



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

Case No. : SIC/SNR.46/2015
Complainant : Md. Mabud Ali
Respondent : The SPIO/Principal, Darrang College, Tezpur
Date of hearing : 31.05.2016
Complaint heard by : Smt. Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam

O R D E R
31.05.2016

The petitioner Md. Mabud Ali is absent. The hearing notice issued to him by the Commission has been returned by the postal department as “addressee left”.

The Public Authority is absent but has filed a written statement dated 26.05.2016.

In view of huge number of cases pending before the Commission, the matter is taken up for hearing *ex parte* based on records.

It appears that Md. Mabud Ali had filed an RTI petition before the Chief Secretary to the Govt. of Assam on 25.09.2014 seeking for information related to receipt of payment in various heads of Darang College, Tezpur. The said petition was transferred on 24.10.2014 by the Deputy Secretary & SPIO, Govt. of Assam, Secondary Education Department to the PIO, Darrang College, Tezpur to furnish the information directly to the applicant within the stipulated time with intimation to the Deputy Secretary.

On 21.02.2015, the petitioner filed a Complaint petition before the Commission for non receipt of information on the RTI petition dated 25.09.2014 and hearing was fixed on 31.05.2016.

A written statement has been furnished by the Principal, Darrang College that the RTI petition of Md. Mabud Ali dated 25.09.2014 addressed to the Chief Secretary, Govt. of Assam was received by the Darrang College on 14.03.2015 and thereafter reply had been furnished to the petitioner on 20.03.2015. After receipt of the reply, Md. Mabud Ali again sought for further information vide letter dated 01.05.2015 which was also replied vide letter dated 04.06.2015. The SPIO has stated that inspite of providing all information in tabular form from 2006-2014, the petitioner was not satisfied and he was asking for other documents head wise/year wise/month wise which is simply impossible to provide and that Govt. financial audit was also done till 2015. A copy of the said letters has been enclosed with the written statement along with the postal receipt as evidence. Not satisfied with the reply, the petitioner Md. Mabud Ali wrote to Prime Minister of India on 12.08.2015 to look into the matter. The Principal, Darrang College, Tezpur has requested to settle the matter and if any lapse on their part to intimate them for further corrections.

On careful perusal of documents furnished, it appears that information sought for by the petitioner was furnished to him. In this regard, this Commission also refers the judgment of the Hon’ble Supreme Court of India in Civil Appeal No.6454 of 2011 (arising out of SLP[C] No.7526/2009). In the said case, the Hon’ble court has observed that the RTI Act provides access to all information that is available and existing. If a Public Authority has any information in the form of data or analyzed data, or obstructs or statistics, an applicant may access such information, subject to the exemptions in section 8 of the Act. But where the information sought is not a part of the record of a Public Authority and where such information is not required to be maintained under any law or the rules or regulations of the Public Authority, the Act does not

cast an obligation upon the Public Authority to collect or collate such non-available information and then furnish it to an applicant.

In view of the facts and circumstances stated above, the Complaint petition filed by the petitioner Md. Mabud Ali dated 21.02.2015 stands dismissed.

Sd/-

Nilufer Alam Hazarika, IAS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Deputy Registrar

Assam Information Commission

Memo No. SIC/SNR.46/2015/ 31 -A

Dtd. 31.05.2016

Copy to:

1. The SPIO/Principal, Darrang College, Tezpur, District-Sonitpur, Assam, Pin-784001 for information.
2. Md. Mabud Ali, C/o Mrinal Baishya, Vill- Ushanagar, PS- Tezpur, Dist- Sonitpur, Assam, Pin-784001 information.
3. Computer Section for uploading in the Website.
4. Office File.

Deputy Registrar
Assam Information Commission