



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

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Case No.	KP(M)132/2018
Complainant/ Appellant	Sri Amarendra Kr. Sarma
Respondent	SPIO, North Guwahati College.
Date of Hearing	28.05.2018
Complaint/ Second appeal heard by	Shri H. S. Das, IAS (Retd) State Chief Information Commissioner, Assam

O R D E R
28.05.2018

1. The petitioner Sri Amarendra Kr. Sarma is present. The public authority to be represented by the SPIO of North Guwahati College is absent. Nor has he deputed any authorized representative. However, the Principal of the College has sent a letter dated 25-5-2018 stating that he is unable to attend the hearing in this Commission today as he has to appear another hearing in the Court of Chief Judicial Magistrate, Kamrup. He prayed for deferment of the date of his appearance in this Commission.
2. After going through the case records it appears that the matter is simple and further deferment of hearing by this Commission is not considered necessary.
3. The gist of the case is that by a decision of the Governing Body of the North Guwahati college in its meeting held on 6th November, 2016 an inquiry was instituted against the petitioner Sri Amarendra Kr. Sarma, Associate Professor, Department of Botany of North Guwahati College on the allegations mentioned in a letter dated 11-11-2016 written by the Principal of the College Dr. Dilip Das and addressed to the petitioner Sri A.K.Sarma.
4. By his RTI petition dated 27-3-2017 the petitioner sought a copy of the report of inquiry against him. By a letter dated 27-4-2017 the Principal of the college informed the petitioner that the Governing Body of the College went through the inquiry report and referred the same to the next Governing Body meeting.
5. The petitioner followed it up by his letter dated 25-7-2017 addressed to the Principal of the College stating that according to his information the inquiry report was already submitted by the inquiry committee and was discussed in the Governing Body meeting on 30-5-2017. He, therefore, requested for a copy of the inquiry report at an early date. To this, by a letter dated 17-8-2017 the Principal of the college informed the petitioner

that the Governing Body of North Guwahati College in its meeting held on 30-5-2017 discussed threadbare the inquiry report of the committee headed by Dr. B.R.Bhuyan and observed that –“ the report seems biased , lacks substance and prepared without any basis, Hence the August Body decided to reject the findings of the report in toto”. The Principal added that – as the inquiry report is rejected by the Governing Body so he could not disclose the report for public use.

6. Thereafter the petitioner filed a first appeal petition dated 23-9-2017 before the Director, Higher Education, Govt. of Assam. By a letter dated 14th November, 2017 the Director, Higher Education advised the Principal of the North Guwahati College to furnish the required information/ documents to the petitioner within 7 (seven) days from the date of receipt of the letter without fail. The Director, Higher Education and the first appellate authority also advised the Principal to take note that non-furnishing of the required documents to the petitioner within the stipulated time may invite penal action under the provisions of the RTI Act, 2005.

7. The petitioner submitted before this Commission that even after the letter of the Director, Higher Education and the First Appellate Authority, the Principal of the college has not furnished him the sought for information.

8. This Commission is of the view that under the relevant provisions of the RTI Act, the petitioner is fully entitled to get a copy of the report of inquiry against him, irrespective of the quality of the report or whether it was accepted or rejected by the Governing Body of the College. The basic point is that a report has been generated after an inquiry, it exists in the College records and that it is admissible under the RTI Act, 2005.

9. The report, therefore, constitutes an information as defined under Section 2(f) of the RTI Act, 2005 , copy of which is obtainable by the petitioner in exercise of his right to information under Section 2(j) of the RTI Act, 2005. The SPIO and, if no SPIO has been designated , then the Principal of the North Guwahati College, is therefore, directed to furnish a copy of the inquiry report to the petitioner within 7 (seven) days from the date of receipt of this order and report compliance.

10. Further, denial of a copy of the inquiry report by the Principal to the petitioner appears to be a violation of the right to information of the petitioner as defined under the relevant provisions of the RTI Act. The SPIO or the Principal of the College, if no SPIO has been designated is , therefore, directed to show cause as to why penal action under Section 20 of the RTI Act, 2005 shall not be taken against him for non-performance of his duty under

the RTI Act, 2005. His written reply to this show cause notice should reach this Commission on or before 28th June, 2018 when this matter will be taken up again for review of action taken.

Fix 28th June, 2018, 12.30 P.M for review of action taken.

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

Authenticated true copy

**Sd/-
Registrar I/c
Assam Information Commission**

Memo No SIC/ KP(M). 132/2018/

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Dated 28.05.2018

Copy to:-

- 1) Dr. Dilip Das, Principal, North Guwahati College,, College Nagar, Guwahati- 781 031 for information and necessary action as ordered above.
- 2) SPIO of North Guwahati College, College Nagar, Guwahati-781 031 for information and necessary action as ordered above.
- 3) Sri Amarendra Kr. Sarma, , House No-35,Kharguli 1st Left Byelane, P.O- Kharguli, Guwahati-781 004 for information .
- 4) Computer Section for uploading in the Website
- 5) Office file.
- 6) Order Book.**

**Registrar I/c
Assam Information Commission.**