



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

Case No. KP(M)970/ 2018
 Complainant/ Appellant Sri Dulal Bora – Present.
 Respondent : SPIO Governor's Secretariat – present as represented
 by Sri D.J. Borkatoki, Joint Secy. & SPIO accompanied
 by Sri Jyotish Moy Sinha, Sr. AA.
 Date of hearing 09.05.2019
 Complaint/ Second : Shri H. S. Das, IAS (Retd)
 Appeal heard by Chief Information Commissioner, Assam

O R D E R

09.05.2019

1. The second appeal petition dated 4.12.2017 read with the RTI petition dated 23.1.2017 and first appeal petition dated 14.8.2017 are taken up for hearing in presence of both the parties.
2. The SPIO of Governor's Secretariat has submitted a written statement dated 9.5.2019, which is entered into the case records. It is mentioned in the WS that on 23.1.2017 the petitioner Sri Dulal Bora submitted 43 nos. of RTI petitions in one lot. It appears that these RTI petitions were with reference to separate complaint petitions filed by the same petitioner before the Governor's Sectt. The SPIO mentioned in his letter dated 9.5.2019 that though in his RTI petitions numbering 43, the petitioner referred to 43 nos. of separate complaint petitions, as per records of Governor's Secretariat only 25, and not 43 nos. of complaint petitions were received. Subsequently, since the subject matter of the allegation letters were not related to the Governor's Secretariat, the same were sent to the office of the Chief Secretary, Govt. of Assam vide letter dated 29th July, 2016. The SPIO has also mentioned that the letters of allegations were related to different subjects falling under different departments of Govt. of Assam and that informations relating to these allegations are not held by the Governor's Secretariat. He also referred to an order No. CIC/SA/A/2016/001483 dated 1.8.2016 of the Central Information Commission which observed that *"the offices of President, Vice-President, Prime Minister, Governors, Lt. Governors and Chief Ministers are not legally obliged under RTI Act to entertain RTI application seeking information unrelated to it, or not held or controlled by these high offices."* The SPIO of Governor's Secretariat informed the petitioner of the above position vide letter dated 18.2.2017. The petitioner orally acknowledged receipt of this letter.
3. In view of the above, the SPIO of Governor's Sectt. submitted orally that there was no option other than transferring the matter to the office of the Chief Secretary, Govt. of Assam, and that they did not furnish any further information to the information seeker.

4. From perusal of the case records it is seen that the subject matter of the RTI petition dated 23.1.2017 relates to the allotment of land for setting up of a Orchid Park near Kaziranga National Park by one Sri Akhil Gogoi. This Commission noted that another RTI application seeking the same information on the same matter was already disposed of after the information seeker gave a written submission that he had meanwhile received the sought for information from the concerned public authority. Today, in the instant second appeal case also the appellant submitted another W/S to the same effect. Hence, the instant second appeal petition dated 4.12.2017 is disposed of with a direction to the petitioner to take note of the observations of Central Information Commission, as referred to above.

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)970/2018

Dated 09.05.2019

Copy to:

1. The SPIO of Governor's Secretariat, Assam, Raj Bhawan, Guwahati - 1 for information.
2. Sri Dulal Bora, Kainadhara Tiniali, House No.118, Khanapara, Guwahati 22.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar i/c
Assam Information Commission