



ASSAM INFORMATION COMMISSION

JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

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Case No. : SIC/CCR 92/2022
Complainant/ Appellant : Sayeed Hussain Mazumder
Respondent : The SPIO, Directorate of Higher Education,
Assam, Kahilipara, Guwahati 19
Date of Hearing : 04/08/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
04/08/2022

1. The petitioner Sayeed Hussain Mazumder has filed one RTI petition before the SPIO, Department of Higher Education Department, Dispur, Guwahati on 12.11.2021 seeking some information as per enclosures (copy enclosed).
2. The SPIO of Higher Education Department, Assam, Kahilipara, Guwahati forwarded the RTI petition to the Director of Higher Education, Assam, Kahilipara, Guwahati on 29.11.2021 to furnish the necessary information to the petitioner.
3. Reportedly on not getting any information, the petitioner filed 1st appeal before the Commissioner & Secretary to the Govt. of Assam, Higher Education Department, Dispur, Guwahati on 27.1.2022 which was again forwarded by the SPIO of Higher Education Department, Dispur to the Director of Higher Education, Kahilipara, Guwahati on 5.2.2022 to take necessary action to furnish the information to the petitioner.

The SPIO of Director of Higher Education, Kahilipara has submitted a written statement dated 2.8.2022 wherein it is mentioned that the RTI petition is forwarded to the Principal cum Nodal Officers for distribution of scooters vide letter dated 2.8.2022.

4. The petitioner then filed 2nd appeal before the Commission on 12.5.2022 and accordingly, the matter was taken up hearing.
5. The petitioner Sayeed Hussain Mazumder is present.
6. The Public Authority to be represented by SPIO of Directorate of Higher Education, Assam, Kahilipara, Guwahati is absent.
7. The petitioner says that he has not got the information.
8. The Commission would like to refer section 6(3) of the RTI Act, 2005 which *quotes* (3) Where an application is made to a public authority requesting for an information,—

(i) which is held by another public authority; or

(ii) the subject matter of which is more closely connected with the functions of another public authority, the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application. *unquote*

9. It seems that Sri Joy Ram Hazarika, A.E.S., SPIO cum Deputy Director, O/o the Director of Higher Education, Kahilipara, Guwahati has forwarded the Government letter dated 29.11.2021 to Principal cum Nodal Officer on 2.8.2022 i.e., after 264 days from the date of RTI petition which is gross violation of the RTI Act, 2005.

10. The Commission thinks it to be a fit case to impose penalty u/s 20 of the RTI Act, 2005 and hence decides to hear the matter again after one month.

Issue notice to Sri Joy Ram Hazarika, A.E.S., SPIO cum Deputy Director, O/o the Director of Higher Education, Kahilipara to remain present personally on the next date of hearing, with his explanation if any why no penalty to be imposed on him.

He is further directed to collect the information from the Nodal Officer and appear with the compiled list.

This refers to the order of Rakesh Kumar Gupta Vs Central Information Commission (Delhi High Court) which says PIO/CPIO cannot function merely as “post offices” but instead are responsible to ensure that the information sought under the RTI Act is provided; *unquote*

11. Fix another date of hearing after one month.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/CCR.92/2022

Dtd. 04.08.2022

Copy to:

1. Sri Joy Ram Hazarika, SPIO, Directorate of Higher Education, Assam, Kahilipara, Guwahati 19 for information and necessary action as ordered above. He is to remain present on the next date of hearing.
2. The petitioner Sayeed Hussain Mazumder, Vill. & P.O. Barjatrapur, Dist. Cachar, Assam 788110 for information. He is to remain present on the next date of hearing.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar
Assam Information Commission