



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

Case No. : **KP(M)10/2015**

Complainant/ appellant : **Sri Banajit Thakuria**

Respondent : **Gauhati Commerce College**

Date of hearing : **11-01-2016**

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

O R D E R

The petitioner/ complainant Sri Banajit Thakuria is present. The public authority is represented by Dr. Homeswar Kalita, Principal, Gauhati Commerce College . Dr. Ghanashyam Nath, former Principal of Gauhati Commerce College is absent. But he has sent a written submission dated 10th January, 2016 stating that due to sudden illness of his mother, who is aged 91 years , he had to leave for his native village, at Sorbhog in Barpeta district yesterday dated 10-1-2016. He has , therefore, prayed for fixing of another date of hearing. Before that Dr. G. Nath had sent another written submission dated 8th January, which is also entered into the case records. In that written statement he has stated that the petitioner filed his RTI application on 8-9-2014. But soon after the date of filing of the RTI petition Dr. G. Nath handed over charge of the post of Principal, Gauhati Commerce College in compliance of the transfer order dated. 27-6-2014 of the Govt. He handed over charge to his successor Dr. Homeswar Kalita and on the next day he took over as Principal , K.C.Das Commerce College, Guwahati. He has, further stated that from 8-9-2014 to 15-9-2014 he was busy with winding up various other pending works before handing over charge and that his successor had 23 days more time to furnish reply to the RTI application.

The present Principal Dr. Homeswar Kalita has also made a separate written submission dated 6-1-2016 stating that he took over charge on 15-9-2014 and immediately got busy with 1st, 3rd and 5th Semester examinations, 2014. After his joining nobody brought the pending RTI petition of Sri Banajit Thakuria to his notice. Moreover, at that time there was no designated SPIO other than Dr. Homeswar Kalita, the Principal himself as Ex-officio by implication.

From the above facts and circumstances, it is clear that Gauhati Commerce College , as an institution has failed to furnish the required information to the applicant Sri Banajit Thakuria within the stipulated period of 30 days, as is required under the RTI Act., 2005. However. In view of the circumstances of the case, as narrated by both the Principals, Dr. G. Nath and Dr. H.Kalita, the lapse does not appear to be intentional, but a lapse by omission. The applicant also stated that the furnishing of the information now will not serve any useful purpose for him.

In view of the above, this Commission is of the view that the lapse on the part of Dr. G. Nath and Dr. H. Kalita were not willful and intentional. The lapses were circumstantial arising due to poor administrative arrangement by non appointment of a designated SPIO for a long stretch of time. This Commission, therefore, directs the present Principal of Gauhati Commerce College Dr. Homeswar Kalita to ensure that there is a designated SPIO for the College at all time and in future there should not be any lapse in responding to RTI petitions within the stipulated period of 30 days in future.

With the above order, the Complaint petition dated 8-1-2015 is disposed of.

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

Authenticated true copy.

Sd/-

**Secretary & Registrar
Assam State Information Commission**

Memo No. **KP(M)10/2015 /-A**

Dtd. 11-1-2016

Copy to:

1. Principal Secretary, Higher Education , Govt. of Assam for information.
2. Director, Higher Education, Govt. of Assam, for information.
3. Dr. Ghanashyam Nath, ex-Principal, Gauhati Commerce College, for information
4. Dr. Homeswar Kalita, present Principal, Gauhati Commerce College for information and necessary action.
5. Computer Section for uploading in the Website.
- 4.` Office File.

**Secretary & Registrar
Assam State Information Commission**