



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

Case No. : LPR.15/20154

Complainant/ appellant : Sri Amarjit Rajkhowa

Respondent : Director, Elementary Education, Kahilipara

Date of hearing : 11-01-2016

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

O R D E R

The petitioner Sri Amar Rajkhowa is absent. He has, however, informed telephonically the Registry of this office that due to his illness, he will not be able to appear for today's hearing before the Commission. He has prayed for fixing a fresh date of hearing. , for which he said that he will be sending an e-mail separately.

The public authority represented by the SPIO and Deputy Director of Elementary Education, Assam has filed a written submission dated 8-1-2016, which is entered into the case records. In the written submission, the SPIO has stated that the applicant vide his RTI application dated 20-9-2013 sought information against 3 points. As per the written statement, information in respect of point No. 1 & 3 were furnished to the petitioner vide letter No. DEE/RTI/2011/2013/20 dated 6-2-2014.

As regards point No. 2, the RTI petition was transferred to all the DEEOs for furnishing the information directly to the petitioner vide, Director, Elementary Education's letter No. DEE/RTI/211/13/3 dated 12-11-2013. In point No. 2 of the RTI petition the petitioner wanted to know the district-wise and area-wise amount of Scholarship sanctioned for SC/ST students, copies of Utilization Certificates and Actual Payee's Receipts thereof. The SPIO submitted orally that the DEEO's are required to collect the photo copies of U/Cs and APRs from the Head Master/ Principals of the concerned schools and submit the same to the Director, Elementary Education. He has further submitted that the Directorate has also not received the documents , i.e., the U/Cs and APRs from the concerned DEEOs. Such being the case , it appears that the DEEOs have not been able to furnish the information to the RTI applicant also. The SPIO produced copies of Directorates' letters dated 3rd June, 2014, 22nd April, 2014 and 27th April, 2015, asking the Directors to furnish copies of U/Cs and list of beneficiaries in respect of attendance and special scholarships under SC/ST/TSP for the years 2011-2012, 2013-2014 and for the years 2011-12 to 2014-15 respectively. The SPIO stated that no reply has been received by the Directorate from any DEEO. **This appears to be a case of serious administrative lapse.** Hence the position in respect of Point No-2 of the RTI application is that the sought for information has not yet been generated.

It is seen that the information furnished along with letter dated 6-2-2014 covers point No. 1, No. 3 and part of point No. 2, i.e. district-wise break-up of the amount of TSP/SCSP from 2008-09 up to 2013-14. This Commission directs the SPIO of the Directorate of Elementary Education to furnish another set of the information , once again, to the petitioner by Registered A/D post within 15 days from the date of receipt of this order.

After receipt of this information as ordered above, if the applicant wants to verify the original documents and records, he may be allowed to do so within 30 days from the date of dispatch of the information by Registered Post as directed above.

As regards the district-wise amount of sanction and U/Cs and APRs, this Commission directs the SPIO to inform the applicant that the sought for information have not yet been generated and does not appear to exist till date.

As already mentioned, this appears to be a case of serious administrative lapse. Information on proper utilization of public money should be in the public domain within a reasonable time-frame. In this case it does not appear to be so.

The Commission, therefore, directs the Principal Secretary, Education Department and the Director of Elementary Education, under the powers conferred under Section 19(8)(a) of the RTI Act, 2005 read with the preamble of the RTI Act. 2005, to look into the matter with the seriousness that it deserves and take appropriate administrative steps as may be necessary to make the information available within 4 months from the date of receipt of this order

Give a copy of this order to the Chief Secretary, Govt. of Assam, Additional Chief Secretary, P&D, Addl. Chief Secretary, WPT&BC, Additional Chief Secretary to Chief Minister, Assam, Principal Secretary, Finance Department, for their information,.

In view of the above order, the fixation of fresh date of hearing is not considered necessary. However, the action taken by Principal Secretary, Education Department and Directorate of Elementary Education Deptt. and the SPIO of Directorate of Elementary Education Department **will be reviewed after 4 months. Fix 2nd May, 2016 at 11 A.M for further review.**

**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. Chief Secretary, Govt. of Assam , Dispur, Guwahati-6 for information.
2. Additional Chief Secretary, P&D for information.
3. Addl. Chief Secretary, WPT&BC for information
4. Additional Chief Secretary to Chief Minister, Assam for information.
5. Principal Secretary, Education Department for information & necessary action.
6. Principal Secretary, Finance Department for information.
7. SPIO and Deputy Director of Elementary Education, Assam for information & necessary action.
8. Director of Elementary Education, Govt. of Assam for information and necessary action.
9. Sri Amar Rajkhowa , Pragatishil Unnayan Manch, Assam,, Narayanpur Town, Ward No.-3, P.O- Dicrong, Dist- Lakhimpur, Assam , PIN-784164 for information and necessary action.
10. Computer Section for uploading in the Website.
11. Office File.

**Secretary & Registrar
Assam State Information Commission**