



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

Case No. : KP(M).731/2018  
Complainant/ Appellant : Shri B.P. Kakati  
Respondent : Guwahati Metropolitan Development Authority  
Date of hearing : 4.10.2018  
Complaint/ Second : Shri H. S. Das, IAS (Rtd)  
Appeal heard by : Chief Information Commissioner, Assam

**O R D E R**

4.10.18

The appellant Shri B.P. Kakati is present. The public authority is represented by Shri Hitesh Sarma Medhi, SPIO of GMDA accompanied by Shri Phulen Saharia, JAA, GMDA. The second appeal petition dated 15.6.2018 is taken up for hearing in presence of both the parties.

2. It is seen from the case records that the petitioner filed an RTI petition dated 5.3.2018 seeking a copy of "Assam Gazette Extraordinary dated January 31, 1984", - wherein building regulations in different zones were mentioned. This was prior to the 1998 building bye laws of Guwahati Metropolitan Development Authority. The applicant also mentioned that he will bear the cost of photocopy of the information sought by him. The SPIO of GMDA vide a letter dated 29.3.2018 informed the petitioner that the informations sought for by him was not available. The petitioner followed it up by first appeal petition dated 4.4.2018. Thereafter in compliance of order of the first appellate authority the RTI petition was transferred to the office of the Director of Printing and Stationery, Govt. of Assam u/s 6(3) of the RTI Act, 2005 vide letter dated 30.8.2018. Till date the GMDA as well as the Directorate of Printing and stationery, Govt. of Assam have not been able to provide the sought for information to the petitioner. The Commission notes with concern that the first appellate authority did not give any hearing to the appellant nor did he dispose of the first appeal petition within the stipulated time of 45 days. **The first appellate authority of GMDA is directed to be more careful and diligent in dealing with RTI matters in future.**

3. Meanwhile the petitioner obtained copy of 31<sup>st</sup> January, 1984 Assam Gazette Extraordinary copy containing draft Master Plan and Zonal Regulation of Guwahati master plan area from the Research Cell of District Library, Guwahati. The SPIO of GMDA submitted orally that the GMDA was created in 1992 and in their office records copy of Assam Extraordinary Gazette of 31<sup>st</sup> January, 1984 is not available. However, the SPIO submitted a copy of Assam Gazette Extraordinary publication dated 4.12.1986 containing notification dated 25th September, 1986 giving details of the final master plan and zonal regulation for Guwahati. However, the copy of the extraordinary gazette notification in his possession was in a very dilapidated condition. The SPIO stated that this is his personal copy. The petitioner Shri B.P. Kakati submitted that he wants a copy of the said publication of 1986.

4. This Commission is of the view that the master plan and zonal regulations of Guwahati City which were notified from time to time are very important and permanent documents of great public importance. It is, therefore, expected that the authority like GMDA is in possession of all such notifications published from time to time till date. Therefore, in exercise of powers u/s 19 (8) (a) this Commission directs the SPIO of GMDA to make copy of 1986 notification and furnish a copy of the same to the petitioner free of cost within two months from the date of this order which was pronounced in presence of both the parties. The SPIO is also directed to obtain a copy of the 1984,

31<sup>st</sup> January Extraordinary Assam Gazette notification notifying the draft Master Plan and keep in GMDA's office records. The petitioner Shri B.P. Kakati agreed to lend his copy of 1984 Gazette Notification which is with him to GMDA for larger public interest. The CEO, GMDA is also directed to keep in their office records copies of all master plans and zonal regulations of Guwahati city notified so far in compliance of section 4(1)(a) of the RTI Act, 2005 and put in public domain through their website as is statutorily required u/s 4(1) (b) of the RTI Act, 2005.

With the above order, the second appeal petition dated 15.6.2018 is disposed of.

Sd/-

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

Authenticated true copy.

Sd/-

Registrar i/c  
Assam Information Commission

Memo No. SIC/KP(M).731/2018/

Dated. 4.10.2018

Copy to:

1. The Chief Executive Officer, Guwahati Metropolitan Development Authority, Bhangagarh, Guwahati-5 for information and necessary action.
2. the SPIO of Guwahati Metropolitan Development Authority, Bhangagarh, Guwahati-5 for information and necessary action.
3. Shri B.P. Kakati, Hemlata Heritage, F.C. Road, Uzanbazar, Guwahati 781 001 for information.
4. Computer Section for uploading in the Website.
- 5 Office File.
6. Order Book.

Registrar i/c  
Assam Information Commission