



**OFFICE OF THE  
ASSAM INFORMATION COMMISSION**

**JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**

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Case No. : SIC/NLB.38 /2018  
 Appellant : Dr. Tarun Sarma  
 Respondent : The Principal i/c, Dakshin Nalbari Jr. College,  
 Agnisalsatra, PO- Nizbahjani, Dist.- Nalbari, Assam  
 Date of hearing : 11.04.2019  
 Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)  
 State Information Commissioner, Assam

**O R D E R**

11.04.2019

Sri Thaneswar Sarma, Principal i/c, Dakshin Nalbari College (Jr.) is present along with Sri Radha Nath Kalita, Retd. Principal of the College. They submitted Written Statements, both dated 11.04.2019.

The Appellant, Dr. Tarun Sarma is present.

This hearing was necessitated by the repeated failure of the SPIOs/Principals of the Junior College to be present in the hearings of the Commission and to comply with the orders of the Commission to furnish the information to the Appellant.

Heard the Appellant. He submitted that the Respondent did not comply with the orders of the Commission dated 15.11.2018 and 22.02.2019 in the matter of furnishing the information.

Perused the Written Statements and heard the Principal i/c and the former Principal of the College. It emerged that the former Principal during whose time the RTI Application was received had retired at the end of the December, 2018 and the current Principal i/c took over charge from him. The former Principal, Sri Radha Nath Kalita submitted that he was unable to attend the hearings during his time on account of illness and accident. He had written a letter to the Appellant on 24.12.2018 requesting him to attend the office on 31.12.2018 for collecting the information. However, the latter did not attend the office. In his Written Statement, the Principal i/c submitted that he had not received any letter from the Commission during the "working hours". When directed to explain the circumstances in which both the notices of the Commission dated 07.01.2019 and 18.01.2019 relating to hearings in the Commission sent by Registered Post could not be delivered by Postman on the ground of "Addressee not being present," he denied that no such letter was presented to his office by Postal Department. He assured that he was committed to provide the information to the Appellant. However, as the information sought for involved voluminous records relating to long eight years from January, 2001 to 31<sup>st</sup> March, 2018 on some matters and from June, 2001 to 31<sup>st</sup> March, 2018. Both the Principal i/c and the former Principal submitted that photocopies of all the documents on all the points for all the years would demand resources, both financial and human, disproportionate to the resources at their command, and that the Appellant was requested to attend the office on 31.12.2018 for the purpose of inspection and identification of specific documents for photocopying.

From the Written Statements and personal deposition by the new Principal i/c, the Commission observes that he was not conversant with his responsibility regarding furnishing of information under the RTI Act, 2005, and that he was unable to explain as to how the Postal Department had returned letters undelivered for the reason stated on the envelopes. Further, he had not inquired into the matter of non-acceptance/non-delivery of the said notices which he was directed to do by the Commission in its order dated 22.02.2019. The Commission concludes that in view of the return of the said notices by the Postal Department with the stated comments and the denial by the Respondent of delivery of the said notices by the Postal Department, it is necessary to determine the facts of the case by a thorough inquiry.

Perusing the RTI Application dated 31.03.2018, the Commission accepts the view of the Respondents that the records/documents were voluminous and that it would be impractical to deploy the required resources to make photocopies of all the relevant documents and to furnish the same. However, the Appellant requested for exemption from attending the Respondent's office to inspect the records and undertook to identify the specific documents whose photocopies he would require instead of all the documents sought for earlier.

**In view of the facts brought out above, the Commission hereby orders that the Appellant shall write to the Respondent within 7 days of receipt of this order listing the documents that he would require, and the Principal i/c shall furnish the same, duly authenticated within 10 days of receipt of the said communication from the Appellant. The Respondent shall provide upto 50 photocopies of documents, free of cost, and the rest on payment by the Appellant at the prescribe rate.**

**Further, the Principal i/c is directed to conduct the inquiry directed through the Commission's order dated 22.02.2019, ascertaining facts from the Post Office and complete the same within 21 days of receipt of this order, and take appropriate action on the staffs responsible for refusal to receive the said notices of the Commission and to avoid recurrence of such failure.**

**The Principal i/c is also directed to be more diligent henceforth in dealing with RTI cases.**

**Considering that the Principal i/c has taken over charge only recently and that he has assured to take appropriate action as regards furnishing of the information and the inquiry, the Commission decided to take a lenient view and not to impose any penalty on him for failure to provide information under the said Act.**

**With the above direction, the Second Appeal is hereby disposed of.**

Sd/-

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

Authenticated true copy

Sd/-  
Joint Registrar  
Assam Information Commission

**Memo No. SIC/NLB.38 /2018**

**Dtd.11.04.2019**

Copy to

1. The Principal i/c, Dakshin Nalbari Jr. College, Agnisalsatra, PO- Nizbahjani, Dist.- Nalbari, Assam, Pin- 781 334 for information and necessary action.
2. The First Appellate Authority/office of the Director of Secondary Education, Assam, Kahilipara, Guwahati- 19 for information.
3. The Appellant, Dr. Tarun Sarma, PO- Nalbari, Bidyapur, Ward No. 3, Dist.- Nalbari, Assam, Pin- 781 335 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar  
Assam Information Commission