

Case No. : SIC/KPM 227/2022
Complainant/ Appellant : Sri Joydeb Das
Respondent : SPIO, Gauhati University, Gopinath Bardoloi
Nagar, Guwahati 14
Date of Hearing : 23/06/2022
Date of Order : 04/07/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by State Chief Information Commissioner, Assam

O R D E R
04/07/2022

1. The petitioner Sri Joydeb Das has filed a RTI petition before the PIO, Gauhati University, Jalukbari, Guwahati on 28.1.2022 seeking following information:
 - (i) Please furnish in details of an amount paid in advance from University fund (other than from Provident Fund) to Director of Student Welfare during the period 2015-16 to till date, along with copy of all relevant records (viz. bill, voucher, purpose) regarding advance and expenditure.
2. The Deputy Registrar & PIO, Gauhati University sent a reply to the petitioner on 22.2.2022 stating that the Deemed PIO i.e., Treasurer of Gauhati University has mentioned that the drawal of advance and its adjustment is a continuous process and the Deemed PIO desires to know whether any public interest is involved for seeking the information.

As the information are voluminous and scattered and searching off all those documents will take time.

3. Reportedly on not being satisfied with the information received, the petitioner filed 1st appeal before the 1st Appellate Authority, Gauhati University on 11.4.2022 and then he filed a complaint petition u/s 18(1) of the RTI Act, 2005 before the Commission on 19.5.2022.

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 & SPIO and he is accompanied by Sri Prabhash Chakravarty, Assistant Treasurer, Gauhati University.
6. The SPIO has submitted a written statement dated 22.6.2022 wherein it is mentioned that the RTI application was received by him on 29.1.2022.

“As per Section 5(4) of the RTI Act, 2005, assistance has been sought from the Treasurer, Gauhati University (Deemed PIO) vide letter dated 29.1.2022 with a request to arrange the desired information so that the same could be provided to the petitioner within stipulated time.

As per report submitted by the Deemed PIO, a letter was issued to the petitioner on 22.2.2022 where the petitioner was requested to clarify whether any public interest was involved for seeking the desired information. In the said reply, the Treasurer G.U. also stated that sought for information are voluminous and scattered and searching off all those documents will take time.

Meanwhile, the 1st appeal petition dated 11.4.2022 was received by the Office of Registrar G.U., on 18.4.2022 and the same was forwarded to the Treasurer G.U. vide letter dated (i) 20.4.2022 (ii) 23.5.2022.

Based on the available information supplied by the office of Treasurer, G.U., as reply has been prepared and the same can be handed over to the petitioner on the day of hearing on 23.6.2022.”

7. However, the petitioner stated that he has filed a complaint petition which entails a different process than the 2nd appeal and at this stage furnishing of information will not serve any purpose.

He insisted that the Commission should take up the case under complaint petition as per Section 18 and follow the provision of Section 18(3) quote:

18(3) The Central Information Commission or State Information Commission, as the case may be shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of persons and compel them to give oral or written evidence on oath and to produce the documents or things;
- (b) requiring the discovery and inspection of documents;
- (c) receiving evidence on affidavit;
- (d) requisitioning any public record or copies thereof from any court or office;
- (e) issuing summons for examination of witnesses or documents; and
- (f) any other matter which may be prescribed. Unquote.

8. To this, the SPIO, Dr. Prasanta Barman, Deputy Registrar, Gauhati University stated that this is the 1st petition under complaint case. As the procedure to be followed in complaint case is not well known to the University Authority, he prayed before the Commission (for this case only) to treat this case as 2nd appeal petition and allow him to furnish the information to the petitioner.

He further stated that he is going to bring the provision of Section 18 of the RTI Act 2005 to the notice of the Gauhati University Authority, so that in future the actions can be taken accordingly.

9. **The Commission in discussion with the petitioner accepts the prayer and directs the SPIO to furnish the information to the petitioner within fifteen days.**

10. However, it is to be noted that in future, a complaint case will be treated as a complaint case only.

11. The case is disposed off.

Authenticated copies to be given to all concerned.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/KPM.227/2022

Dtd. 04.07.2022

Copy to:

1. The SPIO, O/o the Registrar, Gauhati University, Gopinath Bardoloi Nagar, Guwahati 14 for information and necessary action.
2. The Assistant Treasurer, Gauhati University, Jalukbari, Guwahati 14 for information and necessary action.
3. The petitioner Sri Joydeb Das, S/o Lt. Karunamoy Das, H.No.16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil, Guwahati 25 Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Registrar
Assam Information Commission