



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

Case No. : SIC/KAN.6/2016  
Appellant : Smt. Sabina Yasmin  
Respondent : The SPIO & ADC (Dev.), O/o the Deputy Commissioner, Nagaon  
2. The Secretary, Nagaon Tennis Club, Nagaon  
Date of hearing : 27.06.2016  
Second Appeal heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)  
State Information Commissioner, Assam

**O R D E R**  
27.06.2016

The Petitioner Smt. Sabina Yasmin is absent but her authorized representative Sri Dulal Bora and Sri Chandan Kalita are present.

The Public Authority is absent but they were present in the last hearing on 31.05.2016 and had submitted a written statement wherein it was stated that the RTI petition dated 02.05.2014 was received by the office of the Deputy Commissioner, Nagaon on 06.05.2014 which was transferred to the Addl. Deputy Commissioner (Dev.) and Secretary, Nagaon Tennis Club, Nagaon on 12.05.2014.

The Senior Planning Officer, Office of the Deputy Commissioner, Nagaon vide letter dated 12.06.2014 had furnished the information sought for to the petitioner Smt. Sabina Yasmin. The Public Authority had also sent copy of the notification dated 24.05.2012 wherein construction committee was constituted by Deputy Commissioner, Nagaon for implementation of MPLAD scheme of Rajya Sabha M.P Smt Nazmin Faruque for the year 2011-12 and 2012-13. The General Secretary, Nagaon Tennis Club had also vide letter dated 15.07.2014 had informed the Deputy Commissioner, Nagaon that Nagaon Tennis Club had not received any grant from the Government during the last 5 years as stated in the RTI Application.

On perusal of record, it appears that the First Appeal was filed before the Deputy Commissioner, Nagaon which was heard on 31.07.2014 and the First Appeal petition was dismissed on the ground that Nagaon Tennis Club, Nagaon was not a Government organization and no grant given was on record, to run its affairs. The Public Authority therefore has no access to information relating to a private body.

The Petitioner filed a Second Appeal petition dated 24.09.2014 before the Commission as she was aggrieved by the order of the First Appellate Authority referred to above and stated that as Nagaon Tennis Club is a Govt. grantee public organization and utilize and enjoys Govt. aids and appliances and as such Nagaon Tennis Club comes under the RTI Act, 2005.

On perusal of relevant records, it appears that Nagaon Tennis Club had not received any grant from the Government and as such being private organization do not fall under the purview under section 2 (f) of the RTI Act, 2005. The authorized representative, Sri Dulal Bora admitted that since the fund was not utilized by Nagaon Tennis Club directly nor grant was received by them, the matter does not come under the purview of the RTI Act, 2005. From the records available, it appears that the PIO had already provided the information asked by the appellant vide letter referred to above dated 12.06.2014.

In view of the facts and circumstances stated above, the Second Appeal petition dated 24.09.2014 has no merit and hence dismissed.

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

Authenticated true copy  
Sd/-  
Deputy Registrar  
Assam Information Commission

Copy to:

1. The SPIO & ADC (Development), office of the Deputy Commissioner, Nagaon, Assam for information.
2. The Secretary, Nagaon Tennis Club, Nagaon, Dist- Nagaon, Assam for information.
3. The First Appellate Authority/Deputy Commissioner, Nagaon, Assam for information.
4. Smt. Sabina Yasmin, H. No.- 7, Sankardev Path, Bye Lane- 2, Sivamandir Path, Opp. Agriculture Directorate, Khanapara, Guwahati- 781022 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Deputy Registrar  
Assam Information Commission