



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

Case No. : KP(M). 502/2014

Complainant/ appellant : Sri Pradip Kalita

Respondent : Industries and Commerce Department

Date of hearing : 15-06-2016

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

O R D E R

The petitioner Sri Pradip Kalita is absent without information. The public authority is represented by :- (1) Sri Bhola Nath Doley, ACS, Joint Secretary and First Appellate Authority of Industries and Commerce Department. The Deputy Secretary, Govt. of Assam, Industries and Commerce Department sent a separate written submission dated 15th June, 2016 stating that the SPIO of the department Sri M. K. Mahanta, ACS, who is also the Joint Secretary of the department, is on leave till 16-6-2016, The Deputy Secretary, therefore, prayed for re-fixation of the date of hearing.

However, since the First Appellate Authority is present, the second appeal petition dated 30-7-2014 is taken up for hearing ex-parte in the absence of the petitioner.

The First Appellate Authority produced before this Commission a copy of letter dated 30th May, 2014 issued by the Deputy Secretary and SPIO of the Industries and Commerce Department, transferring the RTI petition dated 20-5-2014 of the petitioner Sri P. Kalita to the SPIO of the office of the Commissioner, Industries and Commerce, Bamunimaidam, Guwahati-21.

The First Appellate Authority also produced copies of information furnished by a few DICC's directly to the petitioner, from which it appears that the RTI petition was again transferred by the Commissioner, Industries and Commerce Department to the DICC's. This Commission is of the view that the **Industries and Commerce Department should be in the know of the appropriate authority who holds the information sought for by the petitioner. The RTI Act, 2005 does not provide for such multiple and cascading transfer of the same RTI petition, where it is mandatorily required that the response to the RTI petition should be given within 30 days from the date of its receipt.**

This Commission, therefore, directs the SPIOs' of Industries and Commerce Department, Govt. of Assam and the office of the Commissioner, Industries and Commerce to be more mindful and careful in dealing with the RTI petitions in future.

From perusal of the RTI petition dated 20-5-2014 it is seen that the petition is itself not clear and specific, as it does not mention the period for which he wants to know the subsidy given to the cement factories or what does he mean when he wants to know the tax payment figures, without naming the tax, besides use of words like coiler Dipu', apparently to mean 'Coal Depot'.

This Commission, therefore, directs the SPIO in the office of Commissioner, Industries and Commerce Department, Govt. of Assam, to allow the petitioner to inspect the relevant records and documents, after obtaining from him a clear picture of what information he wants, on any working day and during office hours within 15 days from the date of receipt of this order and allow him to take notes and photo copies of the sought for documents, as admissible, free of cost up to 25 copies and thereafter on payment of Rs. 2/- for every additional page of photo copy.

While giving this direction, this Commission notes that informations like tax returns of third parties have to be dealt with under relevant Section of the RTI Act, 2005, i.e., Section 11 of the RTI Act.

From perusal of the RTI petition, it appears Prima facie that the petitioner wanted informations on a number of cement factories, No. of Coal Depots, amount of subsidy given, if any, to the cement factories, Govt. approved price of cement, if there is any such price, No. of Coal Depots in Assam, etc.. Information relating to the Industries in the State should be available in the Departmental Website and should be pro-actively disclosed, as is mandatorily required under Section 4 of the RTI Act, 2005. It appears that the Industries and Commerce Department as well as the Commissioner, Industries and Commerce Department, Govt. of Assam, have not yet complied with this statutory requirement of the RTI Act.

This Commission, therefore, directs Commissioner and Secretary, Industries and Commerce Department and Commissioner, Industries and Commerce, Govt. of Assam to issue necessary instructions to all administrative units under their jurisdiction to comply with the provisions of Section-4 of the RTI Act, 2005, within 30 days from the date of receipt of this order and report compliance.

With the above order, the second appeal petition dated 30-7-2014 is disposed.

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

Authenticated true copy.

**Sd/-
Registrar
Assam Information Commission**

Memo No.SIC/KP(M) 502/2014/10-A

Dtd. 15-6-2016

Copy to:

1. Commissioner & Secretary, Govt. of Assam, Industries and Commerce Department, Dispur, Guwahati-6 for information and necessary action, as above.
2. Commissioner, Industries and Commerce Department, Bamunimaidam, Guwahati - 21 for information and necessary action, as above...
3. Sri Bhola Nath Doley, ACS, Joint Secretary and First Appellate Authority of Industries and Commerce Department., Dispur, Guwahati-6 for information.
4. Sri Pradip Kalita, Lakhimi Nagar Tiniali, Hatigaon Road, Lord Enclave, P.O-Hatigaon, Guwahati-38 for information.
5. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

**Registrar
Assam Information Commission**