

Government of Assam
Finance (EC-I) Department
Janata Bhawan, Dispur, Guwahati-781006.

No-FEC (1)110/17/6

Dated Dispur, the 9th October/2017.

ORDER.

In pursuance of this Department's letter no FEC(1)110/17/4 dated 21st September/2017 issued by SPIO & Deputy Secretary to the Government of Assam, Finance(EC1) Department, regarding hearing on the RTI Appeal petitions, filed by Shri Dulal Bora, a resident of Koinadhara Tiniali, House No - 118, Khanapara, Guwahati-781022, District-Kamrup(M), Assam, Shri Dulal Bora, remained absent before the 1st Appellate Authority, Finance Department, in my office chamber, today i.e. 25th September 2017. SPIO confirmed that he issued the letter through Secretariat issue Branch and obtained receipt from issue.

In the 1st Appeal Petitions, filed by Shri Dulal Bora, as stated in details, in this Department's letter under reference dated 21st September 2017, he has enclosed copy of Allegation petition, copy of RTI application, as reported to the undersigned by the SPIO, Finance (EC-I) Department. Details of the same, in the form of statement, duly signed by SPIO, is enclosed herewith (Annexure-I). 38 no's of Files, are submitted to the undersigned. All the Appeal petitions are addressed to Additional Chief Secretary to the Government of Assam, Finance Department, Dispur, Guwahati-781006. Summary of RTI, 1st Appeal as furnished to me by SPIO, in the following files, is as follows:-

1st Appeal Petition No.

:D.B.53942/17/R/1, D.B.53904/17/R/1, D.B.53884/17/R/1, D.B.53983/17/R/1, D.B.53999/17/R/1, D.B.53942/17/R/1, D.B.53904/17/R/1, D.B.53889/17/R/1, D.B.53930/17/R/1, D.B.53974/17/R/1, D.B.53939/17/R/1, D.B.53972/17/R/1, D.B.53959/17/R/1, D.B.53916/17/R/1, D.B.53879/17/R/1, D.B.53971/17/R/1, & so on as mentioned in letter dated 21st September/2017.

SPIO, has not received original RTI petitions, details as shown in the statement enclosed signed by SPIO.

Immediately on receipt of the Appeal petitions along with copy of RTI, Petitions and copy of Allegations petitions were put up in file, by SPIO. A meeting was held with all SPIO, vide this office letter FEC-(I)86/2017/8 dated 14th September 2017, on 16/9/2017 (copy enclosed at Annexure-II) at 11am in the conference Hall of Finance Department. Accordingly, a minutes was issued of the meeting held on 16/9/2017 on 18/9/2017. (copy enclosed at Annexure-III).

Also present at the time of hearing :- (1) Sri Bharat Thakuria, Nodal officer, RTI Cell & Under Secretary, Finance(SIU), Department (2) MD Abdus Salem, SPIO & Deputy Secretary, Finance(EC-II) Department, (3) Sri Makibar Rahman, Deputy Secretary & SPIO, Finance(EC-I) Department, (4) Sri D. Talukdar, ASPIO, Finance(EC-I) Department, (5) Lila kanta Borah, SPIO & under Secretary, Finance(Estt-A) Department respectively, on 25th September 2017 at 12 noon.

Since Shri Dulal Bora, the Applicant was absent on 25th September 2017, to ensure reasonable and sufficient opportunity, for the ends of natural justice and to make his submission before the undersigned, notices were issued by SPIO & Deputy Secretary, Finance (EC-I) Department, for hearing again on 9th October 2017 at 1 pm vide letter no FEC (1)110/17/5 dated 25th September 2017.

Bharat Thakuria, ASPIO & Nodal officer, RTI Cell & under Secretary, Finance(SIU) Department, Mr. M. Rahman Deputy Secretary & SPIO, Finance(EC-I) Department, Mr. D. Talukdar ASPIO, Finance(EC-I) Department were present in my office chamber on 9th October 2017. Today also Applicant, Shri Dulal Bora remained absent.

Heard SPIO, ASPIO and Nodal Officer, RTI Cell. They stated that the contents of the Allegations do not come under the purview of Finance Department. The same is the case in respect of the RTI Petitions. The information is not available with the Finance Department. So SPIO and ASPIO of Finance Department are not in a position to furnish the relevant information. The Allegation petitions, some of which had been received by the Department already forwarded to the concerned Administrative Department, where the information are likely to be available. (details as per statement enclosed at Annexure-I). Original RTI

petitions not received by SPIO, as reported by concerned SPIO. Also perused the subject matter of RTI Petitions, details in statement enclosed (Annexure-I)

Shri Bharat Thakuria, Nodal Officer & Under Secretary & ASPIO, Finance (SIU) Department, stated that the RTI Applications had been refused and returned, with the approval of the then Commissioner And Secretary, Finance Department. He has informed Shri Dulal Bora, the Applicant vide this Department's Letter No. FIN/RTI/2016/005/184 dated 3rd February, 2017 and Letter No. FIN/RTI/2016/005/211 dated 4th February, 2017 in respect of 126 no's of RTI application dated 09/01/2017 including 38 nos. of RTI Petitions that the information as sought for by the petitioner under RTI Act, 2005 is exempted from disclosure under Section 8 of the RTI Act, 2005 (copy enclosed at Annexure-IV).

On perusal, examination of the relevant documents available in the relevant file made available to me by the SPIO & ASPIO of Finance Department & Nodal officer, RTI Cell, and after hearing both the sides, SPIO, ASPIO, & Nodal officer, RTI Cell, is of the opinion that contents of the bulk RTI petitions, filed by Shri Dulal Bora, are not the subject matter of the Finance Department. The information is therefore not available with the Finance Department and hence SPIO and ASPIO are not in a position to furnish the relevant information. Besides, SPIO has not received original RTI Petitions.

Regarding refusal to disclose the information by ASPIO & Nodal Officer, RTI Cell has already informed to Shri Dulal Bora, with reference to his RTI Applications, as stated above. I am of the view that if Dulal Bora is aggrieved by the said order, he can submit copies of the RTI Petitions to the concerned PIO/SPIO of the Administrative Departments, where the information is likely to be available.

In conclusion, it is ordered as follows, except as per Govt Om, cited below.

(1) Wherever the information is available, SPIO / ASPIO will furnish the required information, as per provision, of RTI, ACT.

(2) If the information is not available with the SPIO, ASPIO, he will take necessary action as per section 6(3), of the RTI act. ELSE, SPIO/ASPIO, will forward the same to the concerned PIO/SPIO of the concerned administrative department where the information is likely to be available.

(3) Factual report should always be intimated to the Applicant, as per RTI, provision.

In the instant RTI, petitions, under reference, SPIO, ASPIO has confirmed the information is not available,

(3) Shri Dulal Bora is at liberty to submit copy of the RTI, Application before the concerned PIO/SPIO, of the concerned administrative department where he thinks and satisfied that the information is likely to be available. It is expected the PIO/SPIO on receipt of such petitions from Shri Dulal Bora, will dispose of the RTI, Petitions as per provision of the RTI ACT, 2005.

In conclusions, the following Government OM, issued by Ministry of PERSONNEL, Public Grievances & Pensions, Department of Personnel & Training, Government of India, the contents of which are self-explanatory, is brought to the knowledge of concern PIO, SPIO, ASPIO, etc. & Applicant, for perusal and taking necessary action. (Copies enclosed).

(1) Govt OM NO 11/2/2008-IR dated 10th July/2008. (Annexure-V)

(2) GOVT OM NO 1/7/2009-IR dated 1st June/2009. (Annexure-VI)

(3) Govt letter no 1/18/2011-IR dated 16th September, 2011. (Annexure-VII)

This disposes of the bulk of RTI petitions filed before the 1st APPEALATE Authority, of the Finance Department. If any other RTI Application filed before the 1st Appellate authority, is pending and is of similar nature, it also stands disposed of, and similar action will be taken, accordingly.

Inform all concern accordingly.

Enclosed:-As Stated Above.

17 Nos.

- sd -

Additional Secretary to the Government of Assam
And First Appellate Authority, Finance Department.

Copy to:

1. Secretary, State Information Commission, Jonakee Complex, Shilpagram, Panjabari, Guwahati-37 for information.
 2. Shri Dulal Bora, Koinadhara Tinali, House no 118, Khanapara, Guwahati-781022, District-Kamrup, metro, Assam, Mobile no 9577279984, email-associatesdpb@gmail.com for information and necessary action.
 3. Shri Makibar Rahman, SPIO & Deputy Secretary, Finance (EC-1)/Abdus Salam, SPIO & Deputy Secretary, Finance (EC-11)/Ghana kanta Pegu Joint Secretary, & SPIO, Finance (EC111)/Lila kanta Borah, under-secretary & SPIO, Finance (Establishment-A)/Joint Secretary & SPIO, Finance (Establishment-B)/Smti Bipasha Kherkatary, under-secretary & SPIO Finance (Taxation)/Smti Nirala Borah, under-secretary & SPIO Finance (A&F)/Deboram Pegu, Research officer & SPIO Finance (PRU)/Bhaskar Panda, under-secretary & SPIO Finance (IF)/Sudharshan Sarma, under Secretary & SPIO Finance (Budget)/Prasanta Phukan, joint Director & SPIO, Finance (EA), Smti Gitanjali Ahmed Nayar, Deputy Secretary & SPIO, Finance (SIU), Departments respectively, for information and necessary action.
 4. Shri Bharat Thakuria, under Secretary & ASPIO, & Nodal officer RTI Cell, Finance (SIU) Department for information and necessary action.
 5. SPIO, Finance Department will keep this order in the relevant concerned File.
 6. Concerned Administrative Department, Dispur, Ghy-6 for information and necessary action.
- ✓ E-Governance Unit, Finance Department for uploading the order in the official websites of Finance Department.



Additional Secretary to the Government of Assam

& First Appellate Authority, Finance Department.