

**OFFICE OF THE
ASSAM INFORMATION COMMISSION****JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : **KP(M).830/2017**
Complainant/ Appellant : **Sri Dulal Bora**
Respondent : **Home Department.**
Date of Hearing : **17-11-2017**
Complaint/ Second : **Shri H. S. Das, IAS (Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R
17-11-2017

1. The appellant/petitioner Sri Dulal Bora is absent without any information. The public authority is represented by 1) Sri Ananda Kr. Das, ACS, Deputy Secretary and SPIO of Revenue and Disaster Management Department.. The Staff Officer to Chief Secretary has sent a written statement dated 14-11-2017 stating that she is out of station on official duties and has authorized Sri Pancham Pawe Sr. Administrative Assistant on her behalf.
2. In this connection, it is noted that the petitioner filed his first appeal petition on 16-5-2017 after getting no response to his RTI petition dated 9-8-2016. There is nothing in the case records to show that the first appeal petition was heard and responded to, or it was rejected or not admitted on the ground of being time barred. In other words, it seems that no action was taken on the first appeal petition. Therefore, the second appeal petition dated 24-7-2017 which was submitted within the time period stipulated under Section 19(3) of the RTI Act, 2005 is admitted and taken up for hearing ex-parte in the absence of the petitioner.
3. From perusal of the case records it is seen that the petitioner Sri Dulal Bora filed a complaint petition dated 13-7-2015 before the Chief Secretary, Govt. of Assam alleging encroachment of Govt. land at Sonapur. By his complaint petition dated 13-7-2015 he requested the Chief Secretary for eviction of the encroachment on Govt. land. Thereafter the petitioner filed an RTI petition dated 9-8-2016 seeking information on the actions taken by the Chief Secretary on his complaint petition dated 13-7-2015. The SPIO of Chief Secretary's office vide letter dated 19th August, 2016 transferred the RTI petition to the Deputy Secretary and SPIO of Revenue and Disaster Management Department. The SPIO of Revenue and Disaster Management Department has submitted a written statement dated 13-11-2017 stating that the original complaint petition dated 13-7-2015 received from Sri Dulal Bora was forwarded to the Deputy Commissioner, Kamrup (Metro) District for submission of a report within 10 days vide letters dated 27th July, 2015 from the Addl. Chief Secretary, Revenue and Disaster Management Department and letter dated 6th October, 2016 from the Deputy Secretary of Revenue and Disaster Management Department.

4. It is seen that the Deputy Commissioner, Kamrup (Metro) District has not submitted any report to the Revenue & Disaster Management Department till date. This Commission notes with concern that the Deputy Commissioner, Kamrup (Metro) District has not bothered to submit his report, as called for by the then Additional Chief Secretary, Revenue and Disaster Management Department within 10 days even after a lapse of more than 2 (two) years.
5. In view of the above, Commissioner & Secretary, Revenue and Disaster Management Department is directed to take necessary steps to ensure that the Deputy Commissioner, Kamrup (Metro) district submits the report, as was called for from him by the then Additional Chief Secretary, Revenue and Disaster Management Department on or before **20th December** so that the SPIO of Revenue and Disaster Management Department can furnish a reply to the petitioner, Sri Dulal Bora on point No. 3 of his RTI petition dated 9-8-2016 **by 31st December, 2017.**
6. This Commission notes that information with regard to point No.-1 of the RTI petition is already available in the Addl. Chief Secretary, Revenue and Disaster Management Department's letter dated 27th July, 2015, copy of which was marked to the petitioner.
7. Similarly, the names of allegedly encroachers/ accused persons are already mentioned in the original complaint petition dated 13-7-2015 which was submitted by Sri Dulal Bora to the Chief Secretary.
8. Fix **1.30 P.M 10th January, 2018** for review of actions taken.

Sd/-

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

Authenticated true copy

Sd/-

Registrar
Assam Information Commission

Memo No SIC/ KP(M). 830/2017 /

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Dated 17-11-2017

Copy to:-

- 1) Deputy Commissioner, Kamrup (Metro) District for information and necessary action as ordered above.
- 2) Sri Ananda Kr. Das, ACS, Deputy Secretary and SPIO of Revenue and Disaster Management Department, Dispur, Guwahati-6 for Information and necessary action.
- 3) SPIO of the office of Chief Secretary, Govt. of Assam, Dispur, Guwahati-6 for information
- 4) Sri Dulal Bora, Koinadhara Tiniali, House No.-118, Khanapara, Guwahati-22 for information.
- 5) Computer Section for uploading in the Website.
- 5) Office file.
- 6) Order Book.

Registrar
Assam Information Commission.