

Case No. : SIC/DMJ.1/2021
Complainant/ Appellant : Shri Romen Buragohain.
Respondent : The SPIO, O/o the Principal, Silapathar Town College,
P.O. Silapathar, Distt Dhemaji, PIN Code 787059, Assam.
Date of Hearing : 29-09-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
25-11-2021

1. The appellant Shri Romen Buragohain is present.
2. The SPIO, O/o the Principal, Silapathar Town College, Silapathar, Distt. Dhemaji, is absent without any intimation.
3. From perusal of records the brief of the case is as follows : (i) On 27.10.2020 the appellant Shri Romen Buragohain had sent an RTI application to the SPIO, by speedpost. The post office however returned the speedpost consignment (containing the RTI application) to the sender (the appellant Shri Romen Buragohain) with a note signed by "illegible", dated 08.11.2020, with the word "refused" written on it. The appellant has enclosed a self-attested photocopy of the envelope cover with the above inscription on it. (ii) Following this, the RTI applicant Shri Romen Buragohain on 02.12.2020 sent a complaint to the Commission which was received in the Commission on 25.01.2021), in which he has stated the above facts. (iii) His complaint is that his RTI application was refused to be received by the Public Authority (Silapathar Town College). He has cited provisions of Section 5(2) of the RTI Act, according to which every public authority is to designate an officer, within 100 days of enactment of the Act, as State/Assistant Public Information officer, to receive the application for information, or Appeals under this Act. During today's hearing, Shri Romen Buragohain verbally stated that he suspected that the Silapathar Town College has flouted provisions of the RTI Act in general and Section 5 in particular, and had not designated a PIO, and even a First Appellate Authority as provided in the Act. (iv) The appellant/complainant Shri Romen Burgohain has in his letter to the Commission dated 02.12.2020 thus prayed for a direction from the Commission to impose penalty on the Public Authority under Section 20 (1) of the RTI Act, 2005, for alleged lack of response, negligence and harassment to him.
4. The Commission, examining the records submitted by the appellant/complainant, has every reason to believe the allegation and suspicion of the appellant/complainant to be true. But in the absence of the Public Authority in today's hearing without any intimation (the Commission had sent notice of hearing No. SIC/DMJ.1/2021/7 dated 14.09.2021 which was sent by speed post/registered post from Guwahati GPO on 16/09/2021), the Commission considers it not appropriate to pass any order. Instead the Commission has decided to give an opportunity to the Public Authority. i.e. the Principal, Silapathar Town College, to explain his/her position vis-à-vis refusal of his institution to receive the letter sent by the appellant/complainant, as already mentioned in Para 3.
5. **Accordingly, the Principal, Silapathar Town Committee is hereby directed to submit an written statement statement to the Commission, explaining why penalty under Section 20(1) of the RTI Act, 2005, shall not be imposed on him/her for refusal to receive an application for information sent by the appellant/ complainant Shri Romen Buragohain.**

The written statement shall be sent to the Commission on or before the next date of hearing.

6. The appellant/complainant Shri Romen Buragohain has also marked a copy of his complaint dated 02.12.2020 to the Principal, Silapathar Town College, which was apparently received by his/her office. **In this connection the Principal, Silapathar Town College, is directed to also inform the Commission, in his written statement, what action he had taken on the said copy of the complaint, along with which the appellant/complainant had also enclosed a copy of his RTI application dated 27.10.2020.**
7. **Fix 20.12.2021 at 11:20 AM as the next date of hearing. This order shall constitute the notice of hearing. Issue to both parties accordingly. Mark a copy to the Director of Higher Education. The Principal, Silapathar Town College shall appear in person in the hearing.**
8. The appellant/complainant Shri Romen Buragohain, in his complaint has prayed for directing the Public Authority (Principal, Silapathar Town College) to pay him a compensation RS 1540/- (one thousand five hundred forty) only the same being expenditure he had to incur because of the action/matter of the Public Authority. **The Principal, Silapathar Town College is directed to explain why he shall not be directed to pay the said amount of compensation which the appellant/complainant had to incur because of alleged lapse on the part of the Public Authority.**
9. With the above order this 2nd Appeal is hereby disposed of.

Sd/-
(Samudra G. Kashyap)
State Information Commissioner,
Assam.

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/DMJ.1/2021

Dated: 25-11-2021

Copy to:

1. The SPIO, O/o the Principal, Silapathar Town College, P.O. Silapathar, Distt Dhemaji, PIN Code 787059, Assam for information and necessary action. He/She is directed to present his/her case personally in the next date of hearing.
2. The Director, Directorate of Higher Education, Kahilipara, Guwahati, Assam, PIN Code 781019, for information.
3. The petitioner, Shri Roman Buragohain, Vill Lachit Nagar, P.O. Khubalia, Distt Dhemaji, PIN Code 787057 Assam, for information. He/She is directed to present his/her case personally in the next date of hearing.
4. Computer section for uploading in the website
5. Office File
6. Order Book

Secretary & Registrar
Assam Information Commission.