

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

Case No. : **KP(M) 854/2017**
Complainant/ Appellant : **Sri Dulal Bora**
Respondent : **Revenue and Disaster Management Deptt.**
Date of Hearing : **27-11-2017**
Complaint/ Second : **Shri H. S. Das, IAS (Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R
27-11-2017

1. The appellant/petitioner Sri Dulal Bora is present. The public authority is represented by Sri Ananda Kr. Das, SPIO and Deputy Secretary of Revenue and Disaster Management Department.
2. The second appeal petition dated 24-7-2015 is taken up for hearing in presence of both the parties.
3. 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 taken up for hearing in presence of both the parties.
4. The SPIO of the office of Chief Secretary is absent but an unsigned written statement has been received from the Chief Secretary's office stating that Sri Dulal Bora's RTI petition dated 9-8-2016 and first appeal petition dated 16-5-2017 were transferred to the concerned departments. It is seen from the case records that vide letter dated 17th August, 2016 the SPIO of the office of Chief Secretary transferred the RTI petition of Sri Dulal Bora to the SPIO's of Revenue & Disaster Management Department and Guwahati Development Department for taking necessary actions.
5. The SPIO of Revenue and Disaster Management Department who is present today has submitted a Written Statement dated 13-11-2017 stating that the original complaint petition dated 27-7-2015 was transferred to the Deputy Commissioner, Kamrup (Metro) for taking necessary action. Similarly, his RTI petition dated 9-8-2016 was also transferred to Deputy Commissioner, Kamrup (Metro) for taking necessary action.
6. The petitioner submitted orally that he has not yet received any information from any quarter in response to his RTI petition dated 9-8-2016 and first appeal petition dated 16-5-2017.

7. From perusal of the case records it is seen that Sri Dulal Bora filed a prayer before the Chief Secretary to the Govt. of Assam vide letter dated 27-7-2015 requesting him to inquire into :- (a) the settlement of Govt land to the Editor of a local TV Channel, (b) alleged encroachment of 2 Kathas of adjacent Sarkari land by the same T.V channel editor, (c) permission of GMC/ GMDA for construction of building on the said plot of land, and (d) provision of House Guard and personal security guard to the editor of the T.V Channel. The petitioner followed up the complaint petition dated 27-7-2015 by his RTI petition and first appeal petition mentioned above. As already mentioned he is yet to receive any information from any quarter.
8. This Commission observes that point No. (a) and (b) of para -7 above relate to Revenue and Disaster Management Department. Point (c) relates to GDD Department and point (d) relates to Political Department. The SPIO of the office of Chief Secretary is, therefore, directed to transfer the original complaint petition dated 27-7-2015 along with a copy of the RTI petition dated 9-8-2016 to the SPIO of Political Department for necessary action.
9. (i) The SPIOs of :- (i) Revenue and Disaster Management Department, (ii) GDD Department and (iii) Political Department are directed to transfer within 5 days from the date of receipt of this order, the RTI petition dated 9-8-2016 enclosing a copy of the original complaint petition dated 27-7-2015 to the SPIOs of the concerned public authorities under their administrative jurisdiction who hold the sought for informations with the direction to furnish the same to the petitioner within another 30 days thereafter. The SPIO of Revenue and Disaster Management Department is also directed to furnish the information on (a) above to the petitioner accordingly.
10. Fix **12.30 P.M ,17th January 2018** for review of actions taken and issue notice to all concerned parties/ SPIO's for appearance on the next date of hearing.

Sd/-

(H. S. Das)

**State Chief Information Commissioner,
Assam**

Authenticated true copy

Sd/-

Registrar

Assam Information Commission

Copy to:-

- 1) SPIO of the office of Chief Secretary to the Govt. of Assam, Dispur, Guwahati-6 for information and necessary action.
- 2) Sri Ananda Kr. Das, SPIO and Deputy Secretary of Revenue and Disaster Management Department, Dispur, Guwahati-6 for information and necessary action as ordered above.
- 3) SPIO of GDD Department, Dispur, Guwahati-6 GDD Department for information and necessary action, as ordered above.
- 4) SPIO of Political Department, Dispur, Guwahati-6 for information and necessary action as ordered above.
- 5) Deputy Commissioner, Kamrup (Metro) for information and necessary action.
- 6) Computer Section for uploading in the Website.
- 7) Office file.
- 8) Order Book.

Registrar
Assam Information Commission.