



**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-781037**

Case No. : SIC/KP(M).936 /2019
Appellant : Sri Nityananda Kaman
Respondent : The SPIO, O/o the Circle Officer, Sonapur Rev. Circle

Date of hearing : 25.08.2020
Second Appeal heard by : Sri Kanak Ch. Sarma, ACS (Retd.)
State Information Commissioner, Assam

O R D E R
03.10.2020

Smti. Jenifer Yasmin Choudhury, ACS, Circle Officer/SPIO, Sonapur Rev. Circle is present and has submitted one written statement.

The appellant is absent consecutively for two days of hearing i.e. on 05.03.2020 and 25.08.2020 without step.

From the papers available in the case record, it is observed that the petitioner was absent in the hearing of First Appeal before the First Appellate Authority/Deputy Commissioner, Kamrup (M) on 17.10.2019, although he alleged that the FAA took no action on his First Appeal petition.

It is submitted that applicant's RTI petition relates to an inquiry report sought by the DC, Kamrup (M) and, as such, U/S 8 (1) (h) of RTI Act, 2005 cannot be provided as the matter was relating to an inquiry.

Seen the case record. The RTI petition seems to be a series of questions rather than seeking of informations. The applicant has submitted one notice issued from the Circle Officer, Sonapur Rev. Circle bearing no. SPR/Allotment.Settlement-13/2013 dated 03.11.2016. The replies of all the questions put forward in the RTI application are available in the same notice itself except copies of statement recorded during the hearing of inquiry of the said notice. The submission of the SPIO that the informations cannot be furnished U/S 8 (1) (h) of the RTI Act, 2005 is not tenable. Since it is not explained how the divulgence of informations can impede the inquiry process.

The SPIO also submits orally that no record is available regarding recording of statement in course of hearing dated 15.11.2016. She also states that whatever statement was recorded had been submitted to the DC, Kamrup (M) along with the inquiry report and no office copy of the recorded statement is available in the office.

To reply to questions of the petitioner is not obligatory under the provisions of RTI Act, 2005 but in the instant case, replies of all the questions of the applicant is available in the notice bearing no. SPR/Allotment.Settlement-13/2013 dated 03.11.2016. The SPIO will inform the petitioner accordingly. For the copy of statement recorded, the SPIO will transfer the RTI petition to the present custodian of informations within 7 days for taking necessary action and the petitioner be inform accordingly.

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

Sd/-

Kanak Ch. Sarma, ACS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Registrar i/c
Assam Information Commission

Memo No. SIC/KP(M).936 /2019

Dtd.03.10.2020

Copy to:

1. Smti. Jenifer Yasmin Choudhury, Circle Officer/SPIO, Sonapur Rev. Circle, Dist.- Kamrup (M), Assam, Pin- 782 401 for information and necessary action.
2. The First Appellate Authority/office of the Deputy Commissioner, Kamrup (M), Guwahati- 1 for information.
3. The Appellant, Sri Nityananda Kaman, C/o- Neel Basumatary, Nazirakhat, Sonapur, Dist.- Kamrup (M), Assam, Pin- 782 402 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Registrar i/c
Assam Information Commission