



অসম তথ্য আয়োগ



Assam Information Commission

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Contents

Chapter	Subjects	Page
Chapter - 1	Introduction	1-4
Chapter - 2	Powers and Functions of the State Information Commission	5-7
Chapter - 3	Assam Information Commission	8-14
Chapter - 4	Events	15-22
Chapter - 5	Status of disposal of cases by Assam Information Commission etc	23-33
Chapter - 6	Number of Public Authorities and State Public Information Officers under various Departments	34-36
Chapter - 7	Number of RTI applications received and disposed by State Public Information Officers under various Public Authorities	37-40
Chapter - 8	Number of RTI applications rejected	41-44
Chapter - 9	Number of First Appeal Petitions received and disposed by First Appellate Authorities	45-48
Chapter - 10	Status of Collection of fees	49-51
Chapter - 11	Status of Suo Moto disclosure of Information under Section 4 of the RTI Act, 2005	52-55
Chapter - 12	Recommendations	56-60
Chapter - 13	Landmark decisions of the Commission	61-97
I	Copies of letters sent for submission of materials for Annual Report.	98-104
II	List of departments which submitted reports within due date	105
III	List of departments which submitted reports after 1 st reminder	106
IV	List of departments which submitted reports after 2 nd , 3 rd & 4 th reminder	107
V	List of Department which did not furnish their report.	108

Chapter – 1

Introduction

The sense of empowerment that the Act entails for the common citizen is the most effective aspect of the Act. The light of day as long and concerted effort of Activists, Journalists, Lawyers, Administrators. The Right to information is a fundamental Right under Article 19 and Article 21 of the constitution of India. The intention to provide for setting out a practical regime of Right to Information for citizens to secure access to information under the control of Public Authorities and in order to promote transparency and accountability in the working of every Public Authority and to constraint corruption, the RTI Act, 2005 was passed by Parliament on 12th May, 2005 and received Presidential assent on 15th June, 2005. It is one of the most powerful acts enacted in independent India.

The RTI Act, 2005 empowers an Indian citizen to request information, which means the following, from any public authority:

Any material in any form, including

- Records,
- Documents,
- Memos,
- E-mails,
- Opinions,
- Advices,
- Press releases,
- Circulars,
- Orders, Logbooks,
- Contracts,
- Reports,
- Papers,
- Samples,
- Models,
- Data material held in any electronic form, and
- Information relating to any private body which can be accessed by a Public Authority under any other law for the time being in force.

The RTI Act, 2005 empowers an Indian citizen with the following rights:

- ❖ Inspection of work, documents, records which means:-(a) any document, manuscript and file; (b) any microfilm, microfiche and facsimile copy of a document; (c) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and (d) any other material produced by a computer or any other device.
- ❖ Taking notes, extracts or certified copies of documents or records;
- ❖ Taking certified samples, material;
- ❖ Obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through print outs where such information is stored in a computer or in any other device

Under the provisions of RTI Act, all Public Authorities must appoint their Public Information Officer (PIO) who shall be responsible for dealing with public regarding RTI. Any citizen of India may submit a request to the PIO for information in writing and it is the PIO's responsibility to provide information to the information seeker as expeditiously as possible, and in any case within thirty days of the request. If the information sought for concerns with the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

If the request pertains to another Public Authority, whether in whole or part, the Public Authority to which such application is made must transfer the application or part of it as may be appropriate to that other public authority within five days from the date of receipt of the application with information to the applicant.

The following matters are exempted from disclosures under Section 8(1) of the RTI Act, 2005 :

- (i) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
- (ii) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;
- (iii) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- (iv) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- (v) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that

the larger public interest warrants the disclosure of such information;

- (vi) information received in confidence from foreign government;
- (vii) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
- (viii) information which would impede the process of investigation or apprehension or prosecution of offenders;
- (ix) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over: provided further that those matters which come under the exemptions specified in this Section shall not be disclosed;
- (x) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information: provided that the information, which cannot be denied to the Parliament or a State Legislature, shall not be denied to any person.

Moreover, matter which involves an infringement of copyright subsisting in a person other than the State is also exempted from disclosure under Section 9 of the Act.

The provisions of the RTI Act, 2005 are not applicable to the Intelligence and Security Agencies established by Central Government specified in the Second Schedule of the Act.

The provisions of the RTI Act, 2005 are also not applicable to the Intelligence and Security Agencies established by State Government and as notified by that Government from time to time in Official Gazette.

But information pertaining to the allegations of corruption and violation of human rights in respect of these organisations are not exempted. Information sought regarding allegations of violation of human rights can however, be provided only after the approval of the Central Information Commission or the State Information Commission as the case may be.

As mandated under Section 25 of the Act, the Central Information Commission or the State Information Commission, as the case may be, by the end of each year, is required to prepare a report on the implementation of the provisions of the RTI Act, 2005 and forward a copy to the appropriate Government for laying before each House of Parliament or, as the case may be, before each House of State Legislature.

Under the provisions of Section 25(2) of the Act, all the concerned Heads of Administrative Departments

were requested vide Commission's letter No.SIC.13/A.R/2022/01 dated 2nd June, 2022 to furnish a comprehensive report on implementation of the provisions of the Act after collecting the same from all the Public Authorities under their respective jurisdiction. Reporting formats were also provided to them by the Commission. Most of the departments did not furnish their reports within the time line. Despite 3 (three) nos of reminders, reports from 6(Six) departments were not received by the Commission.

The report includes the following :

- Powers and Functions of the State Information Commissions.
- A brief note on Assam Information Commission.
- Events.
- Status of disposal of cases by Assam Information Commission etc.
- Number of Public Authorities and Public Information Officers under various Departments.
- Number of RTI applications received and disposed by State Public Information Officers under various Public Authorities.
- Number of RTI applications rejected.
- Number of First Appeal Petitions received and disposed by First Appellate Authorities.
- Status of collection of fees.
- Status of Suo-Moto disclosure of Information under Section 4 of the RTI Act, 2005.
- Recommendations.
- Significant orders of the Commission.

Assam Information Commission

Chapter – 2

Powers and Functions of the State Information Commissions

The Powers and Functions of the State Information Commission, in brief, are as under:-

A. Complaints:

1. The State Information Commission has the power to receive complaints from any person under Section 18 of the RTI Act, 2005 on the following matters:-
 - (a) who has not been able to submit RTI application because a Public Information Officer has not been appointed;
 - (b) who has been refused information that was requested;
 - (c) who has received no response to his /her request for information within the specific time limit;
 - (d) who thinks that the fees charged u/s 7(1) and 7(5) are unreasonable;
 - (e) who thinks that information given is incomplete or false or misleading; and
 - (f) any other matter relating to obtaining information under this Act.
2. (a) The commission can order inquiry into any matter if there are reasonable grounds.
(b) While inquiring into any matter under Section 18, the Commission has the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters-
 - i. summoning or enforcing attendance of persons, compelling them to give oral or written evidence;
 - ii. requiring the discovery and inspection of documents;
 - iii. receiving evidence on affidavit;
 - iv. requisitioning public records or copies from any court or office;
 - v. issuing summons for examination of witnesses or documents; and
 - vi. any other matter which may be prescribed.

B. Second Appeals

- (a) Section 19(3) of the RTI Act provides for 2nd appeal before the State Information Commission.
- (b) The 2nd appeal shall lie within 90 days from the date on which the decision should have been made by or was actually received from the first appellate authority.
- (c) The State Information Commission may admit the 2nd appeal after the expiry of the period of 90 days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
- (d) While making a decision the State Information Commission has the power to require the Public Authority to comply with the Provisions of the RTI Act -

C. Imposing Penalties

The State Information Commission has the power to impose penalty on the State Public Information Officer for the following defaults:

- I. refusal to receive an application for information without reasonable cause; or
- II. not furnishing information within the specified time limit; or
- III. malafidely denied the request for information or knowingly given incorrect, or incomplete information, or
- IV. knowingly furnished misleading information or destroyed information which was the subject of the request, or
- V. obstructed in any manner furnishing of the information.

D. Awarding Compensation

The RTI Act empowers the State Information Commission to require the Public Authority to compensate the complainant for any loss or other detriment suffered.

E. Disciplinary Action

The State Commission can recommend for disciplinary action against the State Public Information Officer where the State Information Commission, at the time of deciding any complaint or appeal, is of the opinion that the State Public Information Officer has, without any reasonable cause and persistently, failed to receive an application for information or has not furnished information within the time specified under Sub-Section (1) of Section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information under Section 20(2) of the Act.

F. Other powers

- (b) The State Information Commission has power also to secure compliance of its decisions from the public authority by way of :-

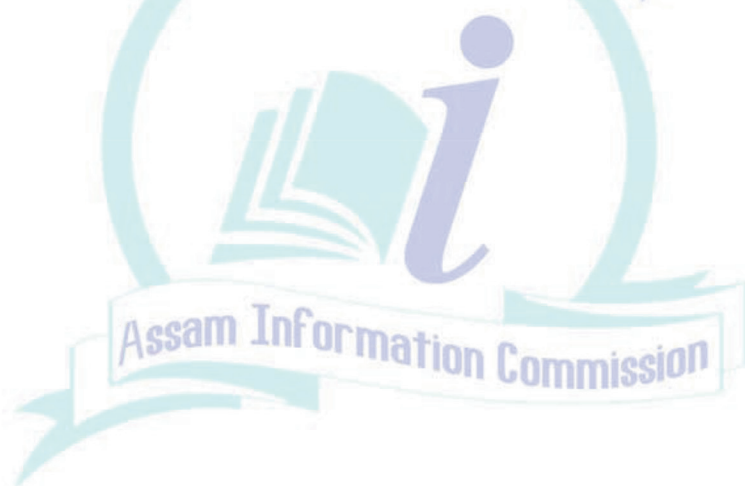
- I. providing information, if so requested, in a particular form;
- II. directing the public authority to appoint PIO/APIO where none exists;
- III. publishing information or categories of information
- IV. making necessary changes to the practices relating to management, maintenance or destruction of records;
- V. enhancing training provision for officials on RTI.

G. Approval for providing Information in respect of violation of human rights by exempted organizations .

Prior approval of the State Information Commission needs to be obtained by exempted organizations notified by State Government to provide information in respect of violation of human rights.

H. Monitoring and Reporting under Section 25 of the Act.

Under the provisions of Section 25 of the RTI Act, 2005, the State Information Commission, after the end of each year, is required to prepare a report on the implementation of the provisions of this Act during that year and forward a copy thereof to the Government for laying before the State Legislature.



Chapter – 3

A brief note on State Information Commission

The State Information Commission was constituted as provided under Section 15(1) of the RTI Act, 2005 vide Govt. Notification No. AR.78/2005/38, dated 6.10.2005. As per provision of Section 15(2) the State Information Commission shall consist of :- (a) State Chief Information Commissioner, and (b) such number of State Information Commissioners, not exceeding ten, as may be deemed necessary. The Assam Information Commission has been constituted with :- (a) the State Chief Information Commissioner, and (b) two State Information Commissioners. The list of former Information Commissioners and present Information Commissioners are given below:

Former State Chief Information Commissioners:

Sl. No.	Name	Date of joining	Date of demitting office
1	Sri Ranjit Sekhar Mooshahary, IPS (Retd)	01.03.2006	25.06.2008
2	Sri Deepak Narayan Dutt, IPS (Retd)	07.08.2009	31.12.2011
3.	Sri Himangshu Sekhar Das, IAS (Retd)	01.12.2014.	30.11.2019

Former State Information Commissioners:

Sl. No.	Name	Date of joining	Date of demitting office
1	Dr. Birendra Kumar Gohain, IAS (Retd.)	01.03.2006	28.02.2011
2	Sri Mohan Ch Malakar, IFS (Retd)	05.12.2011	15.03.14
3	Sri Pinuel Basumatary, IAAS (Retd.)	07.08.2015.	31.12.2019
4	Smti Nilufer Alam Hazarika, IAS (Retd)	03.03.2016.	05.04.2020



Dr. Ajit Prasad Rout, IPS (Retd)
State Chief Information Commissioner
Taken charge on 10.02.2020



Shri Kanak Ch. Sarma, ACS (Retd)
State Information Commissioner
Taken charge on 10.02.2020



Dr. Samudra Gupta Kashyap
State Information Commissioner
Taken charge on 10.08.2020

Section 16(6) of the Act provides that “the State Government shall provide the State Chief Information Commissioner and the State Information Commissioners with such officers and employees as may be necessary for the efficient performance of their functions under this Act, and salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for the purpose of this Act shall be such as may be prescribed”.

Till 2021-22 the Government has sanctioned the following posts

Sl No.	Name of the post	Sanctioned existing nos. of posts	Remarks
1	Secretary	1	
2	Registrar	1	
3	Finance & Accounts Officer	1	
4	Stenographer cum Data Entry Operator	2	
5	Superintendent	1	
6	Accountant-cum-Cashier	1	
7	Senior Administrative Assistant	2	
8	Junior Administrative Assistant	4	
9	Junior Accounts Assistant	1	
10	Typist-or-Computer Operator	1	
11	Driver	5	
12	Chowkidar	2	
13	Rider-cum-Process Server	2	

The Commission was run by the following officials/ staff during the period of report.

Sl. No.	Name of posts	Number	Remarks
1.	Secretary	1	Secretary
2.	Registrar	1	Deputy Secretary
3.	FAO	1	Attached

4.	Accountant-cum-Cashier	1	Appointed by Commission against sanctioned post.
5.	Senior Administrative Assistant	2	Appointed by Commission against sanctioned post.
6.	Junior Administrative Assistant	4	Appointed by Commission against sanctioned post.
7.	Junior Accounts Assistant	1	Appointed by Commission against sanctioned post.
8.	ASI (Computer)	1	On deputation from APR0
9.	Typist-or-Computer Operator	1	Appointed by Commission against sanctioned post.
10.	Driver	5	4 Appointed by Commission against sanctioned post. One Engaged on fixed remuneration.
11.	Chowkidar	2	Appointed by Commission against sanctioned post.
12.	Stenographer	3	Engaged on fixed remuneration.
13.	Rider-cum-Process Server	1	On deputation from Kamrup Police
14.	Peon (Grade IV)	2	1 Deputed by State Government, 1 engaged on fixed remuneration.
15.	Casual worker (Grade III)	4	Engaged on fixed remuneration.
16.	Cleaner	2	Engaged on fixed remuneration.
17.	Sweeper	1	Engaged on fixed remuneration.
18.	Police personnel	3	On deputation
19.	Guard duty	3	On deputation

11. BUDGET ALLOTMENT & EXPENDITURE DURING THE YEAR 2021 – 22

Sl No.	Head of Account	Budget (in Lakh)	Budget (in Lakh)	Expenditure (in Lakh)
1.	2070-00-800-3388-000-01-01-EE-GA-V	Salaries —Pay	167,96000	167,33282
2.	2070-00-800-3388-000-01-16-EE-GA-V	Salaries —Fixed Pay	13,50000	13,16444
3.	2070-00-800-3388-000-02-01-EE-GA-V	Wages-Wages to Casual Employee	0.01000	0.00000
4.	2070-00-800-3388-000-02-04-EE-GA-V	Wages — Bungalow poen	5,40000	2.25000
5.	2070-00-800-3388-000-02-23-EE-GA-V	Wages - Cleaner	3,50000	2,16000
6.	2070-00-800-3388-000-03-01-EE-GA-V	Travel Expenses -Regular	3,60000	1,64299
7.	2070-00-800-3388-000-04-01-EE-GA-V	Office Expenses —Postal Stamps	3,15000	1,73719
8.	2070-00-800-3388-000-04-02-EE-GA-V	Office Expenses —Telephone Charge	2,70000	1,06614
9.	2070-00-800-3388-000-04-03-EE-GA-V	Office Expenses —Electricity and Water Charge	3,60000	1,54714
10.	2070-00-800-3388-000-04-04-EE-GA-V	Office Expenses —Office Equipments Including Computers & Accessories	22,50000	9,95132
11.	2070-00-800-3388-000-04-05-EE-GA-V	Office Expenses —Stationary and Printing of Forms	4,50000	1,08337
12.	2070-00-800-3388-000-04-06-EE-GA-V	Office Expenses — Furniture	22,50000	22,29549
13.	2070-00-800-3388-000-04-07-EE-GA-V	Office Expenses — Libraries	0.45000	0.43120

14.	2070-00-800-3388-000-04-08-EE-GA-V	Office Expenses — Maintenance of Vehicle	4,50000	1.90011
15.	2070-00-800-3388-000-04-09-EE-GA-V	Office Expenses — Petrol, Oil and Lubricants (POL)	4,50000	3.78293
16.	2070-00-800-3388-000-04-10-EE-GA-V	Office Expenses — Books and Periodical	2,70000	0.83919
17.	2070-00-800-3388-000-04-11-EE-GA-V	Office Expenses — Refreshment Expenses	2,25000	0.36346
18.	2070-00-800-3388-000-04-12-EE-GA-V	Office Expenses — Other Contingency	2,70000	1.25241
19.	2070-00-800-3388-000-04-13-EE-GA-V	Office Expenses — Hiring of Staff Vehicles	0.90000	0.00000
20.	2070-00-800-3388-000-04-99-EE-GA-V	Office Expenses — Others	22,50000	20,14099
21.	2070-00-800-3388-000-05-01-EE-GA-V	Payment for Professional and Spl Services-Remuneration for Professional Service	7,20000	2,15000
22.	2070-00-800-3388-000-05-02-EE-GA-V	Payment for Professional and Spl Services-Legal Service	1,80000	1,31700
23.	2070-00-800-3388-000-05-99-EE-GA-V	Payment for Professional and Spl Services-Others	18,00000	13,33777
24.	2070-00-800-3388-000-06-01-EE-GA-V	Rents, Rates & Taxes/ Royalty-Rents for Hired Building	13,50000	12,92400
25.	2070-00-800-3388-000-07-99-EE-GA-V	Publication-Others	1,80000	0.00000
26.	2070-00-800-3388-000-08-99-EE-GA-V	Advertising, Sales and Publisity Expenses -Others	2,70000	0.03187
27.	2070-00-800-3388-000-11-01-EE-GA-V	Hospitality Expenses / Sumptuary Allowance Etc.- Hospitality Expenses	1,80000	0.28643

28.	2070-00-800-3388-000-14-01-EE-GA-V	Minor Works - Normal	4,50000	0.00000
29.	2070-00-800-3388-000-15-01-EE-GA-V	Machinery and Equipment/ Tools & Plants- Machinery and Equipment	2,70000	0.40715
30.	2070-00-800-3388-000-15-03-EE-GA-V	Machinery and Equipment/ Tools & Plants- Installation of CCTV Cameras	2,70000	0.19200
31.	2070-00-800-3388-000-16-01-EE-GA-V	Purchase of Motor Vehicles- Purchase of Staff Vehicles	20,70000	7,85948
32.	2070-00-800-3388-000-17-01-EE-GA-V	Maintenance — Departmental Building	1,80000	0.00000
33.	2070-00-800-3388-000-19-99-EE-GA-V	Materials & Supplies- Others	1,80000	0.00000
34.	2070-00-800-3388-000-26-99-EE-GA-V	Other Charges- Others	3,60000	1,00000
	Total (A)		378,02000	292,44689
35.	4070-00-800-3388-000-13-99-SOPD-G-GA-V	Major Works- Others	240,00000	240,00000
	Total (B)		240,00000	240,00000
	Grant Total (A+B)		618,02000	532,44689

Chapter – 4

Events

The Commission has organized awareness programmes on the RTI among the Public, particularly among the disadvantaged communities and Public Information Officers. Section 26(1) of the RTI Act, 2005 requires the State Government to develop and organize educational programmes to create awareness. During the 2020-21, the Commission organized the following programmes :

1. An Awareness Programme was conducted by the Assam Information Commission on 25th October, 2021 at Kaziranga Convention Centre, Kohora District Golaghat. All Public Information Officers of Golaghat district participated in the awareness programme. The Chief Information Commissioner Dr. A.P. Rout, IPS(Rtd) chaired the programme and Secretary Assam Information Commission welcomed the participants and briefed about the gathering. The Chief Information Commissioner presented an overview of the RTI Act and stressed on timely disposal Of RTI application as laid down in the Act and he also interacted with the SPIOs and assured to their queries, This was followed by Sri Kanak Chandra Sarma, State information Commissioner's address to SPIOs on certain vital aspects of the RTI Act and Dr. Samudra Gupta Kashyap, State Information Commissioner's presentation on the RTI.





The Chief Information Commissioner, Dr. A.P. Rout, IPS (Retd) speaking at an Awareness Programme conducted by the Assam Information Commission at the Kaziranga Convention Centre, Kohora Golaghat on 25th October, 2021



SPIOs asking various questions and seeking clarification during the Awareness Programme at Kohra.



Full Commission, Assam Information Commission at an awareness programme

2. Interview of State Chief Information Commissioner in the Assam Tribune on 10th October, 2021.

As part of the RTI Week celebration a half page interview of Dr. A.P. Rout, State Chief Information Commissioner was published in The Assam Tribune, the most prestigious and highly circulated newspaper of Assam on 10th October, 2021. The interview was conducted by the Executive Editor of The Assam Tribune and was published in the popular column titled “Face-to-Face”, in which the SCIC highlighted various aspects of the RTI Act, 2005.

3. Live Discussion in All India Radio, Guwahati.

As part of the RTI week 2021, the Commission reached out to the masses through a live 30-minute interview-cum-discussion organized by the Regional News Unit of All India Radio, Guwahati. The programme which was broadcast in the prime-time “Dristipaal” slot of All India, Guwahati, was hosted by Smti Arunima Goswami. Taking part in the live discussion State Chief Information Commissioner Dr. A.P. Rout explained the basic features of the RTI Act, 2005, and explained how access to information has become easier after the Act came into force. SIC Shri Kanak Ch. Sarma also took part in the discussion. A number of listeners also asked various questions, responding to which Dr. Rout and Shri Sarma dispelled various doubts and explained how easy the process of accessing information has become because of the Act.

4. Interactive session on “RTI Act & Media” in Jorhat

State Information Commissioner Dr. Samudra Gupta Kashyap participated in an interactive session titled “RTI Act and Media” at Jorhat Press Club on 11th December, 2021 at the invitation of Jorhat Press Club. Dr. Kashyap gave an overview of the RTI Act, 2005 and underlined the importance of media persons using the Act for fact-faced reporting. He also responded to various queries of the media persons present in the session.



State Information Commissioner Dr. Samudra Gupta Kashyap speaking on the RTI Act, 2005 at an event organized by Jorhat Press Club on 11th December, 2021.

5. Orientation workshop for SPIOs and FAAs of Darrang District

A halfday orientation workshop on the RTI Act was conducted by the Assam Information Commission at Mangaldoi on 15th March, 2021 for the SPIOs and First Appellate Authorities of various Public Authorities of Darrang District. Presided over by Shri Pranab Kumar Sarma, ACS, Deputy Commissioner, Darrang, the orientation session was conducted by the State Chief Information Commissioner, Dr. A.P. Rout and State Information Commissioner Dr. Samudra Gupta Kashyap. While Dr. Kashyap gave an overview of the Act through a power point presentation, Dr. Rout, explained to the SPIOs and FAAs why and how RTI applications can be disposed of and information can be provided to the citizens who seek them by using provisions of RTI Act. He also emphasized on the importance of suo-moto disclosure of information by Public Authorities, which in turn increase transparency, help contain corruption and contributes towards overall development. Dr. Rout and Dr. Kashyap also responded to a number of queries raised by the SPIOs and FAAs. Doordarshan and All India Radia gave wide coverage to the Orientation programme.



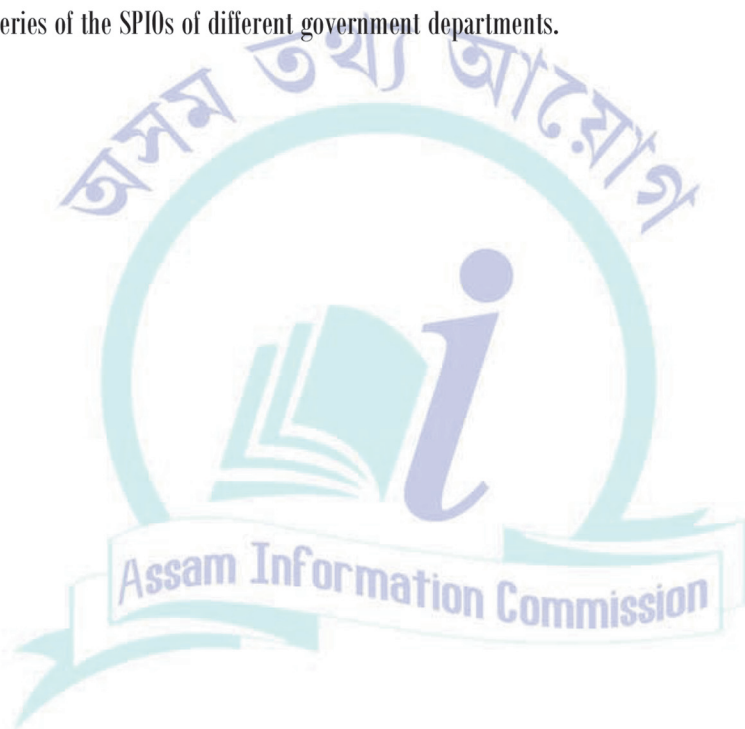
State Chief Information Commissioner Dr. A.P. Rout and State Information Commissioner Dr. Samudra Gupta Kashyap interacting with SPIOs and FAAs at the Mangaldoi Orientation Workshop.



A section of SPIOs and FAAs was taken part in the Orientation Workshop on RTI Act in Mangaldoi.

6. RTI Workshop at ARGUCOM, Sivasagar

A half-day workshop-cum-interactive session titled “Right to Information: Issues & Challenges” was organized by the School of Public Policy and Law, Assam Rajiv Gandhi University of Cooperative Management, (ARGUCOM), Sivasagar, on 9th November 2021. The workshop was attended by students of the University as well as number of SPIOs of the district. State Information Commissioner Dr. Samudra Gupta Kashyap who was invited as Resource person, discussed at length various aspects of the RTI Act, and asked the participating university students to use the Act in order to check corruption and contribute towards better governance. Dr. Kashyap also answered to the various queries of the SPIOs of different government departments.



Media Coverage of Commission's awareness activities during 2021-22





Chief Information Commissioner Nagaland being welcomed by the Assam Information Commission.



Picture Sri Amrutbhai Patel, IAS (Retd), State Chief Information Commissioner, Gujarat, being welcomed by the Assam Information Commission when he visited Guwahati.

Chapter – 5

Status of Appeal/Complaint cases registered by the Commission during the financial year 2021-22

Second Appeal cases

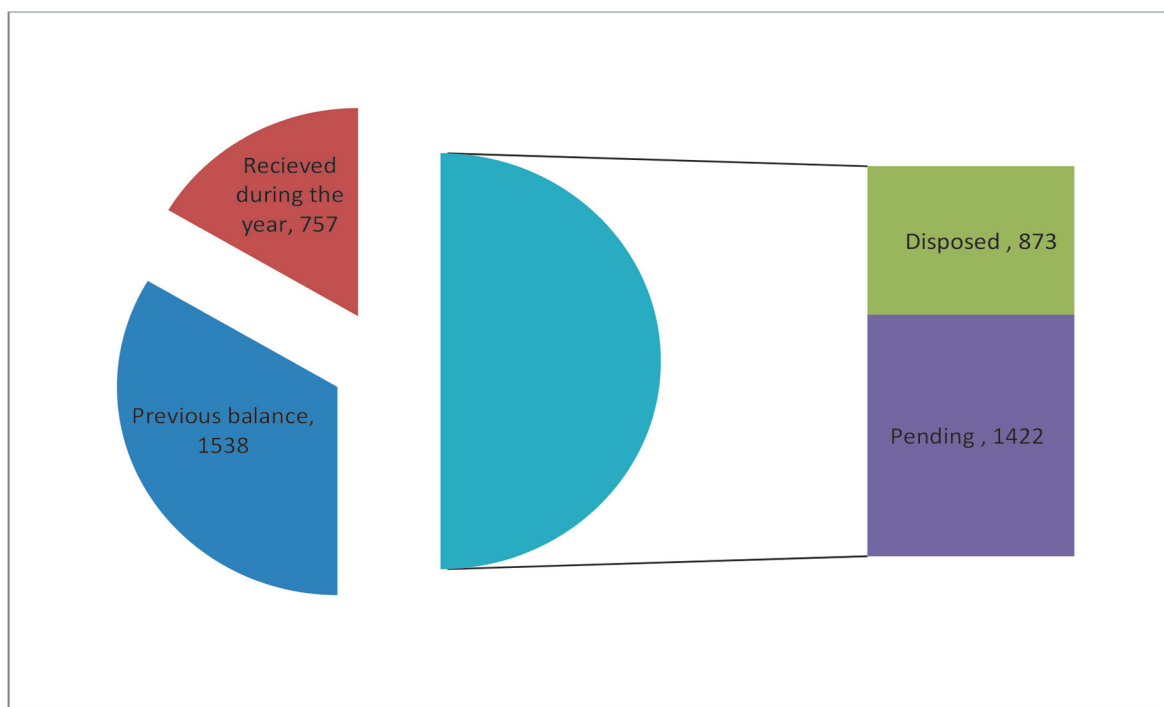
Pending from previous year	Registered during the period	Total (1+2)	Disposed during the period	Pending for disposal (3-4)
1	2	3	4	5
1538	757	2295	873	1422

Complaint cases

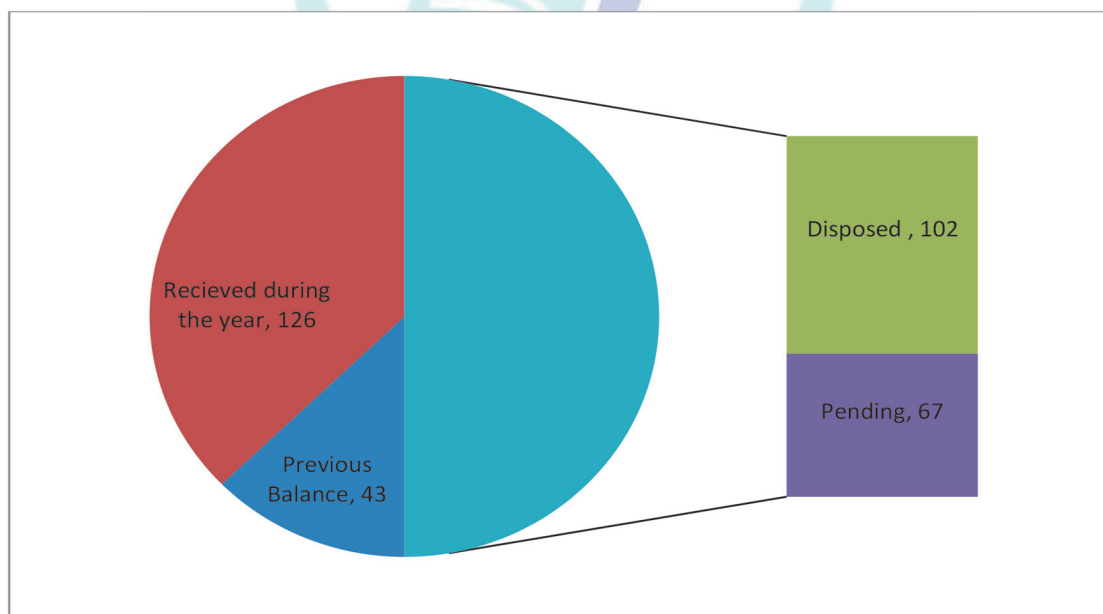
Pending from previous year	Registered during the period	Total (1+2)	Disposed during the period	Pending for disposal (3-4)
1	2	3	4	5
43	126	169	102	67

N.B : 1226 nos of second appeal cases of Shri Dulal Bora have been kept at abeyance vide order SIC/AE.83/2020 Dtd, 24-12-2020 of the Full Bench of the Commission.

Status of Second Appeal Cases during the period 2021-22



Status of Complaint cases during the period 2021-22



Penalty Imposed during the financial year 2021-22

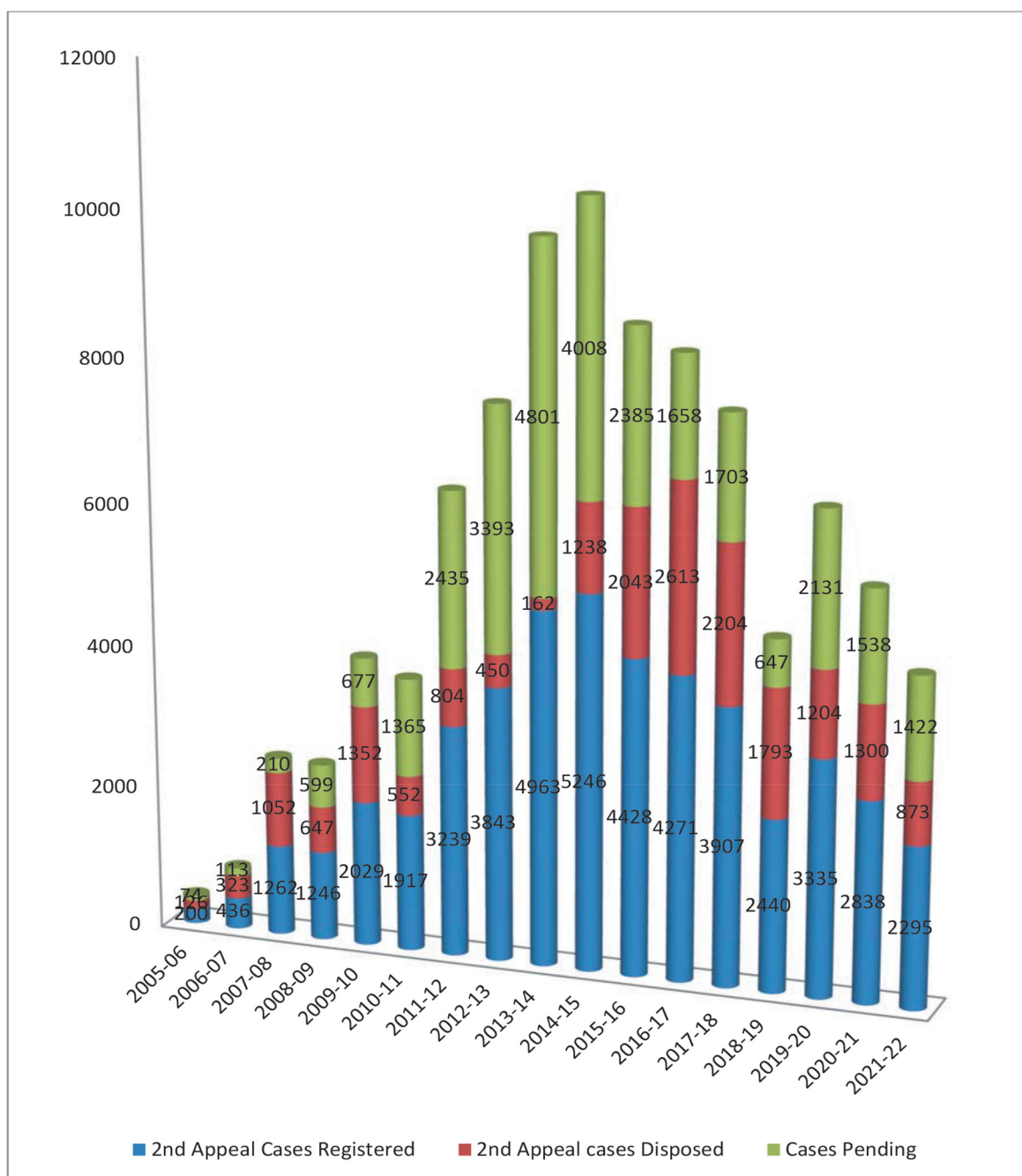
Sl No.	Date of Order	Cases no.	Public Authority	Amount (in rupees)
1.	22-07-2021	SSM.04/2020	Secretary, Gotabari Khopatia Gaon Panchayat	Rs. 10,000.00
2.	22-07-2021	SSM.05/2020	Secretary, Gotabari Khopatia Gaon Panchayat	Rs. 10,000.00
3.	20-11-2021	KPM.35/2021	District Agriculture Officer, Bongaigaon	Rs. 500.00
4.	22-02-2022	DBR.02/2022	Director General of Civil Defence & Commandant General Home Guards, Beltola	Rs. 250.00

Departmental Proceedings ordered against SPIOs during the financial year 2021-22

Sl No.	Date of Order	Cases no.	Public Authority
1.	23-12-2021	KMJ.07/2021	Ratabari GP, Durlhavcherra
2.	23-12-2021	KMJ.08/2021	Ratabari GP, Durlhavcherra
3.	14-02-2022	DHR.78/2021	BDO, and ABDO, Jamadarhat Dev Block and Secretary, Nicingpur GP

Second Appeals registered and disposed by the Commission since 2006

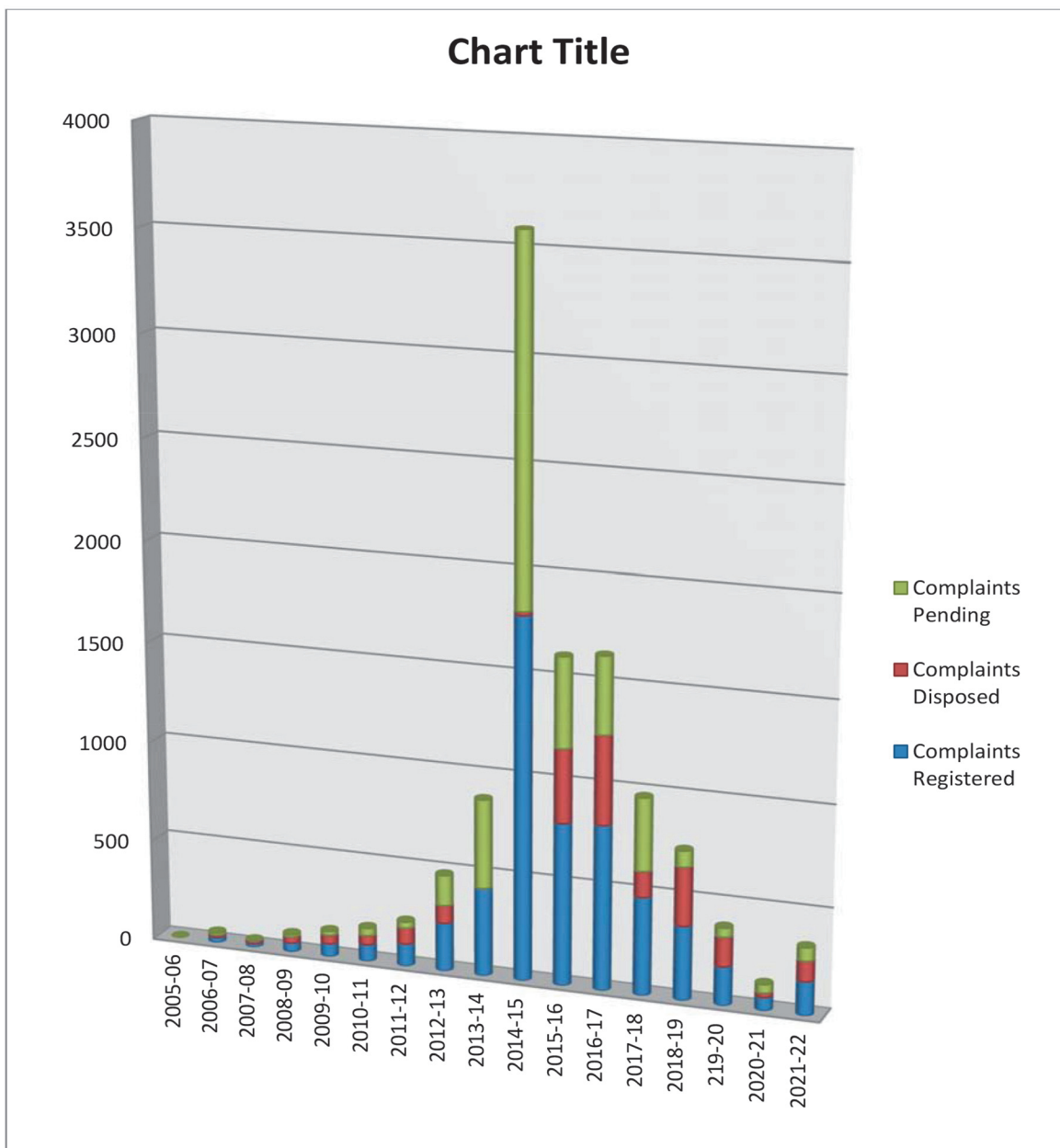
Year	Number of Second Appeals Registered	Number of Second Appeals Disposed	Number of Second Appeals Pending
2005-06	200	126	74
2006-07	436	323	113
2007-08	1262	1052	210
2008-09	1246	647	599
2009-10	2029	1352	677
2010-11	1917	552	1365
2011-12	3239	804	2435
2012-13	3843	450	3393
2013-14	4963	162	4801
2014-15	5246	1238	4008
2015-16	4428	2043	2385
2016-17	4271	2613	1658
2017-18	3907	2204	1703
2018-19	2440	1793	647
2019-20	3335	1204	2131
2020-21	2838	1300	1538
2021-22	2295	873	1422



Complaint Cases registered and disposed by the Commission since 2006

Year	Number of Complaints Registered	Number of Complaints Disposed	Number of Complaints Pending
2005-06	0	0	0
2006-07	24	12	12
2007-08	16	14	2
2008-09	44	31	13
2009-10	64	44	20
2010-11	84	46	38
2011-12	112	81	31
2012-13	241	89	152
2013-14	440	0	440
2014-15	1794	18	1776
2015-16	806	366	443
2016-17	819	439	380
2017-18	488	128	360
2018-19	370	290	80
2019-20	193	148	45
2020-21	65	22	43
2021-22	169	102	67

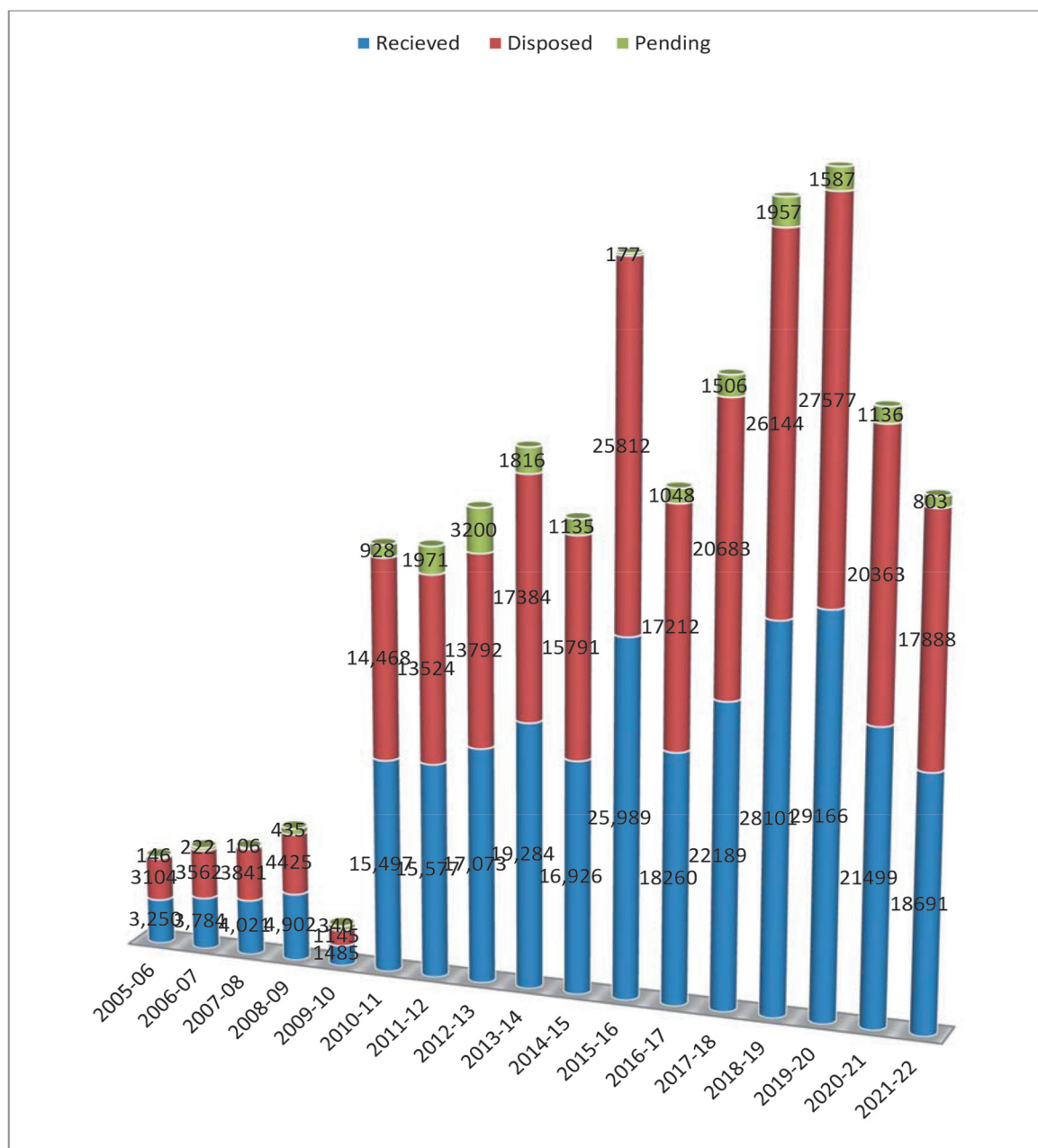
Column diagram showing year-wise registration and disposal of complaints petitions by the Commission.



Year-wise status of Receipt and Disposal of RTI Applications

Year	Number of RTI Applications Received	Number of Applications Disposed	Number of Applications Pending
2005-06	3,250	3104	146
2006-07	3,784	3562	222
2007-08	4,021	3841	106
2008-09	4,902	4425	435
2009-10	1485	1145	340
2010-11	15,497	14,468	928
2011-12	15,577	13524	1971
2012-13	17,073	13792	3200
2013-14	19,284	17384	1816
2014-15	16,926	15791	1135
2015-16	25,989	25812	177
2016-17	18,260	17,212	1,048
2017-18	22189	20683	1506
2018-19	28101	26144	1957
2019-20	29166	27577	1587
2020-21	21499	20363	1136
2021-22	18691	17888	803

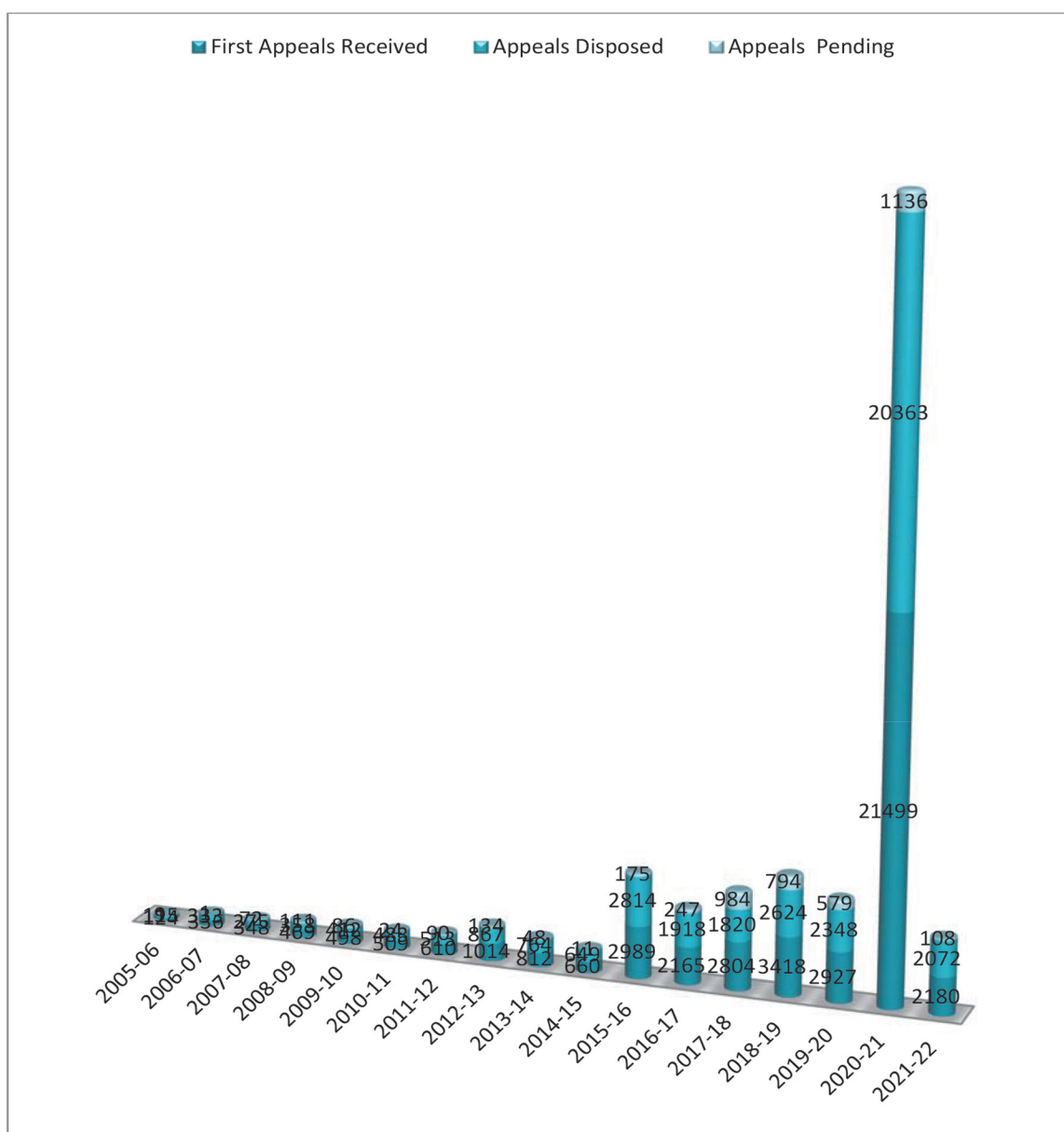
Column diagram showing year-wise receipt and disposal of RTI Applications



Year-wise status of Receipt and Disposal of First Appeal Cases

Year	Number of First Appeals Received	Number of Appeals Disposed	Number of Appeals Pending
2005-06	124	115	9
2006-07	336	333	1
2007-08	348	275	72
2008-09	469	358	111
2009-10	498	412	86
2010-11	509	483	24
2011-12	610	513	90
2012-13	1014	867	134
2013-14	812	764	48
2014-15	660	649	11
2015-16	2989	2814	175
2016-17	2165	1918	247
2017-18	2804	1820	984
2018-19	3418	2624	794
2019-20	2927	2348	579
2020-21	21499	20363	1136
2021-22	2180	2072	108

Column diagram showing year- wise receipt and disposal of First Appeals



Chapter – 6

Number of Public Authorities & State Public Information Officers under various Departments and Assam Legislative Assembly

Sl No.	Name of Department	No. of Public Authorities	No. of Public Information Officers designated
1	2	3	4
1.	Act East Policy Affairs	1	1
2.	Administrative Reforms Training, & PPG Department	3	2
3.	Agriculture Department	163	131
4.	Animal Husbandry & Veterinary Department	2	3
5.	Border Protection and Department	2	2
6.	Chief Minister's Secretariat	1	1
7.	Co-operation Department	30	37
8.	Cultural Affairs Department		
9.	Election Department	51	51
10.	Environment and Forest Department	13	22
11.	Excise Department	4	3
12.	Finance Department	18	17
13.	Fishery Department	35	37
14.	Food, Civil Supplies & Consumer Affairs Department	59	59
15.	General Administrative Department	370	390
16.	Handloom, Textiles and Sericulture Department	48	101
17.	Health and Family Welfare Department	45	45
18.	Higher Education Department	341	7
19.	Hills Areas Department	14	13

20.	Home Department	7	7
21.	Housing and Urban Affairs Department	19	25
22.	Implementation of Assam Accord Department	1	1
23.	Indigenous and Tribal Faith and Culture Department		
24.	Industries, Commerce and Public Enterprises Department	36	40
25.	Information, Public Relation, Printing and Stationary Department	4	60
26.	Information Technology Department	3	4
27.	Irrigation Department	103	169
28.	Judicial Department	4	4
29.	Labour Welfare Department	8	7
30.	Legislative Department	38	31
31.	Medical Education & Research Department	21	22
32.	Mines & Mineral Department		
33.	Panchayat and Rural Development Department	2475	2475
34.	Parliamentary Affairs Department	0	0
35.	Personnel Department	4	4
36.	Political Department	4	4
37.	Power Department	271	279
38.	Public Health Engineering Department	72	82
39.	Public Works Building and National Highways Department	75	108
40.	Public Works Roads Department	1	1
41.	Revenue & Disaster Management Department		
42.	Science and Technology and Climate Change Department	8	6
43.	School Education Department	428	959

44.	Skill, Employment and Entrepreneurship Development Department	97	113
45.	Soil Conservation Department	60	51
46.	Sports and Youth Welfare Department	1	1
47.	Social Justice & Empowerment Department	4	4
48.	Tribal Affairs (Plain) Department		
49.	Tea Tribes Welfare Department	2	1
50.	Tourism Department	32	17
51.	Transformation and Development		
52.	Transport Department	2	23
53.	Water Resource Department	81	110
54.	Welfare of Bodoland Department	0	0
55.	Welfare of Minorities and Development Department	7	11
56.	Women & Child Development Department	4	4
	Assam Legislative Assembly Secretariat		
	Total	5073	5547

N.B. : NR - Not Reported

Chapter – 7

Number of RTI applications received and disposed by State Public Information Officers under various Public Authorities

1. No.	Name of Department	Requests pending at the beginning of the year (01-04- 21)	No. of Requests received during the year	Total no. of Requests	No. of Requests disposed of	Requests pending at the end of the year (31-03-22)
1	2	3	4	5	6	7
1.	Act East Policy Affairs	0	3	3	3	0
2.	Administrative Reforms Training, & PPG Department	0	10	10	10	0
3.	Agriculture Department	22	832	854	752	102
4.	Animal Husbandry & Veterinary Department	0	49	49	49	0
5.	Border Protection and Development Department	0	6	6	6	0
6.	Chief Minister's Secretariat	1	80	81	79	2
7.	Co-operation Department	6	131	137	132	5
8.	Cultural Affairs Department					
9.	Election Department	5	240	245	241	4
10.	Environment and Forest Department	5	191	196	193	3
11.	Excise Department	1	29	30	29	1
12.	Finance Department	10	129	139	139	0
13.	Fishery Department	5	225	230	229	1
14.	Food, Civil Supplies & Consumer Affairs Department	5	102	107	106	1

15.	General Administrative Department	8	5345	5353	5321	32
16.	Handloom, Textiles and Sericulture Department	0	69	69	69	0
17.	Health and Family Welfare Department	0	48	48	47	1
18.	Hills Areas Department	0	73	73	73	0
19.	Higher Education Department	0	133	133	133	0
20.	Home Department	0	154	154	154	0
21.	Housing and Urban Affairs Department	71	709	780	686	94
22.	Implementation of Assam Accord Department	0	12	12	12	0
23.	Indigenous and Tribal Faith and Culture Department					
24.	Industries, Commerce and Public Enterprises Department	0	203	203	203	0
25.	Information, Public Relation, Printing and Stationary Department	0	52	52	52	0
26.	Information Technology	0	11	11	11	0
27.	Irrigation Department	0	619	619	605	14
28.	Judicial Department	0	222	222	218	4
29.	Labour Welfare Department	0	47	47	47	0
30.	Legislative Department	1	154	155	155	0
31.	Medical Education & Research Department	10	309	319	304	15
32.	Mines & Mineral Department					
33.	Panchayat and Rural Development Department	329	1888	2217	2073	144
34.	Parliamentary Affairs	0	0	0	0	0

	Department					
35.	Personnel Department	3	375	378	378	0
36.	Political Department	43	117	160	154	6
37.	Power Department	5	284	289	276	13
38.	Public Health Engineering Department	10	751	761	725	36
39.	Public Works Building and National Highways Department	2	704	706	655	51
40.	Public Works Roads Department	0	0	0	0	0
41.	Revenue & Disaster Management Department					
42.	Science and Technology and Climate Change Department	1	26	27	27	0
43.	School Education Department	46	2656	2702	2633	69
44.	Skill, Employment and Entrepreneurship Development Department	2	31	33	32	1
45.	Soil Conservation Department	0	15	15	15	0
46.	Sports and Youth Welfare Department	0	10	10	10	0
47.	Social Justice & Empowerment Department	62	332	394	197	197
48.	Tribal Affairs (Plain) Department					
49.	Tea Tribes Welfare Department	0	7	7	7	0
50.	Tourism Department	0	22	22	22	0
51.	Transformation and Development Department					
52.	Transport Department	8	146	154	149	5
53.	Water Resource Department	05	410	415	413	02

54.	Welfare of Bodoland Department	0	0	0	0	0
55.	Welfare of Minorities & Development Department	0	50	50	50	0
56.	Women & Child Development Department	0	15	15	15	0
	Assam Legislative Assembly Secretariat					
	Total	666	18025	18691	17888	803

NB : NR — Not Reported



Chapter – 8

Numbers of Applications Rejected

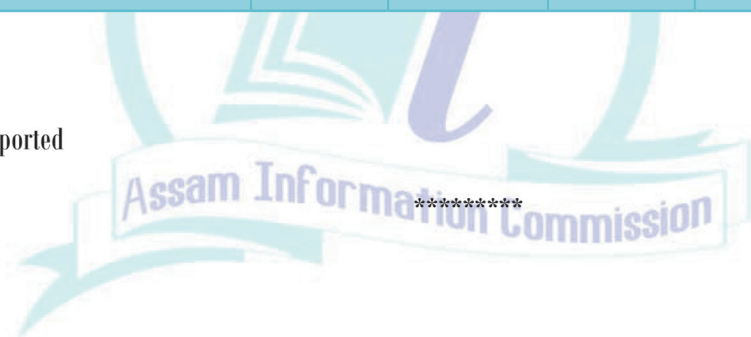
Sl. No.	Name of the Department	No. of Requests rejected u/s 8	No. of Requests rejected u/s 9	No. of Requests rejected u/s 11	No. of Requests rejected u/s 24	Total no. of Requests rejected
1	2					
1.	Act East Policy Affairs	0	0	0	0	0
2.	Administrative Reforms Training, & PPG Department	0	0	0	0	0
3.	Agriculture Department	4	3	1	0	8
4.	Animal Husbandry & Veterinary Department	0	0	0	0	0
5.	Border Protection and Development Department	0	0	0	0	0
6.	Chief Minister's Secretariat	5	0	0	0	5
7.	Co-operation Department	0	3	4	3	10
8.	Cultural Affairs Department					
9.	Election Department	0	0	0	0	0
10.	Environment and Forest Department	0	0	0	0	0
11.	Excise Department	0	0	1	0	1
12.	Finance Department	0	0	0	0	0
13.	Fishery Department	0	0	0	0	0
14.	Food, Civil Supplies & Consumer Affairs Department	0	0	0	0	0

15.	General Administrative Department	4	0	8	0	12
16.	Handloom, Textiles and Sericulture Department	0	0	0	0	0
17.	Health and Family Welfare Department	0	0	0	0	0
18.	Higher Education Department					
19.	Hills Areas Department	0	0	0	0	0
20.	Home Department	0	0	0	0	0
21.	Housing and Urban Affairs Department	1	0	0	0	1
22.	Implementation of Assam Accord Department	0	0	0	0	0
23.	Indigenous and Tribal Faith and Culture Department					
24.	Industries , Commerce and Public Enterprises Department	0	0	0	0	0
25.	Information, Public Relation, Printing and Stationary Department	0	0	0	0	0
26.	Information Technology	0	0	0	0	0
27.	Irrigation Department	0	0	0	0	0
28.	Judicial Department	2	0	0	0	2
29.	Labour Welfare Department	0	0	0	0	0
30.	Legislative Department	2	0	0	0	2
31.	Medical Education & Research Department	6	0	0	0	6
32.	Mines & Minerals Department					

33.	Panchayat and Rural Development Department	1	0	0	0	1
34.	Parliamentary Affairs Department	0	0	0	0	0
35.	Personnel Department	0	0	0	0	0
36.	Political Department	11	0	0	0	11
37.	Power Department	3	0	0	0	3
38.	Public Health Engineering Department	10	2	0	0	12
39.	Public Works Building and National Highways Department	0	0	0	0	0
40.	Public Works Roads Department	6	0	0	0	6
41.	Revenue & Disaster Management Department					
42.	Science and Technology and Climate Change Department	0	0	0	0	0
43.	School Education Department	0	0	0	0	0
44.	Skill, Employment and Entrepreneurship Development Department	0	0	0	0	0
45.	Soil Conservation Department	0	0	0	0	0
46.	Sports and Youth Welfare Department	0	0	0	0	0
47.	Social Justice & Empowerment Department	0	0	0	0	0
48.	Tribal Affairs (Plain) Department					

49.	Tea Tribes Welfare Department	0	0	0	0	0
50.	Tourism Department	0	0	0	0	0
51.	Transformation and Development					
52.	Transport Department	0	0	0	0	0
53.	Water Resource Department	0	0	0	0	0
54.	Welfare of Bodoland Department	0	0	0	0	0
55.	Welfare of Minorities & Development Department	0	0	0	0	0
56.	Women & Child Development Department	0	0	0	0	0
	Assam Legislative Assembly Secretariat					
	Total	55	8	14	3	80

NB : NR — Not Reported



Chapter – 9

Number of First Appeal petitions received and disposed by First Appellate Authorities

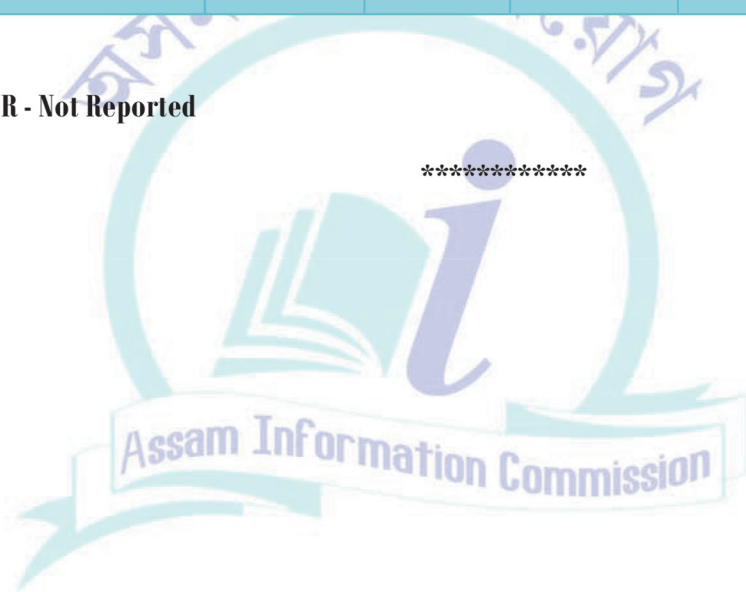
Sl. No.	Name of the Department	First Appeals pending with the FAAs at the beginning of the year (01-04-21)	No. of First Appeals received during the year	Total no. of First Appeals with Appellate Authorities	No. of First Appeals Disposed by the First Appellate Authorities	No. of First Appeals pending with the FAAs at the end of the year (31-03-22)
1	2	3	4	5	6	7
1.	Act East Policy Affairs	0	0	0	0	0
2.	Administrative Reforms Training, & PPG Department	0	1	1	1	0
3.	Agriculture Department	8	138	144	115	29
4.	Animal Husbandry & Veterinary Department	0	3	3	3	0
5.	Border Protection and Development Department	0	1	1	1	0
6.	Chief Minister's Secretariat	0	27	27	22	5
7.	Co-operation Department	1	16	17	13	1
8.	Cultural Affairs Department					
9.	Election Department	1	2	3	3	0
10.	Environment and Forest Department	0	17	17	17	0
11.	Excise Department	0	1	1	1	0
12.	Finance Department	0	7	7	7	0
13.	Fishery Department	2	83	85	85	0
14.	Food, Civil Supplies & Consumer Affairs Department	0	4	4	4	0

15.	General Administrative Department	3	180	183	180	3
16.	Handloom, Textiles and Sericulture Department	0	3	3	3	0
17.	Health and Family Welfare Department	0	1	1	1	0
18.	Hills Areas Department	0	14	14	14	0
19.	Higher Education Department	0	16	16	16	0
20.	Home Department	0	0	0	0	0
21.	Housing and Urban Affairs Department	7	151	159	256	3
22.	Implementation of Assam Accord Department	0	0	0	0	0
23.	Indigenous and Tribal Faith and Culture Department					
24.	Industries , Commerce and Public Enterprises Department	0	35	35	35	0
25.	Information, Public Relation, Printing and Stationary Department	0	1	1	1	0
26.	Information Technology Department	0	6	6	6	0
27.	Irrigation Department	0	49	49	48	1
28.	Judicial Department	0	4	4	4	0
29.	Labour Welfare Department	0	5	5	5	0
30.	Legislative Department	0	3	3	3	0
31.	Medical Education & Research Department	0	32	32	31	1
32.	Mines & Minerals Department					
33.	Panchayat and Rural Development Department	12	297	309	278	31

34.	Parliamentary Affairs Department	0	0	0	0	0
35.	Personnel Department	0	6	6	6	0
36.	Political Department	94	32	126	125	1
37.	Power Department	1	30	31	29	2
38.	Public Health Engineering Department	2	128	130	108	22
39.	Public Works Building and National Highways Department	1	73	74	74	0
40.	Public Works Roads Department	0	8	8	8	0
41.	Revenue & Disaster Management Department t					
42.	Science and Technology and Climate Change Department	0	2	2	2	0
43.	School Education Department	7	465	472	466	6
44.	Skill, Employment and Entrepreneurship Development Department	2	7	9	9	0
45.	Soil Conservation Department	0	4	4	4	0
46.	Sports and Youth Welfare Department	0	0	0	0	0
47.	Social Justice & Empowerment Department	0	133	133	133	0
48.	Tea Tribes Welfare Department	0	0	0	0	0
49.	Tribal Affairs (Plain) Department					
50.	Tourism Department	0	17	17	17	0
51.	Transformation and Development					

52.	Transport Department	0	3	3	3	0
53.	Water Resource Department	1	24	25	24	1
54.	Welfare of Bodoland Department	0	0	0	0	0
55.	Welfare of Minorities & Development Department	0	0	0	0	0
56.	Women & Child Development Department	0	10	10	8	2
	Assam Legislative Assembly Secretariat					
	Total	142	2038	2179	2168	108

NB : NR - Not Reported



Chapter – 10

Summary of fees collected by the Public Authorities during the year

Sl. No.	Name of the Department	Amount Collected (in rupees)
1	2	3
1.	Act East Policy Affairs	Rs. 0.00
2.	Administrative Reforms Training, & PPG Department	Rs. 635.00
3.	Agriculture Department	Rs. 5000.00
4.	Animal Husbandry & Veterinary Department	Rs. 730.00
5.	Border Protection and Development Department	Rs. 40.00
6.	Chief Minister's Secretariat	Rs. 510.00
7.	Co-operation Department	Rs. 760.00
8.	Cultural Affairs Department	
9.	Election Department	Rs. 700.00
10.	Environment and Forest Department	Rs. 2480.00
11.	Excise Department	Rs. 220.00
12.	Finance Department	Rs. 1179.00
13.	Fishery Department	Rs. 1100.00
14.	Food, Civil Supplies & Consumer Affairs Department	Rs. 470.00
15.	General Administrative Department	Rs. 4,36,200.00
16.	Handloom, Textiles and Sericulture Department	Rs. 636.00
17.	Health and Family Welfare Department	Rs. 200.00
18.	Higher Education Department	Rs. 1300.00
19.	Hills Areas Department	Rs. 680.00
20.	Home Department	Rs. 1490.00

21.	Housing and Urban Affairs Department	Rs. 7713.00
22.	Implementation of Assam Accord Department	Rs. 20.00
23.	Indigenous and Tribal Faith and Culture Department	
24.	Industries , Commerce and Public Enterprises Department	Rs. 1260.00
25.	Information, Public Relation, Printing and Stationary Department	Rs. 460.00
26.	Information Technology Department	Rs. 100.00
27.	Irrigation Department	Rs. 2389.00
28.	Judicial Department	Rs. 3561.00
29.	Labour Welfare Department	Rs. 647.00
30.	Legislative Department	Rs. 200.00
31.	Medical Education & Research Department	Rs. 2982.00
32.	Mines & Minerals Department	
33.	Panchayat and Rural Development Department	Rs. 4809.00
34.	Parliamentary Affairs Department	Rs. 0.00
35.	Personnel Department	Rs. 3570.00
36.	Political Department	Rs. 860.00
37.	Power Department	Rs. 5856.00
38.	Public Health Engineering Department	Rs. 17045.00
39.	Public Works Building and National Highways Department	Rs. 1980.00
40.	Public Works Roads Department	Rs. 0.00
41.	Revenue & Disaster Management Department t	
42.	Science and Technology and Climate Change Department	Rs. 332.00
43.	School Education Department	Rs. 26,973.00

44.	Skill, Employment and Entrepreneurship Development Department	Rs. 310.00
45.	Soil Conservation Department	Rs. 110.00
46.	Sports and Youth Welfare Department	Rs. 44.00
47.	Social Justice & Empowerment Department	Rs. 532.00
48.	Tribal Affairs (Plain) Department	
49.	Tea Tribes Welfare Department	Rs. 10.00
50.	Tourism Department	Rs. 220.00
51.	Transformation and Development Department	
52.	Transport Department	Rs. 1450.00
53.	Water Resource Department	Rs. 3573.00
54.	Welfare of Bodoland Department	Rs. 0.00
55.	Welfare of Minorities & Development Department	Rs. 684.00
56.	Women & Child Development Department	Rs. 90.00
	Assam Legislative Assembly Secretariat	
	Total	Rs. 5,42,150.00

NB : NR – Not Reported

Chapter – II

Status of suo-moto disclosure of Information under Section 4 of the RTI Act, 2005

Section 4(1) of the RTI Act, 2005 provides that every Public Authority shall publish the following information within one hundred and twenty days from the enactment of the Act.

- I. Particulars of the Organisation, Functions and Duties;
- II. Powers and Duties of its Officials;
- III. Procedure in decision-making, supervision and accountability;
- IV. Norms set for discharging functions;
- V. Rules, Regulations, Instructions, Manuals etc;
- VI. Statement of categories of documents held;
- VII. Arrangement for consultation in Policy Matters;
- VIII. Boards, Councils, Committees etc. under it;
- IX. Directory of Officers and Employees;
- X. Monthly remuneration of each;
- XI. Budget, plans, expenditure, disbursement etc.;
- XII. Manner of execution of subsidy programmes, etc.;
- XIII. Recipients of concessions ,permits etc.;
- XIV. Details of information reduced in an electronic form;
- XV. Facilities available for obtaining information;
- XVI. Name , designation and other particulars of the PIO; and
- XVII. Such information as may be prescribed.

Moreover, Section 4(2) of the Act provides that it shall be constant endeavour of every public authority to take steps in accordance with the requirements of Clause (b) of Subsection (1) to provide as much information *suo moto* to the public at regular intervals through various means of communication, including internet, so that the citizens have minimum resort to the use of this Act to obtain information.

The status of suo-moto disclosure of information by various Departments under Section 4 of RTI Act

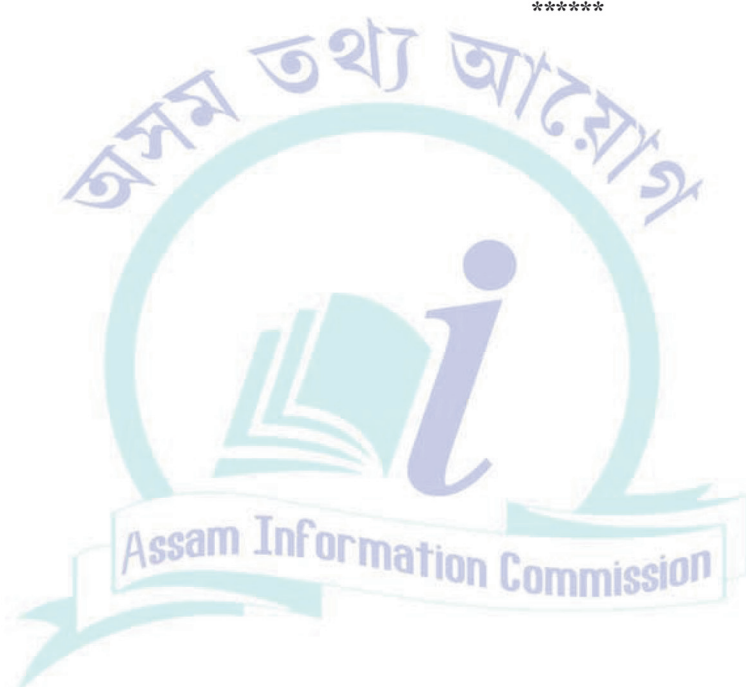
is very dissatisfactory. The following table shows the status of 4(1) (b) Notification as appeared in Departmental Website during 2020-21.

Status of suo-moto disclosure displayed in website under Section 4(1)(b) by Public Authorities

Sl No.	Name of the Department	Whether 4(1)(b) Notification has been displayed in the website	Remarks
1.	Administrative Reforms and Training	Yes	Assam Information Commission and Assam Administrative Staff College have displayed the Notifications in their Websites.
2.	Agriculture	Partially	Directorate of Agriculture has displayed the Notification in its Website.
3.	Act East Policy Affairs	No	
4.	Animal Husbandry & Veterinary		
5.	Border Areas	No	
6.	Chief Minister's Secretariat	No	
7.	Co-operation	No	
8.	Cultural Affairs	No	
9.	Education(Higher)	No	
10.	Education(Secondary)	No	
11.	Education(Elementary)	Partially	Directorate of Elementary Education has displayed the 4(1)(b) Notification in the Website.
12.	Election	Yes	
13.	Environment & Forest	No	
14.	Excise	Yes	
15.	Finance	No	
16.	Fishery	No	.
17.	Food, Civil Supplies & Consumer Affairs	No	
18.	General Administration	No	
19.	Guwahati Development	No	
20.	Health and Family Welfare	No	
21.	Hill Areas Department	No	
22.	Home	No	
23.	Handloom, Textile & Sericulture	No	
24.	Horticulture & Food Processing	No	

25.	Implementation of Assam Accord	No	
26.	Information & Public Relations	Partially	Directorate of I&PR (part) has displayed in the website.
27.	Information Technology	No	
28.	Industries and Commerce	No.	
29.	Irrigation	Yes	
30.	Judicial	No	
31.	Labour Welfare	No	
32.	Legislative	No	
33.	Welfare of Minority Development	No	
34.	Panchayat & Rural Development	No	
35.	Parliamentary Affairs	No	
36.	Passport	No	
37.	Pension & Public Grievances	No	
38.	Personnel	No	
39.	Planning & Development (Transformation & Development)	Yes	
40.	Political	No	
41.	Power(Electricity) & Mines & Minerals	Partially	Assam Power Generation Corporation Ltd.(APGCL) and Assam Electricity Grid Corporation Ltd.(AEGCL) have displayed 4(1)(b) Notification in their Websites.
42.	Printing & Stationery	Yes	
43.	Public Enterprise	No	
44.	Public Health Engineering	No	
45.	Public Works Department (R)	No	
46.	Public Works Department (NH & B)	No	
47.	Revenue and Disaster Management	Partial	Directorate of Land Records has displayed 4(1)(b) notification.
48.	Science & Technology	No	
49.	Secretariat Administration	No	
50.	Social Welfare	No	
51.	Soil Conservation	No	
52.	Sports & Youth Welfare	No	
53.	Skill, Employment and Entrepreneurship Development	No	
54.	Transport	No	

55.	Tourism	No	
56.	Tea Tribes Welfare	No	
57.	Urban Development	No	
58.	Welfare of Plain Tribes & Backward Classes	No	
59.	Water Resource	Yes	



Chapter – 12

Recommendations

The Commission recommends the following with a request to the Government of Assam for appropriate action regarding implementation of the same and its earlier reports.

1. The Government of Assam has allotted a plot of land for construction of permanent building of the Commission in Guwahati. Administrative approval for construction of the building has also been accorded. The foundation stone of the said building was laid by the then Hon'ble Chief Minister of Assam on June 26th, 2019. The building has been constructed by PWD.

A proposal for G+3 office building for Rs. 14,54,18,000 only had sent to Government for approval, But the Commission has received administrative approval of Rs.10.00 crore only for construction of G+2 of the office building. The Commission received Budget allotment of Rs. 285.00 lakh during the financial year 2020-21 under the Head of Account “4070-00-800-3388-000-13-99-SOPD-G” and Rs. 96.34943 lakh has been utilized after receiving ceiling from Government during this year (year wise breakup of the received of Budget allotment during the financial year 2018-19 = Rs. 100.00 Lakh, 2019-20=Rs. 200.00 Lakh, 2020-21 = Rs. 285.00, 2021-22 = Rs. 240.00 Lakh and in 2022-23 = Rs. 285.00 Lakh).

A revised estimate for construction of G+3 office building meanwhile has sent to Government for necessary approval for completion of the building in all aspects.

2. *The Commission has viewed with concern that the following departments have failed to submit their reports in relation to the Public Authorities under their jurisdiction as provided by Section 25(2) of the RTI Act, 2005 despite several reminders:*

1. Cultural Affairs Department,
2. Indigenous and Tribal Faith and Culture Department,
3. Revenue and Disaster Management Department,
4. Transformation and Development Department,
5. Tribal Affairs (Plain) Department,
6. Assam Legislative Assembly.

It is also observed that some departments have submitted partial reports without covering all the Public Authorities under them. They are as follows :

- I. Animal Husbandry & Veterinary Department,
- II. Environment & Forest Department,
- III. General Administrative Department,
- IV. Health & Family Welfare Department,
- V. Higher Education Department,
- VI. Home Department,
- VII. Panchayat & Rural Development,
- VIII. Sports & Youth Welfare Department,
- IX. Transport Department.

The Commission recommends suitable action against the departments which have failed to comply with statutory provisions under Section 25(2) of the Act.

4. The Commission repeats its earlier recommendation regarding deletion of CID and BIEO from the existing list of exempted organisations. The recommendation given in this regard is reproduced below for ready reference.

“Under section 24(4) of the Act, the Government of Assam issued a notification No. PLA.384/2005/54 dated 8th March, 2006 listing nine “intelligence and security” organizations exempting them from the purview of the RTI Act, 2005. This list of nine organizations includes Criminal Investigation Department (CID) and Bureau of Investigation of Economic Offences (BIEO). Exemption of BIEO seems to run counter to the objectives of containment of corruption and transparency in dealing with corruption. In any case, as their very names suggest, these two organizations are investigating agencies and not Intelligence and Security organizations. Section 8 (1) (h) of the Act gives them reasonable and adequate exemptions to maintain confidentiality of the investigation process. Therefore, exempting these two investigating agencies u/s 24 (4) of the Act appears to be not consonant with Section 24 (4) of the Act, which is meant only for intelligence and security organizations. **It is to be mentioned here that in some States the intelligence & security related duties are assigned to CID , But in our State for intelligence & security purpose there is a separate branch of Assam Police i.e. SB organization , Assam Police which is already under the list of exempted organization. Therefore, not exempting CID which is not an intelligence or security organization makes no sense. The Commission, therefore, recommends deletion of CID and BIEO from the list of exempted organizations as notified vide notification mentioned above”.**

5. (a) The Commission repeats its earlier recommendation for bringing out an appropriate Records/Information Manual to suit the present day requirements. The recommendation given in earlier reports is reproduced below for ready reference.

“ It is felt that the underlying requirement of the Assam Public Records Act, 2002 is archival value of Public Records. It was legislated prior to the Right to Information Act, in 2005. Therefore, the provisions of Assam Public Records Act, 2002 do not seem to adequately meet the requirements of the Right to Information Act, 2005, where most of the informations sought for by the citizenry are of current, short term and medium term nature. It is, therefore, imperative that the State Government brings out an appropriate Records/ Information Manual categorising different types of informations as mentioned in Section 2(f) of the RTI Act. Such categorisation may be made with reference to individual departments of the Government because the necessity of maintaining different types of records in different departments are likely to differ from department to department, since their functions and services to be delivered are of different nature. The proposed Information/ Record Manual consistent with the requirements of the RTI Act, 2005 may also specify the duration of time for which the public authorities under different departments are required to maintain different types and categories of records. This is likely to mitigate the problem of non-availability of sought for records as are often expressed by the PIOs of different public authorities. In this connection, it may be mentioned that in its present form the RTI Act does not make any such specific distinction, except mentioning that “right to information” means the right to information accessible under the Act which is held by or under the control of any public authority. The Act does not specify the time periods for which different categories of informations are to be held by different public authorities. Absence of any definite statutory or regulatory stipulations and executive instructions in this regard often leads to situations where the information seekers seek past informations without any time limit-which the PIOs cannot furnish.

Assam Information Commission is of the view that such a Record/Information Manual is a pre-requisite for smooth and effective functioning of the Right to information regime”.

(b) Record keeping by various Public Authorities under the State Government seems to be in a very poor state. Reports of missing, untraceable or lost files and records are too common and frequent. Maintenance of Record Rooms by the head of the concerned office and its periodic inspection by the concerned First Appellate Authority may be made mandatory.

6. Major achievements of the Commission :

- (i) As reported by Satark Nagrik Sangathan (a citizens' group working for transparency), on an average a State Information Commission in India would clear its pendency of 2nd Appeal and Complaint petitions in 5 year 4 months. Further, their assessment shows that 13 Commissions in India would take at least one year or more to dispose off their pendency.

As per their Report published under the title 'Report Card on the Performance of Information Commissions in India, 2021', as of now, a whopping 2.56 lakh appeals and complaints are pending in the 26 Information Commissions across the country.

However, the Assam Information Commission has achieved the rare distinction of almost zero pendency of 2nd Appeal petitions. This is a record in India.

- (ii) The Assam Information Commission also has credited itself with hearing of 2nd Appeal petitions within one to two months in the interest of speedy and instantaneous justice, whereas the pendency in some states of the country would take up to 6 years to clear.
- (iii) Assam Information Commission, being the Apex Authority in Assam (as per Section 15 of the RTI Act, 2005) and in the interest of speedy hearing and timely justice to the petitioners, has adopted a new procedure as follows:

(a) Immediately after receipt of an Appeal petition it is put up to the concerned Dealing Officer. Thereafter on a fortnightly basis the petitions are compiled and put up to the State Chief Information Commissioner for allotment to other Information Commissioners for hearing.

(b) The hearing is invariably taken up within one to two months from the receipt of 2nd Appeal petitions / complaint petitions, whereas in some States it takes five to six years. In spite of COVID-19 pandemic and its aftermath, the Commission has successfully handled the 2nd Appeal petitions and cleared them timely.

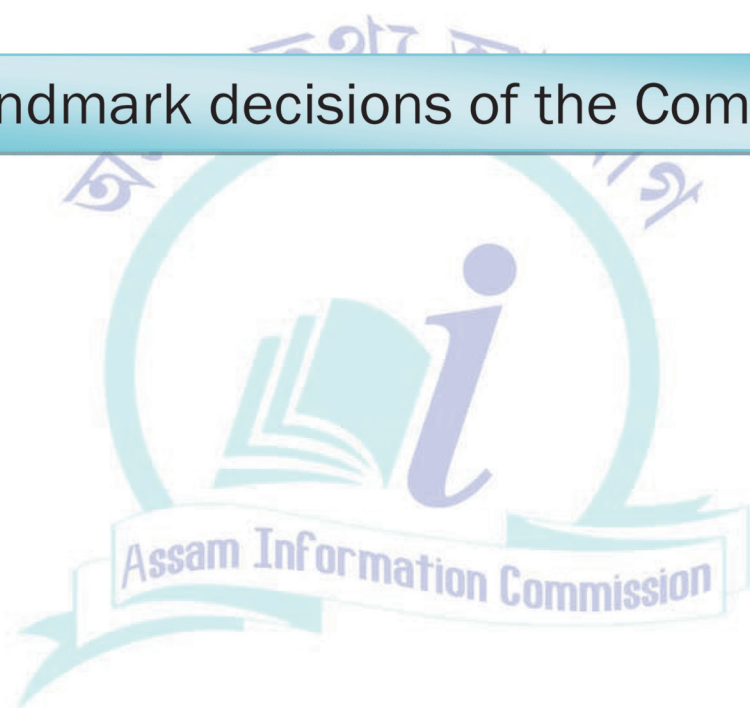
The Commission could establish efficient video conferencing system and has also upgraded an user-friendly interactive website.

- (iv) *The Assam Information Commission reviews complaint cases on a monthly basis and takes them up appropriately for hearing.*
- (v) *The Commission has updated its website with the online facility of Second appeal/ Complaint petitions.*
- (vi) *Computerization of all previous orders of the Commission from its inception is likely to be completed by 31st December, 2022. This will result in easy accessibility of old files for all concerned.*
- (vii) *Inspite of COVID-19 pandemic and its after effect, the Commission organized a number of seminars and meetings to orient the Public Authorities in different districts on various aspects of the RTI Act, 2005*



Chapter – 13

Landmark decisions of the Commission



Case No SIC/KP(M)51/2021



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

Case No. : SIC/KP(M)51/2021
Complainant/ appellant : Smti Jamuna Pator.
Respondent : SPIO & Officer-in -charge, O/o the Howly Police Station, Barpeta
Date of hearing : 23.04.2021
Complaint/ Second : Dr. A.P. Rout.
Appeal heard by : State Chief Information Commissioner, Assam

ORDER

23.04.2021

1. The petitioner Smti Jamuna Pator is absent. However, she has authorized Ismail Hoque, Advocate to represent her in today's hearing. The SPIO i.e. the OC Howly Police Station is absent and has forwarded a written statement which is taken on records.

2. The petitioner filed RTI petition dated 16.10.2020 before the PIO, O/o the Howly Police Station seeking the following information

- (i) Legible copy of FIR(certified to be true copy may furnish)
- (ii) A copy of Police report.
- (iii) What is the present status of the case.
- (iv) Legible Copies of permits, insurance policy, Driving license and Registration certificate of vehicle No. AS-01CC-2131
- (v) Specifically mentioned the Insurance policy details with Number & validity and address of Insured.
- (vi) Copy of GDE of the aforesaid incident.

And then she has filed first appeal petition before the SP, Barpeta 24.11.2020 and then she filed second appeal petition before the Commission on 2.2.2021.

3. The first appeal hearing was fixed on 24.3.2021 and in response to that the APIO, O/o the SP, Barpeta has filed a written statement vide letter No BPTA/V-91/21/1550 dated 22.3.2021 wherein he has mentioned that the OC has already sent information directly to the appellant on 2.11.2020. In the 2.11.2020 reply, the OC has mentioned that the information is exempted under Section 8(1)(h) of the RTI Act, 2005 as the investigation is on.

4. In response to the Commission's order dated 24.3.2021, the OC, Howly Police Station, SI Sri Abhijit Kr. Baruah has submitted his written statement vide email making untenable statement that he is badly busy due to Covid infection in the Police Station. He further made absurd and hypothetical presumption that law under the situation may arise due to counting and he has been badly busy in area domination etc. **The Commission finds this to be a lame excuse on the part of the OC.**

5. The Commission expresses its displeasure for this irresponsible statement of the OC and brings it to the notice of the SP, Barpeta.
6. The Advocate representing the RTI petitioner raised objection by enclosing herewith the following judgments and argued that the OC is taking the frivolous and wrong plea with mala fide intention under Section 8(1)(h) of the RTI Act, 2005.
7. The Commission would like to quote the decision of the Central Information Commission in case No. CIC/LS/A/2010/000685 relating the Appellant Smt Durgesh Kuamri and respondent Income Tax Department:-

"From a plain reading of the above provision, it follows that Section 8(1)(h) of the RTI Act exempts disclosure of information which would impede the process of investigation or apprehension or prosecution of offenders. Merely because the process of investigation or apprehension or prosecution of offenders is continuing, the bar stipulated under Section 8(1)(h) of the RTI Act is not attracted; it must be clearly established by the PIO that disclosure of the information would impede the process of investigation or apprehension or prosecution of offenders. If Parliament wanted to exempt all information relating to investigation or apprehension or prosecution, it would not have imposed the condition that disclosure should 'impede' the investigation or prosecution. In this regard, it would be relevant to note the observation of Ravindre Bhat, J. of the High Court of Delhi in Bhagat Singh v. CIC. W.P.O No 311/2007 dated 03/12/2007.

The denial of information by the PIO appears to be a mere blanket statement not supported by any cogent evidence or material on the basis of which it can be clearly demonstrated that such disclosure would in fact attract the exemption contained in Section 8(1)(h) of the RTI Act. When denying a right to the citizen, it has to be established beyond doubt that prosecution or apprehension of an offender would be impede. In other words, the burden placed under Section 19(5) of the RTI Act has not been discharged while establishing that the denial of information under Section 8(1)(h) of the RTI Act was justified."

8. The Delhi High Court vide WP(C) 3701/2018 in Amit Kumar Srivastava VS Central Information Commission orders as follows:-

"What follows from the legal position is that where a public authority takes recourse to Section 8(1)(h) of the RTI Act to withhold information, the burden is on the public authority to show that in what manner disclosure of such information could impede the investigation. The word 'impede' would mean anything that would hamper or interfere with the investigation or prosecution of the offenders.

As noted above, the legal position as settled by this court is that cogent reasons have to be given by the public authority as to how and why the investigation or prosecution will get impaired or hampered by giving the information is question. In the impugned order, there is no attempt made whatsoever to show as to how giving the information sought for would hamper the investigation and the on-going disciplinary proceedings. The impugned order concludes that a charge sheet has been filed in the criminal case by the CBI but in the



Case No SIC/KP(M)51/2021

disciplinary proceedings the matter is still pending. Based on this fact simplicitor the impugned order accepts the plea of the respondent and holds that the Section 8(1)(h) is attracted and the respondents are justified in not giving information to the petitioner. No reasons are spelt out as to how the investigation or prosecution will be hampered".

In light of the above orders of CIC, India, Delhi High Court and many similar orders of other Courts, the Commission agrees to a great extent on the argument of the petitioner that the OC is wrongly quoting the RTI Act in seeking exemption in furnishing the information.

Therefore, the Commission feels that the Legible copy of FIR, the present status of the case vide point No. 1, 3 and copy of GDE vide point No 6 of the RTI petition is in no way come to impede the investigation or hamper the prosecution. Therefore, the Commission orders that all the above information be given immediately to the petitioner. However, as regards to Point No 4 and 5 if not hit by Section 11 of the RTI Act, 2005 the Commission orders that the information be immediately given or process as enumerated Section 11 of RTI be complied with.

Since the case is still under investigation, the question of submission of copy of Police report does not arise.

The second appeal petition dated 2.2.2021 is disposed off.

Sd/-
(Dr. A.P. Rout)

Authenticated true copy.

Sd/-
Joint Registrar i/c
Assam Information Commission

Memo No. SIC/ KP(M)51/2021

Dated 23.4.2021

Copy to:

1. Dr. Robin Kumar, IPS, Superintendent of Police, Barpeta, Sundaridia, Barpeta Town PIN-781314 for information and necessary action. (A copy of letter of SI Shri Abhijit Kr. Baruah has been enclosed and observation of the Commission be taken note of).
2. Shri Abhijit Kr. Baruah, Officer-in-charge, O/o the Howly Police Station, Barpeta, PIN-781316 for information and necessary action.
3. Miss Jamuna Pator, D/o Sri Bhog Sing Pator, Vill- Bherakuchi, Kamrup(M), PIN-782403 for information
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Joint Registrar i/c
Assam Information Commission

Case No SIC/Biswanath.4/2021



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

Case No. : SIC/Biswanath.4/2021
Complainant/ appellant : Sri Manoj Kr. Sahani.
Respondent : SPIO of the Deputy Commissioner, Biswanath
Date of hearing : 15.9.2021
Complaint/ Second : Dr. A.P. Rout.
Appeal heard by : State Chief Information Commissioner, Assam

ORDER
15.9.2021

1. The petitioner Sri Manoj Kr. Sahani filed RTI petition dated 10.11.2020 before the SPIO of the Office of the Deputy Commissioner, Biswanath.
2. As per Section 19(1) & (2) of the RTI Act, 2005, the petitioner if not received the reply to his RTI petition within stipulated time is suppose to appeal before the First Appellate Authority.
3. In the instant case in pursuance to his RTI petition, the SPIO, O/o the DC, Biswanath vide letter No BMP-21/2016/Part-V/560 dated 18.12.2020 furnished point wise information to the petitioner.
4. However, the RTI petitioner submitted his complaint petition under Section 18 of the RTI Act, 2005 before the Commission stating "the concerned public authority concealed the information for their interest and prepared a totally false, misleading and incomplete information. That the public authority for their ill will and malafide intension violating the mandatory provision of RTI Act, 2005 furnished false and incomplete, misleading information and such acts of public authority invites action u/s 20 of the RTI Act".
5. Accordingly the hearing of complaint petition is fixed today after issuance of notices to the appellant/complainant and the SPIO of the Office of the DC, Biswanath.
6. The Complainant Sri Manoj Kr. Sahani is absent. He has sent a petition dated 15.9.2021 over email stating that he was under treatment and is not able to move out to attend the hearing and also prayed to fix another date. The Complainant has not enclosed any medical certificate on his alleged treatment.
7. The public authority i.e. the SPIO of the Office of the Deputy Commissioner, Biswanath i.e. SDO(S) Sri Dipen Barman, ACS is present.

8. The RTI Act is a pro Public (Pro petitioner) Act encompassing the constitutional rights and freedom of expression under article 19 of the Indian Constitution.
9. In this particular case, if the RTI petitioner was not satisfied with the reply of the SPIO, he had the opportunity to ventilate his grievances at the level of First Appellate Authority who is normally a Senior Gazette Office of the Government. In this instant case the First Appellate Authority is the Addl. Deputy Commissioner, Biswanath. Instead of doing that, the RTI petitioner filed a complaint petition before the Commission. Had he given that much importance and urgency to the case, he should have been present at the hearing to justify his alleged non receipt of correct information. Instead of doing that, he simply sent a prayer petition and that to on 15.9.2021 i.e. the date of second appeal hearing stating that he is not well which is not supported by any medical certificate.
10. The Complainant knows very well that that Commission is to handle hundreds of RTI second appeal petitions and devote allotted time to hear and to provide the justice to the second appeal petitioners. When the second appeal hearing is fixed, sufficient time of the office of the Commission is spent and the SPIO and other Government Officers are also intimated to attend the hearing at the cost of the routine official duties. In the process, not only the Government cost incurs expenses in journey of officers but general public are deprived of the services of those officers. Further, the Commission's time is wasted and the cases of serious nature also get delayed as the Commission hears the cases serially.
11. In this particular case, if the petitioner was not satisfied with the reply of SPIO, he could have approached the First Appellate Authority who is a field level Officer and would have got the satisfactory reply. But he did not do that.
12. The Commission expresses its displeasure on the casualness of the petitioner for which the valuable time of the Commission was wasted and Government bore the cost of travelling of SPIOs etc. and general public got deprived of services of SPIOs etc
13. From the above, it can be easily deduced that the intention of the RTI complainant was not to get the information but to put pressure on SPIO and waste the precious resources of the Department and also waste the time of the Commission.
14. Further, the Commission would like to highlight the order of the Hon'ble Delhi High Court in Har Kisan VS President Secretariat in WP(C)

7976/2020 "The Court is of the opinion that whenever information is sought under the RTI Act, disclosure of an interest in the information sought would be necessary to establish the bonafides of the applicant. Non-disclosure of the same could result in injustice to several other affected persons".

Since petitioner has no cause of action as per the Delhi High Court order supra in Har Kisan VS President Secretariat in WP(C) 7976/2020, the Commission directs the petitioner to file an affidavit within 30 days explaining why he should not be debarred from filing second appeal petitions at this Commission for misusing the Act, wasting the time of the Commission and field level officers and also blocking the hearing chances of the other RTI petitioners.

15. Commission would like to cite the following cases of State Information Commissions where the appellants/ complainants are debarred from filing second appeal petitions:

Case No. AC 312 to 317 of 2017 dated 19.7.2017 decides in the Full Bench of the Chief Information Commission, Punjab in debarring the petitioner Sri Gurdeep Singh had stated:

Quote it has been observed by the Full Bench that the appellant's act of running riot with filing repeated applications seeking inane and voluminous information has become counterproductive of public interest. It has been held that the appellant is misusing the RTI Act with unsavory motives. Accordingly he has been disqualified from seeking information in future and Public Authorities in the Department of Food Civil Supplies and Consumer Affairs Punjab have been allowed to ignore his RTI applications in future, debarring him from seeking information from the Public Authorities of the said department Unquote.

Case No.08 of 2018 dated 15.3.2018 decided by the bench of Hon'ble SIC Sh. Yashvir Mahajan, Chief Information Commission, Punjab in debarring the petitioner Sri Rajinder Singh Panwar had stated:

Quote it has been observed by the bench that the appeal in hand is vague and specific indication to seek information has not been made. DR of the Commission has been directed that in case a complaint or appeal is received on the same issue it should not be entertained as he is habitually making repeated representations Unquote.

In case No SIC/DMJ.20/2020 dated 21.11.2020 decided by the Chief Information Commissioner, Assam Information Commission in debarring the petitioner Sri Sanjib Tamuli had stated:



Case No SIC/Biswanath.4/2021

Quote the Commission is constrained to believe that the petitioner is misusing the provision of the RTI Act, 2005 with misleading information and filing of malicious 2nd appeal petition before the Commission with ulterior motive. Hence the Commission debars him from filing second appeal petition at the Commission for one year
Unquote.

Sd/-
(Dr. A.P. Rout)

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/Biswanath.4/2021

Dtd. 15.9.2021

Copy to:

1. The SPIO of the Office of the Deputy Commissioner, Biswanath, Biswanath Chariali, PIN-784176 for information.
2. Sri Manoj Kr. Sahani, Vill-Kumalia Centre, PO- Panibharal Dist-Biswanath, PIN-784176 for information and necessary action.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Secretary & Registrar
Assam Information Commission



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037
Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : SIC/KP(M).376/2021
Complainant/ Appellant : Sri Joydeb Das
Respondent : SPIO, Office of the Commandant, 4th Assam Police Battalion, Kahilipara, Guwahati
Date of Hearing : 10/12/2021
Complaint/ Second Appeal heard by : Dr. A.P.Rout, State Chief Information Commissioner, Assam

O R D E R
13/1/2022

1. The petitioner Sri Joydeb Das is present. The petitioner has filed his RTI application before the PIO, O/o the Commandant 4th APBN, Kahilipara, Guwahati on 5.10.2021 seeking following information :
 - (a) Whether Sri R. Chandranathan, IPS presently posted in Meghalaya as DG, retained Government quarter in 4th APBN from August,2018 to till date if yes, please furnish the following details:
 - Please furnish who given approval for retaining Government quarter.
 - Has the quarter given to him monthly rental basis if yes, please furnish an amount of rent per month and total amount paid for rent and details of electricity bill paid till date.
 - If the quarter not given him to monthly rental basis, please furnish under which Government procedure he occupied the quarter.
 - Has the any penal rent recovered due to occupancy of quarter by him after transfer of six months (i.e., 1st February 2019 to till date). If yes, please furnish in details of total amount recovered.
 - If no any penal rent recovered from him, please furnish reason thereof.
 - Please furnish whether any Assam Police vehicle attached with him if yes, please furnish vehicle number with details of monthly expenditure for Fuel, Driver and maintenance (i.e., 1st February 2019 to till date.)
 - Please furnish number of Police Man and Class IV employee are attached with him and details of their monthly salary (i.e., 1st February,2019 to till date).
2. In response to petitioner's RTI application, the PIO submitted a reply vide letter no. Bn4/R/RTI/2021/4471 dated 30.10.2021 enclosing a copy of Government notification dated 8th March,2006 which exempted Assam Police Battalions from the purview of the Right to Information Act,2005 as per Section 24(4) of the Act.

Being not satisfied with the reply, the petitioner filed 1st appeal before the 1st Appellate Authority of the Office of Commandant 4th APBN, Kahilipara,

Guwahati on 1.11.2021. Then he filed complaint petition before the Commission on 15.11.2021 and accordingly the matter was taken up for hearing.

4. The Public Authority is represented by Smti Sumita Shormah, APS, 21/c, 4th APBN, Kahilipara accompanied by Sri Jayanta Kumar Roy, R.I. 4th APBN, Kahilipara, Guwahati.
5. With reference to the contention of the SPIO and First Appellate Authority, the petitioner says that information could not be exempted u/s 24(4) as this does not relate to normal security and intelligence of the Battalion, which the government intended in the notification, rather it relates to unauthorised retention of quarters, misuse of official power, non-payment of electricity dues, misuse of government resources including manpower. PIO/SPIO at the hearing reiterates whatever the Commandant has mentioned in the reply vide letter no. Bn4/R/RTI/2021/4471 dated 30.10.2021. In addition to the earlier reply to the petitioner, the SPIO has mentioned at the hearing that since the officer concerned is DGP of Meghalaya, the information need not be given.
6. The 1st Appellate Authority took recourse to the exemption provided u/s 8(1)(g) which quote *information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes*; unquote

The petitioner claimed that through his RTI petition he wanted to expose misuse of official power, corruption, wastage of Government money and Government resources particularly when the Government is taking vigorous steps to stop crime i.e., Stoppage of illegal cattle trade, drug smuggling, and other illegal activities like sale of illicit liquor and practice of "teer" etc. The information is sought in public interest as tax payers money is misused/ wasted. Further such information in no way will compromise the security of the officer and will not come under section 8(1)(g) of the RTI Act 2005.

The petitioner also emphasized that he has not asked any information on PSO, House Guard, Escort and their weaponry, issue of bullet proof jackets, issue of bullet proof vehicles etc which are the components of security and may hit the provision of Section 8(1)(g) of the RTI Act, 2005.

After careful examination, The Commission decides that alleged unauthorized stay in allotted Government quarters, non payment of electricity dues, use of Government vehicles, use of non-security personnel (Police personnel, Class IV personnel, Contingency personnel etc) will not come under exemption of Clause 8(1)(g) of the RTI Act, 2005.

7. The Commission on the basis of the serious allegation of corruption and misuse of government resources, non realization of cost of the usage of vehicles, non-realisation of the cost of non security police personnel and Class IV personnel attached with the officer, would like to examine the applicability of Section 24(4) of the RTI Act:

Section 24(4) of the RTI Act Quote Nothing contained in this Act shall apply to such intelligence and security organisations, being organisations by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify: **Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub section.** Provided further that in

the case of information sought for is in respect of allegations of violation of human rights, the information shall only be provided after the approval of the State Information Commission and, notwithstanding anything contained in Section 7, such information shall be provided within forty five days from the date of the receipt of request. Unquote

8. The Commission would like to refer to the recent Supreme Court judgment in overruling the judgment of Mumbai High Court decision on applicability of POC SO Act on the plea that there was no skin-to-skin contact and interpretation of the Supreme Court that in an Act passed by any authority, the intent not the content is the main force in interpretation particularly in Act/Rules. In drawing analogy to the Honourable Supreme Court order, the Commission would like to comment that the intention of the Government order in exempting the Battalion from the purview of RTI Act vide Section 24(4) is on the ground of intelligence and security not on the ground of alleged corruption, wastage of government resources and misuse of manpower.
9. Further the Commission would like to refer to Supreme Court in *Vijay Dheer Versus State Information Commission, Punjab & Ors.* (LNIND 2013 PNH 2263) which held that *Quote* The object and reasons of RTI Act recite that the provisions of RTI Act are to ensure maximum disclosure and minimum exemptions consistent with the constitutional provisions and to provide for an effective mechanism for access to an information and disclosure by authorities. Still further RTI Act has been enacted in order to promote transparency and accountability in the working of every public authority. The State Information Commission while passing the impugned order has attempted to strike a balance between public interest as also the privacy of the individual concerned. The Public Information Officer concerned has been directed to provide such part of the information sought by Respondent No. 3 which primarily relates to the mode of appointment and promotion of the Petitioner to a public post. Impugned order has been passed on valid and cogent reasoning and conforms to the scheme of disclosure under RTI Act. No basis found that would warrant interference with the same- Petition dismissed. *Unquote.*
10. After careful examination of the points discussed above, the Commission is of the opinion that information sought by the petitioner is on the serious allegation of corruption, misuse of government resources and ensuring transparency in public functions.
Further it will in no way is going to compromise the security and the intelligence of the Battalion and invite exemption u/s 24(4) of the RTI Act, 2005.
Hence, the Commission directs the SPIO to furnish the information within ten days.

Sd/-
(Dr. A.P. Rout)

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission



Memo No. SIC/KP(M).376/2021

Dtd. 13.1.2022

Copy to:

1. The Commissioner & Secretary, Home & Political Department, Govt. of Assam for information.
2. The SPIO, Office of the Commandant, 4th Assam Police Battalion, Kahilipara, Guwahati 34 for information and necessary action.
3. The petitioner Sri Joydeb Das, S/o Late Karunamoy Das, House No.16, Ambari Fatashil, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Guwahati 25 Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

**Secretary & Registrar
Assam Information Commission**



RIGHT TO
INFORMATION



OFFICE OF THE

ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case no. : SIC/DBR.2/2022
Complainant/ Appellant : Suman Das
Respondent : SPIO, Directorate of Civil Defence and
Commandant General of Home Guards,
Beltola, Guwahati
Date of Hearing : 22/02/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by : State Chief Information Commissioner, Assam

(Treating information in connection with Departmental Proceeding under Life & Personal Liberty)

O R D E R 22/02/2022

1. The petitioner Sri Suman Das has filed one RTI petition before the SPIO, O/o the Director General of Civil Defence and Commandant General of Home Guards, Beltola on 22.1.2022 seeking following information:
 - I. Please provide information and documents regarding whether permission to be taken from Director General of Civil Defence & Commandant General of Home Guards, Assam while giving deployment to Home Guard Volunteer in the State of Assam in any agencies, if yes provide the relevant act/rules and section.
 - II. Provide information and documents whether a District Commandant or Home Guard is eligible to issue command certificate by himself, if yes provide the relevant act/rules and section.
 - III. Provide information and documents whether there is any specific order specifying the need of Director General of Civil Defence & Commandant General of Home Guards, Assam while giving deployment to Home Guard Volunteer thorough online Home Guard deployment system in any agencies.
 - IV. Provide information and documents related with date on which date the Online Home Guards Deployment System started in Assam Home Guard Organisation.
 - V. Provide information and documents whether there is any order since inception of online Home Guard Deployment system till 11.11.2019 by Director General of Civil Defence & Commandant General of Home Guards, Assam specifying regarding seeking his permission while giving deployment to Home Guard Volunteers through online Home Guard deployment system in any agencies.
 - VI. Provide information and documents circulated in relation with flow chart or the deployment procedure in connection to the Online Home Guard Deployment System in Assam which is adopted since the inception of Home Guard deployment system till 11.11.2019.
 - VII. Please provide the instruction which was given as approval by the appropriate authority of the Govt. of Assam regarding the Centralised online Home Guard Deployment System.
 - VIII. Please provide latest govt. rules/instruction order/ circulars issued in connection with Home Guard volunteers deployment issued since 2018.
 - IX. Please specify whether organizational order should be given the most priority of the Statutory Order and Rule.

- X. What are the enquiry assigned to SSO-HG(G) Subhas Ch. Das, SSO(A) Jyoti Bora, Principal Central training Institute –CD &HG, Panikhati Arju Khan Choudhury and Commandant Dharani Barua of AISF-II Bn Chabua, Dibrugarh since 1.10.2019 to till 28.1.2021.
- XI. Details of letter received by your office from the O/o the District Commandant Home Guard, Kamrup form 1st Sept. to 30th Oct. 2019
- XII. Provide the details of letter no. KHG.93/2019/694 dated 4.10.2019.
- XIII. Provide the details and documents regarding whether any provision exist regarding providing of Secret note to an officer whose ACR is been critically and negatively reported. (If yes.)
- XIV. Provide information and documents regarding the relevant provision whether the negatively pronounce ACR along with the secret note is to be provided or not to the caused officer.
- XV. Provide information and documents regarding the relevant provision whether the negatively pronounced ACR is to be circulated openly and than reach the destination without been marked as confidential or it should be directly routed form the accepting authority to the Non performing officer and should be marked as confidential.
- XVI. Provide information and copies of the proposal for commendation medal/Disc of Director General of Civil Defence and Commandant General of Home Guard Assam to the Gazetted Officer under the Directorate of CD & HG, Assam since January 2017 to December 2018.
- XVII. Provide the names of the Gazetted Officer who has received the Director General of Civil Defence and Commandant General of Home Guard Assam commendation medal/ Disc from January 2017 to December 2018.
- XVIII. Provide the name of the 1st Gazetted Officer under the Directorate of CD & HG, Assam whose Director General of Civil Defence & Commandant General of Home Guards, Assam Commendation Medal/Disc was withdrawn.(Also provide order copy.....)
- XIX. Provide the copy of Govt. order owing to non-receipt of the Govt. Approval for which Sri A.K.Sinha Kashyap, IPS, The Director General of Civil Defence & Commandant General of Home Guards, Assam has withdrawn the DGCD & CDHG, Assam Commendation medal/ Disc of the Gazetted Officer.
- XX. Provide information and copy of letters which were communicated as s follow up measures initiative to the Govt. of Assam by Sri A.K.Sinha Kashyap IPS for regularizing and formalizing the non approval issue of Govt. in regards to Commendation Medal/Disc of Director General of Civil Defence & Commandant General of Home Guards, Assam.
- XXI. Provide the names of the Gazetted Officer who has submitted and returned to the DGCD & CGHG, Assam Commendation Medal/Disc owing to the DGCD & CGHG, Assam instruction.(Please provide details and names...)
- XXII. Provide information regarding owing to non approval of the proposal of the online Home Guard Deployment System, whether any instruction was issued by Sir A.K.Sinha Kashyap, IPS, for withdrawl of the decision of his predecessors and stopping the Online Home Guard Deployment System.
- XXIII. Provide specific information regarding what is the maximum time limit after the date of initiation for a Departmental Proceeding against any act of delinquency by any subordinate Gazetted Officer of the State of Assam.
- XXIV. Provide specific information regarding any initiative taken from the Directorate of CD & HG, Assam or either by Sri A.K. Sinha Kashyap, IPS during his tenure against Any Gazetted Officer whose Departmental Proceeding time frame has either lapsed or was dragged for a prolong period.

- XXV. Provide if any adverse or critical remark or comments received from the appropriate authority of Special Branch, Assam Police HQ, Kahilipara, Guwahati during the tenure while Sri Suman Das was attached to Addl. SP under the Assam Police Cyberdome Project till the date, when he was withdrawn from his assignment, (If yes.....)
- XXVI. Provide information regarding the application of Casual Leave made by Sri Suman Das the then District Commandant Home Guards, Kamrup during the period since inception to his service i.e., from 30.6.2010 to 11.11.2019 and how many days he availed the CL.
- XXVII. Provide information of CL application made by Sri Suman Das during he period of 9.8.2019 to 30.10.2019.
- XXVIII. Provide the detail status of the CL of Sri Suman Das during the period from 9.8.2019 to 11.11.2019(if the cl....)
- XXIX. Provide information and a copy of order communicating a Direction passed from the Directorate of Civil Defence and Home Guards, Assam to look after the work of Commandant Office of AISF-II BN, Chabua, Dibrugarh, Assam by Assistant Commandant Sri Satyabrata Das during the leave period of Commandant, AISF-II BN in the month of June 2021, despite of the Second in Command /2 IC present and In charge of his office in the AISF II BN HQ, Chabua, Dibrugarh.
- XXX. Provide information regarding the no. of official training programme/ meeting/ seminar attended by Sri Suman Das from 11.11.2019 to till date of the receipt of this application.
- XXXI. Provide information regarding the numbers of added official assignment or tasks assigned from the Directorate of CD & HG Assam to Sri Suman Das from 14.11.2019 to till the date of receipt of this application.
- XXXII. Provide the list of adverse reports from appropriate authority of any misconduct/insubordinate/misbehavior/ non performance/ and gross violation of legal provision and statute/ misinformation and events of gross procedural lapse or negative or lackadaisical attitude been displayed or carried out by Sri Suman Das since inception in his service i.e., 30.6.2010 (if yes...)
- XXXIII. Provide information whether Sri Suman Das uses his knowledge as a tool to impress his superior.
- XXXIV. Provide details of date from when did the SMS has started in the Online Home Guard Deployment System and whether it is still been continued.
- XXXV. Provide the details of name of Home Guard Volunteers deployed in various agencies in Kamrup and whether SMS was generated through the centralized online Home Guard Deployment system on the date of 30.10.2019.
- XXXVI. Provide all the details of order assigning the task of Nodal Officer and Supervisory officer of Centralised Online Home Guard Deployment system since its inception to till date of receipt of this application.
- XXXVII. Provide the details of the name of agencies which were created and accepted by the centralized Online Home Guard Deployment System. In Assam on 30.10.2019.
2. In his RTI petition, the petitioner has sought information within 48 hours citing it as a case affecting life and personal liberty.
 3. The petitioner has sent the RTI petition through email on 26.1.2022 followed it up by sending the hard copy which is received the office of the Director General of Civil Defence and Commandant General of Home Guards, Beltola on 27.1.2022 with signature and seal.

4. On not getting any information, the petitioner filed a complaint petition u/s 18(1) of the RTI Act, 2005 before the Commission on 29.1.2022 and accordingly the matter was taken up for hearing.
5. The petitioner Sri Suman Das is present.
6. The Public Authority is represented by Sri Subhash Ch. Das SSO (HG) & SPIO. The SPIO vide his written statement dated 21.2.2022 submitted a prayer stating that *Quote* No. of information sought is very large. Collection and collation of information sought is a very time consuming and tedious process besides involving application of mind and interpretation of rules/regulations. Hence the delay in submission of information.

Hence, the SPIO requested before the Commission to excuse him for the delay in submission of the information. It will be provided within one week from the date of hearing. *Unquote*

7. The Commission would like to examine the RTI petition seeking information whether the information falls under the provision of the Section 2(f) of the RTI Act, 2005 which reads as follows *Quote* "information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force; *Unquote*.

From the above definition of the information, it can easily deduced that the information sought by the petitioner falls under the definition as per RTI Act.

8. Whether the information submitted by the petitioner conforms to the provision of the RTI Act or not.
9. Section 6 & 7 of the RTI Act, 2005 states *Quote* Section 6 in The Right To Information Act, 2005 Request for obtaining information.—(1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to—

(a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;

(b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, specifying the particulars of the information sought by him or her. Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

(2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

(3) Where an application is made to a public authority requesting for an information,—

(i) which is held by another public authority; or

(ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer: Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

Section 7 in The Right To Information Act, 2005

7. Disposal of request.—

(1) Subject to the proviso to sub-section (2) of section 5 or the proviso to sub-section (3) of section 6, the Central Public Information Officer or State Public Information Officer, as the case may be on receipt of a request under section 6 shall, as expeditiously as possible, and in any case within thirty days of the receipt of the request, either provide the information on payment of such fee as may be prescribed or reject the request for any of the reasons specified in sections 8 and 9: Provided that where the information sought for concerns the life or liberty of a person, the same shall be provided within forty-eight hours of the receipt of the request.

(2) If the Central Public Information Officer or State Public Information Officer, as the case may be fails to give decision on the request for information within the period specified under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be shall be deemed to have refused the request.

And so on upto section 4

(5) Where access to information is to be provided in the printed or in any electronic format, the applicant shall, subject to the provisions of sub-section (6), pay such fee as may be prescribed: Provided that the fee prescribed under sub-section (1) of section 6 and sub-sections (1) and (5) of section 7 shall be reasonable and no such fee shall be charged from the persons who are of below poverty line as may be determined by the appropriate Government.

(6) Notwithstanding anything contained in sub-section (5), the person making request for the information shall be provided the information free of charge where a public authority fails to comply with the time limits specified in sub-section (1).

(7) Before taking any decision under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be shall take into consideration the representation made by a third party under section 11.

(8) Where a request has been rejected under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be shall communicate to the person making the request,—

(i) the reasons for such rejection;

(ii) the period within which an appeal against such rejection may be preferred; and

(iii) the particulars of the appellate authority.

(9) An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question. *Unquote*

10. From the above, it is seen that the petitioner has deposited Rs 20/- and his application conforms to the provision of RTI Act, 2005.

11. Now the question is whether it is a case of complaint case or not u/s 18 of RTI Act, 2005. As per the petitioner's prayer dated 29.1.2022, he has filed after expiry of 48 hours.

As per section 18(c) of the RTI Act, 2005 Quote Powers and functions of Information Commission.—

(1) Subject to the provisions of this Act, it shall be the duty of the Central Information Commission or State Information Commission as the case may be to receive and inquire into a complaint from any person,—

(a) who has been unable to submit a request to a Central Public Information Officer, or State Public Information Officer as the case may be, either by reason that no such officer has been appointed under this Act, or because the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be, has refused to accept his or her application for information or appeal under this Act for forwarding the same to the Central Public Information Officer or State Public Information Officer or Senior Officer specified in sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be;

- (b) who has been refused access to any information requested under this Act;
 - (c) who has not been given a response to a request for information or access to information within the time limits specified under this Act;
 - (d) who has been required to pay an amount of fee which he or she considers unreasonable;
 - (e) who believes that he or she has been given incomplete, misleading or false information under this Act; and
 - (f) in respect of any other matter relating to requesting or obtaining access to records under this Act.
- (2) Where the Central Information Commission or State Information Commission, as the case may be, is satisfied that there are reasonable grounds to inquire into the matter, it may initiate an inquiry in respect thereof.
- (3) The Central Information Commission or State Information Commission, as the case may be shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—
- (a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;
 - (b) requiring the discovery and inspection of documents;
 - (c) receiving evidence on affidavit;
 - (d) requisitioning any public record or copies thereof from any court or office;
 - (e) issuing summons for examination of witnesses or documents; and
 - (f) any other matter which may be prescribed.
- (4) Notwithstanding anything inconsistent contained in any other Act of Parliament, or the State Legislature, as the case may be, the Central Information Commission or the State Information Commission, as the case may be, may, during the inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.
- Unquote.*

After going through Section 18 of the RTI Act, 2005 it is seen that this falls under Complaint case.

12. (a) Examining the petitioner's prayer, it is seen that the petitioner in drawing the kind attention of the Commission under the provision of Article 19(g) and Article 21 of the Constitution of India and has mentioned that departmental proceedings when instituted against a Government servant attaches stigma on the officer and thereby affects his dignity, social status and ultimate provision of Right to livelihood as government servant may lose his job through dismissal/removal by awarding punishment after conclusion of finding in the departmental proceedings.
- He further pointed out that because of the institution of the departmental proceeding even the prospect of getting better job in oil sector is not possible as his application was not forwarded by the Controlling Officer. (Copy Enclosed)
- (b) He also pointed out that because of the departmental proceedings, he is not given upgradation to Commandant/SSO/SP/ Divisional Commandant.

Because of this, the quality of official life as well as personal liberty is directly affected.

- (c) He also brought out the fact that because of non receipt of the relevant documents, he is not in a position to prepare his defense before the Enquiry Officer and the departmental enquiry is pending against him w.e.f. 2020 in utter violation of the Departmental Rules and Supreme Court guidelines (Copy enclosed).
 - (d) His right to fair trial i.e., Hearing at the departmental proceedings is also affected.
 - (d) His right to social security and protection of family is also getting affected because of continuation of the departmental proceedings – threat of losing a job and long pending departmental proceedings and not getting information on time as per RTI Act, 2005.
13. The SPIO Sri Subhash Chandra Das was specifically asked to comment on the above points raised by the petitioner and reason of not providing the information on time as per the provision of the RTI Act, 2005.

The SPIO said that the letter was addressed to Director General of Civil Defence & Commandant General of Home Guards, Assam. The Commission finds it factually incorrect because his letter is addressed to the SPIO, O/o the Director General of Civil Defence and Commandant General of Home Guards, Beltola.

Then he said that the information is huge and relates to the period of earlier Director General. On perusal of the RTI petition, it is found that the information relates to the maximum period of 10 years i.e., after enactment of RTI Act, 2005. This contention is also not correct.

The SPIO then came with the plea that he has high sugar and has lot of office workload, to which the Commission is not empowered to go into the details as he is still gainfully employed as a Superintendent of Police rank officer and he has been designated as SPIO by the Director General of Civil Defence and Commandant General of Home Guards and as per the RTI Act 2005, the Commission has no role to look into other workload of the SPIO and his health condition, as this could have been sorted out between him and the Controlling Officer.

Further his prayer dated 21.2.2022 is of very casual nature and only on response to the notice of the hearing issued by the Commission dated 10.2.2022.

From the above, it is clear that the SPIO has taken the whole issue of supplying information under RTI Act very casually and irresponsibly.

14. In analyzing the contention of the petitioner, the Commission if of the opinion that the petitioner must have a serious issue of trust deficit and threat of losing the job as a senior officer, he could have easily collected these documents from the department without going through the RTI petition.

Though the RTI Act does not have the requirement of the petitioner cause of action, the petitioner has specific cause of action which is in conformity with the Delhi High Court Order of Har Kishan vs President Secretariat Through ... on 12 January, 2021 (W.P.(C) 7976/2020 *Quote*

"The Court is of the opinion that whenever information is sought under the RTI Act, disclosure of an interest in the information sought would be necessary to establish the bonafides of the applicant. Non-disclosure of the same could result in injustice to several other affected persons".

Unquote.

15. Further the Commission though does not want to go into the details of the time taken in connection with the departmental enquiry as pointed out by the petitioner

but would like to examine the case under the RTI Act 2005, and under Article 19 of the Constitution of India which guaranties Quote

- (1) All citizens shall have the right
 - (a) to freedom of speech and expression;
 - (b) to assemble peaceably and without arms;
 - (c) to form associations or unions;
 - (d) to move freely throughout the territory of India;
 - (e) to reside and settle in any part of the territory of India; and
 - (f) omitted
 - (g) to practise any profession, or to carry on any occupation, trade or business Unquote

The petitioner in his contention supra has provided documentary proof that his petition for employment is rejected because of departmental proceedings and thereby his rights under Article 19(g) i.e., freedom of profession, occupation, trade, business etc is completely violated.

16. Further Article 21 of the Constitution of India which is described by the Supreme Court has heart of fundamental rights and even available to the non citizens. Justice Bhagwati in interpreting Article 21 has rightly stated it embodies the Constitutional Value of Supreme importance in a democratic society.

Provision of Article 21 is so sacrosanct that they cannot be suspended ever during emergency.

17. The Commission in analyzing the prayer of the petitioner and provision under Article 19(g) and Article 21 of the Constitution of India as enumerated above (points 15 and 16) and also in referring to historic judgements of Supreme Court of India under Article 21 in Kharak Singh Vs. State of U.P. AIR 1963 SC 1295, Sunil Batra Vs. Delhi Administration, Mohini Jain Vs. State of Karnataka, 1992 SC, Unni Krishnan Vs. State of Andhra Pradesh, 1993 SC, Subhash Kumar Vs. State of Bihar, Lachma Devi. Vs. Attorney General of India and landmark judgments in A.K.Gopalan Vs. State of Madras, 1951, AIR 1950 SC 27, Maneka Gandhi Vs. UOI, 1978 AIR 1978 SC 597, decides that Right to reputation, Right to hearing, Right to social security, and protection of family, Right to livelihood, Right to live with human dignity, Right to fair trial/fair hearing at departmental proceedings fall under Right to life and personal liberty under the ambit of Article 21 of the Constitution of India and the petitioner has correctly taken shelter under the provision and applied the information within 48 hours.
18. The SPIO has stated above is trying to mislead the Commission with wrong information, and then taking the lame excuse of his health. He could not give in satisfactory reply based on rules or Act to counter the prayer of the petitioner to satisfy the Commission on the ground of violation of the RTI Act, 2005, Article 19(g) and Article 21 of the Constitution of India.
19. The petitioner further exhibited utter callousness in not complying with the provision of the RTI Act by not providing the information within 48 hours.
20. Assuming his plea that sought for information is huge, he has also failed administratively to convey to the petitioner seeking more time.
21. Therefore, the Commission thinks it a fit case to impose penalty under the provision of Section 20 of the RTI Act 2005 as the information is not given even within 25 days and as the SPIO is still seeking one week more time.

The Monetary penalty as mentioned in the Act is Rs 250/- per day limiting to Rs 25,000/-.

However, the Commission takes a lenient view and imposes a penalty of Rs 250.00 only and directs the SPIO to deposit fine in the Head of Account “0070-Other Administrative Services” by Treasury challan and also furnish a copy of Treasury challan's receipt to the Commission within 30 days. Further the SPIO is also directed to give the information within one week positively.

Sd/-
(Dr. A.P. Rout)

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/DBR 2/2022

Dtd. 22.2.2022

Copy to:

1. The Principal Secretary to the Govt. of Assam, Home & Political Department, Dispur, Assam for information.
2. The Director General of Civil Defence and Commandant General of Home Guards, Beltola, Guwahati 28 for information
3. The SPIO, Director General of Civil Defence and Commandant General of Home Guards, Beltola, Guwahati 28 for information and necessary action as ordered above.
4. The petitioner Sri Suman Das, S/o Lt. Sukumar Das, C/o Tileswar Gohain, Balijan Saiding, Chabua, Pin Code 786184, Dibrugarh, Assam for information.
5. Computer Section for uploading in the Website.
6. Office File.
7. Order Book.

Secretary & Registrar
Assam Information Commission



Case No. SIC/KP(M).176/2021



RIGHT TO
INFORMATION



OFFICE OF THE

ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : SIC/KP(M).176/2021
Appellant : Sri Ratan Lal Rara
Respondent : The SPIO, o/o the Circle Officer, Palashbari Rev. Circle
Date of hearing : 16.09.2021
Second Appeal heard by : Sri Kanak Ch. Sarma
State Information Commissioner, Assam

ORDER
10.06.2022

The appellant Shri Ratan Lal Rara vide his e-mail dated 07.09.2021 informs the Commission that he is unable to present personally during the time of hearing for his old age ailment and requests to dispose of the 2nd appeal on the basis of facts and written statement already filed.

Shri Dhrubajyoti Pathak, ACS, Circle Officer, Palashbari Rev. Circle is present. The ADC and SPIO, o/o the Deputy Commissioner, Kamrup(R) submits written statement vide its letter no. KP(E)RTI/6/2021/389 dated 14.09.2021.

Perused the case record. Shri Ratan Lal Rara submitted one application dated 11.03.2021 under the RTI Act, 2005 before the DC, Kamrup(R) and before the Circle Officer, Palashbari Rev. Circle seeking certain informations. The application was transferred by the DC, Kamrup(R) to the Circle Officer, Palashbari Rev. Circle vide letter no. RTI/2021/139 dated 02.06.2021 with a direction to furnish the desired informations directly to the applicant. But the applicant did not receive the sought for informations within the stipulated period of time for which he submitted 1st appeal petition dated 20.04.2021 before the DC, Kamrup(R) and 1st appellate authority. The FAA and DC, Kamrup(R) organized hearing to dispose of the 1st appeal petition, fixing date of hearing on 26.07.2021 at 10:00 AM and issued notices bearing no. KP(E)RTI/6/2021/12 dated 15.07.2021. The applicant Shri Ratan Lal Rara was also requested to appear before the FAA on the same date during the time of hearing. The SPIO of DC's office, Kamrup(R) informs that The applicant was absent in the hearing of 26.07.2021 for which another date was fixed for hearing but the applicant submitted 2nd appeal dated 22.06.2021 before the Commission. The Circle Officer, Palashbari Rev. Circle and SPIO in his written statement submits before the Commission that the desired informations had already been furnished to the applicant vide letter no. PC.20/2017/1101 dated 09.07.2018 and 20/17/1389 dated 17.09.2018.

It is observed that the appellant had submitted RTI application on 11.03.2021 whereas the Circle Officer, Palashbari Rev. Circle informed that informations had been furnished to the applicant on 09.07.2018 and 17.09.2018 which is prior to the date of submission of the application and the informations provided to the applicant may be in respect of other petitions.

1 of 2



Also seen the letter no. PC.20/2017/1101 dated 09.07.2018. The informations so provided with are not appropriate, and seems to be incomplete. The applicant Shri Ratan Lal Rara desires to have informations in respect of nine numbers of Pattas of village of Dakhala under Rampur Mouza, eleven numbers of Pattas of village Uparhali under Rampur mouza, one number of Patta under village Tezpur under Rampur mouza and two numbers of Pattas of village Rampur under Rampur mouza where the father of the applicant Sohanlal Jain, Elias Rara was a pattadar. But the informations furnished by the Circle Officer, Palashbari Rev. Circle although says that copy of jamabandi is enclosed which simply does not speak jamabandi of which village is given to the applicant.

Therefore, the Circle Officer, Palashbari Rev. Circle is directed to furnish the sought for informations to the applicant at the earliest and he is cautioned to furnish the informations against any RTI petitions within the stipulated period of time in future.

With the above directions, the 2nd appeal dated 22.06.2021 is disposed of.

Sd/-

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

Authenticated true copy

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/KP(M).176/2021

Dtd.10.06.2022

Copy to:

1. The SPIO, o/o the Circle Officer, Palashbari Rev. Circle, Mirza, Dist.- Kamrup, Assam, Pin- 781125 for information and necessary action.
2. The First Appellate Authority/office of the Deputy Commissioner, Kamrup, Amingaon, Dist.- Kamrup, Assam, Pin- 781031 for information.
3. The appellant, Shri Ratan Lal Rara, Advocate, 'Shree', 38, H.S. Road, Paltan Bazar, Guwahati- 781008 for information.
4. Computer Section for uploading the order in the Website.
5. Office File.

Registrar
Assam Information Commission

1 of 2



Case No. SIC/KP(M).19 /2021



RIGHT TO
INFORMATION



OFFICE OF THE

ASSAM INFORMATION COMMISSION

JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone : (0361) 2332764, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : SIC/KP(M).19/2021
Appellant/Complainant : Smti. Babita Das
Respondent : The SPIO, O/o the Circle Officer, Dispur Rev. Circle
Date of hearing : 28.12.2021
Second Appeal/Complaint heard by : Sri Kanak Ch. Sarma
State Information Commissioner, Assam

ORDER

15.07.2022

The appellant is represented by her learned advocate Sri Sudarshan Narayan Adhyapak. Sri Chinmoy Neog, Circle Officer, i/c Dispur Rev. Circle and SPIO is present and submits written statement vide letter no. DIS-42/2017/3151 dated 17.12.2021 on the written statement submitted by learned advocate of the complainant dated 29.09.2021.

Perused the case record. The complainant Smt. Babita Das submitted one application dated 09.10.2020 under the RTI Act, 2005 before the SPIO, o/o the Dispur Rev. Circle seeking some informations. The applicant did not receive the desired informations within the stipulated period of time for which she served one notice dated 01.12.2020 to the PIO, Dispur Rev. Circle about non-receipt of the desired informations. Still she did not receive the sought for informations and preferred complaint petition dated 11.01.2021 before the Commission.

The Circle Officer, Dispur Rev. Circle through letter no. DIS-42/2017/734 dated 26.04.2021 informs the Commission that the sought for informations had already been furnished to the complainant Smt. Babita Das through letter no. DIS-42/2017/2579 dated 15.12.2020. But the learned advocate of the applicant has denied to have received any such letter from the o/o the Dispur Rev. Circle. On the day of hearing dated 06.09.2021, the Circle Officer, Dispur Rev. Circle informs the Commission that the letter of his office bearing no. DIS-42/2017/2579 dated 15.12.2020 has been received by the applicant on 13.08.2021 only.

The learned advocate of the applicant submits orally that the letter no. DIS-42/2017/2579 dated 15.12.2020 has been received by his client on 13.08.2021 only whereby she has been informed that the sought for informations could not be furnished since it is personal informations of third party. As per direction of the Commission, the appellant submitted an affidavit on 29.09.2021 and the SPIO and Circle Officer, Dispur Rev. Circle submitted written statement against this affidavit on 17.12.2021.

Seen the RTI application dated 09.10.2020. The petitioner desires to have copies of application form and all other documents submitted with regard to the Mutation case no. 2356/2012-13/OMUT-BL. Further, she desires to have copy of (Hathor Jamabandi) and

1 of 2

(Pratibedon) mentioned on the remark column of Jamabandi of K.P.P. no. 684 of village Betkuchi on 26.08.2020 and requested to clarify this remark.

From a plain reading of the application, it is observed that the first point i.e. application form and all other documents with regard to mutation case no. 2356/2012-13/OMUT-BL is a matter of record maintained by the o/o the Circle Officer, Dispur Rev. Circle. The case record of any mutation case in Rev. Circle office is a matter of record, therefore, it is an information but 2nd point of the application to clarify one remark which is not maintained as record.

Therefore, the SPIO, o/o the Circle Officer, Dispur Rev. Circle is directed to furnish the informations in respect of point number 1 of the RTI application dated 09.10.2020 to the complainant Babita Das. In respect of point number 2, since it is not a record, this may not be furnished.

Seen the complaint dated 11.01.2021. Although it's a complaint petition, but it is not submitted under section 18(1) of the RTI Act, 2005 and the complainant has not prayed for any punishment to be imposed upon the SPIO, hence no penalty is imposed under section 20(1) of the Act. However, the SPIO of Dispur Rev. Circle is cautioned to furnish informations against RTI petition timely in future.

With the above directions, the petition dated 11.01.2021 is disposed of.

Sd/-

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

Authenticated true copy

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/KP(M).19 /2021

Dtd.15.07.2022

Copy to:

1. The SPIO & Circle Officer, Dispur Rev. Circle, Guwahati- 29, Assam for information and necessary action.
2. The Appellant/Complainant, Smti. Babita Das, Advocate, H/No. 20, Satabdi Nagar, Near Betkuchi L.P. School, Lokhra, Guwahati- 40, Assam for information.
3. Computer Section for uploading the order in the Website.
4. Office File.

Registrar
Assam Information Commission



Case No. SIC/KP(M).1950 /2019



RIGHT TO
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OFFICE OF THE

ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : SIC/KP(M).1950/2019
Complainant : Sri Pawan Kr. Agarwal
Respondent : The SPIO, Police Station-Silchar Sadar, Silchar
Date of hearing : 18.02.2022
Complaint heard by : Sri Kanak Ch. Sarma
State Information Commissioner, Assam

ORDER
10.08.2022

The appellant vide his e-mail dated 18.02.2022 informs the Commission that he is unable to attend today's hearing for illness.

The Government of Assam in the Home Deptt. directed the PIO of Assam Police (HQ) to be present in today's hearing vide letter no. HMA(RTI)10/2020/16 dated 14.02.2022 but he/she is absent without information.

Smti. Rupa Phukan, Deputy Secretary to the Government of Assam, Home(A) Deptt. and SPIO is present.

Perused the case record. The appellant Sri Pawan Kr. Agarwal submitted one application dated 04.05.2019 under the RTI Act, 2005 before the SPIO of Silchar Police Station seeking certain informations. He did not receive the desired informations within the stipulated period of time and submitted complaint petition dated 22.10.2019 before the Commission.

Perused the RTI application dated 04.05.2019. Sri Pawan Kr. Agarwal desired to have informations on the present status of Silchar P.S. case No. 997/13, 487/17, 492/18 and eight other informations in respect of the cases.

From the enclosure of the letter bearing no. G(RTI)/VI/65/2020/20 dated 18.02.2022 of APHQ addressed to the Deputy Secretary to the Government of Assam, Home(A), it is seen that the Superintendent of Police, Cachar, Silchar vide it's letter no. G/RTI/2020/2375 dated 17.07.2020 informed the petitioner Sri Pawan Kr. Agarwal that final report in respect of Silchar P.S. case no. 997/2013 and 487/2017 had been submitted. No report against Silchar P.S. case no. 492/18 was furnished.

Since the final reports had been submitted for Silchar P.S. case nos. 997/13 and 487/17 and if these final reports were accepted by the Hon'ble Trial Court, the SPIO of Silchar Sadar P.S. is directed to furnish the sought for informations against these two cases within seven days of receipt of this order. Further, he is directed to furnish the informations against Silchar P.S. case no. 492/18 also within three days of receipt of this

1 of 2



order. Non-compliance of the order will invite action under section 20(1) of the RTI Act, 2005 for imposition of penalty as prayed for.

With the above directions, the petition dated 22.10.2019 is disposed of.

Sd/-

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

Authenticated true copy

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/KP(M).1950/2019

Dtd.10.08.2022

Copy to:

1. The Principal Secretary to the Govt. of Assam, Home & Political Deptt., Dispur, Guwahati- 6 for information.
2. The Superintendent of Police, Cachar, Dist.- Cachar, Assam for information.
3. The SPIO, Police Station-Silchar Sadar, Silchar, Dist.- Cachar, Assam, Pin- 788 001 for information and necessary action.
4. The Appellant/Complainant, Sri Pawan Kr. Agarwal, H/No. 8, Bye Lane 2/9, Tarun Nagar, ABC, Guwahati- 781 005 for information.
5. Computer Section for uploading the order in the Website.
6. Office File.

Registrar
Assam Information Commission



RIGHT TO
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OFFICE OF THE

ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone : (0361) 2332764, 2337909, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No.	: SIC/DRN.10/2021
Complainant/ Appellant	: Shri Madan Mohan Deka.
Respondent	: The SPIO/Head Master, Bapuji Girls' High School, Distt. Darrang, PIN Code 781126, Assam.
Date of Hearing	: 26-04-2021
Complaint/ Second Appeal heard by	: Shri Samudra G. Kashyap. State Information Commissioner, Assam

O R D E R 12-08-2021

1. The appellant Shri Madan Mohan Deka is present in hearing held on 26.04.2021.
2. The SPIO/Head Master, Bapuji Girls' High School, Distt. Darrang, is absent without any intimation. Despite that, the hearing was taken up in the greater interest of the citizen who had requested for information and has presented himself before the Commission on 26.04.2021.
3. From perusal of records it is seen that the appellant Shri Madan Mohan Deka had submitted an RTI application to the SPIO, O/o the Deputy Commissioner, Distt.. Darrang, Mangaldoi on 25.08.2020, seeking five informations. His queries were :
 - i. Copies of appointment letters of previous post and present post held by Shri Sasti Ram Deka, Headmaster i/c of Bapuji Girls' High School, Distt. Darrang ;
 - ii. Copies of certificates of passing matriculation, Pre-university (now H.S) and Degree Examinations of Shri Sasti Ram Deka ;
 - iii. Copies of certificates of Shri Sasti Ram Deka passing M.A and B.Ed Examinations ;
 - iv. Copies of eligibility certificate of Shri Sasti Ram Deka for holding the present post of Headmaster i/c, and certificate qualifying in interview for the present post ; and
 - v. Photocopy of service book of the Headmaster i/c Shri Sasti Ram Deka ;
4. The said RTI application was transferred by the PIO, O/o the Deputy Commissioner, Darrang, Mangaldoi, to the Inspector of Schools, Darrang, Mangaldoi, on 25.09.2020, vide letter no. DAN/RTI-13/2020/186. The Inspector of Schools, Darrang District Circle, on 08.10.2020, transferred the said RTI application to the Headmaster, Bapuji Girls' High School, Distt. Darrang.
5. On not receiving any response within the stipulated time-frame, the appellant Shri Madan Mohan Deka on 27.10.2020 submitted a 1st appeal before the Deputy Commissioner, Darrang, seeking appropriate measures to enable him access the information sought, by referring to the letter No. DAN/RTI-13/2020/180 dated 25/09/2020 of the office of the Deputy Commissioner, Darrang. He also marked a copy of his appeal to the Inspector of Schools, Darrang District Circle.
6. On 03.11.2020 the Headmaster i/c of Bapuji Girls' High School, Distt. Darrang, responded to the appellant Shri Madan Mohan Deka, replying pointwise to his RTI application. His replies were as follows :

Page 1 of 4



SIC/DRN.10/2021

- i. Appointment letter of any person is essentially personal information. The RTI applicant can inspect them in his office on any working day.
 - ii. Educational qualification of a person is entirely personal information. But the RTI applicant can inspect them from his office on any working day.
 - iii. Answer same as were to point (ii)
 - iv. Information cannot be provided because the appointment of the Headmaster i/c is not related to the information sought by the RTI applicant.
 - v. Service book of an employee is totally confidential and is under control of the higher authorities. Hence cannot share.
2. On 03.02.2021, Shri Madan Mohan Deka submitted a 2nd Appeal before this Commission complaining of 'inordinate delay' in processing and disposing his RTI application by the concerned authority. He also alleged refusal of access to information sought and mala fide denial of information, and prayed for a direction to the SPIO to furnish the information sought.
3. On perusal of documents submitted by Shri Madan Mohan Deka, it is seen that he had submitted a 1st Appeal petition to the Deputy Commissioner, Darrang, on 27.10.2020, with a copy marked to the Inspector of Schools, Darrang. But the Deputy Commissioner's office, instead of forwarding/referring the said 1st Appeal to the Inspector of Schools, Darrang, in continuation of the Deputy Commissioner office already transferring the original RTI petition to the Inspector of School on 25.09.2020, resorted to holding a hearing on it on 08.12.2020, and directing the deemed PIO and Headmaster, Bapuji Girls' High School, Distt. Darrang, to "come up with the relevant information" for hearing on 18.12.2020.
4. Meanwhile, according to documents submitted to the Commission by the appellant on 03.02.2021, the Headmaster i/c of Bapuji Girls' High School, Distt. Darrang, had on 26.12.2020, provided him through Indian Post the following information:
 - i. Photocopies of certificates of Matriculation, Pre-University, and B.A examination of Shri Sasti Ram Deka, Headmaster i/c.
 - ii. Photocopies of M.A and B.Ed Degree certificates of Shri Sasti Ram Deka, Headmaster i/c.
 - iii. Copy of Inspector of School's order dated 10.07.2006, allowing Shri Sasti Ram Deka, Asstt. Teacher to function as Asstt. Headmaster (Academy) in the said school, and copy of order of DEEO, Darrang, dated 03.18.1999, promoting Shri Sasti Ram Deka temporarily as Headmaster of Bapuji Girls' High School, Distt. Darrang, and copy of order issued by Director of Secondary Education, Govt. of Assam, dated 01.04.2019, allowing Shri Sasti Ram Deka, Asstt Teacher, Bapuji Girls' High School, Distt. Darrang, to hold charge of Headmaster i/c of the Bapuji Girls' High School, Distt. Darrang.
5. Given the above as mentioned in the preceding paragraph, the appellant Shri Madan Mohan Deka is left with only the RTI request for photocopy of service book of Shri Sasti Ram Deka.
6. On 29.04.2021, that is three (3) days after the Commission held the hearing on Shri Madan Mohan Deka's 2nd appeal, the Commission received a letter dated 23.04.2021 from the present Headmaster i/c of the Bapuji Girls' High School, Distt. Darrang, stating that (a) The information sought had already been provided to the appellant on 25.09.2020, and (b) Shri Sasti Ram Deka, Headmaster i/c of Bapuji Girls' High School, Distt. Darrang at the time of

Page 2 of 4



SIC/DRN.10/2021

filing of RTI application had retired on 31.01.2021 and hence there is no document regarding Shri Sasti Ram Deka in the school office.

12. Considering the facts mentioned in paragraph 9 and 10 of this order, the Commission is of the opinion that the service book of a Govt. employee is considered a third party information under Section 11 of the RTI Act, 2005. Section 11 clearly lays down procedure for the SPIO to deal with for any third party information. This however was not kept in mind by the Headmaster i/c of Bapuji Girls' High School, Distt. Darrang, while responding to the RTI request. He only stated in the response dated 25.09.2020, that the service book of an employee was 'completely confidential' and "under control of the higher authorities". Ideally keeping in tune with the provisions of the RTI Act, the Headmaster i/c of Bapuji Girls' High School, Distt. Darrang, as deemed PIO should have given a written notice to the third party within 5 (five) days from the receipt of the RTI request, inviting the third party to make submission in writing or orally, regarding whether the information should be disclosed ; and that the submission of the third party shall be kept in view while taking a decision about disclosure of information. But, in the instant case, the fact remains that the deemed PIO and Headmaster i/c and the person whose service book has been sought – is the same person. Moreover, the service book remains in control not of the Headmaster, but of the higher authority – in this case the Inspector of Schools or the Directorate of Secondary Education, Govt. of Assam.
13. The Commission is also surprised to find that the Addl. Deputy Commissioner and First Appellate Authority, O/o the Deputy Commissioner, Darrang, had taken up for hearing the 1st Appeal of Shri Madan Mohan Deka on 08.12.2020 and 18.12.2020, despite the fact the PIO, O/o the Deputy Commissioner, Darrang had on 25.09.2020 itself transferred the original RTI application to the Inspector of Schools, Darrang. The Commission therefore directs the First Appellate Authority in the O/o the Deputy Commissioner, Darrang, to be careful while handling RTI matters, specially when such queries/matters are related to other Public Authorities, to whom, as in the instant case, the RTI application had been already transferred.
14. The Commission, while perusing the documents in the context of this hearing, is surprised to note that the Inspector of Schools, Darrang, to whom the PIO, O/o the Deputy Commissioner, Darrang, Mangaldoi, had vide DAN/RTI-13/2020/180 dated 25.09.2020, transferred the RTI application of Shri Madan Mohan Deka, had failed to look in detail to the request made, and simply transferred the responsibility of responding to the RTI petition to the Headmaster, Bapuji Girls' High School, Distt. Darrang, on 08.10.2020. The Inspector of Schools, Darrang, Distt. Circle could have easily disposed the same by taking a decision particularly on the request for the service book – on the strength of Section 11 of the RTI Act, and prevented the instant matter from travelling for such a long time. But, it appears that the Inspector of Schools failed to take the RTI matter seriously. The Inspector of Schools is hereby directed to be more careful in handling RTI requests in the future and not to resort to shirking responsibility by transferring RTI requests down the line or to others.
15. As far as the service book is considered, the Commission would like to refer to an important decision/order passed by the Central Information Commission. In its order dated 28.11.2016 in the matter of Shri Vijay Bahadur Gaur vs. New India Assurance Co. Ltd (Appeal No. CIC/MP/A/2016/00/673), the CIC had upheld the decision of the FAA – who

3 of 4



SIC/DRN.10/2021

had earlier upheld the decision of the PIO – that the service book was third party information and could not be provided as no larger public interest was noticed. Moreover, in the particular case, the Public Authority had the practice of maintaining personal files of this employee and not service book. But then, the CIC order had also put on record that by treating the personal file as service book, the Public Authority did seek consent of the individual whose service book was sought, to which the individual has objected. The CIC also ordered that the personal file of an employee may contain a lot of information which is essentially personal in nature, e.g. the details of their family members and age, reasons and the kind of leave taken, increment etc. if withheld; and severing such information from the personal file could be time-consuming. Moreover, as the CIC order mentioned, the appellant had not indicated any larger public interest in the matter.

16. In view of the above, and in the light of the CIC's above-mentioned order, this Commission considers it appropriate that the copy of the service book of Shri Sasti Ram Deka should not be provided to the appellant. The Commission also upholds the then deemed PIO & Headmaster i/c's response to RTI query No. (v) – in denying access to the service book.

17. With the above order, this 2nd Appeal is hereby disposed of.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/DRN.10/2021

Dated: 12-08-2021

Copy to:

1. The SPIO/Head Master, Bapuji Girls' High School, Distt. Darrang, PIN Code 784148, Assam, for information and necessary action.
2. The First Appellate Authority/ O/o the Deputy Commissioner, Darrang, Assam, for information.
3. The Inspector of Schools, Darrang, Distt. Circle, Distt. Darrang, Mangaldoi Assam, PIN Code 784125 for information and necessary action.
4. The petitioner, Shri Madan Mohan Deka, S/o. Lt. Ramesh Deka, Vill. Burhadoi, P.O. Buhra, P.S. Sipajhar, Distt. Darrang, PIN Code 784148 Assam, for information.
5. Computer section for uploading in the website.
6. Office File.
7. Order Book.

Secretary & Registrar
Assam Information Commission.



RIGHT TO
INFORMATION



OFFICE OF THE

ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone : (0361) 2332764, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : SIC/KP(M).218/2021
Complainant/ Appellant : Shri Harinarayan Pathak.
Respondent : The SPIO/Under Secretary to the Government of Assam, Industries & Commerce Department, Dispur, Guwahati, PIN Code 781006, Assam.
Date of Hearing : 13-09-2021
Complaint/ Second :
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R

13-09-2021

1. The appellant Shri Harinarayan Pathak is present.
2. Shri Tanu Ram Talukdar, SPIO and Under Secretary, Industries and Commerce Department, Govt. of Assam, is present.
3. The SPIO has also submitted a written statement No. CI.106/2021/90. The petitioner also informed that he has received informations but he is yet to go through the contents.
4. The SPIO in his written statement has informed that the petitioner Shri Harinarayan Pathak has been filing RTI application of similar nature to the AIIDC and the department continuously over a period of time. According to the SPIO, this has caused lot of loss to the Department in terms of manpower, productivity, time, energy etc just to prepare replies to RTI queries of the petitioner along with such large volume of documents. The SPIO has also prayed to the Commission to instruct the petitioner not to file RTI applications of repetitive nature.
5. The petitioner is hereby directed not to create any situation by submitting multiple numbers of RTI petitions in the same Department of allegedly repetitive nature which may lead to loss to the Public Authority in terms of manpower, productivity, time and energy etc. In this connection the Commission would like to quote from the Supreme Court of India order dated 09.08.2011 (Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.). In the said order the Supreme Court of India had in para 37 observed that "The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties."
6. With the above order, this 2nd Appeal is hereby disposed of.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Page 1 of 2



SIC/KP(M).218/2021

Memo No. SIC/KP(M).218/2021

Dated: 13-09-2021

Copy to:

1. The SPIO/Under Secretary to the Government of Assam, Industries & Commerce Department, Dispur, Guwahati, PIN Code 781006, Assam, for information and necessary action.
2. The First Appellate Authority/ Secretary to the Government of Assam, Industries & Commerce Department, Dispur, Guwahati, PIN Code 781006,, for information.
3. The petitioner, Shri Harinarayan Pathak, Padumpukhuri, Uzanbazar, PIN Code 781001, Assam, for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.

Secretary & Registrar
Assam Information Commission.



RIGHT TO
INFORMATION



OFFICE OF THE

ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No.	: SIC/JRT.2/2021
Complainant/ Appellant	: Shri Adityam Dutta.
Respondent	: 1. The SPIO, O/o the State Level Police Recruitment Board, Assam Police Housing Corp. Ltd., Rehabari, Guwahati, Assam. 2. The SPIO, Dibrugarh University, Dibrugarh, Assam.
Date of Hearing	: 16-12-2021
Complaint/ Second Appeal heard by	: Shri Samudra G. Kashyap. State Information Commissioner, Assam

ORDER 16-12-2021

1. The appellant Shri Adityam Dutta is absent.
2. Shri Devraj Samah, SPIO and Law Officer, Dibrugarh University is present. Shri Palash Saikia, Inspector of Police, State Level Police Recruitment Board, is present, being authorized by Asstt Inspector General of Police, State Level Police Recruitment Board, Assam, Guwahati, is present.
3. From perusal of records it is seen that the appellant Shri Adityam Dutta had submitted an RTI petition on 17.02.2021, to the PIO, State Level Police Recruitment Board, Assam, Guwahati, seeking informations related to a recruitment process in the Assam Police initiated in 2018. The Asstt. Inspector General, SLPRB, on 22.02.2021 transferred the said RTI petition to the APIO, Dibrugarh University, Dibrugarh, since the examination related to the recruitment was conducted by the said University. On not receiving any response, the appellant Shri Adityam Dutta on 03.04.2021 submitted an Appeal before the FAA, State Level Police Recruitment Board, Guwahati. On 19.04.2021 the PIO, Dibrugarh University, wrote a letter No. DU/RG/PIO/B/5920 informing Shri Adityam Dutta that since the University had only conducted the written statement and Computer-based test of the said recruitment drive (and since the physical efficiency test, verification of documents for extracurricular activities and verification of other related documents were done by the State Level Police Recruitment Board), as such the University had prepared and sent the final merit list from the database of marks given by the State Level Police Recruitment Board to the State Level Police Recruitment Board. In view of this, the PIO, Dibrugarh University, requested the appellant Shri Adityam Dutta to collect the informations from the PIO, State Level Police Recruitment Board, Guwahati. Records show that despite being informed by the PIO, Dibrugarh University, to collect the information from the State Level Police Recruitment Board, the appellant instead preferred a 2nd Appeal before this Commission on 04.06.2021, stating that he had not being provided with the informations despite expiry of the stipulated 30 (thirty) days from the time of his submitting the original RTI application as also the stipulated period after submission of his 1st Appeal petition. The appellant also made an allegation that the PIOs of both the Public Authorities were only passing the responsibility to each other instead of furnishing him the informations. He also prayed for certain relief including directing the PIO's of Dibrugarh University and State Level Police Recruitment Board, to provide him the information.
4. Following this the Commission re-fixed 25.10.2021 as the date of hearing for the 2nd Appeal which however need to be postponed to 29.11.2021. In the meantime the Commission received a letter by e-mail on 08.11.2021 from the appellant Shri Adityam Dutta, informing that he had received the information on 23.06.2021 from the PIO, State Level Police Recruitment Board. He however prayed for "looking into the matter of the PIO's of the 2 (two) Public Authority delaying the process of furnishing the information".

Page 1 of 2

SIC/JRT.2/2021

5. During today's hearing the SPIO, Dibrugarh University, Shri Devraj Samah and Shri Palash Saikia of State Level Police Recruitment Board, however explained in detail the reasons for delay in furnishing information which are found to be satisfactory. Both however pointed out that while the appellant Shri Adityam Dutta has been pursuing his 2nd Appeal despite being furnished with the information on 23.06.2021 itself.
6. Shri Devraj Samah, SPIO, Dibrugarh University, during today's hearing also submitted a written statement dated 14.12.2021 in which it has been clearly pointed out that the appellant Shri Adityam Dutta had been requested on 19.04.2021 itself to collect the information sought from the State Level Police Recruitment Board, as the requested information is held by the latter. The same had been earlier stated by the SPIO, Dibrugarh University, to the Commission vide letter written on 19.04.2021 as has been already mentioned in the previous paragraph.
7. Shri Palash Saikia, representing the Asstt. Inspector General of Police, State Level Police Recruitment Board, Guwahati, verbally cited certain genuine reasons for the delay in furnishing the informations, especially due to the pandemic situation at that time.
8. In view of the above, the Commission does not consider it necessary to grant the prayer for relief made by the appellant Shri Adityam Dutta in his 2nd Appeal dated 04.06.2021. The Commission however would like to advise both the SPIO, Dibrugarh University and SPIO, State Level Police Recruitment Board to take care in the future so that informations sought under provisions of the RTI Act, 2005 are furnished to applicants within the stipulated period.
9. In view of the above, this 2nd Appeal is hereby disposed of.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/JRT.2/2021

Dated: 16-12-2021

Copy to:

1. The SPIO, O/o the State Level Police Recruitment Board, Assam Police Housing Corp. Ltd., Rehabari, Guwahati, PIN Code 781008, Assam, for information.
2. The SPIO, Dibrugarh University, Dibrugarh, Assam, PIN Code 786004, for information.
3. First Appellate Authority/ State Level Police Recruitment Board, Assam Police Housing Corp. Ltd., Rehabari, Guwahati, PIN Code 781008, Assam, for information.
4. The petitioner, Shri Adityam Dutta, Abhigyanam, Chandan Nagar, Jorhat, PIN Code 785001, Assam, for information
5. Computer section for uploading in the website.
6. Office File.
7. Order Book.

Secretary & Registrar
Assam Information Commission.



RIGHT TO
INFORMATION



OFFICE OF THE

ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANIABARI, GUWAHATI- 781037

Phone : (0361) 2332764, 2337909, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No.	: SIC/NGN.31/2021
Complainant/ Appellant	: Shri Narendra Prakash Chauhan.
Respondent	: The SPIO, O/o the Secretary, Sutirpar G.P. Distt. Nagaon, Assam.
Date of Hearing	: 24-03-2022
Complaint/ Second Appeal heard by	: Dr. Samudra G. Kashyap. State Information Commissioner, Assam

O R D E R

24-03-2022

1. The appellant Shri Narendra Prakash Chauhan is present.
2. Shri Sahab Uddin Ahmed, Secretary, Sutirpar GP, Dist. Nagaon, is present. The SPIO and Secretary, Sutirpar GP, has not submitted any written statement.
3. From records it is seen that the appellant Shri Narendra Prakash Chauhan had submitted one RTI application to the SPIO, O/o the Secretary, Sutirpar GP, Distt. Nagaon, on 18.01.2021 seeking certain informations related to the G.P. On not receiving any response he submitted a 1st Appeal on 05.07.2021 on the basis of which the FAA and Chief Executive Officer, Nagaon Zilla Parishad, held a hearing on 28.08.2021 and directed the SPIO/Secretary, Sutirpar G.P. to provide the information to Shri Narendra Prakash Chauhan free of cost on or before 10.09.2021 without fail. The FAA had also directed the SPIO, Secretary, Sutirpar G.P. to permit the appellant to inspect the records to take photocopies of the sought for documents if the informations are voluminous in nature. On not receiving any response despite the clear order passed by the FAA and CEO, Nagaon Zilla Parishad, Shri Narendra Prakash Chauhan submitted a 2nd Appeal in this Commission on 26.11.2021, and hence this hearing today.
4. During today's hearing the appellant Shri Narendra Prakash Chauhan said he has not yet received the informations till date. Shri Sahab Uddin Ahmed SPIO and Secretary, Sutirpar G.P. said the informations are ready and can be provided to the appellant immediately.
5. The Commission has noted that while the FAA and CEO Nagaon Zilla Parishad clearly directed the SPIO, Sutirpar G.P. on 28.08.2021 to provide the informations to the appellant Shri Narendra Prakash Chauhan free of cost on or before 10.09.2021, the SPIO and Secretary, Sutirpar G.P. did not bother to carry out the order and simply chose to sit on it. Shri Sahab Uddin Ahmed, SPIO and Secretary, Sutirpar G.P. during today's hearing said that he had joined as SPIO and Secretary of Sutirpar G.P. on 21.08.2021. But the order of the FAA and CEO Nagaon Zilla Parishad dated 28.08.2021 has mentioned on record that it was one Syed Mahmud who had attended the hearing of Shri Narendra Prakash Chauhan's 1st Appeal on 28.08.2021 as SPIO and Secretary of Sutirpar G.P. The FAA and CEO of Nagaon Zilla Parishad shall enquire into this matter as to how one Syed Mahmud attended the hearing of 28.08.2021, when Shri Shahab Uddin Ahmed during today's hearing verbally claimed that he had taken charge as Secretary, Sutirpar G.P. w.e.f 21.08.2021. The FAA and CEO, Nagaon Zilla Parishad shall take necessary action if any discrepancy is detected. The FAA and CEO, Nagaon Zilla Parishad is also directed to take appropriate action against the SPIO, Sutirpar G.P. for failing to carry out his order of 28.08.2021, and inform the Commission accordingly.

Page 1 of 2

6. Shri Sahab Uddin Ahmed SPIO and Secretary, Sutirpar G.P. during today's hearing stated that the informations are ready to be furnished to the appellant Shri Narendra Prakash Chauhan. As such the SPIO and Secretary, Sutirpar G.P. is directed to furnish the informations to the appellant Shri Narendra Prakash Chauhan within 7 (seven) days from the date of receipt of this order, free of cost. The SPIO shall also obtain an acknowledgement receipt from the appellant.
7. Since the appellant Shri Narendra Prakash Chauhan had submitted his RTI application on 18.01.2021, and since more than six months have lapsed from the date of order passed by the FAA and CEO, Nagaon Zilla Parishad directing the SPIO and Secretary, Sutirpar G.P. to provide the informations to the appellant Shri Narendra Prakash Chauhan, hence the SPIO and Secretary, Sutirpar G.P. is once again directed to submit a written statement to the Commission explaining why penal/departmental action under Section 20(1) of the RTI Act, 2005, shall not be imposed on him for his failure to furnish the information within the stipulated period. The written statement shall be submitted by the SPIO and Secretary, Sutirpar G.P. within 15 (fifteen) days from the date of receipt of this order.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/NGN.31/2021

Dated: 24-03-2022

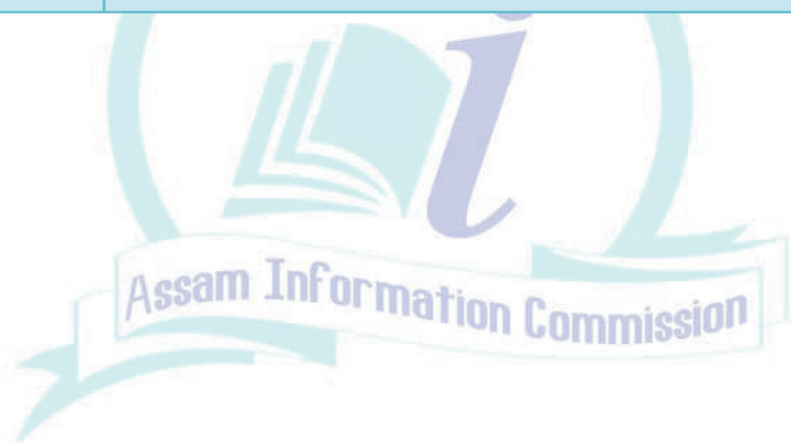
Copy to:

1. The SPIO, O/o the Secretary, Sutirpar G.P. Distt. Nagaon, Assam, Pin Code 782124 for information and necessary action.
2. First Appellate Authority/ O/o the CEO, Nagaon Zilla Parishad, Assam, for information and necessary action.
3. The petitioner, Shri Narendra Prakash Chauhan, Vill. & P.O. Majarati, Distt. Nagaon, PIN 782002, Assam, for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.

Secretary & Registrar
Assam Information Commission.

Annexure

I	Copies of letters sent for submission of materials for Annual Report.
II	List of departments who submitted reports within due date
III	List of departments who submitted reports after 1 st reminder
IV	List of departments who submitted reports after 2 nd & 3 rd reminder
V	List of departments who did not furnish Annual Report 2020-21





Annexure –I



OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKEE COMPLEX, SHILPGRAM, PANJABARI,
GUWAHATI - 781037



No. SIC.13/A.R/2022/01

Dated Panjabari, Guwahati the 2nd June, 2022

From : The Secretary,
Assam Information Commission
Administrative Building
Juripar, Panjabari, Guwahati-37

To : The Principal Secretary/ Commissioner & Secretary/ Secretary

Department

Sub : Annual Administrative Report for the Financial year 2021-22 on the implementation of the RTI Act, 2005.

Reference : Section 25 of the RTI Act, 2005.

Sir/ Madam,

With reference to above, I am directed to state that as mandated by section 25 of the RTI Act, 2005, this Commission is required to prepare Annual Administrative Report for the financial year 2021-22 on the implementation of the provisions of this Act for placing before the State Assembly.

Therefore, the Commission requested all departments to submit a consolidated report both in hard and soft copy in A4 size paper in Excel format after compiling the report of all Public Authorities under his department on or before 31st August 2022 positively as per format enclosed.

Submitted for kind necessary action. The formats 1-5 are also uploaded in Commission's website (www.sicassam.in).

Encl : Formats 1-5

Yours faithfully,

Secretary,
Assam Information Commission

Memo No. SIC.13/A.R/2022/01/A

Dated Panjabari, Guwahati the 20th May, 2022

Copy to :

1. S.O to Chief Secretary to the Government of Assam for information and n/a.
2. PS to Chief Information Commissioner, Assam for information of CIC.

Secretary,
Assam state Information Commission



Number of Public Authorities and Public Information Officers for the year 2021-22 under section 5(1)

Sl. No.	Name of Department	No. of Public Authorities	No. of Public Information Officers designated
1	2	3	4

Format -2

Requests for Information filed under section 6 of the RTI Act and their disposal by the Public Information Officers for the year 2021-22.

Sl. No.	Name of Department	Requests pending at the beginning of the year (01-04-21)	No. of Requests received during the year	Total no. of Requests	No. of Requests disposed of	Requests pending at the end of the year (31-03-22)
1	2	3	4	5	6	7

Format - 3

Number of Requests rejected under various sections of the RTI Act for the year 2021-22

Sl No.	Name of the Department	No. of Requests rejected u/s 8	No. of Requests rejected u/s 9	No. of Requests rejected u/s 11	No. of Requests rejected u/s 24	Total no. of Requests rejected
1	2	3	4	5	6	7

Format - 4

Disposal of Appeals by First Appellate Authorities filed under section 19(1) of the RTI Act for the year 2021-22

Sl No.	Name of the Department	First Appeals pending with the FAAs at the beginning of the year (01-04-2021)	No. of First Appeal received during the year	Total no. of First Appeal s with Appellate Authorities	No. of Firsts Disposed by the First Appellate Authorities	No. of First Appeals pending with the FAAs at the ending of the year (31-03-22)
1	2	3	4	5	6	7

Format - 5

Summary of fees collected by the Public Authorities during the year 2021-22

Sl No.	Name of the Department	Amount Collected (in rupees)
1	2	3



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



No. SIC.13/A.R/2022/06

Dated Panjabari, Guwahati the 8th August, 2022

From: The Secretary i/c,
Assam Information Commission
Jonakee Complex, Shilpgram, Panjabari, Guwahati-37

To :

1. The Principal Secretaries to the Government of Assam
.....
2. The Commissioner & Secretaries to the Government of Assam
.....
3. The Secretaries to the Government of Assam
.....

Sub : Reminder.

Ref. 1. Letter No.SIC.13/A.R/2022/01 dated 02-06-2022

Sir,

In continuation of this Commission's letter under reference, I am directed to inform you that the Annual Administrative Report of your department for the financial year 2021-22 is yet to be received at this Commission.

Therefore, you are kindly requested to submit the same to the Commission latest by 25th August, 2022 to enable the Commission to compile and inclusion of the same in the Annual Administrative Report of the Commission for placing the same before the Assam Legislative Assembly on time.

The matter may be treated as urgent.

Yours faithfully,

Secretary i/c,
Assam Information Commission



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OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKEE COMPLEX, SHILPGRAM, PANJABARI,
GUWAHATI - 781037



No. SIC.13/A.R/2022/07

Dated Panjabari, Guwahati the 7th September, 2022

From : The Registrar,
Assam Information Commission
Jonakee Complex, Shilpgram, Panjabari, Guwahati-37

To : The S.O. to Chief Secretary, Government of Assam
Dispur Guwahati-6

Sub : Non furnishing of information for preparing the Annual Administrative Report for the
Financial year 2021-22.

Reference : Section 25 of the RTI Act, 2005.

Sir,

With reference to above, I am directed by the Chief Information Commissioner, Assam to state that as mandated by section 25 of the RTI Act, 2005, the Commission is required to prepare Annual Administrative Report and placed the same before the Legislative Assembly in it's Winter Session.

The Annual Administrative Report for the year 2021-22 is getting delayed due to non receipt of report from some departments in spite of several reminders. The list of such departments is enclosed herewith.

I am directed by the Chief Information Commissioner, Assam to request you kindly for issuance of necessary instructions to such defaulting departments to submit their report latest by 25th September, 2022. In the event of failure by such departments the Commission will prepare the report showing them as defaulter.

Yours faithfully,

Secretary i/c,
Assam Information Commission

Memo No. SIC.13/A.R/2022/07/A

Dated Panjabari, Guwahati the 7th September, 2022

Copy to :

PS to Chief Information Commissioner, Assam for information of CIC.

Registrar,
Assam state Information Commission

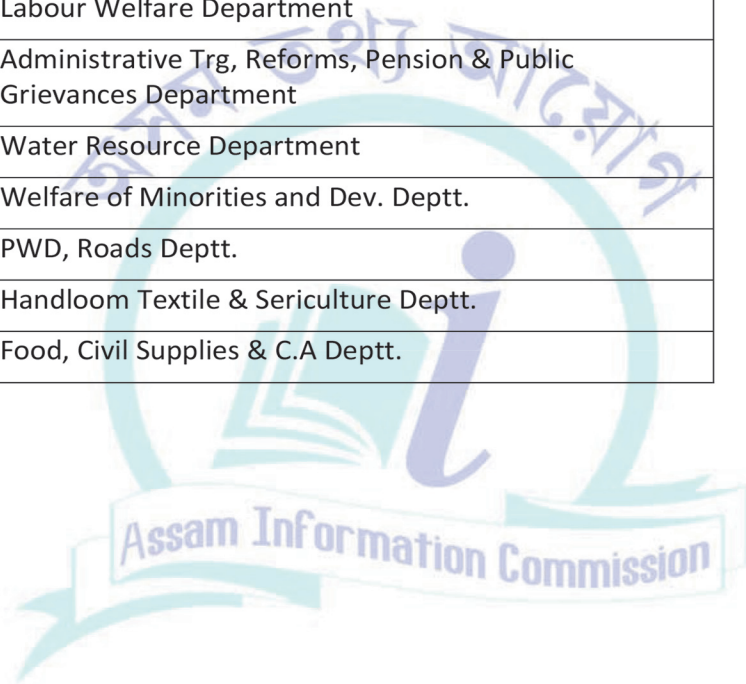
List of Department who have not submitted their Annual Report 2021-22.

Sl. No.	Name of the Deptt.
1.	Act East Policy Affairs Department
2.	Co-operation Department
3.	Cultural Affairs Department
4.	Elementary Education Department
5.	Finance (A) Department
6.	Fishery Department
7.	Health & Family Welfare Department
8.	Home Department
9.	Horticulture and Food Processing Department
10.	Housing and Urban Affairs Department
11.	Indigenous and Tribal Faith and Culture Department
12.	Industries, Commerce and Public Enterprises Department
13.	Political Department
14.	Power (Electricity), Mines & Mineral Department
15.	Revenue and Disaster Management Department
16.	Science, Technology and Climate Change Department
17.	Social Welfare Department
18.	Tourism Department
19.	Transformation and Development Department
20.	Welfare of Bodoland Department
21.	WPT & BC Department
22.	Assam Legislative Assembly

Annexure –II

List of departments which submitted reports within due date

Sl No.	Name of Department
1.	Tea Tribe Welfare Department
2.	Animal Husbandry & Veterinary Department
3.	Information Technology Department
4.	Labour Welfare Department
5.	Administrative Trg, Reforms, Pension & Public Grievances Department
6.	Water Resource Department
7.	Welfare of Minorities and Dev. Deptt.
8.	PWD, Roads Deptt.
9.	Handloom Textile & Sericulture Deptt.
10.	Food, Civil Supplies & C.A Deptt.



Annexure -III

List of departments which submitted reports after 1st reminder

Sl No.	Name of Deptt.
1.	Environment and Forest Department
2.	Social Welfare (Women & Child Development)
3.	Agriculture Department
4.	PHE Department
5.	Border Protection Department
6.	Transport Department
7.	Personnel Department
8.	Soil Conservation Department
9.	PWD, Building NH
10.	Information Technology Department
11.	IPR, P& S Department
12.	GAD
13.	CM Secretariat
14.	Excise Department
15.	Parliamentary Department (not furnish as per format)
16.	Judicial Department
17.	Irrigation Department
18.	Hills Areas Department
19.	Election Department (CEO)
20.	Implementation of Assam Accord Department
21.	Legislative Department
22.	Finance (B) Department
23.	Panchayat & Rural Development
24.	Sports & Youth Welfare Department
25.	Skill, Employment & Entrepreneurship Deptt
26.	Secondary Education Department
27.	Higher Education Department

Annexure –IV

List of departments which submitted reports after 3rd reminders

Sl No.	Name of Department
1	Fishery Department
2	Act East Policy Affairs Department
3	Housing & Urban Department
4	Tourism Department
5	Political Department
6	Science, Technology & Climate Change Deptt
7	Home Department
8	Power (Electricity) Department
10	Elementary Education Department
11	Health & FW Department
13	Industry, Commerce and Public Enterprise Dept.
14	Cooperation Department
16	Welfare of Bodoland Department (not furnish as per Format)



Annexure –V

List of Department which did not furnish Annual Report for the year 2021-22

Sl. No.	Name of the Deptt.
1.	Cultural Affairs Department
2.	Indigenous and Tribal Faith and Culture Department
3.	Revenue and Disaster Management Department
4.	Transformation and Development Department
5.	Tribal Affairs (Plain) Department
6.	Assam Legislative Assembly

Assam Information Commission