



**OFFICE OF THE  
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/KP(M).850 /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 RTI Petition which was addressed to the “Public Information Officer, PS to Minister (Finance Department)” could not be traced and therefore no action could be taken. However, the SPIO has indeed received a copy of the RTI Application and the Complaint letter dated 21.06.2016 referred to in the Application and addressed to the Hon’ble Finance Minister have been supplied to the SPIO by the Commission as enclosure of its notice for the hearing dated 05.03.2019.

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 RTI Act, 2005. He was, however, unable to produce a copy of the response stated to have been received from the SPIO.

In his Personal deposition, the SPIO reiterated that the RTI Application and the Complaint letter have not been received in the Department. However, he could not explain as to why the Appellant had been informed earlier that the information sought for was exempted from disclosure. Based on the copy of the documents received from the Commission he submitted that the RTI Application ought to have been transferred either to the Assam State Housing Board or to the Personal Department.

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 23.01.2017 along with First Appeal dated 14.08.2017 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).850 /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