



**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781037**

Case No. : SIC/KP (M).23 /2021
Complainant/ appellant : Sri Joydeb Das.
Respondent : SPIO, O/o the Gauhati University
Date of hearing : 08.02.2021
Complaint/ Second : Dr. A.P. Rout, IPS (Retd.)
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
08.02.2021

1. The petitioner Sri Joydeb Das is present. The public authority i.e. the SPIO of Gauhati University Dr. Prasanta Barman, Deputy Registrar is present. The PIO of Gauhati University has submitted a written statement on 4.2.2021 which is entered into the case records.

2. On perusal of the case records, it is seen that Sri Joydeb Das has filed RTI petition dated 14.12.2020 before the PIO of Gauhati University seeking following information under Section 6 (1) of the RTI Act, 2005:

(i) Furnish names of professors, who have taken more than eight numbers of Ph.D scholars at any point of time with Guide's names and numbers of scholars year wise from 2008 till 14.12.2020.

(ii) If anybody has exceeded the UGC guidelines on Ph.D scholars i.e. more than eight research scholars at any point of time, if yes, whether any enquiry was conducted and action taken, if yes, please furnish a copy of such report and action memo.

He has filed his second appeal petition dated 18.1.2021 before the Commission. He has shown court order on the role of SPIO.

3. The SPIO has mentioned the following vide letter No. GU/PIO/RTI/220 dated 4.2.2021:

As per Section 5(4) of the RTI Act, 2005, assistance has been sought from the Academic Registrar G.U. vide letter dated 16.12.2020. Subsequently reminder letters I & II have also been sent to the Academic Registrar, G.U. vide Memo No. GU/PIO/RTI/2021/200 dated 28.01.2021 & GU/PIO/RTI/2021/201 dated 29.01.2021 respectively with a request to arrange the desired information so that the same could be provided to the petitioner as per the provision of the RTI Act. However, no reply has been received from him. The Academic Registrar, G.U. was also intimated about the second appeal petition. He has further mentioned that the petitioner has not submitted first appeal petition.

4. The Commission would like to clarify that the submission of first appeal petition or non submission is not relevant as the RTI Act, 2005 does not provide any punitive measure for the First Appellate Authority.

5. Coming to the reply of the PIO, Gauhati University, the Commission wants to enlighten on the role of PIO as per Section 7 and Section 11 of the RTI Act, 2005 and also punitive measures to be taken on the SPIO for non submission of information vide Section 20 of the RTI Act, 2005.

6. The role of SPIO is further clearly highlighted vide the Delhi High Court WP(C) 900/2021 and CM Appeal 2395/2021 dated 22.1.2021 in Sh. Rakesh Kumar Gupta (Erstwhile CPIO) Union Bank of India & Ors. VS Central Information Commission & Anr. on the pronouncement the following principles :-

- (i) Government departments ought not to be permitted to evade disclosure of information. Diligence has to be exercised by the said departments, by conducting a thorough search and enquiry, before concluding that the information is not available or traceable;
- (ii) Every effort should be made to locate information, and the fear of disciplinary action would work as a deterrent against suppression of information for vested interests;
- (iii) PIO/SPIO cannot functioned merely as “post office” but instead are responsible to ensure that the information sought under the RTI Act is provided;
- (iv) A PIO/SPIO has to apply their mind, analyze the material and then direct disclosure or give reasons for non-disclosure. The PIO cannot rely upon subordinate officers;
- (v) Duty of compliance lies upon the PIO/SPIO. The exercise of power by the PIO/SPIO has to be with objectivity and seriousness the PIO/SPIO cannot be causal in their approach.

7. Further the Delhi High Court order dated 22.1.2021 has also stated the responsibility of officers from whom the information has sought as follows:

“Under the RTI Act, the CPIOs have a solemn responsibility. Section 5(3) requires that every CPIO or SPIO shall deal with requests for information and ‘render reasonable assistance’ to the persons seeking information. CPIOs or SPIOs can seek assistance from higher/other officials in the organisation in order to enable them to furnish the information sought for the ‘proper discharge’ of their duties, as per Section 5(4). Such other officers from whom assistance may be sought would also be treated as CPIOs, under Section 5(5). CPIOs are thus expected to look into queries raised by the Applicants under the RTI Act, and fulfil an important responsibility while furnishing the said required information, in a fair, nonarbitrary and truthful manner. The organisation, as a whole, also has to cooperate in the functioning of the CPIOs”.

8. In light of the above, the Commission considers it to be a fit case to impose the penalty on the PIO i.e. Deputy Registrar of Gauhati University and the Academic Registrar, Gauhati University who is treated as PIO. However, taking a lenient view for the first time, *the Commission orders the PIO and treated PIO to furnish the information within one week i.e. within 15.2.2020 which is after two months of filing RTI petition otherwise Provision of Section 20 of the RTI Act, 2005 will come to force w.e.f. 16.2.2021. SPIO is also advised to bring the provision of Section 5(4), Section 5(5) and Section 20 of the RTI Act, 2005 to the notice of the deemed PIO.*

Sd/-
(Dr. A.P. Rout)

Authenticated true copy.

Sd/-
Joint Registrar i/c
Assam Information Commission
Memo No. SIC/ KP(M).23/2021

Dtd. 8.2.2021

Copy to:

1. Dr. Prasanta Barman, Deputy Registrar & PIO of Gauhati University, Gopinath Bordoloi Nagar, Guwahati-14 for information and compliance of the above order.
2. The Academic Registrar & treated PIO Gauhati University, Gopinath Bordoloi Nagar, Guwahati-14 for information and necessary action.
3. Sri Joydeb Das, S/o Late Karunamoy Das, H.No-16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil, Ghy-25, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Joint Registrar i/c
Assam Information Commission