



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

Case No. : SIC/SNR.20/2016
Appellant : Sri Hemanta Kakati
Respondent : The Headmaster, Sirajuli High School, Sirajuli,
Sonitpur
Date of hearing : 12.08.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
12.08.2016

The Headmaster, Sirajuli High School, Sonitpur is absent but has sent a Written Statement dated 11.08.2016 which is taken on case record. The First Appellate Authority/Inspector of Schools, Sonitpur has also submitted a Written Statement dated 06.08.2016 which is taken on case record.

The Appellant present and has submitted in writing that he has not received the information he had sought for and the FAA has not taken any hearing to dispose of his First Appeal dated 24.12.2015.

Deposing before the Commission, the Appellant stated that he was prepared to pay the cost of photocopying, and that he could not do it as the said Headmaster had not specified the amount of the cost of photocopying in his letter dated 17.11.2015. He further submitted that as advised by the Headmaster he had visited the Headmaster in the school on 17.12.2015 for the purpose of collecting the documents connected with the information he had sought for. However, the Headmaster did not provide the documents and advised him to go back to the school on 19.12.2015. When the Appellant went to the school on the appointed date, he found that the Headmaster was not present in the school and had left station on personal work. He added that he had met the Headmaster again soon after he had returned to duty but the latter only gave assurance of providing of information.

A perusal of the case record indicates that the Headmaster had written to the Appellant in his letter dated 06.01.2016 that on the appointed date of meeting *i.e.* 19.12.2015 he had to leave for Guwahati in connection with medical treatment and subsequent bereavement in his family, and that owing to preoccupation with the work in the school he would be able to provide the information in the second week of March. The Appellant submitted that he received no communication from the Headmaster subsequent to that letter.

Perused the W/S of the FAA. It has been submitted that on receipt of the First Appeal the Headmaster of the school had been directed through a letter dated 19.02.2016 to provide the information.

Perused the W/S of the Headmaster. The Headmaster sent his apology for his inability to attend today's hearing by explaining the reasons which were both personal and official, the latter being mainly engaged in connection with government instruction regarding celebration of the Independence Day. The Headmaster has not however given any assurance relating to furnishing of the information sought for by the Appellant. He has not explained, as was directed by the Commission through the hearing notice, as to why penalty under Section 20 (1) of the RTI Act,

2005 shall not be imposed on him for his failure to furnish the information sought for to the Appellant within the stipulated period of 30 days.

The facts brought out above indicate that the Headmaster has failed to take action in accordance with the RTI Act, 2005 to provide information sought for by the Appellant under the Act and has made excuses for his non-compliance and inaction. As the holder of the information sought for by the Appellant, it was his responsibility to provide the same (the information) within 30 days from the date of receipt of the RTI Application. He had also failed to communicate to the Appellant the specific amount of cost of photocopying by detailing the documents and pages thereof to be photocopied. In fact, he had not specified any amount in this regard. Thus, the Headmaster's failure and the lack of diligence as regards his duty under the said Act attract imposition of penalty on him under Section 20 (1) of the said Act and also recommendation of disciplinary proceedings. The FAA too has not disposed of the First Appeal in the manner stipulated in the Act. The FAA ought to have disposed of the First Appeal by taking a hearing and issuing a speaking order in order to facilitate furnishing of the information to the Appellant.

In view of the facts brought out above, the Commission hereby orders as follows –

1. The Headmaster, Sirajuli High School, Sonitpur shall provide the information sought for by the Appellant, within 7 days of receipt of this order;
2. The Headmaster of the school shall submit an explanation before the Commission, within 8 days of receipt of this order, as to why penalty under Section 20 (1) of the RTI Act, 2005 shall not be imposed on him for his failure to furnish the information sought for to the Appellant within the stipulated period of 30 days; and
3. As the FAA/Inspector of Schools, Sonitpur did not dispose of the First Appeal in the appropriate manner, he shall consider and dispose of the said Appeal with a speaking order, within a period of 10 days of receipt of this order.

With this, the Second Appeal Petition is disposed of.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar
Assam Information Commission

Memo No. SIC/SNR.20/2016/ 45 -A

Dtd. 12.08.2016

Copy to:

1. The Headmaster, Sirajuli High School, Sirajuli, Dist- Sonitpur, Assam, Pin- 784117 for information and necessary action.
2. The First Appellate Authority/Inspector of Schools, Sonitpur District Circle, Sonitpur, Assam, Pin-784001 for information and necessary action.
3. Sri Hemanta Kakati, Vice President, Sirajuli Nagarik Unnayan Samitee, Vill- Maila Ali, PO- Sirajuli, Assam, Pin-784117 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Registrar
Assam Information Commission