



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

Case No. KP(M)734/ 2018
 Complainant/ Appellant Sri Dulal Bora.
 Respondent : SPIO of Finance Department, Govt. of Assam.
 Date of hearing 03.06.2019
 Complaint/ Second : Shri H. S. Das, IAS (Retd)
 Appeal heard by Chief Information Commissioner, Assam

O R D E R

03.06.2019

1. Shri Bharat Thakuria, Deputy Secretary, General Administration Department, Govt. of Assam, who was the ASPIO & Under Secretary of Finance Department, and who dealt with petitioner Sri Dulal Bora's RTI petition dated 9.1.2017 of the instant second appeal case, is present. He has submitted his written statement dated 28.5.2019 stating that it is a fact that during his tenure as Under Secretary and ASPIO, RTI Cell of Finance Department, a bunch of 73 Nos. of RTI petitions were received from the petitioner Sri Dulal Bora. The concerned Dealing Assistant Sri Pranjal Chainary put up the bunch of 73 RTI petitions together suggesting that they are exempted from disclosure under Section 8 of the RTI Act. Accordingly the petitioner was informed vide letter dated 3.2.2017 with approval of the then Commissioner & Secretary, Finance Department Shri Simanta Thakuria, IAS. The relevant file note-sheet is also enclosed with his WS. Shri Bharat Thakuria submitted orally that none of the RTI petitions related to the Finance Department. He has also mentioned in his WS that at that time he was over burdened with other official works and was also not keeping physically well as he was suffering from diabetes and high blood pressure. It appears from his WS that there was collective lapse as a result of which the reasons for refusal to furnish the information was not specified against those 73 Nos. of RTI petitions.

2. In view of the above, this Commission would like to put on record that if the subject matter of the RTI petitions did not relate to Finance Department, then they should have been transferred under Section 6(3) of the RTI Act, 2005 to the concerned other public authorities. Alternatively, since the number of RTI petitions in the lot was more than one, and quite large (73 Nos) involving more than one other public authorities, the SPIO of Finance Department would have been within his right to return the whole lot to the petitioner advising him to submit them before the other concerned public authorities. And if the SPIO wanted to reject the request for information from his end itself, then as already recorded in the order dated 9.5.2019, the reasons for rejection should have been mentioned against each rejected RTI petition.

3. **The above observation is made by way of future guidance of the SPIOs. Also send a copy of this to AR&T Department for issuing a general instruction for guidance of public authorities under the Government.**

4. As regards the show-cause notice to Sri Bharat Thakuria, Deputy Secretary, GAD, his written clarification is accepted and the matter is closed.

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)734/2018

Dated 03.06.2019

Copy to:

1. The Commissioner & Secy., AR&T Department, Govt. of Assam, Dispur for information and necessary action.
2. The SPIO of Finance Department, Govt. of Assam, Dispur for information. and necessary action.
3. Shri Bharat Thakuria, Deputy Secretry, GAD, Govt. of Assam, Dispur, Guwahati 6 for information.
4. Sri Dulal Bora, Kainadhara Tiniali, House No.118, Khanapara, Guwahati 781022.
5. Computer Section for uploading in the Website.
6. Office File.
7. Order Book.

Registrar i/c
Assam Information Commission