



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : SIC/KP(M).846 /2018
Appellant : Sri Dulal Bora
Respondent : The SPIO, O/o Finance Department, Government of
Assam, Dispur, Guwahati- 6
Date of hearing : 02.05.2019
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R

02.05.2019

Md. Fulbar Ali, Deputy Secretary and SPIO, Finance Department is present along with Sri Manik Saikia, Senior Administrative Assistant.

The Appellant, Sri Dulal Bora is present.

Perused the case record. The Second Appeal case was heard on 28.03.2019 and the case was listed for today on the request of both the parties. In the meantime, a Written Statement dated 24.04.2019 has been received from the SPIO and taken on record through which it has been submitted that the Appellant had been informed by the then ASPIO and Nodal Officer, RTI Cell, Finance Department through a letter dated 04.02.2017 that the information sought for was exempt from disclosure under the RTI Act, 2005.

In his personal deposition, the Appellant submitted that he was not satisfied with the contention that the information he had sought for was exempt under the Act.

In his Personal deposition, the SPIO could not give reason for the claim of exemption from disclosure and stated that the reply to the Appellant was given by his predecessor. He submitted that the information sought for might relate to either with the Agricultural Department or the Personal Department and therefore the RTI Application needed to be transferred.

The Commission observes that the Public Authority has not dealt with the instant RTI Application with the seriousness that it deserves and the response given by the ASPIO on 04.02.2017 was not in compliance with Section 8 of the Act.

In view of the facts brought out above, **the Commission hereby directs the SPIO, office of the Finance Department, Government of Assam to transfer the RTI Application dated 09.01.2017 along with First Appeal dated 25.08.2017 of Sri Dulal Bora under intimation to him (the Appellant) to the appropriate SPIO for furnishing the information within the time limit provided for by the said Act. However, as the information will be**

due from the appropriate SPIO only after he receives the Application on transfer, the Appellant can, at his discretion, file a fresh First Appeal to the appropriate First Appellate Authority in accordance with the said Act.

Further, the Commission directs the Commissioner and Secretary, Finance Department, Government of Assam to sensitize the officials of his Department on their responsibility and duty enjoined upon them by the said Act and ensure henceforth full compliance therewith.

With the above direction, the Second Appeal is hereby disposed of.

Sd/-

Pinuel Basumatary IA & AS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Joint Registrar
Assam Information Commission

Memo No. SIC/KP(M).846 /2018

Dtd.02.05.2019

Copy to:

1. The Commissioner & Secretary, Finance Department, Government of Assam, Dispur, Guwahati- 6 for information and necessary action.
2. The SPIO, O/o Finance Department, Government of Assam, Dispur, Guwahati- 6 for information and necessary action.
3. The First Appellate Authority/office of Finance Department, Government of Assam, Dispur, Guwahati- 6 for information.
4. The Appellant, Sri Dulal Bora, Kainadhara Tiniali, House No.- 118, Khanapara, Guwahati- 781 022 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Joint Registrar
Assam Information Commission