

**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : KP(M).868/2017
Complainant : Shri Dulal Bora
Respondent : Elementary Education Department, Govt. of Assam
Date of hearing : 01.11.2017
Complaint/ Second : Smti. N.A. Hazarika, IAS (Retd)
Appeal heard by : State Information Commissioner, Assam

O R D E R

01.11.2017

The petitioner Shri Dulal Bora is absent without any intimation. The SPIO and Deputy Secretary to the Govt. of Assam, Elementary Education Department has submitted a written statement that since the matter was related to Secondary Education Department, the same was transferred to the Secretary, Secondary Education Department vide letter dated 30.8.16 .

It appears that the petitioner sought for information on a complaint petition filed by him on 7.3.15 before the Chief Secretary to the Govt. of Assam, Dispur regarding misappropriation of fund by fraudulent means by the Mission Director, Shri R.C. Jain of Rastriya Madhyamik Siksha Abhijan (RMSA), Assam. He stated that he had sought for some personal information from the Secretary, Education Department cum Mission Director, RMSA, Assam, Shri R.C. Jain. Accordingly the office of RMSA, Assam vide letter dated 28.1.15 informed him that to receive the information sought for by him he has to deposit a sum of Rs. 5000.00 within 15 days. Accordingly the petitioner deposited the amount in the office on 4.2.15 but till 7.3.15 he did not receive any information. He also alleged that Shri R.C. Jain defalcated the money. He further stated that the reason for misappropriating the amount was that he had filed a case against Shri R.C. Jain for misappropriating Government fund in case no. 87/15 u/s 409 IPC. He also stated that since the information sought for was related to the police case filed even after receiving the money sought for the information was not furnished and his money was misappropriated. He has, therefore, requested to take action against the Mission Director, RMSA, Assam, Shri R.C. Jain. In his RTI petition dated 9.8.16 he sought file number, the name of inquiry officer and his present place of posting. He sought for information whether his complaint petition dated 7.3.15 was enquired into and the name of accused officer mentioned in the above complaint petition. He also sought for a copy of the inquiry report submitted by the inquiry officer before the higher authority after completing the inquiry against the accused officer. He has enclosed a photocopy of the complaint submitted by him to the Chief Secretary to the Government of Assam dated 7.3.15.

On perusal of the complaint petition dated 7.3.15 it appears that the petitioner complained that the Mission Director, RMSA, Assam, Shri R.C. Jain was requested to furnish some information and based on the same vide letter dated 28.1.15 he was directed to deposited Rs. 5000.00 as cost of the photocopying and accordingly he deposited the same on 4.2.15 but even after relapse of more than a month till 7.3.15 the office did not furnish the information. He complained that Shri R.C. Jain, Mission Director, RMSA, Assam collected the amount of Rs. 5000.00 and defalcated the same. He also stated that as he had filed a police case against him regarding misappropriation of Government fund as stated above, he did not furnish the information even after collecting the amount and misappropriated the same. He filed his second appeal on 24.7.17 stating that even after filing his first appeal before the Chief

Secretary to the Govt. of Assam no hearing was taken by the first appellate authority nor any information furnished to him.

The Commission observes that the complaint petition dated 7.3.15 does not specify the information sought for and the date of RTI petition filed by him. It is also seen that he has complained that the Mission Director had misappropriated the amount of Rs. 5000.00 whereas he himself has stated that the amount of Rs. 5000.00 was deposited in the office of the Mission Director, RMSA, Assam. He has also mentioned that he was not furnished the information even after collecting the amount of Rs. 5000.00 as the information sought for was related to police case no. 87/15 u/s 409 IPC regarding misappropriation of Government fund. Since the information sought for vide his RTI petition also had relation to the police case recorded above, he was not furnished the information.

The Commission observes that the petitioner has not specified the points on which he had sought for information. The public authority is not required furnishing of information which require sharing of inferences and/or making of assumption. The petitioner's right extends only to seeking information as defined in section 2(1) either by pin pointing the file, document, paper or record, etc. or by mentioning the type of information as may be available with the specified public authority, the petitioner, if he chooses, may file application before the SPIO spelling out clearly the information as per section 2(1) of the RTI Act, 2005. As regards misappropriation of fund, the petitioner may take up the matter in appropriate court of law.

(N.A. Hazarika)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Joint Registrar
Assam Information Commission

Memo No. SIC/ KP(M). 868/2017/

Dtd. 01.11.2017

Copy to:

1. The SPIO of the office of the Chief Secretary, Govt. of Assam, Dispur, Guwahati-6 for information.
2. The First Appellate Authority/ Chief Secretary, Govt. of Assam, Dispur, Guwahati-6 for information.
3. The SPIO & Deputy Secretary to the Govt. of Assam, Elementary Education Department, Dispur, Guwahati-6 for information.
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.
6. Order Book.

Joint Registrar
Assam Information Commission