



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

Case No. : SIC/DHR.35/2014
Appellant : Md. Aye Hussain.
Respondent : The SPIO/Head Teacher, No. 1164 Dharakoba J.B. School,
Dhubri
Date of hearing : 29.08.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
29.08.2016

The Appellant present.

The SPIO present with her husband. A Written Statement dated 29.08.2016 received from the SPIO which is taken on case record.

Heard the Appellant. He submitted that he has not received the information he had sought for and any order on his First Appeal submitted to the First Appellate Authority/BEEO, Mankachar Educational Block, Hatsingimari.

Perused the W/S. It has been submitted that after receiving the RTI Application dated 31.10.2013 on 01.02.2014 she had requested the Appellant through her letter dated 03.02.2014 to deposit an amount of Rs. 2,500/- towards cost of photocopying of documents to be photocopied to him but that the Appellant was yet to deposit the said amount.

The Appellant submitted that he had received the aforementioned letter regarding the cost of photocopying but did not make the payment considering that information was not provided to him within the time specified by the RTI Act, 2005 and that he had already made his Second Appeal.

Heard the SPIO/Head Teacher. She submitted that in the meantime, on 15.08.2016 records of the school had been stolen. For evidence she submitted a copy of the FIR lodged with the Mankachar Police Station.

Both parties made allegations and counter allegations about misrepresentation of facts such as the actual date of submission of the RTI Application, receipt of the communication, threat etc. It is not for the Commission to go into this matter and determine the facts of the case. As regards the submission about theft of the school records, FIR with the Police Station has been claimed to have been filed.

The First Appellate Authority/BEEO, Mankachar has not apprised the Commission about the steps he may have taken to dispose of the First Appeal dated 12.12.2013 which he was asked to do through its hearing notice dated 26.07.2016.

From the perusal of the case record, it is seen that while requesting for the payment of cost of photocopying, the Head Teacher had not given detailed estimate relating to records/pages to be photocopied. As regards the time, the Head Teacher had raised the demand within two days of receiving the RTI Application. She has produced the postal receipt relating to dispatch of the letter by registered post as evidence. However, the Appellant submitted that he had received the letter only on 11.03.2014 which was well beyond the specified time for providing information.

In view of the facts brought out above, the Commission hereby orders that the SPIO/Head Teacher, No. 1164 Dharakoba J.B. School, Dhubri shall thoroughly verify the records available in

the school and provide, if available despite the reported theft, the information sought for by the Appellant, free of cost, within 10 days of receipt of this order; and if no information can be provided for want of records, the Appellant shall be informed in writing the factual position and the steps taken to find the information. This also should be done within 10 days of receipt of this order.

The FAA/BEEO, Mankachar ought to have disposed of the First Appeal dated 12.12.2013, with a speaking order, in accordance with the RTI Act, 2005. This was however not done. The FAA shall therefore consider and dispose of the said First Appeal, with a speaking order after hearing both the SPIO and the Appellant, within 15 days of receipt of this order, and inquire into the entire matter of delay in providing the information to the RTI Applicant, and also the issue of theft of important records of the school to determine the factual position and take necessary follow up action so that the legal right accorded to the citizens by the said Act are not denied for want of timely action and due diligence on the part of responsible officials of the concerned school.

With this, the Second Appeal is disposed of. However, should the SPIO fail to provide the information in compliance with this order, the Appellant shall be at liberty to approach the Commission.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/DHR.35/2014/ -A

Dtd. 29.08.2016

Copy to:

1. The SPIO/Head Teacher, No. 1164 Dharakoba J.B. School, P.O.- Radhamadhabhat, Dist- Dhubri, Assam for information and necessary action.
2. The First Appellate Authority/Block Elementary Education Officer, Mankachar Educational Block, Dist- Dhubri, Assam for information and necessary action.
3. Md. Aye Hussain, C/o- Mohezol Hoque, Vill- Dharakoba, P.O.- Radhamadhabhat, Dist- Dhubri, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar

Assam Information Commission