

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

Case No. : KP(M).509 /2014
Complainant/ Appellant : Shri Jyotish Kr. Das
Respondent : Assam Cricket Association, Guwahati
Date of hearing : 12.7.2016
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
12.7.2016

The petitioner Shri Jyotish Kr. Das is present. The public authority to be represented by the SPIO of Assam Cricket Association (ACA), Barshapara, Guwahati is absent without any information. The complaint petition dtd 2.8.14 is taken up for hearing ex-parte in absence of any representative of the public authority.

From perusal of the case records it is seen that the Honorary Secretary of Assam Cricket Association had written to the petitioner Shri Jyotish Kr. Das on 5.6.13 informing him that the ACA is not governed by the RTI Act, 2005. Hence no reply was given to his RTI application dtd 23.5.13

The petitioner Shri Jyotish Kr. Das, being aggrieved by the reply of the Honorary Secretary of the ACA, filed a complaint petition dtd 2.8.14 before this Commission. The petitioner made a written submission today that he is still interested in getting the information and prayed for treating his complaint petition dtd 2.8.14 as a second appeal petition. His prayer is granted and his complaint petition is considered for hearing as second appeal petition u/s 19 of the RTI Act, 2005.

The petitioner deposed that ACA has been substantially funded by the Govt. of Assam and the North Eastern Council (NEC). The entire land measuring 59 bighas 3 kathas 2 lechas for Barsapara Cricket Stadium was given by the Govt. of Assam vide letter No. RSS.379/96/Pt./141 dtd 10.2.2010, free of cost. The Government of Assam also sanctioned and released an amount of rupees one crore in favour of ACA. In addition to the above, the Govt. has also given other financial support to ACA in the form of exemption of entertainment tax for organizing cricket matches from time to time. The petitioner contends that the stand taken by the Honorary Secretary of ACA vide letter dtd 5.6.13 is not correct because being a non-governmental organization, funded substantially by the State Government and the NEC, which is an agency of Government of India under the Ministry of DoNER, Government of India, the ACA falls within the definition of public authority u/s 2 (h) (d) (ii). The petitioner further contended that without the substantial financial support and other material support like land from the Government, the ACA would not have been able to sustain its activities and existence. In view of the above, the petitioner contends that the information sought for by him is admissible under the RTI Act. In absence of the representative of the ACA, although notice was served on the SPIO of the ACA, the contention of the ACA could

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not be heard. Before proceeding to hear the merit of the RTI petition and admissibility of the information sought for under the RTI Act, 2005, this Commission is of the view that it has to decide whether the ACA falls within the definition of public authority u/s 2 (h) of the RTI Act. This will require examination of relevant records and documents from the concerned parties to ascertain whether ACA is in receipt of substantial fund, directly or indirectly, from the appropriate Government/s for it to become public authority u/s 2 (h) (d) (ii) of the RTI Act, 2005.

This Commission, therefore, directs:- (a) the petitioner Shri Jyotish Kr. Das, (b) the Honorary secretary of Assam Cricket Association, (c) the SPIO of Finance (Taxation) Department dealing with the exemption of entertainment tax to Assam Cricket Association, (d) the SPIO of Revenue & Disaster management Department dealing with allotment of land to ACA, and (e) the SPIOs of (i) Planning & Development Department, Govt. of Assam, (ii) Finance EC (II), and (iii) Sports & Youth Welfare Departments dealing with sanction and release of financial assistance to ACA to be present with relevant records and documents on the next date of hearing.

Fix 11.30 AM On 17.8.16 for next hearing.

Sd/-

(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar
Assam Information Commission

Memo No. SIC/ KP(M).509/2014/8-A

Dtd. 12.7.2016

Copy to:

1. The Honorary Secretary of Assam Cricket Association, Barsapara, Guwahati for information and necessary action.
2. SPIO of Commissioner of Taxes, Govt. of Assam, Kar Bhawan, Dispur, Guwahati-6 for information & necessary action.
3. The SPIO of Revenue & Disaster management Department, Govt. of Assam, Dispur, Guwahati-6 for information and necessary action.
4. The SPIO of Planning & development Department, Govt. of Assam, Dispur, Guwahati-6 for information & necessary action.
5. The SPIO of Finance (EC-II) Department, Govt. of Assam, Dispur, Guwahati-6 for information and necessary action.
6. The SPIO of Sports & Youth Welfare Department, Govt. of Assam, Dispur, Guwahati-6 for information and necessary action.
7. Shri Jyotish Kumar Das, Qrt. No. 216, PHE Complex, Hengrabari, Guwahati-36 for information.
8. Computer Section for uploading in the Website.
- 9 Office File.
10. Order Book.

Registrar
Assam Information Commission