

Case No. : SIC/KP(M).47/2022
Complainant/ Appellant : Shri Joydeb Das
Respondent : The SPIO, O/o the Registrar, Gauhati
University, Guwahati 781014
Date of Hearing : 11/03/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
11/03/2022

1. The petitioner has filed his RTI petition before the PIO of Gauhati University on 3.1.2022 seeking some following information:
(a) Please furnish whether any resolution was taken by the Executive Council for video recording of every executive council meeting which was called by the Gauhati University, if yes, please furnish a copy of the same along with recorded video (digitally in pen drive) of Executive Council Meeting since 1st January 2018 to till date.
2. In reply to that, the SPIO vide letter no. GU/PIO/RTI/2022/632 dated 22.1.2022 stated that since the petitioner used the word “whether” the information cannot be furnished as questions like what, why, when and whether are not a part of the information as per section 2(f) of the RTI Act,2005.
3. After that, the petitioner filed complaint petition u/s 18(1) of the RTI Act,2005 before the Commission on 28.1.2022 and accordingly the matter was taken up for hearing.
4. The petitioner Sri Joydeb Das is present.
5. The Public Authority is represented by Dr. Prasanta Barman, Deputy Registrar & PIO of Gauhati University.
6. Though the petitioner had every right to file 2nd appeal or complaint petition at the Commission. The Commission would like to point out that it is better to file 1st appeal petition and then 2nd appeal petition u/s 19(3) of the RTI Act,2005 as in case of complaint petition, the 1st Appellate Authority role is bypassed.
7. The complainant/petitioner pointed out that he used the word “whether” just to know the matter of the question. However, he wanted a reply to that so he converted the complaint into 2nd appeal petition.
8. The SPIO in his written statement reiterated what he has mentioned in the reply to the petitioner.
9. However, on perusal of the content of the RTI petition and the written statement of the SPIO, the Commission feels that the word “whether” is used only for confirmation of the question replacing yes/no.
10. The SPIO further stated that the petitioner has already got the Executive Council proceedings for a considerable period of time and hence he can search for specific proceedings.
11. In not disagreeing with the reply of the SPIO and directing the petitioner to go into the copies of the given proceedings, the Commission directs that copy of the appropriate decision must be given to the petitioner within twenty days and if there is no such decision it may be replied to the petitioner accordingly.
12. In view of the above, the case is disposed off.

Authenticated copies to be given to all concerned.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/KP(M).47/2022

Dtd. 11.03.2022

Copy to:

1. The SPIO, Office of the Registrar, Gauhati University, Gopinath Bardoloi Nagar, Guwahati 781014 for information and necessary action.
2. The petitioner Joydeb Das, S/o Lt. Karunamoy Das, H. No.16, Ambari Fatashil, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Guwahati 781025 for information.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Secretary & Registrar
Assam Information Commission