



**OFFICE OF THE
ASSAM STATE INFORMATION COMMISSION**

JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

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Case No. : KP(R). 12/2017
Complainant/ Appellant : Sri Nikumoni Deka
Respondent : Handloom and Textile Department.
Date of Hearing : 6-7-2017
Complaint/ Second : Shri H. S. Das, IAS (Retd)
appeal heard by : State Chief Information Commissioner, Assam

O R D E R
6-7-2017

1. The petitioner/ appellant Sri Nitumoni Deka is present accompanied by Sri Pulak Barman, Advocate. The public authority is represented by (1) Sri Chagendra Nath Kakoty, Inspector & SPIO of the office of Assistant Director, Handloom and Textiles, accompanied by Sri Khagen Ch. Nath, Suptdt. Handloom Production Centre, (HPC), Jagori, Nagaon and Cluster Development Executive, Sualkuchi (East) Cluster.

2. The complaint petition dated 22-5-2017 is taken up for hearing in presence of both the parties. When asked by this Commission, the petitioner stated that he is still interested in getting the informations sought for vide his RTI petition dated 20-1-2017 and he filed a written submission dated 6-7-2017, praying for conversion of his complaint petition dated 22-5-2017 into a second appeal petition under Section 19 of the RTI Act, 2005. His prayer is granted and the complaint petition is taken up for hearing as a second appeal petition, in presence of both the parties.

3. The SPIO of the office of the Assistant Director, Handloom and Textiles, Kamrup, Guwahati submitted a written statement dated 30th June, 2017 stating that the sought for informations were also submitted to a group of persons led by one Sri Dhruba Jyoti Sarma on 11-1-2017. The present petitioner Sri Nitu Moni Deka was also a member of the group. Thereafter Sri Bipul Das, a member of the Sualkuchi (East) Cluster and I/C of Yarn Depot was demanded money by some extremists and Sri Bipul Das lodged an FIR with the Sualkuchi Police Station vide Police case No. 33/2017

under Section 341/385/506 IPC. It has been stated in the W/S that since the subject matter of the RTI petition became sub-judice in the above mentioned Police case, therefore, under Section 8(1)(g and h) of the RTI Act, 2005 the sought for informations were treated as exempted and not furnished to the present petitioner, separately.

4. This Commission is of the view that the informations sought for by the present petitioner vide his RTI petition dated 20-1-2017 should in any case have been disclosed suo motu by the concerned public authority under Section 4 (1)(b). Moreover, the informations sought for are *post facto*. They do not seem to have any relationship with the Police case mentioned above.

5. In view of the above, the SPIO of the office of Assistant Director, Handloom and Textiles is directed to furnish the sought for informations , year-wise to the petitioner within 30 days from the date of receipt of this order.

6. With the above order the complaint petition dated 22-5-2017 is disposed of.

Sd/-

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

Authenticated true copy

Sd/-
Registrar
Assam Information Commission

Memo No SIC/ KP(M) 12/2017/ 17-A

Dated 6-7-2017

Copy to:-

- 1) Sri Chagendra Nath Kakoty, Inspector & SPIO of the office of Assistant Director, Handloom and Textiles, for information and necessary action, as ordered above.
- 2) Sri Sri Nitumoni Deka C/O Sri Lakhidhar Deka, R/O Keetpara, Sualkuchi, P.O & P.S- Sualkuchi, District- Kamrup, Assam, PIN-781 103 for information.
- 3) Computer Section for uploading in the Website.
- 4) Office file.
- 5) Order Book.

Registrar
Assam Information Commission.