

1. Name of the State Commission: Assam Information Commission
2. Order No & date: KP (M) 1164/2018 dated 15-03-2019 and 02-09-2019 by Shri H.S. Das, IA S(Rtd.), State Chief Information Commissioner.
3. Subject /Section/Issue: List of allottees of government land in Guwahati city with names, addresses and particulars of land, plot no, area of the allotted lands and their locations during the period 2000 to 2018.
4. Operative Section: Section 19 (8)(a)(iii) and (iv) of the RTI Act, 2005.

Summary:

The SPIO of Revenue and Disaster Management Department informed the petitioner that the informations sought for by him are scattered in multiple files and that the RTI Act does not contemplate compilation of such scattered informations from multiple files. The First Appellate Authority also took the same stand and hence the second appeal. Considering the written Statement, the Commission is of the opinion that at present the relevant records are not in a shape and position from which the sought for informations can be furnished readily. Therefore, the Commission refrains from pronouncing the SPIO and FAA guilty of non-compliance of the provisions of the RTI Act, 2005. However, the Commission takes note of the fact that govt. lands, particularly in Guwahati city, are very valuable public assets. Allotment and settlement of Government land in Guwahati city is certainly a matter of public interest and of great public importance. The citizenry has a right to know the mode of settlement and allotment of such land and their terms and conditions. If, as stated by the SPIO, such available informations are scattered in multiple files and have not been assembled and compiled in one place, then it may be logically inferred that **the State Govt. itself may not be having a comprehensive idea about the cumulative up-to-date position about the lands allotted and settled over the years in Guwahati city and also in other parts of the State.**

In view of the aforesaid, the Commission is of the view that detailed information regarding allotment and settlement of land needs to be maintained chronologically by the concerned Land Revenue Authorities. Although Revenue & Disaster Management Department could not/did not furnish the sought for informations to the petitioner in the instant case , it may be that such informations about allotment and settlement of government land are already being maintained by the Deputy Commissioners of the districts because such records appear to belong to the category of permanent land records under the Assam Land Revenue Regulations,1886, of which the District Deputy Commissioners are the custodians. Therefore, in exercise of the powers conferred under section 19(8)(a)(iii) and(iv) of the RTI Act,2005, the Commission directed the Additional Chief secretary, Revenue and Disaster Management Department , Assam to take necessary steps and issue appropriate advice to all Deputy Commissioners of the State including Deputy Commissioner , Kamrup(M) district to collect, collate and compile up-to-date detailed informations regarding allotment and settlement of land in their respective districts, if not already done, and maintain the same in tabular format either in a form of a register or in digital form or preferably both. The Commission fixed 02-09-2019 for review of action taken. Accordingly the matter was reviewed by Commission on the fixed date and was satisfied on the action taken by the Revenue and Disaster Department in compliance of Commission's order dated 15-03-19.



**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKEY COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : KP(M).1164/2018
Complainant/ appellat : Shri Utpal Das
Respondent : SPIO of the office of the Revenue & Disaster
Management Department Govt. of Assam
Date of hearing : 15.03.2019
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
15.03.2019

1. The petitioner Shri Utpal Das is absent. However, he has sent a written communication dated 15.3.2019 stating that due to some personal problem he is unable to attend today's hearing. He requested for passing ex parte order in his absence. The public authority, i.e. Revenue & Disaster Management Department (R&DM) is represented by Shri Ananda Kumar Das, ACS, Deputy Secretary and SPIO of the Department. The second appeal petition dated 16.8.2018 is taken up for hearing ex parte in the absence of the petitioner Shri Utpal Das.

2. The SPIO and Deputy Secretary of R&DM Department has submitted a written statement dated 15.3.2019 detailing the action taken by the authority so far. The WS is entered into the case records.

3. From perusal of the case records it is seen that the SPIO of R&DM Department informed the petitioner vide letter dated 11.5.2018 that the informations sought for by him are scattered in multiple files and that the RTI Act does not contemplate compilation of such scattered informations from multiple files covering a period of 18 years from 2000. This was followed by first appeal petition dated 25.5.2018, which was disposed of by the first appellate authority and Secretary of R&DM Department ex parte by an order dated 2.8.2018 reiterating the decision of the SPIO. The FAA also referred to Central Chief Information Commissioner's order dated 12.6.2013 in case No. CIC/SM/A/2012/001839, copy of which was enclosed with the WS. However, on perusal of CIC's order mentioned above it is seen that although the CIC mentioned in paragraph 4 of his order that unless the desired information is available with the public authority, the CPIO is not required to assemble such information through search and collection, in paragraph 5 he directed the CPIO to revisit the RTI application to find out whether the information is available in the President Secretariat and provide the same to the appellat within 10 days from the date of that order. In the appeal case taken by the Central Information Commission, the sought for information related to details of travels of former President of India Smti. Pratibha Patil, the cost incurred on those travels, number of mercy petitions decided by her and the number of bills she had approved during her tenure.

4. While the Central Information Commission's order dated 12.6.2013 is taken note of, in the instant second appeal case being deliberated by this Commission, the sought for information is the list of allottees who got allotment of Government land in Guwahati city during the period 2000 to 2018 with their names, addresses and particulars of land including dag/patta nos. and area of the allotted lands and their locations. The Deputy Secretary of the R&DM Department explained that in Guwahati city allotment of land is given only to Government organizations, and with prior Cabinet approval to NGOs. Private individual and private organizations are given settlement of land against payment of premium, although in some exceptional cases they are also given allotment with cabinet's approval. The Deputy Secretary also clarified that land allotment/settlement proposals are processed in separate individual files. Therefore, informations sought for by the petitioner are not available in one place or one file in a consolidated manner. As such they cannot be furnished readily. Furnishing of information as sought for by the petitioner Shri Utpal Das will require collection, assembling and compilation of large number of such informations from multiple files over a period of 18 years. He further submitted that it does not appear to be consistent with the provision of the RTI Act, 2005. Therefore, the department did not undertake the exercise of collecting, assembling, collating and furnishing of the information to the petitioner as such exercises are not contemplated by the RTI Act.

5. From the above submissions of the SPIO it is established that the informations sought for by the petitioner are available in the department but scattered in multiple files. This Commission, therefore, is of the pinion that at present the relevant records are not in a shape and position from which the sought for information can be furnished to the petitioner readily. Therefore, this Commission refrains from pronouncing the SPIO and FAA guilty of non-compliance of the provisions of the RTI Act, 2005.

6. However, this Commission would like to take note of the fact that Govt. lands, particularly in Guwahati city, are very valuable public assets. Allotment and settlement of Government land in Guwahati city is certainly a matter of public interest and of great public importance. The citizenry has a right to know the mode of the settlement and allotment of such land and their terms and conditions. If, as stated by the SPIO and Deputy Secretary, such available informations are scattered in multiple files and have not been assembled and compiled in one place, then it may be logically inferred that **the State Govt. itself may not be having a comprehensive idea about the cumulative up-to-date position about the lands allotted and settled over the years in Guwahati city and as also in other parts of the State.** This Commission was also given to understand by the SPIO of R&DM Department that allotment of land is normally given for specific purposes and with certain terms and conditions. If the allottees violate any of those terms and conditions or if the allotted land is not put to use for the purpose for which it was given, then after lapse of certain time period the allotted land reverts to the State Government.

7. In view of the aforesaid, this Commission is of the view that detailed information regarding allotment and settlement of land needs to be maintained chronologically by

the concerned Land Revenue authorities. Although Revenue & Disaster Management Department could not/did not furnish the sought for informations to the petitioner in the instant case, it may be that such informations about allotment and settlement of Government land are already being maintained by the Deputy Commissioners of the districts because such records appear to belong to the category of permanent land records under the Assam Land Revenue Regulations, 1886, of which the District Deputy Commissioners are the custodians.

8. Therefore, in exercise of powers conferred u/s 19 (8) (a) (iii) and (iv) of the RTI Act, 2005, this Commission directs the Addl. Chief Secretary, Revenue and Disaster Management Department, Government of Assam to take necessary steps and issue appropriate advice to all Deputy Commissioners of the State, including Deputy Commissioner, Kamrup (M) District, to collect, collate and compile up-to-date detailed informations regarding allotment and settlement of land in their respective districts, if not already done, and maintain the same in a tabular format either in the form of a register or in digital format or preferably both.

9. **The above work may be completed within a period of six months from the date of receipt of this order.**

10. The SPIO of Revenue & Disaster Management Department is directed to report compliance within six months.

Fix 1.00 PM on 2nd September, 2019 for review of action taken.

Sd/-

(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Registrar i/c
Assam Information Commission

Memo No. SIC/ KP(M).1164/2018/21

Dated. 15.03.2019

- Copy to: 1. The Addl. Chief Secretary to the Govt. of Assam, Revenue & Disaster Management Department, Dispur, Guwahati-6 for information and necessary action.
2. The SPIO of Revenue & Disaster management Department, Govt. of Assam, Dispur, Guwahati-6 for information.
3. Shri Utpal Das, House No. 41, Rang Pathar bye lane, Fatashil Ambari, Guwahati-25 for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book

H S
Registrar i/c
Assam Information Commission



**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : KP(M).1164/2018
Complainant/ appellant : Shri Utpal Das
Respondent : SPIO of Revenue and Disaster Management Department,
Govt. of Assam
Date of hearing : 2.9.2019
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
2.9.2019

The appellant Shri Utpal Das is absent. He sent an e-mail dated 2.9.2019 wherein he prayed for condonation of his absence in today's hearing due to unavoidable circumstances. The public authority, i.e. Revenue and Disaster Management Department is present as represented by Shri Ananda Kr. Das, ACS, Deputy Secretary and SPIO of the Department. The SPIO has submitted a report dated 2.9.2019 detailing the actions taken by the Revenue and Disaster Management Department in compliance of this Commission's earlier direction at paragraph 8 of order dated 15.3.2019. This Commission is satisfied with the actions taken. Hence the second appeal petition dated 16.8.2018 is disposed.

Sd/-

(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar i/c
Assam Information Commission

Memo No. SIC/ KP(M).1164/2018/

Dated. 2.9.2019

- Copy to: 1. The Deputy Secretary and SPIO of Revenue & Disaster Management Department, Govt. of Assam, Dispur, Guwahati- 6 for information.
2. Shri Utpal Das, House No. 41, Rang Pathar Byelane, Fatashil Ambari, Guwahati-25 for information.
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