

Case No. : SIC/KP(M).124/2021
Complainant/ Appellant : Shri Utpal Das.
Respondent : The SPIO, O/o the Directorate of Higher Education,
Kahilipara, Guwahati, PIN Code 781019, Assam.
Date of Hearing : 25-08-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
25-08-2021

1. The appellant Shri Utpal Das is absent. But he has sent an e-mail on 24.08.2021, informing his inability to attend today's hearing because of a death in the family. He has however requested the Commission to pass an appropriate order even in his absence.
2. Shri Joy Ram Hazarika, SPIO and Deputy Director of Higher Education, Govt. of Assam is present.
3. On perusal of the records it is seen that the appellant Shri Utpal Das had submitted one RTI application in the office of the SPIO, Directorate of Higher Education, Govt. of Assam, Guwahati on 01.01.2021, seeking certain information related to utilization certificate for some projects in Nandalal Boragohain City College, Dibrugarh. On not getting any response within the stipulated period, the appellant submitted an Appeal before the First Appellate Authority of the Directorate of Higher Education, on 17.02.2021. Since there was no response to this Appeal, he submitted a reminder to the Appellate Authority on 22.03.2021. On 13.04.2021 he preferred a 2nd Appeal before this Commission.
4. The SPIO, Shri Joy Ram Hazarika, during today's hearing, verbally cited personal health reasons as well as disruption caused by the pandemic for not responding to the RTI petition. This is not acceptable, since it has been more than seven months that the appellant had filed his RTI petition. He also verbally claimed that he has been vested with additional responsibility in the Governor's Secretariat in July 2021. The SPIO should have ideally submitted a written statement today as was directed in the Commission's notice of hearing No. SIC/KP(M).124/2021/A dated 16.08.2021. He was also directed to submit a written statement to the Commission explaining why penalty under Section 20 (1) of the RTI Act, 2005, should not be imposed on him for his failure to furnish the sought information to the appellant within the stipulated time period.
5. The Commission is constrained to put on record that the SPIO, being a responsible officer of the Directorate of Higher Education, Govt. of Assam, had not only failed to furnish the informations to the appellant against his RTI application dated 01.01.2021, but had also failed to submit his written statement explaining (a) his response to the RTI application, and (b) why penalty should not be imposed on him under Section 20(1) of the RTI Act, 2005. This is not expected from a senior officer holding the rank of a Deputy Director, who has been vested with the responsibility of handling RTI matters in the Directorate of Higher Education.
6. **The SPIO, Shri Joy Ram Hazarika has verbally assured during today's hearing that he will submit in the Commission the following within 26.08.2021, - (a) written statement mentioning date of receipt of RTI application and date of furnishing the sought**

information to the RTI applicant, if already furnished and (b) written statement explaining why penalty under Section 20 (1) of the RTI Act, 2005, shall not be imposed on him for his failure to furnish the information sought for within the stipulated period.

7. The SPIO is also directed to furnish the informations to the appellant within 15 days from the receipt of copy of this order and inform the Commission accordingly.
8. 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/KP(M).124/2021

Dated: 25-08-2021

Copy to:

1. The SPIO, O/o the Directorate of Higher Education, Kahilipara, Guwahati, PIN Code 781019, Assam, for information and necessary action.
2. The First Appellate Authority/ O/o the Directorate of Higher Education, Kahilipara, Guwahati, PIN Code 781019, Assam, for information.
3. The petitioner, Shri Utpal Das, Chatribari, H. No. 57, ABG Park Prime Building, Old Fire brigade lane, Guwahati, PIN Code 781008, Assam, for information.
4. The Director of Higher Education, Govt of Assam, Kahilipara, Guwahati, Pin Code 781019, for information.
5. Computer section for uploading in the website.
6. Office File.
7. Order Book.



Secretary & Registrar
Assam Information Commission.