



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

Case No. : BNG.11/2018
Complainant/ Appellant : Shri Diljit Adhikary
Respondent : SPIO of the Revenue and Disaster Management
Department, Government of Assam, Dispur.
Date of hearing : 27.6.2018
Complaint/ Second : Shri H. S. Das, IAS (Rtd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R

27.6.18

1. The petitioner Shri Diljit Adhikary is present accompanied by one Shri Mohibul Hoque to assist him. The public authority is represented by Shri A.K. Das, ACS, Deputy secretary and SPIO of Revenue & Disaster Management Department, Govt. of Assam .The second appeal petition dated 3.2.18 is taken up for hearing by the State Chief Information Commissioner in the absence of State Information Commissioner, Smti. N.A. Hazarika.
2. From perusal of the case records it is seen that the petitioner filed an RTI petition dated 23.10.17 addressed to the SPIO of the office of the SDO (Civil), North Salmara, Abhayapuri. Vide his RTI petition the petitioner wanted the following informations:-
 - (i) Whether any inquiry report has been received in pursuance of letter No. RDM-.15011(12)85/2017/85 dated 16.8.2016 from the Deputy Commissioner, Bongaigaon. If yes, a copy of the inquiry report and
 - (ii) Whether any allegation made by him can be termed as violation of guidelines of the Land Revenue Act, 1956.
3. This Commission is of the view that the point no. 2 (two) of his RTI petition does not seem to be covered under the relevant section of the RTI Act, 2005, because it is in the nature of seeking opinion of the public authority on his allegations. Point no. 1 (one) of the RTI petition appears to be admissible under the RTI Act, 2005.
4. It is seen from the case records that the RTI petition was transferred by the SDO (Civil), North Salmara, Abhayapuri to the SPIO of Revenue & Disaster Management Department (R&DMD) vide letter dated 30th October, 2017. The petitioner submitted orally that till date he has not received any information from the SPIO of R&DMD.
5. The SPIO of R&DMD has submitted a written submission dated 21.6.18 giving chronology of action taken by the Department, in course of dealing with

the transferred RTI petition. The written statement is entered into the case records.

6. The sum and substance of written statement is that the petitioner Shri Diljit Adhikary filed a complaint petition dated 7.6.17, which was received in R&DMD from the Secretary, Chief Minister's Secretariat vide letter No. ECR.39720/2017 dated 23.06.2017. This was followed by calling for a report from the Deputy Commissioner, Bongaigaon by R&DMD vide letter dated 16.8.2017. Till date no report has been received from the Deputy Commissioner, Bongaigaon, in spite of reminder dated 8.2.18. Thereafter R&DMD transferred the RTI petition dated 23.10.17 itself to the Deputy Commissioner, Bongaigaon. The Deputy Commissioner, Bongaigaon does not appear to have responded to the RTI petition.

7. However, the petitioner Shri Diljit Adhikary produced before this Commission a copy of letter No. BRC.15/2015/138 dated 19.2.18 from the Deputy Commissioner, Bongaigaon to the Commissioner & Secretary to the Govt. of Assam, Revenue & Disaster Management Department with copy to the petitioner, Shri Diljit Adhikary. The SPIO of R&DMD submitted orally that there is no record of receipt of the enclosed report. In the aforesaid letter Deputy Commissioner, Bongaigaon mentioned that an inquiry into the allegation was conducted by Revenue Circle Officer, Baitabari Revenue Circle and based on the inquiry, SDO (C), North Samara, Abhayapuri submitted an inquiry report. The original copy of the said report was stated to have been sent by the Deputy Commissioner, Bongaigaon to the Revenue & Disaster Management Department, Govt. of Assam. However, the SPIO of R&DMD submitted orally that there is no record in their office that the said letter was received. It, therefore, automatically appears that the Revenue & Disaster Management Department has not bothered to pursue the matter and taken any action on an allegation, and on which they themselves had called for a report from the Deputy Commissioner, Bongaigaon.

8. In view of the above, this Commission passes the following orders:-

- (i) The SPIO of the office of the Deputy commissioner, Bongaigaon is directed to furnish the information as sought for vide point no. 1 of the RTI petition, i.e. copy of the inquiry report as aforesaid as sought for by the R&DMD, Government of Assam within 15 days from the date of receipt of this order.
- (ii) The Addl. Chief Secretary to the Govt. of Assam, Revenue & Disaster Management Department is directed u/s 19 (8) (a) of the RTI Act, 2005 to cause an inquiry into non-receipt of Deputy Commissioner, Bongaigaon's report by R&DM Department, absence of any follow up action from R&DM Department thereafter, leading obviously no action having been taken on Deputy

Commissioner's report, which R&DM Department itself had called for, thereby making the whole process infructuous.

Put up for review of action taken on 13.8.2018.

Sd/-

(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar i/c
Assam Information Commission

Memo No. SIC/BNG.11/2018/

Dated. 27.6.2018

- Copy to:
1. The Addl. Chief Secretary to the Govt. of Assam, Revenue & Disaster Management Department, Dispur, Guwahati-781 006 for information and necessary action.
 2. The Deputy Secretary & SPIO of Revenue & Disaster Management Department, Govt. of Assam, Dispur, Guwahati-781 006 for information and necessary action.
 3. The Deputy Commissioner, Bongaigaon, Dist. Bongaigaon, Assam for information and necessary action.
 4. The SPIO of the office of the Deputy Commissioner, Bongaigaon, Dist. Bongaigaon, Assam for information and necessary action.
 5. Shri Diljit Adhikary, Ward No. III, PO Abhayapuri, Dist. Bongaigaon, Assam, PIN- 783384 for information.
 6. Computer Section for uploading in the Website.
 7. Office File.
 8. Order Book.

Registrar i/c
Assam Information Commission