



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

Case No. : SIC/DHR.46/2013
Appellant : Md.Rafiul Islam Prodhani.
Respondent : The SPIO/Headmaster, Chapar Balajan High School,
Moterjhar, Dhubri
Date of hearing : 02.03.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
02.03.2016

The SPIO/Headmaster present.

The Appellant also present.

Received Written Statement dated 29.02.2016 from the First Appellate Authority (FAA)/Inspector of Schools, Dhubri District Circle which is taken on records.

The Appellant submitted that he has not received the information he had sought for.

Perused the W/S received from I.S., DDC, Dhubri. It has been submitted that the RTI Application dated 08.10.2012 had been transferred to the Headmaster, Chapar Balajan H.S. on 10.10.2012. It has further been submitted that the Appellant had filed a Complaint with the I.S., Dhubri dated 05.02.2013 (correctly 02.02.2013) which was disposed of by issue of an order directing the Headmaster to provide the information to the Petitioner within 7 (Seven) days.

Heard the Headmaster. He has submitted that the information could not be supplied to the Applicant owing to the latter's failure to deposit the cost of photocopying amounting to Rs. 25,052/- which was communicated to the latter (the Petitioner) through a letter dated 02.05.2013. Towards the end of the hearing, the Headmaster submitted a W/S giving position of the facts from his side stating, among other things, that the school was a venture one receiving no financial assistance from the Government for staff salary. He however, verbally submitted that some financial assistance had been received from the MPLAD and MLALAD funds for the purpose of building of class rooms.

Heard the Appellant. The Appellant submitted that he could not deposit the cost of photocopying during the two days that he had visited the school for the purpose in the absence of the Headmaster from the school.

From the deposition, it is seen that although some funds were stated to have been received from the MPLAD and MLALAD schemes, the school is essentially a venture one. However, in view of public interest being involved in the matter, particularly on account of receipt of some public fund, it would be appropriate for the head of the institution, *i.e.* Headmaster to provide the information sought for under the RTI Act, 2005. The Headmaster has along been willing to provide the information.

As stated above, the I.S., Dhubri had also ordered the Headmaster to do the same.

In view of the facts brought out above, the Commission hereby orders that the Appellant/Applicant shall visit, with prior intimation to the Headmaster, the office of the concerned school, to inspect the records, take notes wherever possible and ask for photocopies of such records which he thinks are essential. Upon receipt of such requisition the Headmaster shall make arrangements for providing the photocopies of those records to the Applicant, free of cost, upto 50 pages of photocopy and the rest at his own cost, within a period of 10 days.

The order regarding cost is made in view of the custodian of the information/records being a school with limited resources.

It is also ordered that the Appellant/Applicant may at his discretion, file a Complaint with the FAA/I.S., Dhubri, if not satisfied with the compliance of the Headmaster with these orders.

The FAA/Inspector of Schools, DDC, Dhubri shall dispose of, with a speaking order, any Complaint that the Appellant might file in accordance with these orders, within 15 days of receipt of such Complaint.

With this, the Second Appeal Petition is disposed of.

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Deputy Registrar
Assam Information Commission

Memo No. SIC/DHR.46/2013/ -A

Dtd. 02.03.2016

Copy to:

1. The Headmaster, Chapar Balajan High School, Vill- Chapar Balajan, PO- Moterjhar, Dist- Dhubri, Assam, Pin- 783334 for information and necessary action.
2. The First Appellate Authority/Inspector of Schools, Dhubri District Circle (DDC), PO & Dist- Dhubri, Assam, Pin- 783301 for information and necessary action.
3. Md. Rafiul Islam Prodhani, S/o Abdul Hamid Prodhani, Vill- Chapar Balajan, Dist- Dhubri, Assam, Pin- 783334 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission