



**OFFICE OF THE  
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/NLB.30 /2019  
 Appellant : Sri Amulya sarma  
 Respondent : The SPIO, O/o the Chairperson, Tihu Town Committee,  
 Tihu, Dist.- Nalbari, Assam, Pin- 781 371  
 Date of hearing : 23.07.2019  
 Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)  
 State Information Commissioner, Assam

**O R D E R**

23.07.2019

A Written Statement along with enclosures dated 20.07.2019 has been received from Sri Kripa Thakuria, LDA, Tihu Town Committee. A Written Statement dated 06.07.2019 has also been received from the Deputy Director, Town & Country Planning, Nalbari.

The Appellant, Sri Amulya Sarma is present. He submitted a brief Written Statement.

Heard the Appellant and perused his Written statement. He submitted that he had not received the information he had sought for through his RTI Application dated 04.01.2019 although about 7 (seven) months have elapsed and that he has been subjected to harassment by the Public Authority. He has requested for information and invocation of the penal provisions under the RTI Act, 2005.

Perusal of the case record indicates that the Appellant had sought for certain information relating to recruitment of employees by the Town Committee during the period from 01.01.2009 to 30.12.2015 and beneficiaries of certain schemes implemented by it. In his Second Appeal, he had stated that the Public Authority did not furnish the information even after receiving the direction from the office of the Deputy Director, Town & Country Planning, Nalbari to do so.

Perused the Written Statement of the Deputy Director. It has been submitted that he was not the First Appellate Authority as Tihu Town Committee is itself a Public Authority and therefore forwarded the same to the SPIO of the Town Committee for necessary action.

Perused the Written Statement from the office of the Tihu Town Committee. It is seen that the Chairperson of TTC had issued a direction to Sri Kripa Thakuria as SPIO of TTC through a letter dated 03.07.2019 to furnish the information which he had not furnished inspite of repeated verbal instructions followed by written ones. Through his letter the Chairperson issued what he called a 'final' instruction to the said person to furnish the information within 5 days. In his Written Statement, Sri Thakuria has submitted that he was never notified by the office of the TTC as SPIO although he has been addressed to as such by the Chairperson in

his/her letter. He further stated that he was not conversant with the RTI Act, 2005 and that he needed at least 60 days' time to be "able to be conversant with the provisions" of the said Act.

Considering the submission by the TTC, the Commission observes that there is a need for the Public Authority, namely Tihu Town Committee to clarify as to whether it has designated an official as SPIO in terms of Section 5 (1) of the said Act. It is also necessary for the Chairperson and the CEO of the TTC to review the factual position as available on official record in this regard.

In view of the above, **the Commission hereby orders as follows-**

- (i) **The Competent Authority in Tihu Town Committee shall ensure that a SPIO is designated in terms of Section 5 (1) of the Act immediately if it has not been done. Likewise, the First Appellate Authority shall be designated to dispose of First Appeals in accordance with Section 19 (1) of the said Act.**
- (ii) **The SPIO so designated shall furnish the information to the Appellant, free of cost, within 10 days of his being designated as SPIO.**
- (iii) **The CEO, Tihu Town Committee shall ensure that the SPIO shall fully comply with this order within the stipulated time.**

**The Second Appeal is hereby disposed of. However, the Appellant shall be at liberty to move this Commission if he is not satisfied with the action taken by the Public Authority to furnish the information in accordance with this order.**

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

Authenticated true copy

Sd/-  
Joint Registrar  
Assam Information Commission

**Memo No. SIC/NLB.30 /2019**

**Dtd.23.07.2019**

Copy to:

1. The SPIO, O/o the Chairperson, Tihu Town Committee, Tihu, Dist.- Nalbari, Assam, Pin- 781 371 for information and necessary action.
2. The Chief Executive Officer, Tihu Town Committee, Tihu, Dist.- Nalbari, Assam, Pin- 781 371 with a request to ensure that the above order is complied with.
3. The First Appellate Authority/office of the Deputy Director, Town & Country Planning, Nalbari, Dist.- Nalbari, Assam, Pin- 781 335 for information.
4. The Petitioner, Sri Amulya Sarma, Natun Halodhibari, PO- Tihu, Dist.- Nalbari, Assam, Pin- 781 371 for information.
5. Computer Section for uploading in the Website.
6. Office File.

  
Joint Registrar  
Assam Information Commission