



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

Case No. : **NLB.29/2012**

Complainant/ appellant : **Shri Basanta Kr. Haloi**

Respondent : **Nalbari Sahitya Samaj**

Date of hearing : **28-9-2015**

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

**O R D E R**

The appellant Sri Basanta Kr. Haloi is present. Sri Ramesh Ch. Sarma and Sri Binoy Kr. Mazumdar , President and Secretary respectively of Nalbari Sahitya Samaj are present on behalf of the respondents.

The second appeal petition dated 18-8-2012 is taken up for further hearing in presence of both the parties in pursuance of earlier order dated 26-8-2015

The respondents made a written submission dated 22-9-2015 stating that the grant of Rs. 10 lakh which was given by the MLA of 59 Nalbari LAC under MLA's Local Area Development Fund was spent directly by the Planning Branch of Deputy Commissioner, Nalbari's office for construction of Community Hall of Nalbari Sahitya Samaj.. He further informed that the Nalbari Sahitya Samaj was established in 1945 and has been functioning since then with the donation and good will of the public. The Nalbari Sahitya Samaj is involved entirely in literary activities.

The respondents prayed that since it is entirely a private organization, it cannot be deemed to be a public authority under the RTI Act, 2005.

After hearing both the parties and after due consideration of the nature, status and functioning of the Nalbari Sahitya Samaj, this Commission is of the view that it is not a public authority under the meaning of the RTI Act, 2005. Therefore, the respondents are not held guilty for non-compliance of this Commission's order dated 14-9-2012.

In any case the appellant and the respondents stated that they have resolved the matter amicably. Sri Ramesh Ch. Sarma and Sri Binoy Kr. Mazumdar , stated that they took charge as President and Secretary respectively of Nalbari Sahitya Samaj recently. They agreed that whatever information is available with them regarding the RTI petition of Sri Basanta Kr. Haloi will furnished to him.

In view of the above, the Commission's earlier order dated 14-9-2012 stands modified to that extent and the second appeal petition dated 18-8-2012 is disposed of.

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

**Authenticated true copy.**

**Sd/-  
Assam State Information Commission**

Memo No- **NLB.29/2012/- A**

**Dtd. 28 -9-2015**

Copy to:;

1. Sri Ramesh Ch. Sarma, President, Nalbari Sahitya Samaj, Nalbari for information and necessary action.
2. Sri Binoy Kr. Mazumdar, Secretary, Nalbari Sahitya Samaj, Nalbari for information and necessary action.
3. Sri Basanta Kr. Haloi, Village-Jaymangla, P.O- Bor Azara, P. S Nalbari for information.
4. Computer Section for uploading in the Website.
- 5 Office File.

**Secretary & Registrar  
Assam State Information Commission**