

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

Case No. : SBR.14/2013
Complainant/ Appellant : Sri Barun Dey
Respondent : D.C. (Election Branch), Sivsagar
Date of hearing : 11.12.2015
Complaint/ Second : Shri H.S Das, IAS (Retd)
Appeal heard by Chief Information Commissioner, Assam

O R D E R
11.12.2015

The petitioner Sri Barun Dey is absent without information.

The Public Authority is represented by Sri. Amrit Jyoti Sharma, ACS, Assistant Commissioner, Charaideo, Sonari, Sivasagar.

The Second Appeal Petition dated 05.10.2012 is taken up for hearing ex-parte in the absence of the petitioner/appellant.

From the case records, it is seen that vide his application dated 06.07.2012, addressed to the D.C. Sivasagar (Election Branch), the petitioner wanted a copy of the Voter list of 1965 of Amguri Town in Sivasagar District.

Vide letter 11.07.2012, the PIO of D.C. office asked the petitioner whether he wants the Voter list of Amguri Town Committee or the Voter List of Amguri Town for the Assembly Constituency.

Vide letter dated 14.07.2012, the petitioner informed the PIO of D.C. Office that he wanted the Voter list of both Amguri Town Committee Election as well as Amguri Assembly Constituency.

Vide letter dated 27.07.2012, the PIO of D.C.'s office transferred the RTI petition to Chairman, Amguri Town Committee with a request to provide the information to the petitioner directly.

The Chairman, Amguri Municipal Board, vide letter dated 04.08.2012 informed the petitioner that Voter list of 1965 are not available with Amguri Municipal Board and hence, it could not furnished.

The Election Officer of Sivasagar vide his letter dated 31.07.2012 transferred the RTI petition to Chairman, Amguri Municipal Board mentioning Town Committee Election Voter's list. The Election Officer, Sivasagar was silent about the electoral roles of 1965 for the Amguri town as part of the Amguri Assembly Constituency.

The information sought for by the petitioner is more that 20 years old. Therefore, he could not demand it as a matter of right under RTI Act, 2005. However, RTI does also not bar furnishing of admissible information which may be older than 20 years, if it is available.

The Commission also notes that past electoral rolls have assumed great significance in view of the preparation of updated NRC for the state.

From the case records, it is seen that the petitioner submitted his First Appeal dated 10.08.2012 before the D.C. Sivasagar as First Appellate Authority. The Assistant Commissioner, Charaideo, presented today a copy of order dated 16.10.2012 passed by D.C. Sivasagar as the First Appellate Authority mentioning that as stated by Amguri Municipal Board, Voter list of 1965 for Amguri Town is not available. The order of the First Appellate Authority is confusing as it also mentioned the Assembly Constituency with reference to the Amguri Municipal Board.

This Commission therefore, remands the First Appeal Petition dated 10.08.2012 to the D.C. Sivasagar for passing a speaking order after hearing both the parties within 30 days from the date of receipt of this order. If the electoral list of Amguri Town as part of Amguri Legislative Assembly Constituency is available, for which the concerned District Election Officer is the custodian, then the sought for information shall be furnished to the petitioner free of cost, within 30 days from the date of receipt of this order.

With the above order, the Second Appeal Petition dated 05.10.2012 is disposed of.

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

Authenticated true copy.

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

Memo No. SBR.14/2013-A

Dtd. 11.12.2015

Copy to:

1. The PIO, D.C. (Election Branch) Sivasagar, Pin- 785640 for information and necessary action.
2. Sri. Barun Dey, Amguri Town, W/no. 1, PO/PS- Amguri, Dist- Sivasagar, Pin- 785680 (Assam)for information and necessary action.
3. Computer Section for uploading in the Website.
4. Office File.

**Secretary & Registrar
Assam State Information Commission**