



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/KAN.10 /2019
Appellant : Sri Tapan Timung
Respondent : The SPIO, O/o the Executive Engineer, Dokmoka PWD Roads
Division, Dokmoka, Dist.- Karbi Anglong, Assam
Date of hearing : 30.04.2019
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R

30.04.2019

The SPIO absent.

The Petitioner, Sri Tapan Timung is present. He submitted a Written Statement with today's date.

Perused the case record. A Written Statement dated 05.04.2019 had been received from the Executive Engineer, PWRD Dokmoka Road Division, Dokmoka. A copy of the letter dated 08.04.2018 (sic) addressed to the Appellant and received by him on 08.04.2019 has also been received. The EE has submitted that the RTI Application dated 26.06.2018 was received on 28.06.2018 and the Appellant requested through a letter dated 05.06.2018 to allow two months' time owing to the staff of the office being engaged on NRC duty and shortage of staff. Further, it was stated that Karbi Anglong Autonomous Council (KAAC) had directed all project implementing authorities to forward all RTI Applications to the Council for disposal and consequently the instant RTI Application was forwarded to the Council authorities through a letter dated 27.02.2019 under intimation to the Appellant. A copy of the Minutes of the Meeting taken by the Chief Executive Members of KAAC dated 31.01.2018 wherein the said decision was made has been enclosed with the Written Statement. However, the information has since been provided excepting for point numbers 1, 5 and 6. The EE has sent a copy of the letter by which the information was provided. The Commission observes an anomaly on the date of the letter which was dated 08.04.2018 whereas the same was handed over to the Appellant on 08.04.2019. The copy of the letter contains an acknowledgement by the Appellant in his hand.

Heard the Appellant and perused his Written Statement. He submitted that he was yet to receive the information on the three points, namely point number 1 (a copy of Administrative Approval), point number 5 (a copy of completion certificate submitted to the authority of KAAC and point number 6 (financial sanction copy if the fund was released to the contractor works.

The Commission observes that the aforementioned decision of the KAAC regarding project implementing authorities to forward the RTI Applications to the Council authorities is not in accordance with Section 2 (h) of the RTI Act, 2005 wherein the term Public Authority has been defined. In terms of this Section of the Act, the office of the EE, PWRD Dokmoka Road Division is a Public Authority and the information sought for under the Act by a citizen is mandated to be furnished by the SPIO of that Public Authority and not by the Council authorities.

In view of the facts brought out above, **the Commission hereby orders that the remaining information as detailed above shall be furnished by the SPIO, office of the EE, PWRD Dokmoka Road Division to the Appellant, free of cost, within 15 days of receiving this order.**

The Commission further directs the Principal Secretary, Karbi Anglong Autonomous Council (KAAC) to take necessary action to review the aforementioned anomalous decision of the Council regarding RTI matters so as to enable Public Authorities within the Council area to perform their duties under the said Act.

The Second Appeal is hereby disposed of with the above direction.

Sd/-

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

Authenticated true copy

Sd/-
Joint Registrar
Assam Information Commission

Memo No. SIC/KAN.10 /2019

Dtd.30.04.2019

Copy to:

1. The SPIO, O/o the Executive Engineer, Dokmoka PWD Roads Division, Dokmoka, Dist.- Karbi Anglong, Assam for information and necessary action.
2. The Principal Secretary, Karbi Anglong Autonomous Council (KAAC), Diphu, Assam for information and necessary action.
3. The First Appellate Authority/The Principal Secretary, Karbi Anglong Autonomous Council (KAAC), Diphu, Assam for information.
4. The Appellant, Sri Tapan Timung, No. 1, Tokhadi, PO- Doyangmukh, PS- Kheroni, Pin- 782 448, Dist.- West Karbi Anglong, Assam for information.
5. Computer Section for uploading in the Website.
6. Office File.

Joint Registrar
Assam Information Commission