

Case No. : KP(M)92/2017
Complainant/ Appellant : Sri Dulal Bora
Respondent : WPT&BC Department
Date of Hearing : 5-4-2017
Complaint/ Second : Shri H. S. Das, IAS (Retd)
appeal heard by : State Chief Information Commissioner, Assam

O R D E R
5-4-2017

The petitioner Sri Dulal Bora is present. The public authority is represented by :- (1) Sri Gobin Ch. Mili, SPIO of the office of Directorate of WPT&BC, and (2) Sri Mohan Ch. Hazarika.

The second appeal petition dated 2-3-2017 is taken up for hearing in presence of both the parties.

From perusal of the case records, it is seen that the petitioner filed an RTI petition dated 19-9-2016 seeking three separate informations about Amri Karbi Autonomous Council for the period from January, 2001 till 19-9-2016.

The Joint Director and SPIO of the Directorate of WPT&BC submitted a written statement dated 31-3-2017 enclosing a copy of his letter dated 19-10-2016 informing the petitioner that the information sought for by him is not related to the Directorate of WPT&BC.

The SPIO and Joint Director submitted orally that there is no autonomous council by the name of Amri Karbi Autonomous Council. There is a council by the name Amri Karbi Development Council.

The petitioner submitted that by Amri Karbi Autonomous Council he meant Amri Karbi Development Council.

The SPIO further submitted that along with other Development Councils the Amri Karbi Development Council has since been dissolved by the State Government. The SPIO also mentioned that the dissolved Development Councils have approached the Hon'ble Gauhati High Court against the dissolution order by the State Govt . He submitted before this Commission that he is not in a position to furnish the informations sought for by the petitioner vide his RTI petition dated 19-9-2016 since those informations are not in his custody. The SPIO could not clarify the present status of the Development Councils as well as the present position of the records of the Development Councils and who are their custodians.

This Commission is, however, of the view that since their inceptions large amounts of public funds were provided to these Development Councils by the State Government. It is therefore imperative that for the sake of transparency and accountability the State Government in the WPT&BC Department and the Directorate of WPT&BC make suitable arrangements for safe custody of the records of the

Development Councils so that interested citizens can have access to those records in exercise of their rights under the RTI Act, 2005 and the State Govt. can take appropriate steps for subjecting the accounts and records of the dissolved Development Councils to audit by competent Agencies.

This Commission, therefore, directs the SPIO of WPT&BC Department and the SPIO of the Directorate of WPT&BC to file their written affidavits indicating :-

1. **The date of notification of the Amri Karbi Development Council,**
2. **Copy of dissolution of the Amri Karbi Development Council,**
3. **Steps taken for the safe custody of the records of the Amri Karbi Development Council consequent to its dissolution, and**
4. **Whether any inspection or audit of the accounts and performance of Amri Karbi Development Council was done and, if so, the name of the Inspecting/ auditing agency and the period of inspection/ audit.**

SPIO of WPT&BC Department as well as the SPIO of the Directorate of WPT&BC are directed **to seek the assistance of any other officer that he may consider necessary under Section 5(4) of the RTI Act, 2005 and for the purpose of the instant appeal case such other officers shall be treated as deemed PIOs under Section 5(5) of the RTI Act, 2005.**

Fix 9-5-2017 at 1.00 P.M for submission of the affidavit and for their personal appearance for further hearing of the case.

Sd/-

**(H. S. Das)
State Chief Information Commissioner,
Assam**

Authenticated true copy

Sd/-

Registrar

Assam Information Commission

Memo No SIC/ KP(M)/ KP(M) 92/2017/ 11 -A

Dated 5-4-2017

Copy to:

- 1) Chief Secretary to the Government of Assam, for kind information.
- 2) Additional Chief Secretary to the Government of Assam, WPT&BC Department, Dispur, Guwahati-781 006 for kind information and necessary action.
- 3) SPIO of WPT&BC Department, Dispur, Guwahati -6 for information and necessary action as ordered above.
- 4) Sri Gobin Ch. Mili, SPIO of the office of Directorate of WPT&BC for information and necessary action, as ordered above.
- 5) Sri Dulal Bora , Koinadhara Tiniali, House No. 118, Khanapara, Guwahati 22 for information.
- 6) Computer Section for uploading in the Website.
- 7) Office file.
- 8) Order Book.

**Registrar
Assam Information Commission.**

(H. S. Das)
State Chief Information Commissioner,
Assam

Authenticated true copy

Registrar
Assam Information Commission
Memo No SIC/ KP(M) / -A

Dated 5-4-2017

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**Registrar
Assam Information Commission.**