

**Case No.** : **KP(M).355/2017**  
**Complainant/ Appellant** : **Sri Hari Das**  
**Respondent** : **Directorate of Higher Education.**  
**Date of Hearing** : **3-7-2017**  
**Complaint/ Second** : **Shri H. S. Das, IAS (Retd)**  
**appeal heard by** : **State Chief Information Commissioner, Assam**

**O R D E R**  
**3-7-2017**

1. The petitioner/ appellant Sri Hari Das is present accompanied by Sri Ritul Kalita to assist him. The public authority to be represented by the SPIO of the Directorate of Higher Education is absent. However, she has sent a written statement dated 30<sup>th</sup> June, 2017 which is entered into the case records. In her written statement she has stated that the RTI petition dated 16-11-2016 of the petitioner Sri Hari Das was transferred to the Principal of the concerned College, vide letter dated 23-2-2017 with a request to furnish the information within seven (7) days.

2. The second appeal petition dated 24-5-2017 is taken up for hearing ex-parte in the absence of the public authority.

3. The petitioner furnished a copy of letter No. SDM/RTI/320/2017 dated 8-3-2017 received by him from Dr. M. Bora, Principal of Sankardev Mahavidyalaya, Pathalipahar, Lakhimpur, Assam. In his letter to the petitioner the Principal has stated that it will not be possible to provide the informations related to the Governing Body without the approval of the Governing Body. He has further mentioned that the office bearers of the College including the PIOs were busy in preparing the then forthcoming NAAC inspection. Hence the necessary information would be provided after four (4) months.

4. This Commission is of the view that the stand taken by the Principal of Sankardev Mahavidyalaya, Pathalibahar, Lakhimpur is not at all in consonance with the provisions of the RTI Act, 2005, Section 7 of which clearly stipulates that informations sought for shall be provided by the SPIO of the concerned public authority as expeditiously as possible,, and in any case within 30 days of the receipt of the request or reject the request for any of the reasons specified in Sections 8 and 9 of the RTI Act, 2005.

5. It is , therefore, clear that the Principal of the concerned College, who is the holder of the sought for information, has failed to comply with the relevant statutory requirements under the RTI Act,, 2005.

6. This Commission also notes that the petitioner sought for informations dating from 1983, which are more than 20 years' old. It is also noted that the informations sought for by the petitioner covers a long period of time and will be quite voluminous which might attract the provisions of Section 7 (9) of the RTI Act, 2005.

7. It is noted that the four months period after which the information was promised to be furnished by the Principal of the College, vide his letter dated 8-3-2017 will expire on 7-7-2017

8. In view of the position as noted above, the SPIO of Sankardev Mahavidyalaya, Pathalipahar, Lakhimpur, Assam, PIN-784163 is therefore directed to furnish the sought for informations to the petitioner, free of cost up to 100 pages of photocopies and thereafter, on payment of Rs. 2/- for every additional page of photocopy. If the sought for information runs into more than 100 pages, then the SPIO of the College will inform the petitioner within seven (7) days from the date of receipt of this order about the cost to be deposited by the petitioner with an analysis of the break-up of the cost. The petitioner deposed before this Commission orally today that he is agreeable to pay the required cost. The SPIO of the College is directed to furnish the sought for informations to the petitioner within twenty (20) days from the date of receipt of the required cost from the petitioner. If for any reasons like, the sought for informations being more than 20 years old – the SPIO of the College is not in a position to provide some part of the sought for informations, then he is directed to inform the petitioner accordingly with reasons therefor and with intimation to this Commission within twenty (20) days from the date of receipt of this order.

9. The SPIO of Sankardev Mahavidyalaya, Pathalipahar, Lakhimpur is directed to show cause as to why penalty under Section 20 of the RTI Act, 2005 shall not be imposed on him for his failure to comply so far with the relevant provisions of the Act, especially Section 7 of the Act.. His written reply to this show cause order shall be submitted within thirty (30) days from the date of receipt of this order.

10. Fix 17<sup>th</sup> August, 2017 at 12.00 Noon for next hearing.

**Sd/-**  
**(H. S. Das)**  
**State Chief Information Commissioner,**  
**Assam**

**Authenticated true copy**  
**Sd/-**  
**Registrar**  
**Assam Information Commission**

**Copy to:-**

- 1) SPIO –cum- Deputy Director of Directorate of Higher Education., Kahilipara, Guwahati-19 for information and necessary action.
- 2) SPIO of Sankardev Mahavidyalaya, Pathalipahar, Lakhimpur, Assam, for information and necessary action, as ordered above.
- 3) Sri Hari Das, R/O Moon Sun Complex, Nepali Mandir, Paltanbazar, Md. Shah Road, Guwahati-8 for information.
- 4) Computer Section for uploading in the Website.
- 5) Office file.
- 6) Order Book.

**Registrar  
Assam Information Commission.**