



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : KP(M)1293/2017
Complainant/ Appellant : Sri Dual Bora
Respondent : C. M's Secretariat
Date of Hearing : 21.02.2018
Complaint/ Second appeal heard by : Shri H. S. Das, IAS (Retd)
 State Chief Information Commissioner, Assam

O R D E R
21.02.2018

1. The petitioner Sri Dulal Bora is present. The public authority is represented by Niranjana Bora, Under Secretary and SPIO of Assam Chief Minister's Secretariat, accompanied by Sri Prabal Jyoti Medhi, Sr. Administrative Assistant of C.M's Secretariat.

2. The second appeal petition dated 27-6-2017 is taken up for hearing in presence of both the parties.

3. From perusal of the case records, it is seen that the petitioner filed a complaint petition dated 13-2-2016 before the Additional Chief Secretary of Chief Minister, Assam complaining about involvement of SSP (City) and Officer-in-Charge of Basistha P.S Sri Jogokanta Bora.

4. Thereafter he filed an RTI petition dated 17-8-2016 before the SPIO of Chief Minister's Secretariat seeking the following informations :-

- (a) The number of the file from which inquiry was ordered into the allegations mentioned in his complaint petition dated 13-2-2016 and name of the Inquiry Officer with his designation ;
- (b) names and addresses of the persons mentioned in the complaint petition dated 13-2--2016, and
- (c) photo copy of report submitted by the Inquiry Officer to his higher authorities.

5. The SPIO of C.M's Secretariat has submitted a written statement stating that the RTI petition from Sri Dulal Bora was received in the C. M's Secretariat on 26-8-2016. Thereafter his RTI petition was transferred to the Home Department vide C.M Secretariat letter No. CMS.7/2016(RTI)/Pt.VII/690 dated 4-8-2017. Therefore, the onus of furnishing the sought for information lies with the SPIO of Home Department. The petitioner may, therefore, file his first appeal petition before the first appellate authority of Home Department, if he desires to do so within 30 days, from the date of receipt of this order,

6. The SPIO of C.M's Secretariat statement also stated that the same petitioner Sri Dulal Bora submitted 445 Nos. of RTI petitions during the month of August, 2016. Again he submitted 378 Nos. of 1st appeal petitions in the month of May-June 2017. The written statement mentioned that Sri Bora was informed that in view of the large number of RTI petitions and first appeal petitions submitted by him, they will be taken up for consideration in due course.

7. The above position taken by the C.M Secretariat does not appear to be in conformity with the relevant provisions of the RTI Act, 2005, which has stipulated clear guidelines for disposal of RTI and first appeal petitions under Section-7 and Section 19 of the RTI Act, 2005.

8. This Commission is of the view that informations sought for by the petitioner are very simple..

9. With the above order, the second appeal petition dated 27-6-2017 is disposed of..

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

Authenticated true copy

Registrar
Assam Information Commission

Memo No SIC/ KP(M)1293/2017. A

Dated 21.02.2018

Copy to:-

- 1) Sri Niranjana Bora, Under Secretary and SPIO of Assam Chief Minister's Secretariat, Dispur, Guwahati-6 for information and necessary action.
- 2) Sri Dulal Bora, Koinadhara Tiniali, House No-118, Khanapara, Guwahati-22 for information and necessary action
- 3) Computer Section for uploading in the Website.
- 4) Office file.
- 5) Order Book.

Registrar
Assam Information Commission.