



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

Case No. : SIC/KP(M).1033/2017
Appellant : Shri Hari Narayan Pathak
Respondent : The SPIO, O/o the Gauhati University, Gopinath Bordoloi
Nagar, Guwahati- 14
Date of hearing : 05.04.2018
Second Appeal heard by : Shri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R
05.04.2018

The Appellant, Shri Hari Narayan Pathak is present.

The SPIO absent with a written apology. However, he has submitted a Written Statement dated 04.04.2018.

Perused the Written Statement. It has been submitted that the information sought for through RTI Application dated 26.12.2016 had been transferred through a letter dated 16.01.2018. A copy of the said letter along with its enclosures have been enclosed.

Heard the Appellant. He submitted that he had indeed received the information through the said letter of 16.01.2018 but the same had following deficiencies:

- (i) Query- While the information sought for was a copy of the Rule under the Gauhati University Act, 1948 for affiliation of Law Colleges, he has been provided with a copy of the Ordinance on affiliation of Law Colleges. As stated by the Ordinance the same was to come into force from the date of its adoption by the Executive Council. The SPIO has not (a) enclosed a copy of the Resolution by the EC had adopted the said Ordinance, and (b) indicated whether the so called Ordinance is same as the Rule sought for.
- (ii) Query- Regarding copies of Affiliation Certificates issued by the University in favour of Bongaigaon College, Dhubri College and Goalpara College sought for, the SPIO has provided copies of Resolution of the EC and not the Affiliation Certificates.
- (iii) Query- He had sought documentary proof in respect of Grants being given by University Grants Commission to each of the above three colleges. If the SPIO did not have this information he ought to have transferred that part of his Application to the concerned Public Authority(s) who are likely to hold the same. The Appellant however submitted that he might apply for the information from UGC.

After a careful consideration of the submissions by the SPIO and the Appellant, the Commission agrees that the copy of the Ordinance supplied to the Appellant cannot be said to be a regular Rule for the purpose of affiliation of Law Colleges, an Ordinance having validity for a limited period. Likewise the SPIO ought to furnish copies of Affiliation Certificates in respect of the aforementioned colleges instead of only copies of EC Resolution.

In view of the above, the Commission hereby orders that the SPIO shall furnish a copy of the Rule, if any, for affiliation of Law Colleges or copies of documents relating to ratification of the aforementioned Ordinance by a competent authority. Further, the SPIO shall provide Affiliation Certificates in respect of the aforementioned three colleges. As regards the third query the SPIO ought to transfer that part of the RTI Application to UGC if that organization is the holder of the information under the Right to Information Act, 2005. The SPIO shall furnish the information as above and take action on the third query within 15 days of receipt of the order.

The Second Appeal is hereby disposed of with this order.

Sd/-

Pinuel Basumatary IA & AS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-
Joint Registrar
Assam Information Commission

Memo No. SIC/KP(M).1033/2017

Dtd.05.04.2018

Copy to:

1. The SPIO, O/o the Gauhati University, Gopinath Bordoloi Nagar, Guwahati- 14 for information and necessary action.
2. The First Appellate Authority/office of the Registrar, Gauhati University, Gopinath Bordoloi Nagar, Guwahati- 14 for information.
3. The Appellant, Shri Hari Narayan Pathak, Padum Pukhuri, Uzan Bazar, Guwahati- 781 001, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam Information Commission