

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

Case No. : KP(M).619/2016
Complainant/ Appellant : Shri Dwarka Prasad Agawal
Respondent : Secretary, 63 No. Topatoli Gaon Panchayat
Date of hearing : 26.9.2016
Complaint/ Second : Shri H. S. Das, IAS (Rtd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R

26.9.2016

The appellant Shri Dwarka Prasad Agarwal has authorized his advocate Ms Dipika Das, advocate to appear on his behalf. The public authority to be represented by the Secretary, Topatoli Gaon Panchayat , District Kamrup (M) is absent without any information. The second appeal petition dated 30.5.15 is taken up for consideration ex parte in absence of the public authority

From perusal of the case records it is seen that vide his RTI petition dated 26.3.15 addressed to the Secretary, 63 No. Topatoli G.P, the petitioner wanted to know several informations about the Dimoria Anchalik Panchayat. The first appeal petition dated 30.4.15, also addressed to the Secretary, 63 No. Topatoli G.P. seeks the same set of informations about Dimoria AP. Section 19 of the RTI Act, 2005 stipulates that the first appeal petition is to be preferred to an officer who is senior in rank to the public information officer. It, therefore, appears that the petition's first appeal as well as the RTI petitions were defective in that he was seeking information about a higher authority, i.e. the Anchalik Panchayat, from the lower authority i.e. a GP.

Moreover, the informations sought for by the petitioner about the Dimoria AP are more in the nature of answers to questions like organization of an Anchalik Panchayat, work performed by the AP, who organizes a panchayat, who elects the panchayat members under the Panchayati Raj Act and whether the panchayats are guided by the Government supervision, are available in the Assam Panchayati Raj Act, a copy of which may be obtained from the market.

In view of the above, this Commission directs the appellant to file separate RTI petition before the appropriate public authority i.e. Dimoria AP for the remaining informations against point No. 5, 7 and 8, i.e. names and contact numbers of

President and Secretary of the Demoria AP, amount of tax collected by the AP and its utilization.

With the above order, the second appeal petition dated 30.5.15 is disposed of.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/KP(M).619/2016/19-A

Dtd. 26.9.2016

Copy to:

1. The Secretary, 63 No. Topatoli gaon Panchayat, Topatoli, Sonapur, Dist. Kamrup (M), Assam, PIN 782403 for information.
2. Shri Dwarka Prasad Agarwal, 1/C Royal Silver Tower, Lachit Nagar, Guwahati-7 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar
Assam Information Commission