



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

Case No. : SIC/NLB.75/2016
Appellant : Md. Lalchand Ali Ahmed
Respondent : The SPIO, O/o the Principal, Peradhara H. S. School, Nalbari
Date of hearing : 20.01.2017
Second Appeal Heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
20.01.2017

The SPIO, O/o the Principal, Peradhara H.S. School absent without information. He has also not explained as to why penalty U/S 20 (1) of the RTI Act, 2005 shall not be imposed on him for his failure to furnish the information sought for within stipulated time.

The First Appellate Authority/Inspector of School, Nalbari is absent. He has not apprised the Commission in writing about the steps he might have taken to dispose of the First Appeal dated 19.08.2016 which he was asked to do through the Commission's Hearing Notice dated 14.12.2016.

The Appellant, Md. Lalchand Ali Ahmed is present.

Heard the Appellant. He submitted that he has not only not received the information he had sought for, his RTI Application dated 15.08.2016 sent by Speed Post was refused to be received by the school authorities stated to be under the instruction of the Principal himself. He has submitted photocopies of the postal receipt in respect of the Speed Post. Refusal has been recorded by the postman on the AD (Acknowledgement Card) and on the envelope.

Perused the case record. It is seen that the Appellant had filed his Second Appeal on the ground of refusal of the school authorities to receive his RTI Application and failure of the FAA/Inspector of School, Nalbari to dispose of his First Appeal.

From the facts brought out above, it appears that the SPIO of the said school and its Principal being the head of the public authority refused to receive an application for information and without reasonable cause, and failed to furnish information within the time specified in sub-section 1 of section 7. He is thus liable to pay penalty in this connection as provided for by the section 20 (1) of the RTI Act, 2005. Further, failure to apprise the Commission in person by attending today's hearing or by submitting a Written Statement and not taking appropriate action to furnish information on receipt of the notice of the today's hearing attract the provision of the said Act concerning recommendation of disciplinary action against him under the service rules applicable to him.

Like-wise the FAA/Inspector Schools, Nalbari has failed to discharge his responsibility as FAA in not disposing of the said First Appeal and in his failure to apprise the Commission about the action taken by him as stated above.

In view of the facts brought out above, the Commission hereby orders as follows-

- (i) The SPIO, O/o the Principal, Peradhara H.S. School, Nalbari shall furnish the information sought for by the Appellant, free of cost, within 10 days of receipt of this order.
- (ii) The SPIO should also explain as to why penalty U/S 20 (1) of the RTI Act, 2005 shall not be imposed on him for his failure to furnish the information sought for within the time stipulated. The SPIO shall submit an explanation within 15 days of receipt of this order.

The FAA/Inspector of School, Nalbari is hereby advised to dispose of First Appeals made to him as FAA in accordance with the RTI Act, 2005.

Fix next date of hearing if no compliance receive in accordance with this order within reasonable time.

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

Sd/-
Dy. Registrar
Assam State Information Commission

Memo No. SIC/NLB.75/2016

Dtd. 20.01.2017

Copy to:

1. The SPIO, O/o the Peradhara H.S. School, Nalbari, Dist- Nalbari, Pin- 781 138, Assam for information and necessary action.
2. The First Appellate Authority/ Inspector of School, Nalbari, Dist- Nalbari, Pin- 781 335, Assam for information and necessary action.
3. The Appellant, Md. Lalchand Ali Ahmed, S/o- Lt. Jamatuddin Ahmed, Vill- Damdamapathar, PO- Rampur, Dist- Nalbari, Pin- 781 312 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Registrar
Assam State Information Commission