



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

Case No. : SIC/SBR.12/2015
Appellant : Sri Manik Borah
Respondent : The SPIO, O/o the Circle Officer, Sivsagar Revenue Circle,
Sivsagar
Date of hearing : 23.05.2016
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R
23.05.2016

The petitioner Sri Manik Borah is absent without any information.

The Public Authority is represented by Sri Tapan Kumar Gohain, Addl. Deputy Commissioner, Sivsagar and i/c Circle Officer, Sivsagar Revenue Circle.

In view of large number of cases pending before the Commission, the matter is taken up for consideration *ex parte*.

The SPIO has submitted a written statement dated 20.05.2016 that the information sought for by the petitioner Sri Manik Borah through his RTI petition dated 30.10.2014 had been furnished to him vide letter dated 29.11.2014 within the stipulated time period.

The petitioner has filed his First Appeal dated 26.12.2014 before the Deputy Commissioner, Sivsagar. The First Appellate Authority (FAA) after the hearing observed that the RTI petition was not clear regarding specific information demanded by him and directed the petitioner to approach both the SPIOs with a specific and clear petition, both the SPIOs *i.e.* A.D.C, Sivsagar (Registration Matters) and Circle Officer (Revenue) were also directed to extend all necessary assistance to the petitioner as per the provisions of the RTI Act, 2005.

On 20.04.2015, the petitioner filed the Second Appeal Petition before the Commission as he was not satisfied with the information furnished by the SPIO and the order passed by the First Appellate Authority.

The SPIO, ADC, Sivsagar and i/c Circle Officer, Sivsagar Revenue Circle vide his written statement dated 20.05.2016 stated that all information sought for by the petitioner was furnished without any anomaly, except the Registered Gift Deed which was not part of the record of the Public Authority.

The Deputy Commissioner, Sivsagar also filed a written statement vide letter dated 16.05.2016 that information was furnished to the petitioner by the Circle Officer concerned on the RTI petition and action was also taken as per the order of the First Appellate Authority. The SPIO, office of the D.C. Sivsagar sent the petition to A.D.C. i/c (Registration Matters) and PIO, Circle Office, Sivsagar Revenue Circle for disposal. The ADC i/c (Registration Matters) requested Sri Prahlad Borah to give written consent regarding issue of a copy to the said Gift Deed no.610 dated 16.06.1998 to Sri Manik Borah as the matter relates to third party under section 11 (1) of the RTI Act, 2005 but no communication was received from Sri Prahlad Borah as reported by the Deputy Registrar, Sivsagar.

In view of the facts and circumstances stated above, it appears that information was furnished to the petitioner except of a copy of the Registered Gift Deed as the third party had not given written consent.

It appears that the third party Sri Prahlad Borah was issued a notice on 04.11.2014 by the Deputy Registrar, Sivsagar to submit written consent regarding issue of the copy of the said deed to Sri Manik Bora within 12.11.2014, the Deputy Registrar vide letter dated 15.11.2014 informed that no written reply was received. Since the third party did not make any representation against the proposed, disclosure under Section 11 (2), the Commission directs the SPIO to furnish a copy of the Registered Gift Deed to the petitioner within 15 days from the date of receipt of this order and also inform of the decision to the third party.

With the above direction, the Second Appeal petition dated 20.04.2015 is dismissed.

Sd/-

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

Authenticated true copy

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/SBR.12/2015/ 86 -A

Dtd. 23.05.2016

Copy to:

1. The SPIO, Office of the Circle Officer, Sivsagar Revenue Circle, Dist-Sivsagar, Assam for information and necessary action.
2. The SPIO (Registration Matters), Office of the Circle Officer, Sivsagar Revenue Circle, Dist-Sivsagar, Assam for information and necessary action.
3. The First Appellate Authority/Deputy Commissioner, Sivsagar, Dist- Sivsagar, Assam for information and necessary action.
4. Sri Manik Borah, S/o Late Thereju Borah, B.P Saliha Road, Melachakar, PO & Dist- Sivsagar Assam, Pin- 785640 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Deputy Registrar
Assam Information Commission