



OFFICE OF THE

ASSAM STATE INFORMATION COMMISSION

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Case No. : KP(M).63/2017
Complainant/ Appellant : Shri Dulal Bora
Respondent : Director, WPT&BC Department, Govt. of Assam

O R D E R

31.07.17

Seen the affidavit dated 15.6.17 filed by Shri Rajiv Kumar Bora, IAS, Addl. Chief Secretary, Govt. of Assam, WPT&BC Department. Also seen the affidavit dated 15-06-.2017 filed by Shri Indreswar Teron, Chairman of Amri Karbi Development Council. Both the affidavits, which have been entered into the case records have been filed in compliance with this Commission's earlier order dated 09-05.2017 and 29-4-2017 respectively. Perusal of the two affidavits, its enclosures and the written statement dated 09-05-2017 submitted by Sri Indreswar Teron, Chairman, Amri Karbi Development Council reveal that –

- (i) The Amri Karbi Development Council was first constituted vide notification no. TAD/BC/491/07/131 dated 30th November, 2010. Therefore, the petitioner's request seeking informations about the Amri Karbi Development Council with effect from 1st January, 2001 is found to be without any basis,
- (ii) That the Director of WPT&BC Department, Government of Assam was assigned as the Member Secretary for 19 numbers of Development Councils including the Amri Karbi Development Council vide Govt. notification No. TAD/BC/450/2008/209 dated 12th June, 2014, and that since then all relevant records, minutes of meetings and list of beneficiaries, etc., are held and maintained by the Director of WPT&BC as Member Secretary of the Development Councils, and that all such records are in his safe custody. Prior to the notification dated 12th June, 2014 the Commissioner & Secretary/ Joint secretary, WPT&BC Department was the Member Secretary of the Development Councils,
- (iii) That the Director of WPT&BC, Govt. of Assam as Member Secretary to the Development Councils is the custodian of all relevant records of the Bishnupriya Manipuri Development Council, along with other Development Councils and that Shri Gobin Ch. Mili, Joint Director is the SPIO of the Directorate of WPT&BC and Smti. Juri Doley, Joint Secretary to the Govt. of Assam, WPT&BC Department, is the SPIO of the Department,
- (iv) That the Amri Karbi Development Council was dissolved along with other Development Councils except the Manipuri Development Council and the Maimal Development Council, vide notification No. TAD/BC/402/2016/104 dated

3.11.2016. The Chairpersons of ten (10) numbers of Development Councils challenged the validity of the Govt. notification and filed writ petition in the Hon'ble Gauhati High Court, and that by an interim order in WP(C) No. 6786/2016 dated 16.11.2016, the Hon'ble High Court ordered suspension of the impugned notification No. TAD/BC/402/2016/104 dated 3.11.2016 issued by the Commissioner & Secretary to the Govt. of Assam, WPT&BC Department, so far as it relates to the petitioners. Final judgment is awaited and therefore, the Govt. notification mentioned above dissolving the Development Councils continues to remain suspended.

In view of the above, the SPIO of the Director of WPT&BC, Government of Assam is directed to take up the petitioner Shri Dulal Bora's RTI petition dated 19-09-2016 and furnish the sought for informations that may be admissible under the RTI Act, 2005 in compliance with the provisions of section 2 (j) read with section 7 (9) and other relevant provisions of the Act, within 30 days from the date of receipt of this order. If any of the sought for informations is not available or cannot be provided, then the petitioner shall be informed the reasons therefore within 30 days from the date of receipt of this order.

The Above order shall apply, mutatis mutandis, to the following 7 (seven) second appeal cases involving the same appellant/petitioner and the same public authority, also:-

| Case No. | Date of RTI petition | Date of second appeal petition |
|-------------------|----------------------|--------------------------------|
| SIC/KP(M).91/2017 | 19.9.2016 | 02.03.2017 |
| SIC/KP(M).90/2017 | 19.9.2016 | 02.03.2017 |
| SIC/KP(M).88/2017 | 19.9.2016 | 02.03.2017 |
| SIC/KP(M).89/2017 | 19.9.2016 | 02.03.2017 |
| SIC/KP(M).53/2017 | 19.9.2016 | 02.03.2017 |
| SIC/KP(M).92/2017 | 19.9.2016 | 02.03.2017 |
| SIC/KP(M).73/2017 | 19.9.2016 | 02.03.2017 |

With the above order, the instant second appeal petition dated 02.03.2017 and the 7 (seven) second appeal petitions mentioned above are disposed of.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Copy to:

1. The Addl. Chief Secretary to the Govt. of Assam, WPT&BC Department, Dispur, Guwahati- 781 006 for information.
2. The Joint Secretary & SPIO of WPT&BC Department, Govt. of Assam, Dispur, Guwahati- 781 006 for information & necessary action
3. The Joint Director & SPIO of the Directorate of WPT&BC Department, Dispur, Guwahati-781 006 for information and necessary action.
4. Shri Dulal Bora, Kainadhara Tiniali, House No. 118, Khanapara, Guwahati-22 for information.
5. Computer Section for uploading in the Website
6. Office File.
7. Order Book.

Registrar
Assam Information Commission