



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

Case No. : SIC/KMJ.91/2016
Appellant : Hazi Abdul Sahid
Respondent : The SPIO, O/o the
1. Block Elementary Education Officer, Patherkandi, Karimganj
2. Headmaster, Nayacherra M.E. Madrassa, Karimgaj
Date of hearing : 15.09.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
15.09.2016

The SPIO, office of the Block Elementary Education Officer, Patherkandi 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 05.08.2016. He has also not explained as to why penalty shall not be imposed on him/her under Section 20 (1) of the RTI Act, 2005 for his/her failure to furnish the information to the Applicant within the stipulated period of 30 days

The Appellant absent without information.

The Headmaster, Nayacherra M.E. Madrassa has submitted a Written Statement dated 29.08.2016.

Perused the case record. It is seen that the Appellant had filed his Second Appeal dated 29.07.2015 after he failed to receive the information he had sought for either from the SPIO or from the Headmaster of the said school to whom the Application had been forwarded by the BEEO, Patherkandi. He had also not received any response to his First Appeal dated 13.01.2015 submitted before the BEEO, Patherkandi.

Perused the W/S of the said Headmaster. It has been submitted that he had not received the said RTI Application, was not aware of the First Appeal, and came to learn about the case only after receiving the Commission's hearing notice. It has also been submitted that after thus learning about the RTI Application, the Headmaster has taken prompt action by writing a letter dated 29.08.2016 to the Appellant requesting him to deposit the cost of photocopying at the rate of Rs.2/- per copy. It is however seen that the total amount of money to be deposited such as number of pages etc. have not been specified by the Headmaster. Thus, the Appellant has not been informed about the total amount he was required to deposit towards cost of photocopying.

Further, it is seen that the Appellant has been asked to bear the cost of the photocopying even though the information could not be furnished within the time of 30 days specified by the Act.

In view of the facts brought out above, the Commission hereby orders that the Headmaster, Nayacherra M.E. Madrassa shall furnish the information sought for by the

Appellant, free of cost, within 15 days of receipt of this order. It is further ordered that, should it be difficult for the headmaster to raise the resources required for making the said photocopies, the SPIO, office of the BEEO, Patherkandi shall make funds available to the headmaster for this purpose.

The Commission brings it to the notice of the SPIO to whom the RTI Application had been submitted at the first instance, that he has failed to comply with the provisions of the said Act in merely asking the said Headmaster to provide the information without ensuring that the information had been actually provided. If he had received the Commission's hearing notice, the absence of the SPIO and non-submission of a Written Statement by him are indicative of indifference to his duties under the said Act, if the Commission notice for today's hearing had been received by him.

With this, the Second Appeal Petition is disposed of. However, the Appellant will be at liberty to move this Commission in case of non-compliance with this order by the Public Authority.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam State Information Commission

Memo No. SIC/KMJ.91/2016/ 11 -A

Dtd. 15.09.2016

Copy to:

1. The Headmaster, Nayechera M.E. Madrassa, Vill- Baruail, P.O.- Bhubrighat, Dist- Karimganj, Assam, Pin- 788710 for information and necessary action.
2. The SPIO, Office of the Block Elementary Education Officer, Patherkandi Educational Block, P.O.- Patherkandi, Dist- Karimganj, Assam, Pin- 788710 for information.
3. The First Appellate Authority/Block Elementary Education Officer, Patherkandi Educational Block, P.O.- Patherkandi, Dist- Karimganj, Assam, Pin- 788710 for information and necessary action.
4. Hazi Abdul Sahid, Vill- Baruail, P.O.- Bhubrighat, Dist- Karimganj, Assam, Pin- 788710 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Deputy Registrar
Assam State Information Commission