

ASSAM INFORMATION COMMISSION**JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**

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Case No. : SIC/KP(M).1749/2019
Complainant/ Appellant : Shri Hrishikesh Upadhyaya.
Respondent : The SPIO/General Secretary, O/o the Restcamp
Kalibari, Pandu, Kamrup(M), Guwahati.
Date of Hearing : 11-04-2022
Complaint/ Second
Appeal heard by : Dr. Samudra G. Kashyap.
State Information Commissioner, Assam.

O R D E R
11-04-2022

1. The appellant Shri Hrishikesh Upadhyaya is present.
2. Shri Ramendra Kr. Sen, President, Restcamp Kalibari and Shri Tapash Naha, Secretary, Restcamp Kalibari are present.
3. From records it is seen that the appellant Shri Hrishikesh Upadhyaya on 18.07.2019 submitted one RTI application to SPIO cum General Secretary, Restcamp Kalibari seeking as many as 38 (thirty-eight) informations related to the Temple. On 24.07.2019 the General Secretary, Restcamp Kalibari, informed the appellant Shri Hrishikesh Upadhyaya that Restcamp Kalibari was purely a private temple and is in no way connected with any public enterprise and is also not a govt. undertaking or organisation and that as such the application seeking information under RTI Act is redundant. On 02.08.2019 the applicant submitted a 1st Appeal before the President, Restcamp Kalibari, complaining that he has not received any information from the PIO/General Secretary, Restcamp Kalibari. Records however show that the General Secretary, Restcamp Kalibari, had given him a reply on 24.07.2019 itself. The appellant Shri Hrishikesh Upadhyaya on 20.09.2019 submitted a 2nd Appeal in this Commission and hence this hearing today.
4. During today's hearing the officials of Restcamp Kalibari, namely Shri Ramendra Kr. Sen and Shri Tapash Naha, verbally stated that the institution (Restcamp Kalibari) is purely a private institution and has not received any grant, subsidy or any other fund from the Public Exchequer, and thus it does not come under the purview of the RTI Act, 2005. The appellant however claimed that the Restcamp Kalibari must be considered as a Public Authority because it is located on a plot of land belonging to the NF Railway. The appellant submitted photocopy of an RTI reply he had received from the Divisional Engineer, NF Railway, Maligaon dated 08.03.2020 to substantiate his claim that Restcamp Kalibari is a Public Authority and comes under the purview of the RTI Act, 2005. On examination of the said information provided to the appellant by NF Railway, it is seen that there is no evidence to establish that Restcamp Kalibari has been allotted any land or any other financial grants or whatsoever from the NF Railway authorities. However if Restcamp Kalibari had received any kind of grant etc from the NF Railway, then the matter would fall under the purview of the Central Information Commission, because NF Railway is a Central Government organization. The appellant then claimed that the Restcamp Kalibari had received some grants from the Assam Chief Minister's Fund. He however could not produce any documentary evidence to substantiate his claim. On enquiry the President and Secretary of Restcamp Kalibari verbally informed that they have not received any grant whatsoever from the Assam CM's Fund.

5. In view of the above, this 2nd Appeal is hereby disposed of without any order.

Sd/-
(Dr. Samudra G. Kashyap)
State Information Commissioner,
Assam.

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/KP(M).1749/2019

Dated: 11-04-2022

Copy to:

1. The SPIO/General Secretary, O/o the Restcamp Kalibari, Pandu, Kamrup(M), Guwahati, PIN Code 781012 for information.
2. The First Appellate Authority/ President, Restcamp Kalibari, Pandu, Kamrup(M), Guwahati, PIN Code 781012 for information.
3. The petitioner, Shri Hrishikesh Upadhyaya, R/o Restcamp, Near Post Office, Distt. Kamrup (Metro), Assam, PIN Code 781012, for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.



Secretary & Registrar
Assam Information Commission.