

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

Case No. : **KP(M)84/2015**

Complainant/ appellant : **Sri Jogesh Malla Buzarbaruah**

Respondent : **DEEO, Kamrup (Metro)**

Date of hearing : **24-8-2016**

Complaint/ Second : **Shri H. S. DAS, IAS(Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R

The petitioner Sri Jogesh Malla Buzarbaruah is present accompanied by Sri Debajit Adhikari to assist him. The public authority to be represented by the SPIO of the office of District Elementary Education Officer, Kamrup (Metro), Guwahati is absent without any information.

The second appeal petition dated 25-7-2016 is taken up for hearing ex-parte in the absence of the respondent.

From perusal of the case records it is seen that the petitioner filed an RTI petition dated 9-1-2015 addressed to the SPIO of the Office of the Director of Elementary Education, Assam. The RTI petition was transferred by the Directorate to the District Elementary Education Officer, Kamrup (Metro) on 26-3-2015, with a directed to furnish the required information to the petitioner directly. The RTI petition was transferred to the DEEO, Kamrup (Metro) after a reminder dated 20-3-2015.

Getting no response from either the Director or the DEEO, the petitioner filed his second appeal petition before this Commission on 25-7-2015. After getting notice from this Commission the SPIO and Deputy Director, Elementary Education, Govt. of Assam idirected the DEEO, Kamrup (Metro) by a letter dated 10th August, 2016 to furnish the information/ materials directly to the petitioner. The DEEO was also asked to be present at the time of hearing of the second appeal petition today.

The SPIO and Deputy Director, Elementary Education, Assam has submitted another written statement dated 19th August, 2016 stating that despite instructions from the Directorate to the DEEO, no action seems to have taken by the office of the DEEO, Kamrup, (Metro).

From the above, it appears that the District Elementary Education Officer, Kamrup (Metro) and the SPIO of his office are not only violating the provisions of the RTI Act, but they are also defying instructions of their own superior authorities.

From perusal of the RTI petition, it is seen that the informations sought for relate to Srimantapur L.P School, Guwahati- 781 032 and they are admissible under the RTI Act.

In view of the above, the Commission passes the following directions :-

- (1) **The SPIO of the office of DEEO, Kamrup (Metro) shall furnish the required information to the petitioner free of cost and by Registered Post within 20 days from the date of receipt of this order. For any negligence in complying with this order the DEEO, Kamrup (Metro) and the SPIO of his office will be held personally responsible for taking appropriate penal action against them.**
- (2) **The Directorate of Elementary Education, Assam will look into the non-compliance of his orders by the DEEO and the SPIO of the Office of DEEO,**

Kamrup (Metro) and take necessary action against them as may be deemed appropriate.

- (3) The District Elementary Education Officer, Kamrup (Metro) and the SPIO of the office of DEEO, Kamrup (Metro) are directed to show cause as to why appropriate action will not be taken against them for their failure to attend the hearing of this Commission without any information and also for their failure to furnish the required information to the petitioner within the stipulated time. Their written submission should reach the Registry of this Commission within 15 days from the date of receipt of this order.

Fix 19-9-2016 at 1.P.M for review of compliance of the above order.

Sd/-
(H.S.Das)

Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No.SIC/ KP(M) 84/2015/54-A

Dated 24-8-2016

Copy to:

1. The District Elementary Education Officer, Kamrup (Metro) , Satribari, Guwahati-781 008 for information and necessary action, as ordered above,
2. SPIO of the office of District Elementary Education Officer, Kamrup (Metro), Guwahati for information and necessary action as ordered above.
3. Sri Jogesh Malla Buzarbaruah "Upendralaya", House No. -12 Bye Lane No-01 Srimantapur L.P School Road, Guwahati- 781 032
4. Computer Section for uploading in the Website.
5. Office File.

Registrar
Assam Information Commission