



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

Case No. : **KP(M)657.2013**

Complainant/ appellant : **Sri Smti Nandita Bayan Baruah**

Respondent : **Gauhati University**

Date of hearing : **16-11-2015**

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

O R D E R

The petitioner/ appellant Smti Nandita Bayan Baruah is absent. The public authority is represented by (1) Dr. S. K. Nath, Registrar, Gauhati University (2) Sri U. A. Khanikar, Dy. Registrar, Gauhati University and (3) Sri Nagen Ch. Das, Superintendent, Certificate Branch, Gauhati University.

The matter is taken up for hearing ex parte in the absence of the petitioner/ second appellant and in continuation of this Commission's earlier order dated 30-9-2015.

In response to the first directive of this Commission in its order dated 30-9-2015 the present Registrar and First Appellate Authority of Gauhati University, Dr. S. K. Nath has made a written submission. He has stated that the first appeal petition dated 16-8-2013 was handled by his predecessor. The present incumbent Dr. S. K. Nath took over the charge of the post of Registrar on 24-12-2013. In his written statement he has stated that on receipt of the first appeal petition on 19-8-2013 his predecessor forwarded the same to the PIO on 19-8-2013. The delay took place in the Certificate Branch, who furnished the information to the PIO on 14-12-2013 which was communicated to the appellant vide letter dated 24-12-2013. In view of the clarifications furnished, this Commission observes that the first Appellate Authority, instead of forwarding the first appeal petition to the PIO, should have heard the appellant as well as the PIO and the concerned branch official of Gauhati University and pass appropriate speaking order. Unfortunately, this was not done. The First Appellate Authority is directed to note this for his future guidance.

In response to the second directive Sri N. C. Das, Superintendent, Certificate Branch, Gauhati University has made a separate written submission which is also entered into the case records. He has stated, inter alia, that :-

- i) The then Superintendent Sri D. Roychudhury was on long leave due to the expiry of his mother at the time the RTI petition was received in the Certificate Branch.
- ii) The petitioner Smti Nandita Bayan Baruah did not submit any documents to the Registrar or the Vice Chancellor to show that she was in urgent need of the certificates.
- iii) The then Superintendent was an old person and of 65 years of age. He had suffered from stroke and unable to attend office at that time. The present Superintendent of Certificate Branch Sri N. C. Das took charge of the office of the Certificate Branch of Gauhati University on 16-2-2015.

This Commission is of the view that non-submission of document by the petitioner to justify the urgency cannot be a justification under the RTI Act. It is statutorily mandatory that such information must be furnished within 30 days from the date of receipt of the RTI application.

This Commission therefore, directs the Superintendent of Certificate Branch of Gauhati University to handle all future RTI applications taking note of the various time-lines provided under the RTI Act, 2005.

This Commission also observes that **the functions of an Institute like the Gauhati University cannot be dependent on the illness or absence of one or two functionaries. The fact remains that the delay had taken place in the Certificate Branch. The Commission, therefore, directs the Superintendent of the Certificate Branch to fix responsibility on who-so-ever was responsible to furnish the information in the absence of the then Superintendent of the Certificate Branch and inform the Commission about action taken within 30 days from the date of receipt of this order.**

As regards directive No. 3 of this Commission's earlier order dated 30-9-2015, the Deputy Registrar and PIO of Gauhati University Dr. U. K. Khanikar has filed a separate written statement dated 4-11-2015 stating that **due to non receipt of the required information from the concerned branch of Gauhati University , there was delay in furnishing the information to the petitioner. While accepting his submission the Commission observes that it being his duty to furnish the information within 30 days, he should have brought the matter to the notice of the higher authorities , i.e., the first appellate authority. He seems to have failed to do so. He is advised to be more cautious in future in dealing with such matters.**

As regards the last paragraph of this Commission's order dated 30-9-2015 i.e., any possible losses or damages suffered by the petitioner due to non response from Gauhati University, no further submissions have been received by this Commission. Nor was she present in today's hearing. It is presumed that she has no such claims to make. Accordingly this Commission, therefore, does not consider any such compensation or damages to be paid to her by the Gauhati University authorities.

With the above order the matter is finally disposed of

**Sd/-
(H. S. Das)
Assam State Chief Information Commissioner,
Panjabari, Guwahati**

Authenticated true copy.

**Secretary & Registrar
Assam State Information Commission**

Memo No. **DBR.2/2013/ -A**

Dtd. 16-11-2015

Copy to:,

1. Dr. S. K. Nath, Registrar, Gauhati University, Guwahati- 14 for information and necessary action.
2. Sri Nagen Ch. Das, Superintendent, Certificate Branch, Gauhati University for information and necessary action.
3. Deputy Registrar and PIO of Gauhati University Dr. U. K. Khanikar, for information.
4. Smti Nandita Bayan Baruah, House No. 55, Bishnujyoti Path, Hatigaon, Dispur, Guwahati-38 for information.
5. Computer Section for uploading in the Website.
6. Office File.

**Secretary & Registrar
Assam State Information Commission**