

ASSAM INFORMATION COMMISSION**JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**

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Case No. : SIC/KP(M) 1026/2017
Appellant : Shri Dulal Bora
Respondent : The SPIO, Election Department, Govt. of Assam, Dispur,
Guwahati -6
Date of hearing : 12-04-2018
Second Appeal heard by : Nilufer Alam Hazarika, IAS(Retd.)
State Information Commissioner, Assam

O R D E R**12- 04-2018**

The Petitioner Sri Dulal Bora is present. The Public Authority is represented by Sri Diganta Das, Deputy Secretary to the Govt. of Assam & SPIO, office of the Chief Electoral Officer, Assam. The Deputy Secretary to the Govt. of Assam & SPIO, office of the Chief Electoral Officer, Assam has submitted a written statement dt. 31st March, 2018. He has stated that Sri Dulal Bora submitted a petition under the RTI Act, 2005 dt. 9-8-2016 to the SPIO, office of the Chief Secretary to the Govt. of Assam which was received on 17th August, 2016. The application was transferred to the SPIO, office of the Chief Electoral Officer, Assam on 19th August, 2016 and received by the SPIO on 20th August, 2016.

The reply to the said RTI application was furnished to the applicant vide letter dated 8-9-2016 and he was informed about the name, designation and address of the 1st Appellate Authority of the office of the C.E.O. in case he wanted to prefer an Appeal. The applicant filed his 1st Appeal to the office of the Chief Secretary to the Govt. of Assam on 16-5-2017 which was received by the office of the Chief Secretary to the Govt. of Assam on 23-5-2017 and forwarded to the office of the C.E.O. He has mentioned that as per Sec.19(1) of the RTI Act, 2005, the Appeal has to be preferred within 30 days of receipt of the reply. In the instant case the reply of the RTI application was given on 8-9-2016 and the Appeal was filed on 23-5-2017. The 1st Appellate Authority of the office of the C.E.O., Assam observed that the Appeal was filed after 257 days of furnishing the reply to the RTI application and that he did not mention any cause on the filing of Appeal petition after the due time. As such the Appeal petition dt. 16-5-2017 filed by Sri Dulal Bora was rejected by the 1st Appellate Authority vide order dt. **12-6-2017**, a copy of which has been enclosed at Annexure- IV. He also stated that reply to the RTI Act, application was furnished to the applicant within due time and the 1st Appeal petition was also duly disposed and accordingly there was no violation of the provisions of RTI Act, 2005. He therefore requested the Commission to pass appropriate instruction as deemed fit.

The Commission on perusal of the order of 1st Appellate Authority observes that there is no flaw in the order of the 1st Appellate authority. An Appeal has to be preferred within 30 days from the date of receipt of reply on the RTI petition U/S. 19 (1) of the RTI Act, 2005.

Contd.. 2.

Sec. 19(1) also provides that the 1st Appellate authority may admit the Appeal after the expiry of the period of 30 days if he or she is satisfied that the Appellant was prevented by sufficient cause from filing the appeal in time. In the instant case, the 1st Appellate Authority has in the order clearly stated that the appellant has not mentioned any cause on the filing of the Appeal petition after the due time.

Since the 1st Appeal was time barred and the same was rightly rejected by the 1st Appellate authority. As such the 2nd Appeal filed by the Petitioner dt. 24-7-2017 is not admitted.

Sd/-

(Nilufer Alam Hazarika, IAS(Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar
Assam State Information Commission

Memo No. SIC/KP (M) 1026/2017/16

Dtd. 12-04-2018

Copy to:

1. The SPIO, Office of the Election Department, Govt. of Assam, Dispur, Guwahati -6
Assam for information and necessary action.
2. The First Appellate Authority/Election Department, Govt. of Assam, Dispur, Guwahati -6,
Assam for information and necessary action.
3. The Petitioner Shri Dulal Bora, Kainadhara Tiniali, H/No. 118, Khanapara, Dist. Kamrup (M),
Guwahati - 22, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam State Information Commission

