



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

Case No. : SIC/BPT.76/2016
Appellant : Dr. Gunindra Das
Respondent : The SPIO, office of the Principal, B.H. College, Howly, Barpeta
Date of hearing : 01.08.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
01.08.2016

The Appellant has deputed one Sri Badal Das to attend the hearing on his behalf.

The SPIO absent without information. He has not submitted any Written Statement on the status of furnishing of information which was sought for by the Commission through its hearing notice dated 18.07.2016.

The First Appellate Authority/Principal, B.H. College, Howly has not apprised the Commission about the steps he may have taken to dispose of the First Appeal dated 28.03.2016 which he was asked to do through its aforementioned hearing notice.

Perused the case record. It is seen that out of the 3 (three) items of the information the Appellant had sought for from the SPIO through his RTI Application dated 27.01.2016, he had not received the information on the 3rd item and therefore, he had filed his First Appeal dated 28.03.2016 with the First Appellate Authority/Principal, B.H. College, Howly. He filed his Second Appeal dated 16.05.2016 before the Commission after he failed to receive response to his First Appeal.

Heard the representative of the Appellant. He however could not say anything about the Appeal.

The Commission observes that the SPIO has failed to perform his duty enjoined upon him by the RTI Act, 2005 in failing to apprise the Commission of the action taken by him, if any to provide the wanting information to the Appellant and also to explain as to why penalty shall not be imposed on him/her under Section 20 (1) of the Act for his/her failure to furnish the information to the Applicant within the stipulated period of 30 days. The Appellant on his part failed to avail himself of the opportunity given him by the Commission through its hearing notice dated 18.07.2016 to present his case himself or through his authorized representative. His depute to the hearing was unable to present the case. The Appellant could have sent a Written Statement through his depute which he did not. Thus, he failed to facilitate the Commission in ascertaining the status of providing the information he had sought for and has failed to demonstrate the seriousness that an RTI Appeal case deserves.

Considering this, the Second Appeal Petition is hereby dismissed.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/BPT.76/2016/ 13 -A

Dtd. 01.08.2016

Copy to:

1. The SPIO, office of the Principal, B.H. College, Howly, Dist- Barpeta, Assam, Pin-788710 for information.
2. The First Appellate Authority/Principal, B.H. College, Howly, Dist- Barpeta, Assam, Pin-788710 for information.
3. Dr. Gunindra Das, Milan Nagar, Ward No.- 8, P.O.- Simalaguri, Barpeta Road, Dist-Barpeta, Assam, Pin-781313 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission