

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

Case No. : SIC/NGN.75/2016  
Appellant : Md. Inamul Huda  
Respondent : The SPIO, O/o the Assam Higher Secondary Education  
Council, Bamunimaidam, Guwahati-781021  
Date of hearing : 22.11.2016  
Second Appeal heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
22.11.2016

The SPIO absent however, he has submitted a Written Statement dated 18.11.2016.

The Appellant, Md. Inamul Huda is present.

Heard the Appellant. He submitted that he did not receive the information /documents he had sought for through his RTI Application dated 23.11.2015 or any other communication from the SPIO. The First Appellate Authority had not disposed of the First Appeal dated 21.01.2016.

Perused the Written Statement. The SPIO has not provided the detailed information on when the RTI Application was received and information furnished, if any, that was sought from him by the Commission through its Hearing Notice dated 18.10.2016. Instead he had enclosed unauthenticated photocopy of the answer script which was sought for in respect of Physics in Higher Secondary Final Examination, 2015. It has also been submitted that the said answer script could not be furnished in time owing to its misplacement.

The SPIO has not stated as to whether a copy of the said answer script had been sent to the Appellant. It appears that the Public Authority is unaware of his responsibility regarding furnishing information/documents to an RTI Applicant under the RTI Act 2005. The reason given for the Appellant not providing the information is not satisfactory for the reason that effort made, if any, to locate the answer script for furnishing a photocopy thereof to the RTI Applicant within the 30 days stipulated by the said Act has not been mentioned above. Neither is there any mention of what action has been taken to determine any accountability for the misplacement of such important documents in the Council sought that such irregularity does not recur.

The Commission hereby orders that the SPIO shall furnish an authenticated copy of the said answer script to the Appellant, free of cost, within 10 days of receipt of this order. The SPIO is advised to be prompt and diligent in response to RTI Application in the future.

Further, the FAA/Chairman, Assam Higher Secondary Education Council, Assam is hereby advised to comply with the provisions of the said Act in the matter of disposing of First Appeals filed under the Act. Attention is drawn to the fact that hearing out and disposing of First Appeal with a speaking order could have avoided the Second Appeal that has occurred in making the information available to the Appellant.

The Second Appeal is hereby disposed of.

Sd/-  
Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Sd/-  
Dy. Registrar  
Assam State Information Commission

Copy to:

1. The SPIO, O/o the Assam Higher Secondary Education Council, Bamunimaidam, Guwahati-781 021, Assam for information and necessary action.
2. The First Appellate Authority/Chairman, Assam Higher Secondary Education Council, Bamunimaidam, Guwahati- 781 021, Assam for information.
3. The Appellant, Md. Inamul Huda, Advocate, 1<sup>st</sup> Floor, Nagaon Bar Association, Nagaon- 782 001, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Registrar  
Assam State Information Commission