
20	Lakhimpur	18	9	22	11	24	12	16	8
21	Morigaon	12	2	14	4	14	3	12	3

22	Nagaon	84	13	56	20	98	4	42	29
23	Nalbari	34	12	34	20	28	10	40	22
24	Sonitpur	34	10	28	8	37	13	25	5
25	Sivasagar	22	10	18	8	23	12	17	6
26	Tinsukia	20	7	6	3	18	4	8	6
27	Udalguri	19	9	2	1	17	8	4	2
28	Other States	20	4	10	0	20	2	10	2
	Total	2385	443	1886	376	2613	439	1658	380

Penalty Imposed during the year 2016-17

Sl No.	Date of Order	Cases no.	Public Authority	Amount
1	5-7-2016	MRN. 2/2013	BDO, Moirabari Dev. Block, Morigaon	Rs. 15,000.00
2	13-2-2017	UDR. 7/2014	BDO, Rowta Dev. Block, Udalguri	Rs. 25,000.00
3	16-2-2017	MRN. 16/2013	Election Officer, O/o the D.C. Morigaon	Rs. 15,000.00
4	25-2-2017	KP(M) 641/2016	Assam Seeds Corporation Ltd.	Rs. 10,000.00
5	18-3-2017	NLB. 8/2016	Keshab Narayan Vidyapith L.P School, Nalbari	Rs. 15,000.00
6	20-3-2017	DHR. 57/2014	Sub-Dvnl Engineer Dhubri Electrical Sub-Dvn.	Rs. 25,000.00
7.	27-3-2017	NGN. 81/2016	BDO, Batadrava Dev. Block, Nagaon	Rs. 15,000.00
8.	27-3-2017	NGN. 68/2016	BDO, Batadrava Dev. Block, Nagaon	Rs. 15,000.00

No. of Defective cases returned for re-submission during the year 2016-17

Sl No.	Name of the District	No. of Petition returned		Remarks
		Appeal	Complaint	
1.	Baksa	6	0	
2.	Barpeta	82	0	
3.	Bongaigaon	19	0	
4.	Cachar	120	0	
5.	Chirang	8	0	
6.	Darrang	69	0	
7.	Dhemaji	29	0	
8.	Dibrugarh	27	0	
9.	Dima Hasao	8	0	
10.	Dhubri	51	0	
11.	Goalpara	14	0	
12.	Golaghat	48	0	
13.	Hailakandi	98	0	
14.	Jorhat	19	0	

15.	Karbi Anglong	58	0	
16.	Karimganj	42	0	
17.	Kokrajhar	16	0	
18.	Kamrup (M)	2268	0	
19.	Kamrup	8	0	
20.	Lakhimpur	46	0	
21.	Morigaon	14	0	
22.	Nagaon	184	0	
23.	Nalbari	75	0	
24.	Sonitpur	25	0	
25.	Sivasagar	16	0	
26.	Tinsukia	8	0	
27.	Udalguri	6	0	
28.	Other State	24	0	
	Total	3388	0	

TABLE –I

SECOND APPEALS

Year	Number of Second Appeal Received	Number of Second Appeal Disposed	Number of Second Appeal Pending
2005-06	200	126	74
2006-07	436	323	113
2007-08	1262	1052	210
2008-09	1246	647	599
2009-10	2029	1352	677
2010-11	1917	552	1365
2011-12	3239	804	2435
2012-13	3843	450	3393
2013-14	4963	162	4801
2014-15	5246	1238	4008
2015-16	4428	2043	2385
2016-17	4271	2613	1658

Bar diagram showing year wise disposal of 2nd Appeal cases

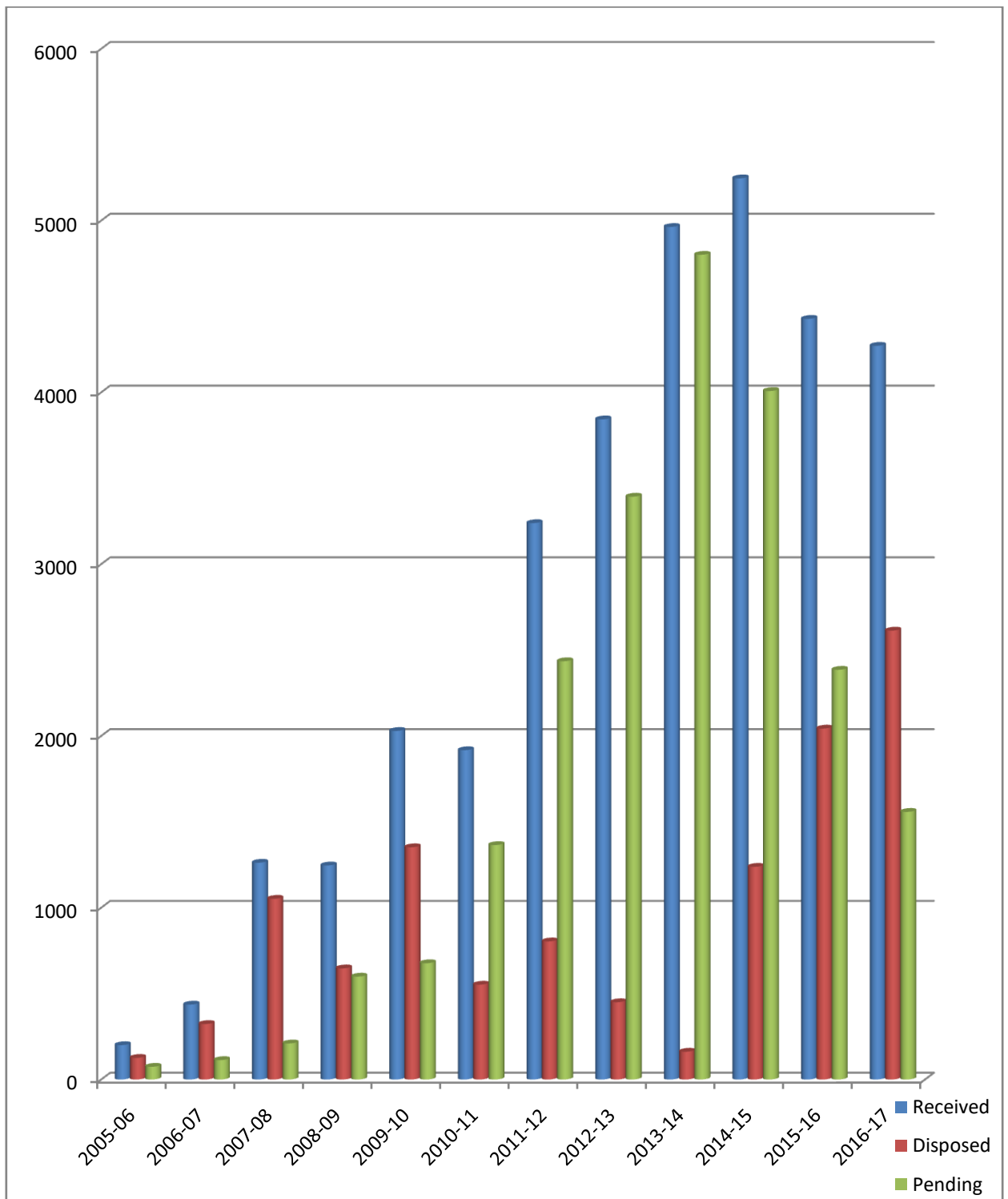
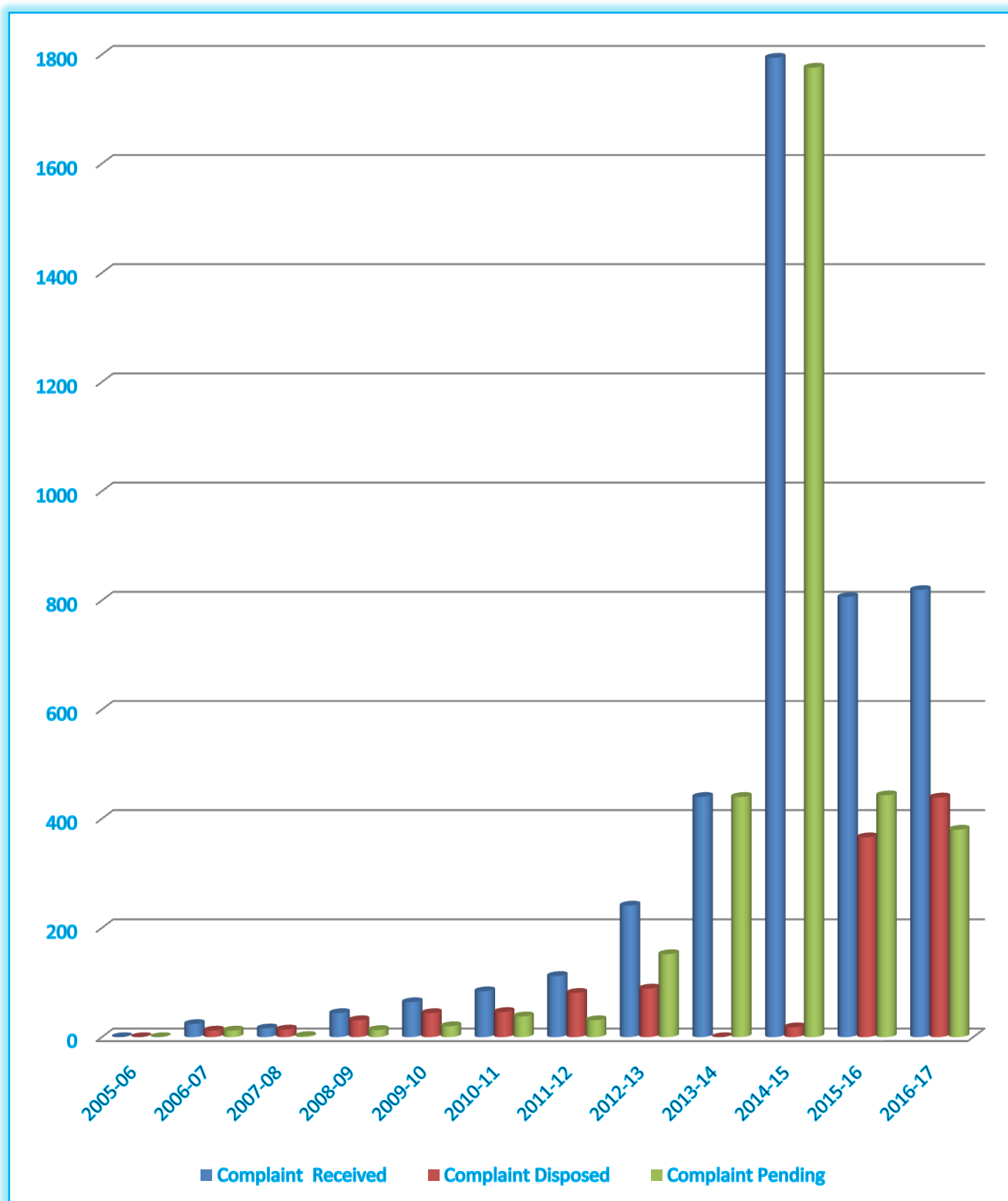


TABLE -II**COMPLAINT CASES**

Year	Number of Complaint Received	Number of Complaint Disposed	Number of Complaint Pending
2005-06	0	0	0
2006-07	24	12	12
2007-08	16	14	2
2008-09	44	31	13
2009-10	64	44	20
2010-11	84	46	38
2011-12	112	81	31
2012-13	241	89	152
2013-14	440	0	440
2014-15	1794	18	1776
2015-16	806	366	443
2016-17	819	439	380

Bar diagram showing year wise disposal of complaint petitions



Chapter –VII

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.	Administrative Reforms & Training	2	2
2.	Agriculture	95	131
3.	Border Protection and Development	4	3
4.	Chief Minister's Secretariat	1	1
5.	Co-operation	54	51
6.	Cultural Affairs	NR	NR
7.	Election	51	51
8.	Elementary Education	NR	NR
9.	Environment and Forest	2	2
10.	Excise	4	2
11.	Finance	NR	NR
12.	Fishery	34	37
13.	Food, Civil Supplies and Consumer Affairs	63	63
14.	General Administrative	3	3
15.	Guwahati Development	7	9
16.	Handloom , Textiles and Sericulture	106	106
17.	Health and Family Welfare	NR	NR
18.	Higher Education	NR	NR
19.	Hills Areas	52	51
20.	Home	66	119
21.	Implementation of Assam Accord	1	1
22.	Industries Commerce	NR	NR
23.	Information and Public Relations	NR	NR
24.	Information Technology	2	4
25.	Irrigation	90	88
26.	Judicial	2	3
27.	Labour Welfare	13	10
28.	Legislative	29	20
29.	Minority Welfare	8	12
30.	Mines & Mineral	16	4
31.	Panchayat and Rural Development	NR	NR
32.	Parliamentary Affairs	NR	NR
33.	Passport	0	1
34.	Pension and Public Grievances	2	2
35.	Personnel	3	3
36.	Transformation and Development	40	48

37. Political	4	3
38. Power (Electricity)	56	75
39. Printing and Stationary	2	2
40. Public Enterprises	NR	NR
41. Public Health Engineering	60	56
42. Public Works Roads	320	320
43. Public Works National Highways and Building	28	81
44. Revenue Disaster Management	4	4
45. Science and Technology	6	7
46. Secondary Education	48	4172
47. Secretariat Administration	1	2
48. Skill, Employment and Entrepreneurship Development	1	3
49. Social Welfare	58	64
50. Soil Conservation	119	119
51. Sports and Youth Welfare	29	29
52. Tea Tribes Welfare	NR	NR
53. Tourism	NR	NR
54. Transport	4	8
55. Urban Development	10	16
56. Veterinary	2	4
57. Water Resource	42	67
58. Welfare of Plains Tribes and Backward Classes	144	155
59. Assam Legislative Assemble Secretariat	1	1
	1689	6015

N.B. : NR - Not Reported

Chapter VIII

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 (01-04-16)	No. of Requests received during the year	Total no. of Requests	No. of Requests disposed of	Requests pending at the end of the year (31-03-17)
1	2	3	4	5	6	7
1.	Administrative Reforms & Training	0	63	63	63	0
2.	Agriculture	34	263	297	211	86
3.	Border Protection and Development	Nil	5	5	5	Nil
4.	Chief Minister's Secretariat	5	878	883	683	195
5.	Co-operation	2	216	218	207	11
6.	Cultural Affairs	NR	NR	NR	NR	NR
7.	Election	28	762	790	783	7
8.	Elementary Education	NR	NR	NR	NR	NR
9.	Environment and Forest	4	109	113	113	0
10.	Excise	1	78	79	73	6
11.	Finance	NR	NR	NR	NR	NR
12.	Fishery	1	234	235	229	6
13.	Food, Civil Supplies and Consumer Affairs	6	113	119	117	2
14.	General Administrative	Nil	314	314	314	Nil
15.	Guwahati Development	0	830	830	781	49
16.	Handloom , Textiles and Sericulture	0	154	154	154	0
17.	Health and Family Welfare	NR	NR	NR	NR	NR
18.	Higher Education	NR	NR	NR	NR	NR
19.	Hills Areas	8	234	242	230	12
20.	Home	57	4394	4451	4420	31
21.	Implementation of Assam Accord	0	15	15	15	Nil
22.	Industries Commerce	NR	NR	NR	NR	NR
23.	Information and Public Relations	NR	NR	NR	NR	NR
24.	Information Technology	0	13	13	13	0
25.	Irrigation	17	473	490	471	19
26.	Judicial	3	248	251	181	70
27.	Labour Welfare	0	151	151	151	Nil
28.	Legislative	0	98	98	97	1

29.	Minority Welfare	0	91	91	91	0
30.	Mines and Minerals	0	45	45	45	Nil
31.	Panchayat and Rural Development	NR	NR	NR	NR	NR
32.	Parliamentary Affairs	NR	NR	NR	NR	NR
33.	Passport	0	4	4	4	Nil
34.	Pension and Public Grievances	0	113	113	113	0
35.	Personnel	0	755	755	740	15
36.	Transformation and Development	0	61	61	61	0
37.	Political	14	152	166	142	24
38.	Power (Electricity)	0	75	75	72	3
39.	Printing and Stationary	5	19	24	24	Nil
40.	Public Enterprises	NR	NR	NR	NR	NR
41.	Public Health Engineering	29	531	560	503	57
42.	Public Works Roads	115	1522	1637	1518	119
43.	Public Works National Highways and Building	3	315	318	312	6
44.	Revenue Disaster Management	0	159	159	158	1
45.	Science and Technology	0	21	21	21	Nil
46.	Secondary Education	20	1183	1203	1148	55
47.	Secretariat Administration	0	69	69	69	Nil
48.	Skill, Employment and Entrepreneurship Development	0	31	31	31	Nil
49.	Social Welfare	2	590	592	406	77
50.	Soil Conservation	0	257	257	257	0
51.	Sports and Youth Welfare	0	23	23	22	1
52.	Tea Tribes Welfare	NR	NR	NR	NR	NR
53.	Tourism	NR	NR	NR	NR	NR
54.	Transport	52	173	225	222	3
55.	Urban Development	2	191	193	191	2
56.	Veterinary	Nil	104	104	104	Nil
57.	Water Resource	5	690	695	678	17
58.	Welfare of Plains Tribes and Backward Classes	7	959	966	907	59
59.	Assam Legislative Secretariat	0	62	62	62	Nil
		420	17840	18260	17212	1048

Chapter IX

Number of Applications rejected

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
1.	Administrative Reforms & Training	0	0	0	0	0
2.	Agriculture	1	0	0	0	1
3.	Border Protection and Development	0	0	0	0	0
4.	Chief Minister's Secretariat	0	0	0	0	0
5.	Co-operation	1	1	1	1	4
6.	Cultural Affairs					
7.	Election	6	0	0	0	6
8.	Elementary Education	NR	NR	NR	NR	NR
9.	Environment and Forest	0	0	0	0	0
10.	Excise	2		1		3
11.	Finance	NR	NR	NR	NR	NR
12.	Fishery	0	0	0	0	0
13.	Food, Civil Supplies and Consumer Affairs	0	0	0	0	0
14.	General Administrative	0	0	0	0	0
15.	Guwahati Development	0	0	0	0	0
16.	Handloom , Textiles and Sericulture	0	0	0	0	0
17.	Health and Family Welfare	NR	NR	NR	NR	NR
18.	Higher Education	NR	NR	NR	NR	NR
19.	Hills Areas	1	54	55	55	1
20.	Home	25	4	5	13	47
21.	Implementation of Assam Accord	0	0	0	0	0
22.	Industries Commerce	NR	NR	NR	NR	NR
23.	Information and Public Relations	NR	NR	NR	NR	NR
24.	Information Technology	0	0	0	0	0
25.	Irrigation	2	1	1	0	4
26.	Judicial	0	0	0	0	0
27.	Labour Welfare	5	Nil	Nil	Nil	5
28.	Legislative	6	Nil	Nil	Nil	6
29.	Minority Welfare	3	Nil	Nil	Nil	3

30.	Mines and Minerals	0	0	0	0	0
31.	Panchayat and Rural Development	NR	NR	NR	NR	NR
32.	Parliamentary Affairs	NR	NR	NR	NR	NR
33.	Passport	0	0	0	0	0
34.	Pension and Public Grievances	0	0	0	0	0
35.	Personnel	24	4	4	4	36
36.	Transformation and Development	0	0	0	0	0
37.	Political	1	0	0	0	1
38.	Power (Electricity)	1	0	0	0	1
39.	Printing and Stationary	0	0	0	0	0
40.	Public Enterprises	NR	NR	NR	NR	NR
41.	Public Health Engineering	0	0	0	0	0
42.	Public Works Roads	1	0	0	0	1
43.	Public Works National Highways and Building	0	0	0	0	0
44.	Revenue Disaster Management	0	0	0	0	2
45.	Science and Technology	0	0	0	0	0
46.	Secondary Education	0	1	0	0	2
47.	Secretariat Administration	0	0	0	0	0
48.	Skill, Employment and Entrepreneurship Development	0	0	0	0	0
49.	Social Welfare	0	0	0	0	0
50.	Soil Conservation	0	0	0	0	0
51.	Sports and Youth Welfare	0	0	0	0	0
52.	Tea Tribes Welfare	NR	NR	NR	NR	NR
53.	Tourism	NR	NR	NR	NR	NR
54.	Transport	2	0	0	0	2
55.	Urban Development	0	0	0	0	0
56.	Veterinary	0	0	0	0	0
57.	Water Resource	0	0	0	0	0
58.	Welfare of Plains Tribes and Backward Classes	0	10	9	9	28
59.	Assam Legislative Assembly Secretariat	0	0	0	0	0
		81	75	76	82	314

Chapter X

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 (01-04-16)	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 (31-03-17)
1	2	3	4	5	6	7
1.	Administrative Reforms & Training	0	2	2	2	0
2.	Agriculture	1	36	36	23	13
3.	Border Protection and Development	0	0	0	0	0
4.	Chief Minister's Secretariat	0	10	10	9	1
5.	Co-operation	1	23	24	22	1
6.	Cultural Affairs					
7.	Election	2	41	43	43	0
8.	Elementary Education					
9.	Environment and Forest	0	2	2	2	0
10.	Excise	1	4	1	3	0
11.	Finance					
12.	Fishery	2	4	2	4	0
13.	Food, Civil Supplies and Consumer Affairs	0	2	2	2	0
14.	General Administrative	0	8	8	6	2
15.	Guwahati Development	0	91	275	91	0
16.	Handloom , Textiles and Sericulture	0	4	4	4	0
17.	Health and Family Welfare	NR	NR	NR	NR	NR
18.	Higher Education	NR	NR	NR	NR	NR
19.	Hills Areas	2	45	41	41	2
20.	Home	5	59	63	59	4
21.	Implementation of Assam Accord	NR	NR	NR	NR	NR
22.	Industries Commerce	NR	NR	NR	NR	NR
23.	Information and Public Relations	NR	NR	NR	NR	NR
24.	Information Technology	Nil	1	1	1	Nil
25.	Irrigation	5	88	93	87	6
26.	Judicial	0	0	0	0	0
27.	Labour Welfare	0	10	10	10	0

28.	Legislative	0	4	4	4	0
29.	Minority Welfare	0	6	6	6	0
30.	Mines and Minerals	0	1	1	1	0
31.	Panchayat and Rural Development	NR	NR	NR	NR	NR
32.	Parliamentary Affairs	NR	NR	NR	NR	NR
33.	Passport	0	0	0	0	0
34.	Pension and Public Grievances	0	4	4	4	0
35.	Personnel	0	2	2	2	0
36.	Transformation and Development	0	0	0	0	0
37.	Political	5	20	25	10	15
38.	Power (Electricity)	0	0	0	0	0
39.	Printing and Stationary	0	0	0	0	0
40.	Public Enterprises					
41.	Public Health Engineering	1	42	43	43	0
42.	Public Works Roads	32	309	341	296	45
43.	Public Works National Highways and Building	0	0	0	0	0
44.	Revenue Disaster Management	0	9	9	8	1
45.	Science and Technology	0	0	0	0	0
46.	Secondary Education	20	365	376	352	24
47.	Secretariat Administration	0	8	8	8	0
48.	Skill, Employment and Entrepreneurship Development	0	5	5	5	0
49.	Social Welfare	2	160	237	96	73
50.	Soil Conservation	0	28	28	28	0
51.	Sports and Youth Welfare	0	0	0	0	1
52.	Tea Tribes Welfare	NR	NR	NR	NR	NR
53.	Tourism	NR	NR	NR	NR	NR
54.	Transport	0	10	10	10	0
55.	Urban Development	2	45	45	25	2
56.	Veterinary	0	3	3	3	0
57.	Water Resource	0	78	78	77	1
58.	Welfare of Plains Tribes and Backward Classes	4	551	555	531	24
59.	Assam Legislative Assembly Secretariat	0	0	0	0	0
		85	2080	2165	1918	247

Chapter -XI

Summary of fees collected by the Public Authorities during the year

Sl No.	Name of the Department	Amount Collected (in rupees)
1	2	3
1.	Administrative Reforms & Training	Rs. 1300.00
2.	Agriculture	Rs. 2340.00
3.	Border Protection and Development	Rs. 10.00
4.	Chief Minister's Secretariat	Rs. 6390.00
5.	Co-operation	Rs. 1436.00
6.	Cultural Affairs	NR
7.	Election	Rs. 2072.00
8.	Elementary Education	NR
9.	Environment and Forest	Rs. 1110.00
10.	Excise	Rs. 1532.00
11.	Finance	NR
12.	Fishery	Rs. 1634.00
13.	Food, Civil Supplies and Consumer Affairs	Rs. 3704.00
14.	General Administrative	Rs. 3464.00
15.	Guwahati Development	Rs. 14414.00
16.	Handloom , Textiles and Sericulture	Rs. 2902.00
17.	Health and Family Welfare	NR
18.	Higher Education	NR
19.	Hills Areas	Rs. 1542.00
20.	Home	Rs. 34,495.00
21.	Implementation of Assam Accord	Rs. 396.00
22.	Industries Commerce	NR
23.	Information and Public Relations	NR
24.	Information Technology	Rs. 280.00
25.	Irrigation	Rs. 2266.00
26.	Judicial	Rs. 70.00
27.	Labour Welfare	Rs. 1442.00
28.	Legislative	Rs. 290.00
29.	Minority Welfare	Rs. 598.00
30.	Mines and Minerals	Rs. 230.00
31.	Panchayat and Rural Development	NR
32.	Parliamentary Affairs	NR
33.	Passport	Nil
34.	Pension and Public Grievances	Rs. 190.00
35.	Personnel	Rs.5818.00
36.	Transformation and Development	Rs. 370.00
37.	Political	Rs. 310.00
38.	Power (Electricity)	Rs. 2605.00
39.	Printing and Stationary	Rs. 1290.00
40.	Public Enterprises	NR
41.	Public Health Engineering	Rs. 20760.00
42.	Public Works Roads	Rs. 30116.00
43.	Public Works National Highways and Building	Rs. 1924.00
44.	Revenue Disaster Management	Rs. 3056.00
45.	Science and Technology	Rs. 140.00

46. Secondary Education	Rs. 8180.00
47. Secretariat Administration	Rs. 1380.00
48. Skill, Employment and Entrepreneurship Development	Rs. 470.00
49. Social Welfare	Rs. 546.00
50. Soil Conservation	Rs. 1073.00
51. Sports and Youth Welfare	NR
52. Tea Tribes Welfare	NR
53. Tourism	NR
54. Transport	Rs. 2360.00
55. Urban Development	Rs. 1794.00
56. Veterinary	Rs. 964.00
57. Water Resource	Rs. 3187.00
58. Welfare of Plains Tribes and Backward Classes	Rs. 10798.00
59. Assam Legislative Assembly Secretariat	Rs. 746.00
	Rs. 1,81,248.00

TABLE –III**Year wise Receipt and Disposal of RTI Applications**

Year	Number of RTI Application Received	Number of Application Disposed	Number of Application Pending
2005-06	3,250	3104	146
2006-07	3,784	3562	222
2007-08	4,021	3841	106
2008-09	4,902	4425	435
2009-10	1485	1145	340
2010-11	15,497	14,468	928
2011-12	15,577	13524	1971
2012-13	17,073	13792	3200
2013-14	19,284	17384	1816
2014-15	16,926	15791	1135
2015-16	25,989	25812	177
2016-17	18260	17212	1048

Bar diagram showing year wise disposed of RTI Applications

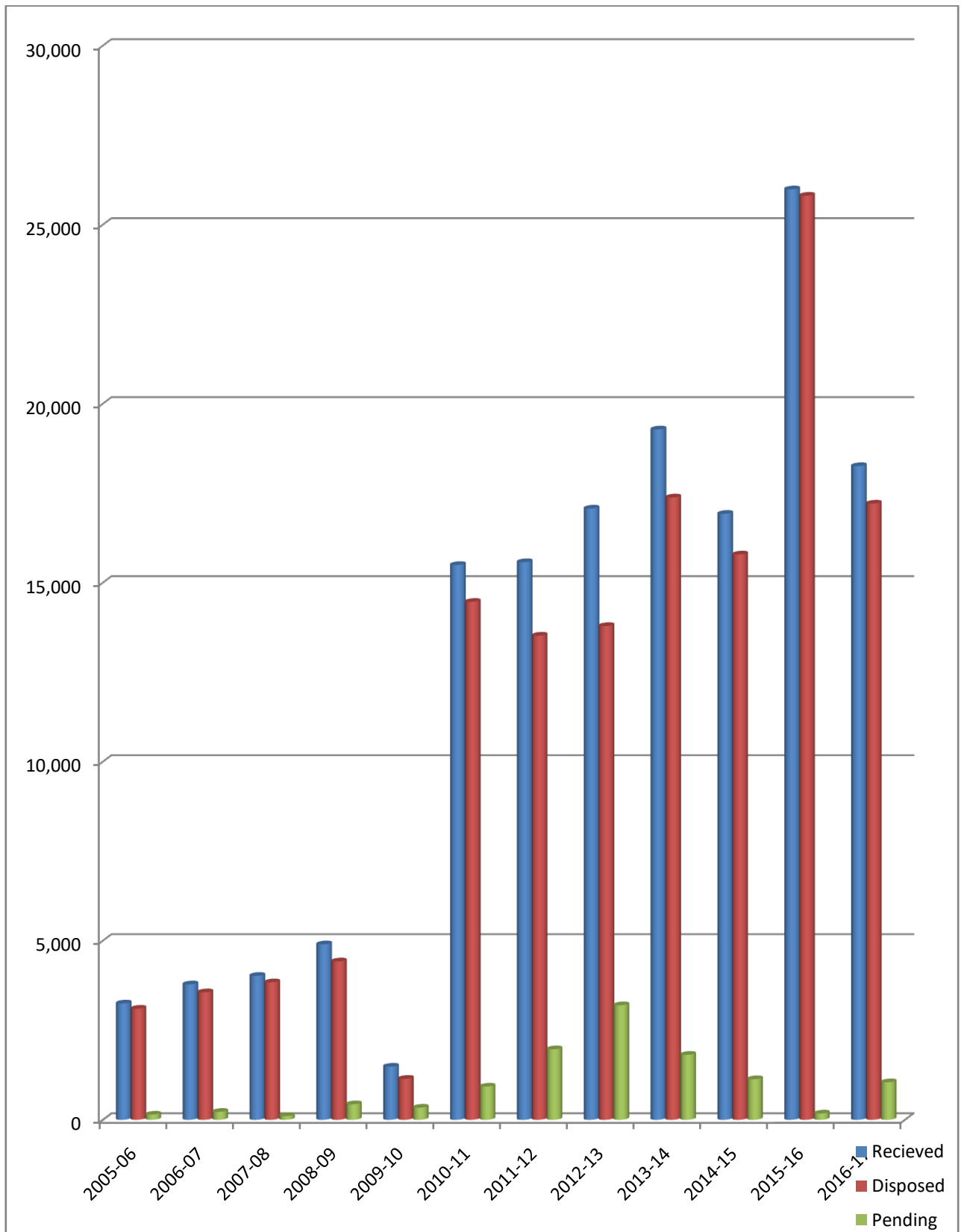
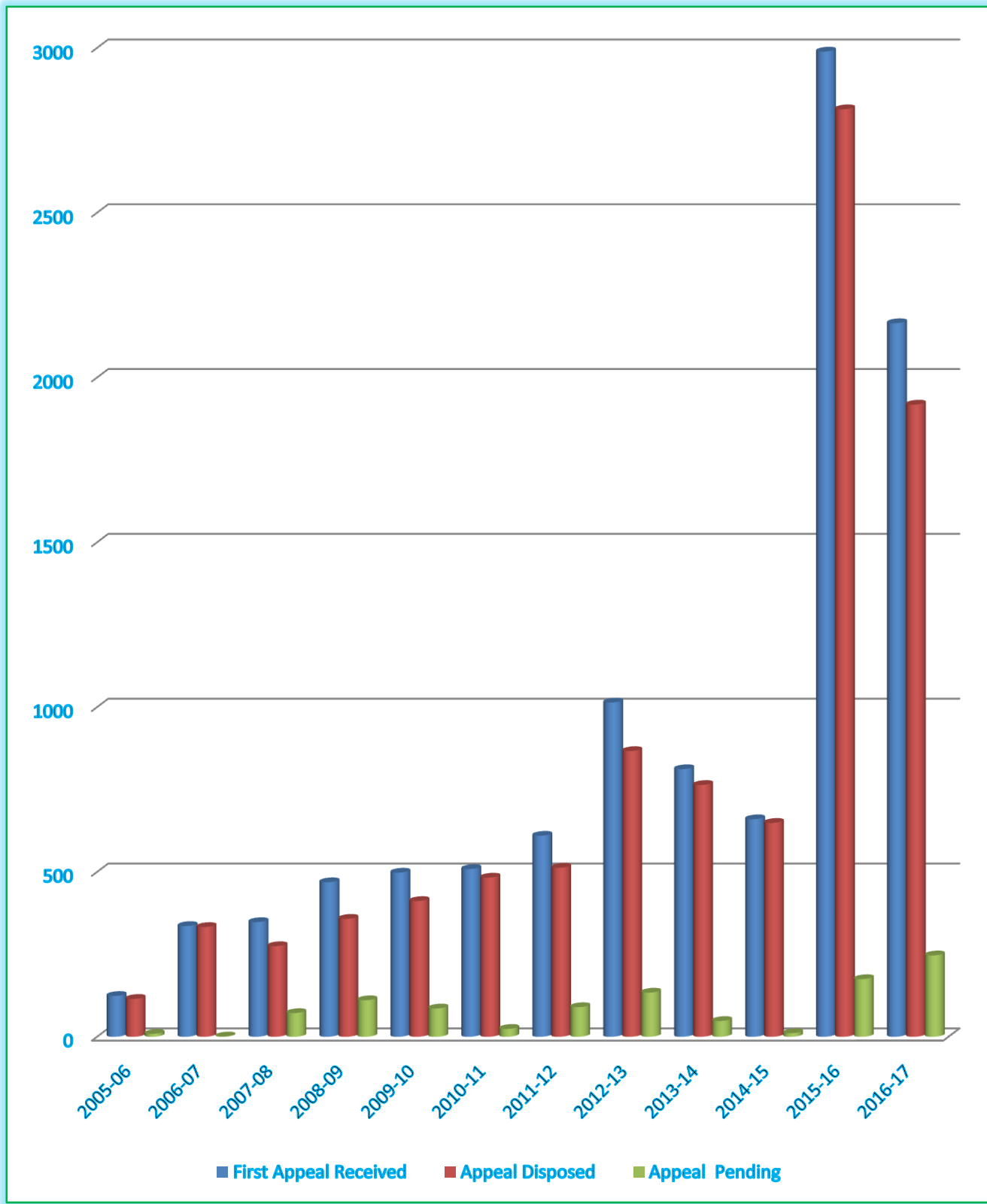


TABLE –IV**Year wise status of Receipt and Disposal of 1st
Appeal cases**

Year	Number of First Appeal Received	Number of Appeal Disposed	Number of Appeal Pending
2005-06	124	115	9
2006-07	336	333	1
2007-08	348	275	72
2008-09	469	358	111
2009-10	498	412	86
2010-11	509	483	24
2011-12	610	513	90
2012-13	1014	867	134
2013-14	812	764	48
2014-15	660	649	11
2015-16	2989	2814	175
2016-17	2165	1918	247

Bar diagram showing year wise disposal of 1st Appeals



Chapter- XII

Status of Suo-moto disclosure of Information under section 4 of the RTI Act, 2005

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. These are:

- I. Particulars of the Organisation, Functions and Duties;
- II. Powers and Duties of its Officials;
- III. Procedure in decision-making, supervision and accountability;
- IV. Norms set for discharging functions;
- V. Rules, Regulations, Instructions, Manuals etc;
- VI. Statement of categories of documents held;
- VII. Arrangement for consultation in Policy Matters;
- VIII. Boards, Councils, Committees etc. under it;
- IX. Directory of Officers and Employees;
- X. Monthly remuneration of each;
- XI. Budget, plans, expenditure, disbursement etc.;
- XII. Manner of execution of subsidy programmes, etc.;
- XIII. Recipients of concessions ,permits etc.;
- XIV. Details of information reduced in an electronic form;
- XV. Facilities available for obtaining information;
- XVI. Name , designation and other particulars of the PIO; and
- XVII. Such information as may be prescribed.

Moreover,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.

The following table shows the status of 4(1) (b) Notification as appeared in the Departmental Websites during 2016-17.

Table

SI No.	Name of the Department	Whether 4(1)(b) Notification has been displayed in the website	Remarks
1	Administrative Reforms and Training	yes	Assam Information Commission and Assam Administrative Department have displayed the Notifications in their Websites.
2	Agriculture	No	
3	Border Areas	yes	
4	Chief Minister's Secretariat	No	
5	Co-operation	No	
6	Cultural Affairs	No	
7	Education(Higher)	No	
8	Education(Secondary)	No	
9	Education(Elementary)	No	Directorate of Elementary Education has displayed the 4(1)(b) Notification in the Website.
10	Election	Yes	
11	Environment & Forest	No	
12	Excise	No	Commissionerate of Excise has displayed the 4(1)(b) Notification in the Website.
13	Finance	Yes	
14	Fishery	No	.
15	Food & Civil Supplies	No	
16	General Administration	No	
17	Guwahati Development	No	GMDA has displayed 4(1)(b) Notification in the Website.
18	Health and Family Welfare	No	
19	Hill areas	No	
20	Home	No	
21	Handloom, Textile & Sericulture	No	
22	Horticulture & Food Processing	No	
23	Implementation of Assam Accord	No	
24	Information & Public Relations	No	
25	Industries and Commerce	No.	
26	Irrigation	No	
27	Judicial	No	
28	Labour & Employment	No	
29	Legislative	No	
30	Minorities Development	No	
31	Mines & Minerals	No	
32	Panchayat & Rural Development	No	

33	Parliamentary Affairs	No	
34	Passport	No	
35	Pension & Public Grievances	No	
36	Personnel	Yes	
37	Planning & Development	No	
38	Political	No	
39	Power(Electricity)	No	Assam Power Distribution Company Ltd.(APDCL), Assam Power Generation Corporation Ltd.(APGCL) and Assam Electricity Grid Corporation Ltd.(AEGCL) have displayed 4(1)(b) Notification in their Websites.
40	Mines & Minerals	No	
41	Printing & Stationery	No	
42	Public Enterprise	No	
43	Public Health Engineering	Yes	
44	Public Works Department (R)	No	
45	Public Works Department (NH & B)	No	
46	Revenue and Disaster Management	No	Directorate of Land Records & Surveys etc., has displayed the 4(1)(b) Notification.
47	Science & Information Technology	No	
48	Secretariat Administration	Yes	
49	Social Welfare	No	
50	Soil Conservation	No	
51	Sports & Youth Welfare	No	
52	Transport	No	
53	Tourism	No	
54	Urban Development	No	Directorate of Town & Country Planning has displayed the 4(1)(b) Notification.
55	Veterinary	No	
56	Welfare of Plain Tribes & Backward Classes	No	
57	Water Resource	No	
58	Tea Tribes Welfare	No	

Most of the above mentioned departments have not updated the entries.

Chapter XIII

RECOMMENDATIONS

- I. As mentioned in Chapter XII, 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 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.

- II. It has been observed that awareness among the people about the provisions of the RTI is very less. 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.

The Commission recommends that awareness programme should be held covering all the villages of the state on priority basis.

- III. 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. Commission has seriously noted that Government has not yet framed the rules under the Assam Public Records Act, 2002. The Commission is of the view that without effective implementation of the Assam Public Records Act, 2002, resolving the issue of lost/missing records will be a difficult task.

- IV. It is felt that the underlying requirement of the Assam Public Records Act, 2002 is archival value of Public Records. It was legislated prior to the Right to Information Act, in 2005. Therefore, the provisions of Assam Public Records Act, 2002 do not seem to adequately meet the requirements of the Right to Information Act, 2005, where most of the informations sought for by the citizenry are of current, short term and medium term nature. It is, therefore, imperative that the State Government brings out an appropriate Records/ Information Manual categorising different types of informations as mentioned in Section 2(f) of the RTI Act. Such categorisation may be made with reference to individual department of the Government because the necessity of maintaining different types of records in different departments are likely to differ from department to department, since their functions and services to be delivered are of different nature. The proposed Information/ Record Manual consistent with the requirements of the RTI Act, 2005 may also specify the duration of time for which the public

authorities under different departments are required to maintain different types and categories of records. This is likely to mitigate the problem of non-availability of sought for records as are often expressed by the PIOs of different public authorities. In this connection, it may be mentioned that in its present form the RTI Act does not make any such specific distinction, except mentioning that “right to information” means the right to information accessible under the Act which is held by or under the control of any public authority. The Act does not specify the time periods for which different categories of informations are to be held by different public authorities. Absence of any definite statutory or regulatory stipulations and executive instructions in this regard often leads to situations where the information seekers seek past informations without any time limit-which the PIOs cannot furnish.

Assam Information Commission is of the view that such a Record/Information Manual is a pre-requisite for smooth and effective functioning of the Right regime.

- V. The existing Rules framed by the Govt. of Assam under the RTI Act, 2005 are:-
- (a) The “Assam Right to Information (Regulation of Fee and Cost) Rules, 2005” notified vide Notification No. **AR.78/2005/142** dated **2nd January, 2006**
 - (b) The “Assam State Information Commission (Appeal procedure) Rules, 2005” notified vide Notification No. **AR.87/2005/89** dated **4th February, 2006.**

Both these Rules are found to be very basic without the details necessary for smooth and effective implementation of the RTI Act. Moreover, they are quite dated not having undergone any amendments during the last 12 years. It is felt that they need appropriate amendments without any further delay so as to meet the present day requirements.

The State Chief Information Commissioner also drew the attention of Hon'ble Chief Minister, Assam vide letter No. DO No.SIC / Reson / 38 / 2017 / 1 dated the 6th July, 2017.

- VI. Commission observes that the percentage of female petitioners is very less compared to male petitioners. Reason may be lack of awareness. Government may work out a special plan for awareness of the females.
- VII. The Commission has also observed that a single person filing hundreds of petitions at a time makes it difficult on the part of the PIOs to dispose these within the mandated period. The Commission recommends that the Government may initiate necessary action for appropriate amendment of the Act.
- VIII. As mentioned in Annexure E, 13 (thirteen) departments did not submit their reports despite several reminders. Government may take appropriate action for their failure in compliance with the mandated provisions of the RTI Act, 2005.

Chapter X

Significant orders of the Commission



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

Case No. : KP(M).485 /2014
Complainant/ Appellant : Shri Pradip Kalita
Respondent : Director of Agriculture, Govt. of Assam
Date of hearing : 18.6.2016
Date of order : 23.6.2016
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by Chief Information Commissioner, Assam

O R D E R

23.6.2016

The petitioner Shri Pradip Kalita is absent. However, he has sent a written request to allow Shri Dhiren Baishya, Joint Secretary of Assam Krishak Shramik Unnayan Parishad to represent his case before this Commission. His prayer is granted. The public authority is represented by:- (1) Shri Ananda Ch. Karmakar, Jt. Director of Agriculture (PP) & SPIO of the Directorate of Agriculture, Khanapara, (2) Shri M.P. Rownier, Jt. Director of Agriculture (C&F), Khanapara, (3) Shri Polashmoni Baruah, SDAO (Surveillance), and two others. The second appeal petition dtd 19.7.2014 is taken up for hearing in presence of both the parties.

The Jt. Director cum SPIO of the Directorate of Agriculture, Shri Ananda Ch. Karmakar has submitted a written statement dtd 14.6.16, which is entered into the case records.

From perusal of the case records it is seen that the petitioner Shri Pradip Kalita filed an RTI petition dtd 15.5.14 addressed to the SPIO of the Directorate of Agriculture seeking information on various aspects of implementation of RKVY and schemes relating to procurement and supply of chemical fertilizers and organic fertilizers in the State during the period 2010 to 2014.

It is seen from the enclosures with the written submission of the SPIO that the Deputy Director of Agriculture (ST&S), who was also the nodal officer of RKVY at that time, had vide letter dtd 12.6.14 requested the petitioner to deposit Rs. 10,000.00 towards photocopying cost of the sought for information, which was estimated to be 5000 pages. The petitioner did not deposit the required amount till date. Hence the information was not furnished.

As regards the information relating to chemical and organic fertilizer schemes, the Jt. Director of Agriculture (C&F), who is also incharge of Fertilizer Cell has vide letter dtd 15.6.16 informed the SPIO of the Directorate of Agriculture that the required information is available with him and he has requested for 30 days' time to furnish the information to Shri Pradip Kalita, the petitioner.

In view of the above, this Commission directs the Jt. Director & SPIO of the Directorate of Agriculture to allow the petitioner to inspect the relevant records and documents during office hours on any working day within 15 days from the date of receipt of this order and also allow him to take notes and photocopies of relevant admissible documents free of cost up to 100 pages and thereafter on payment of Rs. 2.00 for every additional page of photocopy.

In course of hearing of complaint and appeal cases by this Commission during the last one and half years, it has been observed that most of the public authorities of the Govt. of Assam, including the Directorate of Agriculture, as revealed in the instant appeal case, have failed to comply with the requirement of section 4 of the RTI Act, 2005 relating to maintenance and suo moto disclosure of information. They were required to do this within 120 days from the enactment of the RTI Act in 2005. Non-compliance with the provisions of section 4 of the RTI Act, 2005 causes avoidable delay in receipt of sought for information by the petitioners. Non-compliance with the provisions of the RTI Act, particularly with section 4, erodes the effectiveness of the Act, which is an important governance tool. Information delayed often amounts to information denied. This lapse on the part of most of the public authorities of the State Government has been generating a large number of avoidable RTI applications, appeal petitions and complaint petitions, which not only cause harassment to the information seekers, but also diverts the time, energy and effort of the public authorities, their SPIOs and of this Commission. This Commission is of the view that effective suo-moto 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 substantially. Moreover, it has also been observed that coming to Guwahati to attend hearing of the appeal and complaint petitions in this Commission is also an expensive proposition for the appellants/ complainants, particularly when they have to come from far-flung places seeking local field level information. This is a harrowing experience for many information seekers who can ill afford their expensive trips to Guwahati.

Suo-moto disclosure of information in compliance with Sec. 4 of the RTI Act at regular intervals through various means of communications, including internet is mandated by section 4(2) of the Act so that public's need to resort to the use of the RTI Act to obtain information is minimized. It is also likely to save the public authorities and their SPIOs the trouble of furnishing the same information repetitively to multiple information seekers, as it has been noticed that the volume of the same information frequently sought for by different applicants is quite large.

It has also been observed that many public authorities are yet to comply with the provisions of section 5 (1) and 5 (2) of the RTI Act, 2005 relating to designation of SPIOs in all administrative units and offices under them, including at sub-divisional and other sub-district levels. They were required to do this within 100 days of the enactment of the RTI Act in 2005.

Therefore, with a view to promoting transparency and accountability in the working of every public authority as well as to facilitating containment of corruption as envisaged by the RTI Act, this Commission, directs the Chief Secretary to the Government of Assam as the Head of the administrative machinery in the State to issue appropriate instructions to all

defaulting public authorities under his administrative jurisdiction to comply with the requirements of section 4 of the RTI Act retrospectively at least with effect from 1.4.2014 and to comply prospectively with sections 5(1) & 5(2) of the RTI Act within 90 days from the date of receipt of this order.

1st April, 2014 is fixed for compliance with section 4 taking into account the pendency period of most of the RTI applications and subsequent appeal and complaint petitions.

It has also been the experience of this Commission that teachers of primary schools, secretaries of GPs and GPSS, etc. also appear before this Commission as SPIOs. As a result the number of SPIOs in the State seems to be nearly 50,000, as against only about 2000 registered with the Central Information Commission.

This Commission, therefore, directs all public authorities and administrative Heads of Departments to designate SPIOs at the appropriate level of the administrative hierarchy and rationalize their number so that the total number of SPIOs in the State as a whole is not too large and unwieldy.

Besides public authorities directly within the administrative jurisdiction of the State Chief Secretary, there are also other public authorities, viz. Constitutional bodies, statutory bodies or authorities established or constituted by executive orders of the State Government, bodies owned, controlled or substantially financed by the State Government and NGOs substantially financed by the State Government which fall within the ambit of Assam Information Commission in terms of the provisions of section 2(h) read with section 15 (1) of the RTI Act, 2005. The above order shall apply, mutatis mutandis, to all such public authorities also.

With the above orders, the second appeal petition dtd 19.7.14 is disposed of.

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

Authenticated true copy.

Sd/-

Registrar

Assam Information Commission

Memo No. SIC/ KP(M).485/2014/

Dtd. 23.6.2016

- Copy to:
1. The Chief Secretary to the Government of Assam, Dispur, Guwahati- 781 006 for information and necessary action.
 2. The Director of Agriculture, Govt. of Assam, Khanapara, Guwahati-22 for information and necessary action.
 3. The Joint Director (PP) & SPIO of the Directorate of Agriculture, Govt. of Assam, Khanapara, Guwahati-22 for information and necessary action.
 4. Shri Pradip Kalita, Lakhiminagar Tiniali, Hatigaon Road, Lord Enclave, Guwahati-38 for information.
 5. The Director of Information and Public Relations, Govt. of Assam, Dispur, Guwahati-6 for dissemination of this order for general information.
 6. Computer Section for uploading in the Website.
 7. Office File.
 8. Order Book.

Registrar
Assam Information Commission



OFFICE OF THE

ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037

Case No. : KP(M).695/2016
Complainant/ Appellant : Shri Bipin Ch. Thakuria
Respondent : Commissioner of Police, Guwahati City
Date of hearing : 02.02.2017
Complaint/ Second : Shri H. S. Das, IAS (Rtd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R

02.02.17

The petitioner/appellant Shri B.C. Thakuria is present. The public authority to be represented by the SPIO of the office of the Commissioner of Police, Guwahati City is absent, but he has sent a written submission dated 30.1.17 stating that the copy of the relevant Treasury chalan by which the amount of ₹ 500 collected as fine from the petitioner against receipt no. 5955544 dated 6.6.16 was deposited in the Treasury, was already furnished to the petitioner vide letter dated 9.8.16, which also includes copy of the letter dated 20.7.16 from the i/c Deputy Commissioner of Police (Traffic) to ASPIO and Addl. Deputy Commissioner of Police (Admin), Guwahati City. It appears from these correspondences to the petitioner that the receipt no. 5955544 issued by the Inspector of Police (Traffic), Chandmari Region dated 6.6.16 was contained in the receipt book no. (A) 59556, which was deposited to the Govt. Treasury vide Treasury chalan No. 6/13303 dated 30.6.16. A copy of the Treasury Chalan was also furnished to the petitioner, who acknowledged receipt of the same.

Now, the main ground of second appeal petition dated 14.10.16 filed by the petitioner is whether the receipt number mentioned above was actually part of the receipt book no. 59556. It seems that he is not willing to accept the information already given to him vide enclosures dated 20.7.16 mentioned above. With a view to helping the petitioner to satisfy himself that ₹ 500.00 collected from him as fine vide receipt no. 5955544 dated 6.6.16 was actually deposited to the State Exchequer, this Commission directs the SPIO and Deputy Commissioner of Police (Admin) to allow the petitioner to inspect all the pages of the receipt book no. 59556 so that the petitioner can confirm that the amount of ₹ 30,800.00 shown against book no. 59556 in the Treasury chalan dated 30.6.16 includes the fined amount of ₹ 500.00 collected from the petitioner, within 15 days from the date of receipt of this order.

From perusal of the copy of the receipt no. 5955544 dated 6.6.16 which was given to the petitioner at the time of imposition of fine on him, it is seen that the book no. was not mentioned in the receipt. This Commission also therefore directs the Commissioner of police, Guwahati City to ensure that the book number is invariably mentioned on the receipts and the space provided for it in the receipt is not left blank. This direction is issued u/s 19 (8) (a) (i) & (iii) of the RTI Act, 2005. Since the petitioner is interested only in knowing whether the fined amount of ₹ 500.00 collected from him has actually been deposited to the Exchequer, this Commission did not find it necessary that he be furnished with the copies of all the pages of receipt book no. 59556.

With the above order, the second appeal petition dated 14.10.16 is disposed of.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/KP(M).695/2016/

Dtd. 02.02.2017

Copy to:

1. The Commissioner of Police, Guwahati City, Panbazar, Guwahati-781 001 for information and necessary action.
2. The SPIO of the office of the Commissioner of Police, Guwahati City, Pabazar, Guwahati 781 001 for information and necessary action.
3. Shri Bipin Ch. Thakuria, 44-A, I.G. Road, Santipur, Guwahati- 781 009 for information.
4. The Director of Information & Public Relations, Govt. of Assam, Dispur for information and necessary action.
5. Computer Section for uploading in the Website.
6. Office File.
7. Order Book.

Registrar
Assam Information Commission

ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : KP(M).509/2014
Complainant/ Appellant : Mr. Jyotish Kr. Das,
Respondent : Assam Cricket Association.
Date of Hearing : 28-11-2016
Complaint/ Second : Shri H. S. Das, IAS (Retd)
appeal heard by : State Chief Information Commissioner, Assam

O R D E R

The petitioner Sri Jyotish Kr. Das is present. The different public authorities are represented by:- (1) Sri Manik Ch. Borah, SPIO and Under Secretary, Sports Youth Welfare Department, Dispur, Guwahati-6 (2) Sri Ranjan Chakravarty, Deputy Secretary, Finance (EC_II) Department, Dispur, Guwahati-6 (3) Sri Ananda Kr. Das, ACS, Deputy Secretary, Revenue & Disaster Management Department, Dispur, Guwahati-6, (4) Smti Pallabi Rabha, Joint Director, DCP Division, P&D Department, Dispur, Guwahati-6 (5) Smti Panchami Duarah, Research Officer, DCP Division, P&D Department and (6) Sri Robin Baruah, Advocate, for Assam Cricket Association.

The complaint petition dated 2-8-2014, which was already converted into a 2nd appeal petition vide order dated 12-7-2016 is taken up for further hearing in pursuance of this Commission's earlier order dated 12-7-2016, 17-8-2016 and 20-9-2016.

The Advocate for Assam Cricket Association has filed his written arguments raised dated 28-11-2016 which is entered into the case records. In his written argument he has raised mainly two points :-

- 1. That the 2nd appeal petition dated 2-8-2014 filed by the petitioner is barred by limitation, as it was filed more than a year after the Hony. Secretary of Assam Cricket Association replied on 5-6-2013 to the RTI petition dated 23-5-2013.**

- 2. That the Assam Cricket Association is a Registered Society under the Registration of Societies Act, 1860 and that it is not a public authority within the meaning of the Right to Information Act, 2005. In support of his argument he has submitted a copy of Hon'ble Supreme Court's order dated 18th July, 2016 referring specifically to para-81 and 82 of the order.**

The Under Secretary to the Govt. of Assam, Sports and Youth Welfare Department also submitted a written statement dated 28-10-2016 stating that the Sports and Youth Welfare Department as well as the Directorate of Sports and Youth Welfare Department have not given any financial assistance or Grants in Aid to Assam Cricket Association during the period 2001 to 2014.

The SPIO and Deputy Secretary to the Govt. of Assam, Revenue and Disaster Management Department has also submitted their written statement dated 25-11-2016. The gist of their submission is that Revenue Department, Govt. of Assam reserved a plot of land measuring 59B-3K-2L in favour of Assam Cricket Association at village-Barshapara within Guwahati city. The present value of the land as per the approved zonal regulation is approximately Rs. 15 lakhs per katha.

The Joint Director and PIO of P&D Department has made a separate written submission dated 22nd October, 2016, which is also entered into the case records. It appears from the written statement of P&D Department that the Assam Cricket Association was given a financial assistance of Rs. 1 crore during the year 2005-2006 and another amount of Rs. 50 lakhs in the year 2007-2008 for development of cricket stadium at Barshapara, Guwahati. Although not mentioned in the written statement, the Joint Director of DCP Department, P&D orally stated that the amount was sanctioned as Grants-in-Aid from untied fund scheme in favour of Assam Cricket Association.

The PIO and Joint Director of P&D also mentioned about financial assistance given to other sports associations in different places of Assam during the period 2001-2014, which does not appear to be relevant to the instant RTI case.

The SPIO and Deputy Secretary, Govt. of Assam, Finance (EC-II) Department submitted a written submission dated 28th November, 2016 which is also entered into the case records. The main point in his written submission is that the Sports & Youth Welfare Department and Sports Associations like Assam Cricket Association is

Dealt with by EC-III department and not by Finance EC-II department. He is, therefore, hereby exempted from further appearance before this Commission in the instant case.

The Additional Commissioner of Taxes and SPIO of the office of Commissioner of Taxes also sent a written submission dated 9th September, 2016 enclosing copies of Govt. Notifications dated 2nd November, 2007 and 14th March, 2002 recording State Govt's refusal to give tax exemptions to ACA for hosting international cricket matches. Coming back to the contention of the Advocate Sri R. Baruah, representing the Assam Cricket Association that :- (i) the petitioner's second appeal petition dated 2-8-2014 is time barred, as it was filed after expiry of more than one year from the date of furnishing of reply by the Hon'y Secretary of ACA, (ii) that the petitioner has not made any prayer for condonation of the delay, and (iii) that he has filed appeal petition before this Commission without first filing of first appeal petition under Section-19 (1) of the RTI Act, his appeal petition dated 2-8-2014 should not be entertained. A copy of the written arguments of Advocate Sri R. Baruah was also given to the appellant. The appellant stated that he remembers to have filed first appeal petition before the ACA twice. However, he could not produce any records to substantiate his oral submissions.

When asked by this Commission, the petitioner reiterated that he is still interested in getting the information that was sought for vide his RTI petition dated 23-5-2013 from ACA. However, in view of the technical and procedural flaws in the 2nd appeal as pointed out by Sri R. Baruah, Advocate, on behalf of the Assam Cricket Association, this Commission could not proceed further with the instant 2nd appeal petition.

This Commission, therefore, disposes of the appeal petition dated 2-8-2014 on the grounds of the above mentioned technical and procedural flaws, without going into the substantive issues whether Assam Cricket Association is a public authority within the meaning of Section 2(h) of the RTI Act, 2005, and if so, whether the informations sought for by the petitioner are admissible under the provisions of the said Act. The petitioner will however, be at liberty to file fresh RTI petition, if he so desires, before the Assam Cricket Association.

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

**Authenticated true copy
Sd/-
Registrar
Assam Information Commission.**

Copy to:

1. (1) Sri Manik Ch. Borah, SPIO and Under Secretary, Sports and Youth Welfare Department, Dispur, Guwahati-6 for information.
- (2) Sri Ranjan Chakravarty, Deputy Secretary, Finance (EC_II) Department, Dispur, Guwahati-6 for information.
- (3) Sri Ananda Kr. Das, ACS, Deputy Secretary, Revenue & Disaster Management Department, Dispur, Guwahati -6, for information.
- (4) Smti Pallabi Rabha, Joint Director, DCP Division, P&D Department, Dispur, Guwahati-6 for information.
- (5) Smti Panchami Duarah, Research Officer, DCP Division, P&D Department, Dispur, Guwahati-6 for information.
- (6) Hony. Secretary, Assam Cricket Association, Barshapara, Guwahati for information.
- (7) Sri Robin Baruah, Advocate, for Assam Cricket Association, Gauhati High Court, Guwahati for information.
- (8) Sri Jyotish Kr. Das, C/O Mr. Nakul Ch. Das. PHE Complex, Hengrabari, Qr. No. 216, Guwahati-36 for information.
- (9) Computer Section for uploading in the Website.
- (10) Office file.
- (11) Order Book.

**Registrar
Assam Information Commission.**



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

Case No. : **KP(M) 261/2014**

Complainant/ appellant : **Sri Dulal Bora**

Respondent : **DIPR**

Date of hearing : **31-05-2016**

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

O R D E R

The petitioner Sri Dulal Bora is absent. The public authority is represented by:- (1) Sri Promode Kr. Dutta, SPIO & CIO of the office of DIPR (H.Q), Assam, Guwahati-6, (2) Sri Dina Nath Loying, First Appellate Authority and Joint DIPR. & (3) Smti Rubi Gogoi, SC, DIPR, Assam.

The second appeal petition dated 5-11-2013 is taken up for hearing ex-parte in the absence of the petitioner.

The Director of Information and Public Relations has deputed the Jt. DIPR Sri D.N. Loying to appear before this Commission for today's hearing vide his letter dated 31st May, 2016.

The SPIO and CIO of the office of the Directorate of Information and Public Relations submitted a written submission dated 30th May, 2016 stating, *inter alia*, the actions already taken by the Directorate in response to the petitioner's RTI petition dated 7-6-2013.

He also deposed that the first appeal petition dated 22-7-2013 does not appear to have been received in the office of DIPR, as per their official records.

However, from perusal of the RTI petition dated 7-6-2013 it appears that the petitioner sought detailed information about (1) all the advertisements issued by DIPR for recruitment against various posts under different departments of the Govt. of Assam, for the 5 (five) financial years preceding his RTI application, and (ii) advertisements issued by DIPR for procurement of all materials as well as for all construction works of various departments under Govt. of Assam.

Request for such blanket information does not appear to be in conformity with the requirement of Section 6 (1) of the RTI Act, 2005, which stipulates that a person seeking information shall specify the particulars of information sought for by him or her.

Moreover, compilation and furnishing of such voluminous information are likely to disproportionately divert the resources of the public authority, which is discouraged by Section 7(9) of the RTI Act, 2005. In this context, this Commission also refers to the following observation of the Hon'ble Supreme Court of India in Civil Appeal No. 6454/2011 :-

“...Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information. The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees of public authorities prioritising ‘information furnishing’, at the cost of their normal and regular duties.”

In view of the above, this Commission directs the petitioner to reasonably specify the advertisements whose copies he wants and to inform the SPIO of the Director of Information and Public Relations, within 15 days from the date of receipt of this order. The SPIO in the office of the Director of Information and Public Relations is also directed to furnish copies of those specific advertisements within 15 days from the date of receipt of reasonable and specific request of the petitioner, free of cost up to 50 pages of photo copies and thereafter against payment of Rs. 2/- for every additional page of photo copy.

With the above order the second appeal petition dated 5-11-2013 is disposed of.

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

Authenticated true copy.

**Sd/-
Registrar
Assam Information Commission**

Memo No.SIC/KP(M) 261/2014/ 24-A

Dtd. 31-5-2016

Copy to:

1. Director, Information and Public Relations, Assam, Dispur, for information and necessary action.
2. Sri Sri Promode Kr. Dutta, SPIO & CIO of the office of DIPR (H.Q), Assam, Guwahati-6 for information and necessary action.
3. Sri Dulal Bora, Koinadhara Tiniali, House No. 118, Khanapara , Guwahati-1 for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book

**Registrar
Assam Information Commission**



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

Case No. : **KP(M). 361/2016**
Complainant/ appellant : **Sri Monojit Singh**
Respondent : **DEEO, Kamrup**
Date of hearing : **26-9-2016**
Date of order : **04-10-2016** :
Complaint/ Second : **Shri H. S. DAS, IAS(Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R

1. The petitioner Sri Monojit Singh is absent without any information. The public authority is represented by :- (1) Sri S. G. Kalita, Jt. Secretary and SPIO Secondary Education Department, Dispur, Guwahati-6, (2) Sri A. K. Bhattacharyya, Jt. Secretary and SPIO , Elementary Education Department, (3) Sri Nitul Barman, Sr. Administrative Assistant, Assam Secretariat, Dispur, Department of Elementary Education., (4) Dr. Bhupen Talukdar, AES, SPIO & Joint Director of Secondary Education, Assam, Kahilipara, Guwahati, (5) Smti Rumi Choudhury, SPIO & Deputy Director, Elementary Education, Office of the Director, Elementary Education, Assam, Kahilipara, and (7) Sri Samiran Pancharan, Planning Assistant, Directorate of Elementary Education, Kahilipara.

Respondent No.6, i.e., Delhi Public School, Betkuchi, Guwahati is represented by Sri Pawan Kr. Agarwal,

2. The second appeal petition dated 3-6-2016 is taken up for further hearing ex-parte in the absence of the petitioner, in pursuance of this Commission's earlier order dated 24-8-2016.
3. In compliance with this Commission's earlier order dated 24-8-2016, the following written statements have been received :-
 - i) No. DPSG/Gen/16-17/Admn:269 dated 16-9-2016, from Smti Chandralekha Rawatt, Principal , DPS, Guwahati with which was attached a copy of Certificate of Registration of the Society named Gyan Sarovar Foundation, who established and is running the DPS Public School, Betkuchi. one copy each of the Memorandum of Association and Rules and Regulations of the Society were also enclosed,
 - ii) No. DSE/RTI/Hear/19/2016/8 dated 18-9-2016 from Sri Babulal Sarma, Director of Secondary Education, Assam,
 - iii). No. ASE.364/2012/65 dated 26-9-2016 from SPIO & Joint Secretary to the Govt. of Assam, Secondary Education Department, enclosing one copy each of "The Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006" and The Assam Non-Government Educational Institutions (Regulation and Management) Rules, 2007.

iv) No. AEE(RTI).11/2016/214 dated 23-9-2016 from the SPIO and Joint Secretary, Govt. of Assam, , Elementary Education Department, stating that Elementary Education Department has not designated any office who can have access to any information pertaining to private schools situated in Assam and that the Department is considering to designate one such officer in terms of this Commission's order dated 24-8-2016 in the instant case.

v) The representative of DPS submitted an extract of Central Information Commission's order dated 1st February,2010 in a complaint case No. CIC/SG/C/2009/001671 with Mr. Vikram Kakkar as complainant and Secretary, DPSS, New Delhi, as respondent, declaring that DPSS, Delhi is not a public authority as defined under Section 2(h) of the RTI Act, 2005.

4. After perusal of the written submission of the Principal of DPS, Betkuchi, Guwahati and the attached Memorandum of Association and Rules and Regulations of Gyan Sarovar Foundation, this Commission is of the opinion that the above mentioned Society and DPS, Guwahati are private institutions and are not public authorities as defined under Section 2(h) of the RTI Act, 2005. The Director, Secondary Education also stated so in his written statement mentioned above.

5. The Director, of Secondary Education, has, however, mentioned in his written statement that " The school runs on the fees paid by the parents, it is not entirely their own investment. Fund comes from the fees deposited by the parents. Hence 'Public Money' is involved; the School authority cannot deny it. For the sake of transparency and to prove that the school is run and fund is maintained with full transparency, the school, instead of withholding of information, should have merrily provided information".

6. He further mentioned that a PIL No. 139/15 and another case bearing No. 2806/12 filed by DPS, Numaligarh are subjudice with Hon'ble Gauhati High Court. The Director, Secondary Education has also referred to Section 10(xvii) of The Assam Non-Government. Educational Institutions (Regulation and Management) Act, 2006 which binds Non-Government Educational Institutions to furnish such reports and information, as may be required by the Director (Secondary Education etc.) from time to time and comply with such instructions of the Director, as may be issued to secure the continued fulfillment of the conditions of recognition or the removal of deficiencies in the working of the Institutions. Section 10(xviii) of the Act further provides that all records of such private Educational Institutions shall be open to inspection by any officer authorized by the State Government or the Director, as the case may be, at any time and that the Institution shall furnish such information, as may be necessary to enable the State Government or the Director, as the case may be, to discharge their duties and functions in accordance with the provisions of the Act and the Rules made thereunder, or any other law for the time being in force. The Director, Secondary Education also mentioned in his W/S that such Institutions have expressed reluctance to provide information on fee structures, and other records called by the Directorate in the past,. He has also mentioned in the W/S that Govt. of Assam is considering amendment of the existing Act to plug its loopholes and make the Act more effective.

7. The representative of DPS, Guwahati submitted that a wide range of informations relating to the functioning and management of the school is already available in their website "www.dpsguwahati.in"

8. From the above discussions it is seen that there is an existing Act of Assam Government called "The Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006", Section 10 (xvii) which makes it a statutory obligation of such Non-Government Educational Institutions falling within the purview of the Act to furnish such reports and information as may be required by the Director from time to time and comply with such instructions of the Director as may be issued to secure the

continued fulfillment of the condition of recognition or the removal of deficiencies in the working of the Institutions.

9 Section 10(xviii) of the said Act further stipulates that all records of such non-government educational institutions shall be open to inspection by any officer authorized by the State Government or the Director , as the case may be at any time and that the Institution shall furnish such information , as may be necessary to enable the State Government or the Director, as the case may be, to discharge their duties and functions in accordance with the provisions of the Act and the Rules made thereunder, or any other law for the time being in force.

10. **In view of the above provisions of law, this Commission comes to the conclusion that the Delhi Public School is a private institution and it cannot be deemed to be a public authority as defined under Section 2(h) of the RTI Act, 2005.**

However, Section 2(f) of the RTI Act, 2005 stipulates that :-*“Information” means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.”*

11. This Commission, therefore, orders that in exercise of powers conferred under Sections 10 (xvii) and 10 (xviii) of The Assam Non Government Educational Institutions (Regulation and Management) Act, 2006 , read with Section 2(f) of the RTI Act, 2005 , **the concerned Directors of Education, Assam can access informations from any non-government educational institution coming within the ambit of The Assam Non-Government Educational Institution (Regulation and Management) Act, 2006 and falling within their respective jurisdictions, and to that extent such non-government private educational institutions also come within the purview of the RTI Act, 2005.**

12. This Commission, therefore, directs the petitioner to first visit the website of DPS, Guwahati, as mentioned at paragraph 7 above. For informations which are not available in the website, he may approach the Director, Secondary Education within 15 days from the date of receipt of this order and the Director, Secondary Education is directed to take action to furnish the admissible information to the petitioner in exercise of his powers under Section 10(xvii) and 10(xviii) of The Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006 within 45 days from the date of receipt of this order.

With the above order, the second appeal petition dated 3-6-2016 is disposed of.

Sd/-

(H.S.Das)

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

Authenticated true copy.

Sd/-

Registrar

Assam Information Commission

Copy to:

1. Sri S. G. Kalita, Jt. Secretary and SPIO Secondary Education Department, Dispur, Guwahati-6, for information.
2. Sri A. K. Bhattacharyya, Jt. Secretary and SPIO , Elementary Education Department,for information
3. Dr. Bhupen Talukdar, AES, SPIO & Joint Director of Secondary Education, Assam, Kahilipara, Guwahati for information and necessary action, as ordered above.
4. Sri Monojit Singh, Pandu, New Colony, Guwahati -781022 for Information and necessary action , as ordered above.
5. Sri Pawan Kr. Agarwal, Delhi Public School, National Highway-37, Opp. Tirupati Balaji Temple, Bhabanand, Ahom Gaon, Guwahati- 781035 for information.
6. DIPR, Last Gate, Dispur, Guwahati-6 for information and necessary action.
7. Computer Section for uploading in the Website.
- 8.** Office File.
9. Order Book

Registrar

Assam Information Commission

ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : BGS.09/2016
Complainant/ Appellant : Sri Ajay Kr. Rakshit
Respondent : Chief Secretary, Assam
Date of Hearing : 8-3-2017
Complaint/ Second : Shri H. S. Das, IAS (Retd)
appeal heard by : State Chief Information Commissioner, Assam

O R D E R

8-3-2017

The petitioner Sri Ajay Kr .Rakshit , “Law Secretary” Advisory Board, Asom Garkaptani Shramik Santha, Barama, Baksa is present. He is accompanied by one (1) Sri Surendra Nath Das and (2) Sri Ajit Das to assist him . The public authority is represented by Ms. Keerthi Jalli, S.O to Chief Secretary and SPIO of Chief Secretary’s office.

2. The second appeal petition , dated 28-1-2016, which was inadvertently mentioned as a complaint petition in this Commission’s notice dated 20th February, 2017, is taken up for hearing with reference to the petitioner’s RTI petition dated 18-6-2015 and first appeal petition dated 28-10-2015 in presence of both the parties.

3 At the outset , this Commission wanted to know from the petitioner about the authenticity of the organization called ‘Asom Garkaptani Shramik Santha’, (AGSS), Barama , Baksa which he claims to represent , and on whose letter head he filed his RTI petition and subsequent appeal petitions using the seal of “Law Secretary” , Advisory Board, Asom Garkaptani Shramik Santha, Barama, Baksa.

4. This Commission informed him about the report dated 15-12-2016 received by the Secretary of this Commission from the Superintendent of Police, Baksa District. The Superintendent of Police, Baksa reported that there is no organization called Assam Garkaptani Shramik Santha, Barama, Baksa and that Sri Ajay Kr. Rakshit is the self-styled “Law Secretary” of the said Advisory Board of Assam Garkaptani Shramik Santha. The

S.P also reported that the organization of Sri Ajay Kr. Rakshit is a One-man Organization created by himself for his self-interest. Police verification revealed that the full name , address and actual identity of the RTI applicant Sri Ajay Kr. Rakshit is that he is about 78 years of age, son of Lt. Hirendra Kr. Rakshit, SS-Qr No.-II , PWD (NH) Colony, P.O- Barama, Dist-Baksa. Sri Ajay Kr. Rakshit retired from service as S.O Gr-II from PWD, Rangia, N.H Division in 1998 although he continues to occupy the Govt. Quarter long after retirement. Even after he was given sufficient time, Sri Ajay Kr. Rakshit could not produce before Police any documents, regarding :-

- i) AGSS Registration/ recognition paper,
- ii) List of Members of the Executive Committee/ portfolio holders,
- iii) Affiliation to other recognized labour unions,
- iv) Constitution/ aims and objectives in respect of AGSS.

5. The Superintendent of Police, Baksa enclosed reports from Executive Engineer, PWD (NH) Division and from Asstt. Executive Engineer, Barama Rural (Road) subdivision, Barama. Both these PWD Officers informed the, inspector Officer-in- charge, Barama Police Station that they were not aware of the existence of AGSS. From the report of S.P., Baksa, it appears that Asom Garkaptani Shramik Santha, which Sri Ajay Kr. Rakshit claims to represent as the “Law Secretary” of its Advisory Board is a *fake and fictitious one.*

6. After quoting the police report , when the petitioner was asked if he would like to make any submissions, Sri Ajay Kr. Rakshit hurriedly left the hearing room without making any submission.

7. The Commission next asked Sri Ajit Das about his identity . He gave a signed written statement stating that he is a Junior Assistant in the Soil Conservation Department, Nalbari and that he is a Member of the Advisory Board of All Asom Garkaptani Shramik Santha, Barama, District- Baksa. In the absence of Sri Ajay Kr. Rakshit he refused to make any submission.

8. Thereafter, the Commission asked Sri Surendra. Nath Das if he has any submission to make. He deposed orally that the RTI application dated 18-6-2015 and the subsequent appeal petitions including the second appeal petition dated 28-1-2016 concerns him. The subject matter of the RTI petition is his prayer dated 27-3-2000 for appointment on compassionate ground as Soil Conservation Field Worker (SCFW)- Gr-III in the office of the Divisional Officer, Soil Conservation, Nalbari, after the death of his father Late Debendra Nath Das, on 19-2-2000, ex-SCFW who worked as a SCFW in the office of the Divisional Officer, Soil Conservation, Nalbari.

9. From perusal of the case records it is seen that Sri Surendra Nath Das's application dated 27-3-2000 for appointment on compassionate ground was forwarded by the Divisional Officer, Soil Conservation Division, Nalbari to the Director, Soil Conservation, Govt. of Assam on 4-4-2000. The said application was thereafter forwarded by the Director, Soil Conservation to the Deputy Secretary, Soil Conservation Department, Govt. of Assam by a letter dated 17-5-2000.

10. Available case records reveal that a prayer from Sri Surendra Nath Das, son of Late Debendra Nath Das, Ex- SCFW was forwarded also by the Joint Secretary to the Govt. of Assam, Chief Minister's Office, Dispur for taking necessary action for appointment on compassionate grounds. It, therefore, appears that no action was taken by the concerned authorities for long eight years from 2000 to 2008. Available records also reveal that it took six more years for Sri Surendra Nath Das's application for appointment on compassionate grounds to come up before the State Level Committee for Appointment on Compassionate Grounds headed by the Chief Secretary. Minutes of the meeting of the State Level Committee in respect of Soil Conservation Department held on 1-12-2014, which was Chaired by the then Chief Secretary Sri J. Khosla, IAS, reveal that the prayer of Sri Surendra Nath Das was considered against a single vacancy available for filling up on compassionate grounds against the year 2006. There were several other candidates for the same post. The lone one post went to one Sri Kopil Bora whose year of application was 1998. The said minutes noted that the application of Sri Surendra Nath. Das whose date of application was 27-3-2000 was rejected by the State Level Committee as he could not be accommodated due to shortage of vacancy.

11. Sri Surendra Nath Das's grievance is that he was deprived of his legitimate claim for appointment on compassionate grounds due to the inordinate delay in taking up his application dated 27-3-2000 for consideration only in 2014. According to him several posts of SCFWs which fell vacant during the interim period, including the post of his deceased father, were filled up by other candidates.

12. Sri Surendra Nath Das further deposed that being aggrieved, he approached Sri A. K. Rakshit, who assured him that he will be able to get redressal of his grievance. It is seen from the case records that Sri Ajay Kr. Rakshit, using the designation of "Law Secretary", Advisory Board, Asom Garkaptani Shramik Santha, Barama, filed a Review petition dated 26-2-2015 before the Chief Secretary, Govt. of Assam, and Chairman of the State Level Committee for appointment on compassionate grounds. By the Review petition Sri Ajay Kr. Rakshit prayed for reviewing the matter of rejection of the prayer of Sri Surendra Nath Das for appointment on compassionate grounds. Sri Ajay Kr. Rakshit cited several rules in support of his prayer.

13. Getting no response to his Review petition dated 26-2-2015, Sri Ajay Kr. Rakshit followed it up by his –

- (i) RTI petition dated 18-6-2015 filed before the SPIO of the office of Chief Secretary, Govt. of Assam;
- (ii) First appeal petition dated 28-10-2015 before the Chief Secretary as First Appellate Authority, and finally,
- (iii) The instant second appeal petition dated 28-1-2016 followed by a reminder dated 15-6-2016.

14. The SPIO and Staff Officer to the Chief Secretary Ms. Keerthy Jalli submitted that Sri Ajay Kr. Rakshit's RTI petition dated 28-10-2015 was received in Chief Secretary's office on 3-11-2015 and on the same day it was transferred to the Additional Chief Secretary, Soil Conservation Department vide Chief Secretary's Dak Section Diary No. 293. The S.O and SPIO of Chief Secretary did not make any mention about the original RTI petition dated 18-6-2015 or the Review petition dated 26-2-2015 filed by Sri Ajay Kr. Rakshit. So, the position as it stands today is that no action appears to have been taken on the RTI petition and the subsequent first appeal petition. It is, however, open to question whether Sri Ajay Kr. Rakshit had any *locus standi* to file the Review petition dated 26-2-2015, and that too, by mis-representation of his identity as office bearer of a *fake* and *fictional* Organization, as reported by the Superintendent of Police, Baksa to redress the grievance of a *third party*.

15. The actual aggrieved party Sri Surendra Nath Das submitted that he is still waiting for redressal of his grievance which was articulated on his behalf by Sri Ajay Kr. Rakshit vide Review petition dated 26-2-2015, mentioned above.

16. In view of the above facts and background of the case and the pending grievance of Sri Surendra Nath Das, this Commission is of the opinion that it will be in the fitness of things if the original applicant and the aggrieved party Sri Surendra Nath Das himself files his Review Petition before the Chief Secretary to the Govt. of Assam and the Chairman of the State Level Selection Committee for appointment on compassionate ground.

17. This Commission, therefore, directs ***in exercise of powers conferred under Section 19(8) (a) of the RTI Act, 2005***, the Chief Secretary, Govt. of Assam and Chairman of the State Level Selection Committee for Appointment on Compassionate Ground to dispose of the Review petition of Sri Surendra Nath. Das, if he files any , within sixty (60) days of receipt of the same with a speaking order.

18. With the above order, the instant second appeal petition dated 28-1-2016 is disposed of.

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

Authenticated true copy

Sd/-
Registrar
Assam Information Commission
Memo No SIC/BGS.09/2016/ -A
Copy to:.

Dated 8-3-2017

- 1) Chief Secretary to the Government of Assam, Dispur, Guwahati-6 for information and necessary action, as ordered above.
- 2) Ms. Keerthi Jalli, S.O to Chief Secretary. Government of Assam, Dispur, Guwahati-6 for information.
- 3) Divisional Officer, Soil Conservation Division, Nalbari (Copy of the Written Statement of Sri Ajit Das, Jr. Asstt. , Divisional Officer, Soil Conservation, Nalbari –enclosed)
- 4) Sri Ajay Kr. Rakshit, S/O Late Hitendra Kr. Rakshit, Law Secretary, Advisory Board AGSS, Barama, SS-Qr No-II, PWD (NH) Colony, P.O-Barama, Dist-Baksa, PIN-781346 for information.
- 5) Sri Surendra. Nath Das, Son of Late Debendra Nath Das, Ex- SCFW, C/O Divisional Officer, Soil Conservation Division, Nalbari, District- Nalbari for information.
- 6) Sri Ajit Das, Junior Assistant, Office of the Divisional Officer, Soil Conservation Division, Nalbari for information.
- 7) Computer Section for uploading in the Website.
- 8) Office file.
- 9) Order Book.

Registrar
Assam Information Commission.



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

Case No. : SIC/KP(M).760/2016
Appellant : Shri Harinarayan Pathak
Respondent : The SPIO, O/o the Commissioner, Panchayat & Rural
Development Deptt., Guwahati, Assam
Date of hearing : 15.03.2017
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R

15.03.2017

Shri Biraj Mohan Adhikary, the ASPIO/Assistant Development Commissioner, Panchayat & Rural Development Deptt. is present. He has submitted a Written Statement dated 04.03.2017 from the PIO/Joint Director, P & RD Deptt., Assam.

The Appellant, Shri Harinarayan Pathak is present.

Heard the Appellant. He submitted that he has not been furnished with the information he had sought for and that he was not satisfied with the reply given to him by the SPIO/Joint Director, P & RD Deptt., Assam through a letter dated 14.09.2016.

Perused the W/S. A copy of the said letter dated 14.09.2016 has been enclosed wherein the Appellant was informed that the information sought through point numbers 1 and 2 were not available with his office and that BPL guidelines/notification may be available with Government of India. However, no evidence of posting the said letter has been produced. The same position was reported to the Appellant by the SPIO through a letter dated 22.11.2016.

Perused the case record. It is seen that the Appellant had submitted the RTI Application dated 14.06.2016 to the SPIO/Staff Officer, office of the Chief Secretary, Assam. The Appellant sought for the following information:-

- (i) Official Notification/Executive Order of Govt. of Assam or Govt. of India, as the case may be, for declaration of People Below Poverty Level in the state of Assam.
- (ii) Name and official address of the Competent Authority to whom entrusted the task for declaration and issuing the Below Poverty Level Certificate (BPL Certificate) to the Eligible individual belong to BPL category.
- (iii) Sample copy of Application for seeking of BPL Certificate from the Competent Authority.

The Application was transferred to the SPIO/Deputy Secretary, P& RD, Assam through a letter dated 17.06.2016. The Deputy Secretary, P & RD, Assam in turn transferred the same to the Commissioner, P& RD, Assam through a letter dated 18.06.2016. Stating that no information was furnished to him, he submitted the First Appeal dated 20.08.2016 to the Commissioner/First Appellate Authority. The Appellant did not receive any order from the FAA and therefore submitted his Second Appeal dated 24.09.2016. He has sought for access to the information and appropriate action against both the SPIO and the FAA for violation of the said Act.

Heard the ASPIO. He reiterated the submission made in the W/S. He was however, unable to tell the Commission as to how BPL beneficiaries of the various schemes administered/implemented by his department were identified. He was also not aware of the authority competent to issue BPL cards which are accepted to identify BPL beneficiaries by the Field Officers in his department.

The Commission is of the view that the SPIO and the ASPIO could not profess ignorance about Government guidelines pertaining to declaration of a BPL family and to furnish a copy of the form of application for seeking a BPL certificate. It is therefore necessary that the matter be addressed at higher levels. The issue could have possibly been addressed by the Commissioner, P & RD had he disposed of the First Appeal in his capacity as the FAA and issued an speaking order after hearing the SPIO and the Appellant. The Commission therefore, hereby orders that the Commissioner, P & RD shall have the matter investigated, and the information/documents furnished to the Appellant, if available. Further, the Commissioner, P & RD Deptt., Assam is hereby directed to submit a W/S before the Commission within 21 days of receipt of this order.

Should the P & RD, Assam not be the competent authority to declare any citizen as BPL beneficiary, it shall be the responsibility of the Public Authority to transfer the Application or the relevant part thereof to the public authority who might hold the information U/S 6 (3) of the said Act.

Fix next date of hearing in the fourth week of May, 2017.

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-
Joint Registrar
Assam Information Commission
Memo No. SIC/KP(M).760/2016

Dtd. 15.03.2017

Copy to:

1. The SPIO, O/o the Commissioner, Panchayat & Rural Development Deptt., Panjabari, Guwahati- 37, Assam for information and necessary action.
2. The Commissioner, Panchayat & Rural Development Deptt., Panjabari, Guwahati- 37, Assam for necessary action.
3. The SPIO/ the Staff Officer, O/o the Chief Secretary to the Govt. of Assam, Assam Secretariat, Dispur, Guwahati- 781 006, Assam for information and having the position regarding issue of BPL card/certificate ascertained and clarified.
4. The First Appellate Authority/The Commissioner, Panchayat & Rural Development Deptt., Panjabari, Guwahati- 37, Assam for necessary action.
5. Shri Harinarayan Pathak, Padum Pukhuri, Uzan Bazar, Guwahati- 781 001, Assam for information.
6. Computer Section for uploading in the Website.
7. Office File.

Joint Registrar
Assam Information Commission



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

Case No. : SIC/NGN.74/2016
Appellant : Md. Inamul Huda
Respondent : 1.The SPIO, O/o the Inspector of Schools, Nagaon and
2. The SPIO, O/o the DC, Nagaon
Date of hearing : 22.11.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
22.11.2016

The SPIO, O/o the DC, Nagaon absent but has submitted a Written Statement dated 17.11.2016. The SPIO, O/o the Inspector of Schools, Nagaon District Circle has submitted a Written Statement dated 03.11.2016.

The Appellant, Md. Inamul Huda is present.

Heard the Appellant. He has submitted that he had not received the information in response to his RTI Application dated 24.06.2015 inspite of the order of the First Appellate Authority/DC, Nagaon dated 30.11.2015 for ADC (Education) and Inspector of Schools, Nagaon to furnish the information within 7 days.

Perused the case record. It is seen that the Appellant had sought information relating to private educational institutions with reference to the Assam Non-Government Educational Institution (Regulation and Management) Act, 2006. He submitted that out of a total 287 private educational institutions, he had received information from 13. After he failed to receive the information from the SPIO inspite of extending time and personal meetings, he filed First Appeal dated 14.09.2015. The First Appellate Authority heard the Appeal and passed an order dated 30.11.2015 stating that the ADC (Education) and Inspector of Schools, Nagaon would furnish the information to the Appellant. The Appellant has prayed for facilitating furnishing of the information to him by the said ADC (Education) and the Inspector of Schools, Nagaon and impose the maximum penalty of Rs. 25000/- (Rupees twenty five thousand) on the defaulting SPIOs.

In this connection, the Commission observes that the management of the private educational institutions receiving no government financial assistance do not constitute Public Authority as defined by the RTI Act, 2005 and are, therefore, not obliged to furnish information directly to information seekers under the said Act. However, the Public Authorities who have regulatory role under any applicable law can access information and provide the same to the RTI Applicant.

Perused the brief Written Statements. The SPIO, O/o the DC, Nagaon has submitted that on its receipt, the RTI Application was transferred to ADC (Education) Nagaon, and that the DC, Nagaon as FAA was as mentioned above. The Inspector of Schools, Nagaon has submitted that the information was furnished through a letter dated 29.03.2016. A photocopy of the letter is enclosed with the Written Statement. However, no copy of the enclosures are enclosed with Written Statement.

The Appellant submitted that the part of the information he had received through the aforementioned letter of the Inspector of Schools, Nagaon did not pertain to the instant RTI Application and that the submission of the Inspector of Schools, Nagaon was misleading.

From the perusal of the said letter of the Inspector of Schools, Nagaon, the Commission observes that the same was written with a casual indifferent attitude with no proper references and information.

In view of the facts brought out above, the Commission hereby orders that the SPIO, O/o the Inspector of Schools, Nagaon, District Circle, Nagaon shall obtain such information as he legally can under the said Act namely the Assam Non-Government Educational Institutions (Regulation and Management) Act, 2006 or any other applicable laws/rules and provide the same to the Appellant in respect of the information relating to the remaining institutions, free of cost, within 21 days of receipt of this order.

Further, attention of the SPIO, O/o the DC, Nagaon is drawn again, as it has been done in the many other Second Appeal cases, that the RTI Act, 2005 does not provide for transfer of an RTI Application to another official in the same office/Public Authority. It is the responsibility of the SPIO to gather the information, by seeking assistance U/S 5(4) of the said Act, if necessary, and furnish the same to the RTI Applicant. The SPIO, O/o the DC, Nagaon is therefore directed to comply with the procedure laid down by the said Act.

The Second Appeal is hereby disposed of.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Sd/-

Dy. Registrar
Assam State Information Commission

Memo No. SIC/NGN.74/2016

Dtd. 22.11.2016

Copy to:

1. The SPIO, O/o the Inspector of Schools, Nagaon, Assam for information and necessary action.
2. The SPIO, O/o the Addl. Deputy Commissioner (Education), O/o-DC, Nagaon for information and necessary action.
3. The First Appellate Authority/Deputy Commissioner, Nagaon, Assam for information.
4. The Appellant, Md. Inamul Huda, Advocate, 1st Floor, Nagaon Bar Association, Nagaon-782 001, Assam for information.
5. Computer Section for uploading in the Website.
6. Office File.

Dy. Registrar
Assam State Information Commission



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

Case No. : SIC/NGN.80/2016
Appellant : Md. Inamul Huda
Respondent : The SPIO, O/o the Circle Officer, Nagaon Sadar, Nagaon
Date of hearing : 27.02.2017
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
27.02.2017

The Appellant, Md. Inamul Huda is present.

The SPIO is absent without information.

A Written Statement dated 23.02.2017 has been received from the First Appellate Authority/Deputy Commissioner, Nagaon.

Heard the Appellant. He submitted that the SPIO, O/o the Circle Officer, Nagaon Sadar, Nagaon has not complied with the order of the Commission dated 22.11.2016 and therefore has not received the information he had sought for. He submitted that he was still interested in the information.

Perused the W/S of the FAA. It is seen that the status as apprised to the Commission through the W/S submitted at the hearing of 22.11.2016 has been reiterated.

Perused the case record. It is seen that the Second Appeal was heard by the Commission on 22.11.2016 and an order issued as follows-

- (i) The Circle Officer, Sadar Revenue Circle, Nagaon shall provide the information sought for by the Appellant, free of cost, within a period of 10 days of receipt of this order.
- (ii) The said Circle Officer shall explain in writing as to why penalty U/S 20 (1) of the RTI Act, 2005 shall not be imposed on him for his failure to furnish the information sought for within the stipulated time period. The explanation may be submitted to the Commission within 10 days of receipt of this order. While submitting the explanation the Circle Officer shall clearly indicate his name and his predecessors, if any, in his office since receipt of the RTI Application.

The Circle Officer was absent in the hearing on 22.11.2016 as well. Further, he had not submitted a W/S to apprise the Commission about the action taken by him to furnish the information sought for by the Appellant through his RTI Application dated 22.06.2015. He had also not explained, as directed by the Commission through its Hearing Notice dated 18.10.2016, as to why penalty U/S 20 (1) of the RTI Act, 2005 should not be imposed on him for his failure to furnish the information sought for by the Appellant within the time stipulated. A W/S had been received from the FAA/DC, Nagaon wherein it was submitted that the FAA/DC, Nagaon had disposed of the case on 03.12.2015 by the hearing of the Appellant and the said Circle Officer directing that the information be furnished within 15 days.

The Commission has observed that the Circle Officer has not failed not only to provide the information to the Appellant within the 30 days' time mandated by the Act but had also to comply with the order of the FAA/DC, Nagaon.

The Commission further observes that the SPIO has continued to disregard his responsibility under the said Act and has not complied with the order of the Commission dated 22.11.2016.

Considering the facts of the case as detailed above, the persistent failure of the SPIO to furnish the information and appear before the Commission inspite of notices, the Commission hereby orders as follows-

(i) In reiteration of the Commission's order dated 22.11.2016, the Circle Officer, Nagaon Sadar, Nagaon shall furnish the information sought for by the Appellant, free of cost, within 10 days of receipt of this order.

(ii) The Commission imposes the maximum penalty of Rs. 25,000/- (Rupees twenty five thousand) U/S 20 (1) of the RTI Act, 2005 and directs him to deposit the penalty amount through Treasury Challan under the Head-"0070-Other Administrative Services" with a copy of the same to the Commission within 15 days of receiving the order.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Sd/-

Dy. Registrar
Assam State Information Commission

Memo No. SIC/NGN.80/2016

Dtd. 27.02.2017

Copy to:

1. The SPIO, O/o the Circle Officer, Nagaon Sadar, Nagaon, Assam for information and necessary action.
2. The First Appellate Authority/Deputy Commissioner, Nagaon, Assam for information with the direction that he ensure compliance by the SPIO with this order.
3. The Appellant, Md. Inamul Huda, Advocate, 1st Floor, Nagaon Bar Association, Nagaon-782 001, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Registrar
Assam State Information Commission



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

Case No. : SIC/NGN.68/2016
Appellant : Shri Durgeswar Das
Respondent : The SPIO, O/o the Block Dev. Officer,
Batadrava Dev. Block, Nagaon.
Date of hearing : 27.03.2017
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

ORDER
27.03.2017

The SPIO absent without information.

The Appellant, Shri Durgeswar Das is present.

The SPIO has not submitted any Written Statement to the Commission and also has not explained as to why penalty U/S 20 (1) of the RTI Act, 2005 shall not be imposed on him for his failure to furnish the information sought for within the stipulated time period.

The Appellant submitted that the SPIO has not complied with the order of the Commission dated 15.11.2016.

Perused the case record. It is seen that the Second Appeal dated 16.03.2016 was submitted to the Commission regarding non-response of the SPIO as well as the First Appellate Authority/Project Director, DRDA, Nagaon. The case was heard and an order issued on 15.11.2016 as follows-

- (i) The SPIO, O/o the BDO, Batadrava Dev. Block, Nagaon shall provide the information sought for by the Appellant, free of cost, within a period of 15 days of receipt of this order, and
- (ii) The SPIO shall explain in writing as to why penalty U/S 20 (1) of the RTI Act, 2005 shall not be imposed on him for his failure to furnish the information within the time stipulated. The explanation shall be submitted to the Commission within 21 days of receipt of this order.

The Commission had also ordered that the next date of hearing might be fixed in five weeks' time. However, much more time has been afforded to the SPIO/BDO by fixing hearing today. In spite of this, the SPIO has not complied with the said order of the Commission. He has not only not furnished the information within 15 days of receipt of the order but has also not done the same until today. He has also not cared to be present in today's hearing to apprise the Commission of the status of the case or to explain his lack of compliance.

The SPIO/BDO has not made use of the opportunity given him to explain as to why penalty should not be imposed on him as called for through the Commission's order. Considering that the SPIO/BDO did not furnish the information within the time stipulated U/S 7 (1) of the Act, after receiving the same on transfer U/S 6 (3) from the SPIO, O/o the PD, DRDA, Nagaon through letter no. DRDA(N)1799/(Part)/2015-16 dated 02.03.2016, and has neglected to submit an explanation regarding penalty as mentioned above, it would therefore be expedient to impose a penalty on the SPIO. The Commission therefore hereby orders as follows-

- (a) The SPIO shall comply with the Commission's order no. (i) as contained in order no. SIC/NGN.68/2016 dated 15.11.2016 and furnish the information to the Appellant, free of cost, within a period of 10 days of receipt of this order, and
- (b) The Commission imposes a penalty of Rs. 15,000/- (Rupees fifteen thousand) U/S 20 (1) of the RTI Act, 2005 and directs to deposit the penalty amount through Treasury Challan under the Head - "0070 - Other Administrative Services" with a copy of the same to the Commission within 15 days of receiving the order.

The Second Appeal is hereby disposed of.

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-
Joint Registrar
Assam State Information Commission

Memo No. SIC/NGN.68/2016
Copy to:

Dtd. 27.03.2017

1. The SPIO, O/o the Block Dev. Officer, Batadrava Dev. Block, Nagaon for information and necessary action.
2. The First Appellate Authority/Project Director, DRDA, Nagaon for information.
3. The Appellant, Shri Durgeswar Das, Residence of Christian Patty, PO- Nagaon, Nagaon-782 001, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam State Information Commission

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

Case No. : SIC/GLP.50/2012
Appellant : Md. Salim Ahmed
Respondent : The PIO, O/o the Project Director, DRDA, Goalpara
Date of hearing : 20.04.2016
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

ORDER
05.01.2017

Both parties are absent. No written statement received.

In view of the large number of cases pending before this Commission, the Complaint petition dated 20.11.2013 is taken up for consideration on merit, base on record.

The petitioner Md. Salim Ahmed filed an RTI petition before the Project Director, DRDA, Goalpara on 24.11.2010 which was transferred to the B.D.O. Balijana/Lakhipur/Jaleswar Development Block on 07.12.2010. The petitioner filed the First Appeal before Project Director, DRDA, Goalpara on 18.01.2011, who referred the same to BDO, Balijana/Jaleswar Development Block to furnish information. The petitioner filed reminder to the First Appellate Authority on 20.04.2011 and finally Second Appeal dated 14.06.2011 before this Commission which was forwarded to the PD, DRDA, Goalpara for disposal within 30 days and submit a report to the Commission vide letter dated 19.11.2011 and 07.01.2012.

The petitioner filed a complaint petition dated 12.01.2012 before the Commission and the Commission directed the Project Director, DRDA, Goalpara to submit a compliance report to the petitioner immediately vide letter dated 09.02.2012.

The B.D.O. Balijana vide letter dated 22.02.2012 directed the petitioner to deposit an amount of Rs. 1,20,000/- only approximately to the office for charge of photocopying of all the documents.

The petitioner filed the complaint petition again on 03.04.2012 for non compliance. The Commission issued a show cause notice to the SPIO, Jaleswar Development Block, Goalpara on 18.01.2013 as to why penalty under section 18(1) of the RTI Act, 2005 shall not be imposed on him/her for failure to provide the information to the appellant within the stipulated period of 30 days and fixed 14.02.2013 for hearing.

The Project Director, DRDA, Goalpara sent a WT message informing that he would not be able to appear for hearing as Panchayat Election was re-scheduled 14.02.2013. He, therefore, requested to fix another date of hearing. Notice was issued again on 12.02.2013 directing the SPIO, O/o the BDO, Jaleswar Development Block to appear on 01.03.2013 since the SPIO failed to appear on 01.03.2013. Summon was issued by the Commission on 18.05.2013 to appear on 13.06.2013. The SPIO informed that due to acute chest pain he would not be able to attend the hearing.

The Commission vide letter dated 24.07.2013 referred the matter to the Project Director, DRDA, Goalpara to submit information within 30days on the following :

- I. Whether there is any SPIO designated for the office of the BDO, Jaleswar Development Block, Goalpara.

- II. Whether the RTI Application dated 07-12-2010 was received by the SPIO in the office of the BDO, Jaleswar Development Block, Goalpara.
- III. What action had been taken after receipt of the RTI Application?
- IV. Whether the BDO, I/c of Jaleswar Development Block is suffering from any medical problems, if so, a medical certificate to be submitted.

The Project Director, DRDA, Goalpara vide letter dated 14.08.2013 informed that i) Sri Abdul Malik, Accountant, Jaleswar Development Block is the designated SPIO; ii) the RTI petition was dispatched on 09.12.2010; iii) no action taken report was receipt from the SPIO; and iv) The medical certificate furnished by the BDO that he was under treatment from 01.06.2013 to 30.06.2013 along with a medical prescription of Apollo Hospital dated 06.06.2013 enclosed.

The petitioner informed the Commission on 20.11.2013 that he had not received any information form Project Director, DRDA, Goalpara on the RTI application he had filed. Accordingly, notice was issued on 14.03.2016 fixing a date of hearing on 20.04.2016.

In the absence of the petitioner and no written communication from him and the Public Authority in today's hearing, it could not be ascertained whether the information had been furnished to the petitioner subsequent to the issue of the hearing notice dated 14.03.2016.

Under the circumstances, the SPIO is directed to furnish the information as sought for by the petitioner within a period of 30 days from the date of receipt of this order, if not already done.

With the above direction, the Appeal and Complaint petition is disposed of.

Sd/-
Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Deputy Registrar
Assam Information Commission

Memo No. SIC/ GLP.50/2012/ -A Dtd. 20.04.2016.

Copy to:

1. The SPIO, Office of the Block Development Officer, Jaleswar Development Block Goalpara, P.O. Jaleswar, Dist. Goalpara, Assam Pin – 783 132, for information and necessary action.
2. The First Appellate Authority/ Project Director, DRDA, Goalpara, Dist. Goalpara Pin – 783 101, for information.
3. Md. Salim Ahmed, S/o Late Foyez Uddin, Vill.- Bauluri, Po.- Chirakuti, Dist.-Dhubri, Assam Pin – 783 129, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission



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

Case No. : SIC/GLP.44/2016 & SIC/GLP.45/2016
Appellants : Shri Joynal Abedin and Shri Khurshid Alam.
Respondent : The SPIO, office of the Chief Executive Officer,
Goalpara Zilla Parishad, Goalpara.
Date of hearing : 21.11.2016
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R
21.11.2016

The Petitioner Sri Joynal Abedin is present.

Sri Ram Prasad Saikia, APO i/c, Goalpara Zilla Parishad authorized by the Chief Executive Officer, Goalpara Zilla Parishad is also present.

The Chief Executive Officer, Goalpara Zilla Parishad has submitted a Written Statement dated 19.11.2016 that vide order dated 12.07.2016 he had directed the SPIO, Goalpara Zilla Parishad, Goalpara to furnish the information within next 15 days and also directed him to be present for hearing on 21.07.2016. He was also directed to keep the documents ready for handing over to the appellant free of cost. On receipt of notice from the Commission dated 26.10.2016, the SPIO was again directed to provide the information to the petitioner and the SPIO had already communicated the same to the petitioner. Hence the appeal petition may be disposed of.

The SPIO, Zilla Parishad, Goalpara vide letter dated 19.11.2016 stated that the RTI petition was received on 16.12.2015 and due to non-receipt of information he filed his first Appeal on 16.06.2016. As per direction of the first Appellate Authority on 12.07.2016 where both the parties were present, he had kept the documents ready for handing over on 27.07.2016, but the appellant did not receive the same. The petitioner was informed vide letter dated 12.08.2016 to receive the documents and visit the office of the Zilla Parishad, Goalpara for verification of records, but the petitioner did not attend. In the meantime he filed the second Appeal petition dtd. 26.08.2016. Considering the facts stated above, he requested to exonerate him and exempt him from imposition of penalty. The SPIO present also stated that the information sought for was voluminous in nature and would involve huge expenditure. In the meantime he had already furnished about 500 pages of documents, free of cost.

On perusal of the RTI petition dated 08.12.2015, it is seen that information sought for by the petitioner is voluminous in nature. Furnishing of complete information by making photocopy will require compilation of information and substantial cost in making photocopies which will disproportionately divert the resources of the Public Authority.

The Commission, therefore, directs the petitioner to inspect the relevant office records and documents in the office of the Chief Executive Officer, Goalpara Zilla Parishad, Goalpara

within 15 days from the date of receipt of this order with prior intimation to the Public Authority and complete the inspection of documents during office hours within two working days.

The Chief Executive Officer, Goalpara Zilla Parishad is also directed to allow the petitioner to inspect the relevant records and documents as above and allow him to take notes and photocopies of sought for documents, free of cost, upto 20 copies and thereafter on payment of Rs. 2/- for every additional page of photocopy.

Sri Ram Prasad Saikia, APO i/c, Goalpara Zilla Parishad stated that Case No.SIC/GLP. 45/2016 fixed for hearing today is on the same subject filed by another petitioner. The said case record is put up for hearing. The Petitioner of the aforesaid case Shri Khurshid Alom is also present. On perusal of the RTI petition, it is seen that the information sought for by Sri Khurshid Alom, is similar to the information sought for by the petitioner, Shri Joynal Abedin. As such the order passed in case No. SIC/GLP.44/2016 will also be operative in case No. SIC/GLP.45/2016.

With the above direction, the Second Appeal Petitions dated 26.08.2016 & 26.08.2016 in Case No. SIC/GLP.44/2016 and SIC/GLP.45/2016 respectively are disposed of.

Sd/-

Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/ GLP.44/2016 & SIC/GLP.45/2016

Dtd. 21.11.2016

Copy to:

1. The SPIO, office of the Chief Executive Officer, Goalpara Zilla Parishad, Goalpara, Pin – 783 121, Assam for information and necessary action.
2. The First Appellate Authority/Chief Executive Officer, Goalpara Zilla Parishad, Goalpara, Pin – 783 121, Assam for information.
3. Sri Joynal Abedin, S/o Mohir Uddin, Vill. – Chatamari, P.O. – Baguan, District-Goalpara, Assam, Pin – 783 129 for information.
4. Shri Khurshid Alom, S/o Late Amzad Ali, Vill. – Chatamari, P.O. –Baguan, District-Goalpara, Assam, Pin – 783129 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Deputy Registrar
Assam Information Commission



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

Case No. : SIC/LPR.34/2013
Appellant : Sri Rajen Dutta
Respondent : The SPIO/Secretary, Office of the Ghilamara S.S.
Ltd., Lakhimpur
Date of hearing : 27.04.2016
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R
27.04.2016

The petitioner Sri Rajen Dutta is present.

The Public Authority is represented by Sri Rabindra Boruah, Secretary, Ghilamara, S.S. Ltd. The First Appellate Authority (FAA) is absent without any intimation.

On perusal of the record, it appears that the RTI petition dated 14.05.2013 was addressed to the Secretary, Ghilamara S.S. Ltd. The information sought for by the applicant relates to lifting and distribution of essential commodities by Samabai Sammities under PDS. On 17.06.2013 the Secretary, Ghilamara S.S. Ltd. informed that the applicant has to deposit 3,106/- only in the office the Food, Civil Supplies and Consumer Affairs Department, Dhakuakhana as the cost of supply of documents. On receipt of the said letter the petitioner filed the First Appeal petition before the FAA/Assistant Registrar, of Cooperative Societies, Dhakuakhana on 01.07.2013 alleging unreasonableness of fee charged for furnishing of documents by the Secretary, Ghilamara S.S. Ltd and Secretary, Pachim Machkhowa S.S. Ltd. and Dakhin Gohain S.S. Ltd and non furnishing of documents by the other Secretaries of Kherkata S.S. Ltd. and Pub-Dhakuakhana S.S. Ltd.

As per record, the Asstt. Registrar/FAA directed the five societies to appear for hearing on 19.07.2013 vide letter dated 15.07.2013. Vide letter dated 22.07.2013, he directed the Secretary, Dakhin Gohain S.S. Ltd., Secretary, Pachim Machkhowa S.S. Ltd. and Secretary, Ghilamara S.S. Ltd. to furnish the information to the petitioner as per RTI Act, 2005. The petitioner has verbally stated that the record of discussion of the FAA was not communicated to him and he had obtained a copy of the same by filing an RTI petition before the FAA. A Copy of the same has been submitted today. From the record of discussion held, it appears that the SPIOs/Secretaries had been directed to furnish the information to the petitioner after assessing the required cost of making photocopies.

On 16.08.2013 the petitioner Sri Rajen Dutta filed a Second Appeal petition before the Commission and the Commission remanded the Appeal petition to the First Appellate Authority vide order dated 02.09.2015 to dispose of the appeal petition after hearing the petitioner within 30 days from the date of receipt of the remand order. A direction was also issued that the petitioner will be at liberty to move the Commission with Second Appeal petition or Complaint, as the case may be, if he was aggrieved by the FAA or because of non disposal of the First Appeal by the FAA.

The appellant on 16.11.2015 filed a petition before the Commission informing that the FAA had not taken any action on the remand order and as such the Commission should take necessary action. Hearing was fixed today *i.e.* 27.04.2016.

The Public Authority represented by Shri Rabindra Boruah, Secretary, Ghilamara S.S. Ltd. stated that vide his letter dated 17.06.2013 the petitioner was directed to deposit Rs.3,106/- and collect copies of documents by 24.06.2013. But the petitioner had not contacted the Secretary, and hence documents could not be furnished. He also stated that the Secretary, Dakhin Gohain S.S. Ltd. had not received any notice from the Commission but was present today. The Secretary, Ghilamara S.S. Ltd. also stated that he was not aware of the remand order dated 02.09.2015 and had not received any order from the FAA. In view of the absence of the First Appellate Authority it could not be ascertained whether any action was taken on the remand order dated 02.09.2015.

The petitioner Sri Rajen Dutta alleged that the SPIO had not complied with the order dated 27.03.2015 passed by the Commission to furnish the documents. On scrutiny of documents available on record, no order passed by the Commission dated 27.03.2015 could be traced and on perusal of the copy of the order furnished by the petitioner it is seen that an order was passed in appeal case no. LPR.31/2013 and not in the present case.

In view of the circumstances stated above, the SPIO/Secretary, Ghilamara, S.S. Ltd is directed to furnish the required information to the petitioner free of charge upto 50 photocopies and at the cost of Rs. 2/- per photocopy thereafter, within 15 days from the date of receipt of the order.

With the above direction, the Second Appeal petition dated 16.08.2013 and petition dated 13.11.2015 are disposed of.

Sd/-

Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/LPR.34/2013/ -A

Dtd. 27.04.2016

Copy to:

1. The SPIO/Secretary Ghilamora S.S. Ltd., Lakhimpur, Assam, Pin-787053 for information and necessary action.
2. The First Appellate Authority/Assistant Registrar, Cooperative Societies, Dhakhuakhana, Lakhimpur, Assam, Pin-787055 for information and necessary action.
3. Sri Rajen Dutta, S/o Kanlara Dutta, Vill-Kamargaon, PO- Dhakhuakhana, Dist-Lakhimpur, Assam, Pin-787055 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission



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

Case No. : SIC/TSK.14/2013
Appellant/Complainant : Sri Dulal Bora
Respondent : The SPIO, O/o Chief Executive Officer, Zilla Parishad, Tinsukia
Date of hearing : 27.04.2016
Second Appeal/Complaint heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R
27.04.2016

The petitioner and the SPIO are absent without any intimation.

However, in view of the large number of cases pending before this Commission, the matter is taken up for consideration based on record.

On perusal of the record, it appears that the Appeal petition was disposed of by this Commission vide ex parte order dated 30.04.2015 directing the "CEO, Zilla Parishad, Tinsukia to furnish the information as sought for to the petitioner within 30 days from the date of receipt of the order, free of cost, as it appears that the Public Authority failed to respond to the RTI application within the stipulated period of 30 days".

The Petitioner had filed a Complaint petition on 12.01.2016 before the Commission that he had not received the information as directed by the Commission and as such action should be taken against the SPIO, O/o the CEO, Zilla Parishad, Tinsukia by charging a penalty of Rs. 25,000/-.

On perusal of record, it appears that with reference to the notice of the Commission dated 17.04.2015, the SPIO, O/o the CEO, Zilla Parishad, Tinsukia had informed the Commission vide letter dated 02.05.2015 that the matter relates to the PD, DRDA Tinsukia and hence, the Commission should direct the PD, DRDA, Tinsukia to furnish the information to the petitioner. However, in the meantime the order dated 30.04.2015 was already issued to the CEO, Zilla Parishad, Tinsukia.

The SPIO, O/o the CEO Zilla Parishad, Tinsukia vide letter dated 19.05.2015 with reference to order dated 30.04.2015 informed the Commission that the information sought for by the petitioner did not pertain to their office and relates to PD, DRDA, Tinsukia.

The petitioner Sri Dulal Bora filed a petition on 12.01.2016 for non-compliance of the Commission's order dated 30.04.2015 and the Commission issued notice to the SPIO, O/o the CEO, Zilla Parishad, Tinsukia on 02.04.2016 and hearing was fixed today i.e. 27.04.2016.

After careful scrutiny of the records available with the Commission, it appears that the notice should have been issued by the Commission to PD, DRDA, Tinsukia and not to SPIO, O/o the CEO, Zilla Parishad, Tinsukia. In view of the above, the Commission directs the SPIO, O/o the PD, DRDA, Tinsukia to furnish the information as sought for by the petitioner vide his RTI petition dated 07.03.2013 within 30 days from the date of receipt of this order, free of cost, as it appears that the Public Authority failed to respond to the RTI application

which was transferred by the CEO, Zilla Parishad, Tinsukia to PD, DRDA, Tinsukia vide letter dated 20.03.2013 within the stipulated period of 30 days as directed by the Commission vide order dated 30.04.2015. A copy of the order dated 30.04.2015 and RTI Application dated 07.03.2013 to be enclosed with the above order.

With the above direction, the Second Appeal petition is hereby disposed of. The non-compliance filed by the petitioner is not applicable as the Commission's order was not communicated to PD, DRDA, Tinsukia.

Sd/-

Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar

Assam Information Commission
Memo No. SIC/TSK.14/2013/ -A
27.04.2016

Dtd.

Copy to:

1. The SPIO, office of the Project Director, District Rural Development Agency, Tinsukia, Dist-Tinsukia, Assam for information and necessary action.
2. The SPIO, office of the Chief Executive Officer, Tinsukia Zilla Parishad, Dist- Tinsukia, Assam, Pin-786125 for information.
3. The First Appellate Authority/Chief Executive Officer, Tinsukia Zilla Parishad, Assam, Pin-786125 for information.
4. Sri Dulal Bora, S/o- Sri Deben Borah, House No.- 118, Rajib Gandhi Path, Kainadhara Tiniali, P.O.- Khanapara, P.S.- Basistha, Guwahati- 781022, Assam for information.
5. Computer Section for uploading in the Website.
6. Office File.

Deputy Registrar
Assam Information Commission

ANNEXURES



তথ্য
জনাৰ
অধিকাৰ

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

No. SIC.13/A.R/2017/01

Dated Panjabari, Guwahti the 23rd May, 2017

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

To :

**The Additional Chief Secretary/ Principal Secretary/ Commissioner & Secretary/
Secretary ----- Department**

Sub : Annual Administrative Report for the Financial year 2016-17 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 Public Authorities under your department for the financial year 2016-17 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 30th June, 2017.

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).

Enco : Formats 1-5

Yours faithfully,

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

Format -1**Number of Public Authorities and Public Information Officers for the year 2016-17 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 2016-17.**

Sl. No.	Name of Department	Requests pending at the beginning of the year (01-04-16)	No. of Requests received during the year	Total no. of Requests	No. of Requests disposed of	Requests pending at the end of the year (31-03-17)
1	2	3	4	5	6	7

Format - 3**Number of Requests rejected under various sections of the RTI Act for the year 2016-17**

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

Format - 4

Disposal of Appeals by First Appellate Authorities filed under section 19(1) of the RTI Act for the year 2016-17

Sl No.	Name of the Department	First Appeals pending with the FAAs at the beginning of the year (01-04-16)	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 (31-03-17)
1	2	3	4	5	6	7

Format - 5

Summary of fees collected by the Public Authorities during the year 2016-17

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



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

No. SIC.13/A.R/2017/02

Dated Panjabari, Guwahti the 10th July, 2017

From : **Secretary,**
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 2016-17.**

Ref. Memo No. SIC.13/A.R/2017/01 Dated 23rd May, 2017

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 2016-17.

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 25-07-2017. 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,
Assam state Information Commission
Jonakee Complex, Shilpgram, Panjabari,
Guwahati-37



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

No. SIC.13/A.R/2017/04
2017

Dated Panjabari, Guwahti the 4th August,

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

To :

1. All Principal Secretaries to the Govt. of Assam
2. All Commissioner & Secretaries to the Govt. of Assam
3. All Secretaries to the Govt. of Assam

Sub : **Reminder for Submission of Annual Report for the Financial Year 2016-17.**

Ref. Memo No. SIC.13/A.R/2017/01 Dated 23rd May, 2017 and No.

SIC.13/A.R/2017/02 Dated Panjabari, Guwahti the 10th July, 2017

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 public authorities under your control for the financial year 2016-17.

The Department concerned may kindly be asked to furnish Report within 15 (fifteen) days from the date of receipt of this letter.

The matter may be treated as urgent.

Yours faithfully,

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



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জনাব
অধিকাৰ

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

No. SIC.13/A.R/2017/05

Dated Panjabari, Guwahati the 28th August, 2017

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

To :

1. All Principal Secretaries to the Govt. of Assam
2. All Commissioner & Secretaries to the Govt. of Assam
3. All Secretaries to the Govt. of Assam

Sub : **Reminder for Submission of Annual Report for the Financial Year 2016-17.**

Ref. Memo No. SIC.13/A.R/2017/01 Dated 23rd May, 2017, No.
SIC.13/A.R/ 2017/02 Dated 10th July, 2017 and No.SIC.13/A.R/2017/04
Dated 4th August, 2017.

Sir,

In continuation of this Commission's letter cited above, I am directed to request you kindly to submit the Annual Reports of your department after compiling the same from all public authorities under your control for the financial year 2016-17.

The Department concerned may kindly be asked to furnish Report within 15 (fifteen) days from the date of receipt of this letter. The compiling of the report is delaying due to non receipt of the same from your department.

The matter may be treated as urgent.

Yours faithfully,

Sd/-

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

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

Sl No.	Name of Departments
1.	Revenue Disaster Management
2.	Printing & Stationary Deptt.
3.	SAD
4.	GAD
5.	Implementation Assam Accord
6.	PWD, Building & N.H

Name of Departments who Submitted the report after First Reminder

SI No.	Name of Department
1.	Passport
2.	Labour and Welfare
3.	ALA
4.	Minority Welfare

Annexure -C

Name of the Departments who submitted their Reports after 2nd reminder

SI No.	Name of Department
1.	Welfare of Plain Tribes
2.	Water Resource
3.	Legislative
4.	Mines & Minerals
5.	Border Protection & Dev.
6.	Transport
7.	Personnel (A)

Annexure -D

Name of the Departments who submitted their Reports after 3rd reminder

Sl No.	Name of Departments
1.	Fishery
2.	Personnel (B)
3.	Welfare of Minority
4.	Animal Husbandry
5.	Science & Technology
6.	Legislative
7.	Judicial
8.	Cooperation
9.	Urban Development
10.	Hills Areas
11.	Public Health Engineer
12.	Irrigation
13.	GDD
14.	Pension
15.	Agriculture
16.	Soil Conservation
17.	Power (Electrical)
18.	Secondary Education
19.	Political
20.	Skill & Employment Generation
21.	Environment & Forest
22.	Sports & Youth Welfare
23.	Handloom Textile & Sericulture
24.	CM Sectt.
25.	Election
26.	Information Technology
27.	AR&T
28.	Excise
29.	Food, Civil Supplies & Consumer Affairs
30.	Transformation and Dev. Deptt
31.	Social Welfare
32.	PWD Roads
33.	Home

Name of the Departments who did not submit report

SI No.	Name Department
1.	Cultural Affairs
2.	Elementary Education
3.	Finance
4.	Health and Family Welfare
5.	Higher Education
6.	Industries Commerce
7.	Information and Public Relations
8.	Panchayat and Rural Development
9.	Parliamentary Affairs
10.	Public Enterprises
11.	Tea Tribes Welfare
12.	Tourism
13.	Veterinary
