



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

Case No. : SIC/DHR.68/2017
Appellant : Shri Saman Ali Sk
Respondent : The SPIO, O/o the Principal, Dhubri Girls' College, Dhubri
Date of hearing : 09.08.2017
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
09.08.2017

Shri Santosh Kr. Malakar, Principal, Dhubri Girls' College, Dhubri present along with an associate professor.

The Appellant, Shri Saman Ali Sk is present.

Heard the Appellant. He submitted that he had not received the information he had sought for and that he had received a copy of the letter dated 13.04.2017 written by the SPIO/Deputy Director, O/o the Director of Higher Education, Assam requesting the Principal to furnish the information within 7 days in disposing of the First Appeal dated 09.03.2017.

Heard the Principal of the College. He submitted that as the College was a venture college until it was provincialised effective from 01.01.2013 and added that he was unable to furnish the information for the relevant period on account of his preoccupation with other official work.

Perused the case record. The Appellant had filed his Second Appeal dated 12.04.2017 after he did not receive the information he had sought for and any decision from the FAA. From the copy of the aforementioned letter from the Directorate, it is seen that the First Appeal was disposed of after submission of the Second Appeal.

A perusal of the RTI Application indicates that the information was sought on as many as twelve items of various issues and the period to which the information related dated back to 2008 i.e., prior to the date of provincialisation included information relating to financial assistance received from the Government during that period.

Based on the aforementioned facts, the Commission observes that the information sought for pertained to both pre-provincialised and provincialised period and that furnishing of information to an information seeker under the RTI Act, 2005 is mandatory for the management of the said college from the time it become a Public Authority under the Act post provincialisation. In other words, it is mandatory for the SPIO/Principal of the college to furnish the information sought for for the period beginning 01.01.2013 and as regards information prior to that date the Appellant shall be at liberty to seek information from the Public Authority that may have access to information under any other law for the time being in force. On this having been pointed out, the Appellant agreed that he would be satisfied if the information for the period beginning 01.01.2013 would be furnished to him.

The Commission observes that the explanation given by the Principal of the College for not providing the information so far was not acceptable as regards the provincialised period.

In view of the facts brought out above, the Commission hereby orders that the SPIO/Principal, Dhubri Girls' College, Dhubri shall furnish the information sought for by the Appellant, for the provincialised period, free of cost, within 15 days of receipt of this order. As regards, information pertaining to the financial assistance received from the Government and UGC during the period the college was a venture one, the Appellant may, at his discretion apply to the appropriate Public Authority.

The Second Appeal is hereby disposed of with this order.

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

Authenticated true copy

Sd/-
Joint Registrar
Assam State Information Commission

Memo No. SIC/DHR.68/2017

Dtd.09.08.2017

Copy to:

1. The SPIO, O/o the Principal, Dhubri Girls College, Dhubri, Assam for information and necessary action.
2. The First Appellate Authority/Director, Higher Education Deptt., Kahilipara, Guwahati-781 019, Assam for information.
3. The Appellant, Shri Saman Ali Sk, S/o- Kachimuddin Sk, Krishnanagar, Ward No. 14, PO & PS- Bilasipara, Dist- Dhubri, Pin- 783 348, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam State Information Commission

