



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

Case No. : SIC/DHR.40/2014
Appellant : Md. Dilbor Ali.
Respondent : The SPIO/Headmaster, Manullapara High School, Dhubri
Date of hearing : 16.06.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R

16.06.2016

Md. Abul Kashem Sheikh, SPIO/Headmaster, Manullapara High School is present with a Written Statement dated 16.06.2016.

The Appellant present along with an Advocate.

Perused the W/S. It has been submitted that the information in the form of 1336 pages of documents had been provided to the Appellant on 06.01.2015 which was collected by him from the office of the Inspector of Schools, DDC, Dhubri. It has also been submitted that delay in providing the information happened on account of the Appellant not depositing the cost of photocopying in time.

Heard the Appellant and the Advocate representing him. It has been submitted that the Appellant had not received complete information and that he had submitted a representation with the I.S., Dhubri seeking further information. The Headmaster of the school then provided response to the said representation by providing additional information, and stating that others could not be provided as the same having been stolen on 31.01.2015.

From the facts brought out above, it is seen that the representation of the Appellant dated 17.01.2015 had not made any reference to the information that had been received by him on 06.01.2015 and had not specified the shortcomings and missing information in the documents which were handed over to him on 06.01.2015. One of the information sought pertain to the office of the Higher Secondary Section of the school. It has been submitted by the Headmaster that the Higher Secondary Section is a venture one receiving no financial assistance from the Government.

Based on the information brought out above, the Commission concludes as follows –

1. The information relating to the Higher Secondary Section of the school which is a purely venture part of the school is not mandatory to be provided to a citizen under the RTI Act, 2005;
2. The fact that certain specific information sought by the Appellant through his letter dated 16.02.2015 could not be provided on account of the stated theft of the documents from the school on 31.01.2015 is a matter for the Public Authorities to investigate and take appropriate action. In this connection, the Appellant may at his discretion take up the matter with appropriate authorities for determining the facts of the case;
3. Considering that theft of important, basic documents of an institution can disrupt functioning of such institution and undermine administration and custody of record of public information, it would be proper for Higher Authorities in the Education Department such as Directorate of Secondary Education, Assam to have the matter thoroughly enquired and to take appropriate action;

4. As it appears that information as available with the Headmaster of the school has already been provided to the Appellant there is no scope for further action under the RTI Act, 2005.

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.40/2014/ 19 -A

Dtd. 16.06.2016

Copy to:

1. The SPIO/Headmaster, Manullapara High School, P.O.- Manullapara, Dist- Dhubri, Assam for information.
2. The First Appellate Authority/Inspector of Schools, Dhubri, Dist- Dhubri, Assam for information.
3. The Director, Secondary Education, Assam, Kahilipara, Guwahati for information and necessary action.
4. Md. Dilbor Ali, S/o- Lt. Ali Mamud, P.O.- Manullapara, Dist- Dhubri, Assam for information.
5. Computer Section for uploading in the Website.
6. Office File.

Deputy Registrar
Assam Information Commission