

**OFFICE OF THE
ASSAM INFORMATION COMMISSION****JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**

Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No. : SIC/HLK.56/2017
Appellant : Sri Mozakkir Hasan Laskar
Respondent : The SPIO, Office of the BEEO, Hailakandi Education Block,
Dist. Hailakandi, Assam, Pin - 788151
Date of hearing : 14-11-2018
Second Appeal heard by : Nilufer Alam Hazarika, IAS(Retd.)
State Information Commissioner, Assam

**ORDER
14-11-2018**

The petitioner Sri Mozakkir Hasan Laskar is present.

The BEEO, Hailakandi Education Block has informed the Commission that he has been engaged in Panchayat Election and as such he will not be able to attend the hearing today.

He has submitted a written statement dated 15-10-2018 that the RTI petition dt. 22-1-2015 submitted by Sri Mozakkir Hasan Laskar was received from the DEEO, Hailakandi on 13-4-2017. On receipt of the same, reply from the then Ex Headmaster and existing Headmaster of Zilkadar Ali ME School was collected. Ex Headmaster replied that during tenure at Zilkadar Ali ME School, Madrassa, he lodged an FIR to the Hailakandi Police Station for stolen materials from the Madrassa and Police enquired the spot, but no material had been recovered. The existing Headmaster informed on 18-10-2016, that miscreants had stolen some materials from School and on filing of the FIR, Police recovered some items from the house of the villager which are now under custody of the School. He has enclosed copies of the FIRs filed. He further stated that the matter is 3 years old and had been referred to Police in proper manner and was under investigation. Reply alongwith copies of FIR were handed over to the petitioner, but the petitioner on his self interest asked why police did not register the Case etc. and was advised to take up the matter with Police. He also alleged that there are some agencies in the District whose regular duty is to file RTI and earn by blackmailing the related authorities and use illiterate persons to submit RTI petitions. He stated that he had handed over all necessary replies during his busy schedule and requested to exempt him from hearing and dispose of the personal interest related RTI Appeal.

The petitioner objected and stated that the Head Master, Zilkadar Ali ME Madrassa, Ratanpur vide letter dt. 12-4-2016 informed the petitioner that the information on Sl. No. 1 to 20 of his RTI is not readily available as the document of the Madrassa up to 15-11-2014 were stolen by some unidentified miscreants and an FIR was lodged on 16-11-2014 to Hailakandi Police Station. However photocopies of some documents may be provided to him subject to production of accurate specification of itemwise and periodwise document for the period from 10-11-2014. The actual processing expenditure would be intimated to him after receipt of his specification of document. The petitioner on 30-8-2016 requested the Head Master to furnish the list of stolen documents along with copy of the FIR and to intimate the total cost to be incurred by him.

He filed his 1st Appeal before the DEEO on 28-2-2017 as the Head Master did not reply to his letter dt. 30-8-2016. The Addl. Deputy Commissioner & District Elementary Education Officer, Hailakandi vide letter dt. 13-4-2017 directed the BEEO to furnish the information within 3 days from the date of receipt of the order. As he did not receive any information he filed his 2nd Appeal.

The 2nd Appeal petition is taken up for consideration. On perusal of record it is seen that the petitioner had sought for information on 20 points. From copy of proceedings book, cook payment cash book, midday meal, particulars of students Admission Register etc. In the FIR copy dt. 16-11-2014, details of important document stolen is not clear and the FIR copy dt. 19-11-2016 does not include most of the document sought for by the RTI petition dt. 12-1-2016.

The Commission observes that the public authority had not specified document stolen by miscreants nor furnished pointwise reply. The public authority will furnish the status of record pointwise as sought for by the petitioner. If all records sought for by the petitioner were stolen, the petitioner be informed accordingly with details. If some records are available, the petitioner may be informed accordingly within 21 days from the date of receipt of this order. If for any reason the public authority is unable to furnish the above, he will inform the Commission of the reason thereof in writing within 21 days from the date of receipt of this order.

With the above direction the 2nd Appeal petition dt. 20-10-2017 is disposed of.

Sd/-

(Nilufer Alam Hazarika, IAS(Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Registrar i/c
Assam State Information Commission

Memo No. SIC/HLK. 56/2018

Dtd. 14-11-2018

Copy to:

1. The SPIO, Office of the BEEO, Hailakandi Education Block, Dist. Hailakandi, Assam, Pin - 788151 for information and necessary action.
2. The First Appellate Authority/ The District Elementary Education Officer, Hailakandi, Dist. Hailakandi, Assam for information and necessary action.
3. The petitioner, Sri Mozakkir Hasan Laskar, S/o Ltd. Moinul Hoque Laskar, Vill. Ratanpur, pt. II, P.O. Ratanpur, P.S. & Dist. Hailakandi, Assam, Pin - 788155, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Registrar i/c
Assam State Information Commission