



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

Case No. : **KP(M).657/2013**

Complainant/ appellant : **Smti Nandita Bayan Barua**

Respondent : **PIO, Guwahati University**

Date of hearing : **30-9-2015**

Complaint/ Second appeal heard by : **Shri H.S. Das, IAS (Retd)
Chief Information Commissioner, Assam**

O R D E R

The petitioner Smti Nandita Bayan Barua is represented by her husband Sri Jayanta Kr. Barua, as authorized by her letter dated 29-9-2015. The public authority is represented by (1) Sri Uday Kr. Khanikar, PIO and Dy. Registrar, Gauhati University (2) Sri Nagen Ch. Das, Superintendent, Certificate Branch and (3) Sri Kumud N. Sarma, Asstt. Registrar.

The second appeal petition dated 11-10-2013 is taken up for hearing in presence of both the parties.

The PIO & Registrar and appellate authority of Gauhati University Dr. S. K. Nath, vide his letter dated 30-9-2014 deputed Sri U. K. Khanikar Deputy Registrar and PIO of Gauhati University to appear for today's hearing.

The Deputy Registrar and PIO has made a representation dated 30-9-2014 stating, inter alia , that the information sought for by the appellant was furnished to her , vide letter dated 24-12-2013.

Meanwhile the petitioner submitted his first appeal petition on 16-8-2013 before the Registrar and first appellate authority of Gauhati University. From case records, it is seen that the first appellate authority did not hear the first appeal petition. From the written submission given by the PIO and Deputy Registrar vide his letter dated 28-12-2013 in response to this Commission's order dated 22-11-2013, it is seen that the delay took place because the PIO was not getting the required cooperation from the certificate branch of Gauhati University. The Superintendent of certificate branch Sri Nagen Ch. Das who is present in today's hearing submitted that he took over the post of Superintendent, certificate branch in February, 2015. His predecessor at the relevant period , pertaining to the RTI application was Sri Dinesh Ranjan Choudhury, who has since retired.

The representative of the appellant Sri Jayanta Kr. Barua submitted that although the petitioner was given the information vide letter dated 24-12-2013, it was long after the stipulated period of 30 days was over and by the time the petitioner got the information it was too late and the information furnished served no purpose. Therefore, she did not pursue the matter any further. However, the petitioner wants that the responsibility should be fixed for the inordinate delay in furnishing the information.

From the aforesaid and from the records available before the Commission, it is clear that there have been lapses on two counts:

- (1) The then Superintendent of certificate branch failed to furnish the information to the PIO of Gauhati University within the stipulated time and
- (2) (2) the Registrar, Gauhati University also failed to take action on the first appeal petition dated 16-8-2013 , which was received in his office on 19-8-2013.

In view of the above, the Commission gives the following directions:

1. The Registrar of Gauhati University will make a written submission within 30 days from the date of receipt of this order as to why this Commission shall not issue further directions , as may be appropriate under Section 19(8) of the RTI Act, 2005 and
2. The present Superintendent of the certificate branch will conduct an enquiry and fix responsibility on the concerned officers and staff of his branch for the delay in furnishing the information to the petitioner.

The appellant may make further submissions of any damages/ losses suffered by her due to non receipt of the information sought for by her within the stipulated time, within 30 days from the date of receipt of this order.

Fix 15-11-2015 for further hearing of this order.

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

Authenticated true copy.

Secretary & Registrar
Assam State Information Commission

Memo No. **KP(M).657/2013 / -A**

Dtd. 30 -9-2015

Copy to:;

1. Sri Uday Kr. Khanikar, PIO and Dy. Registrar, Gauhati University, Guwahati-14 for information and necessary action.
2. Sri Nagen Ch. Das, Superintendent, Certificate Branch, Gauhati University , Guwahati-14 for information and necessary action.
3. Smti Nandita Bayan Barua, House No. 55, Bishnujyoti Path, Hatigaon, Dispur, Guwahati-38 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Secretary & Registrar
Assam State Information Commission