

Case No. : SIC/DMJ.18/2021
Complainant/ Appellant : Shri Romen Buragohain.
Respondent : The SPIO, O/o the Principal Simen Chapari College,
P.O. Simen Chapari, Distt Dhemaji, Assam.
Date of Hearing : 24-05-2022
Complaint/ Second
Appeal heard by : Dr. Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
20-07-2022

1. The appellant Shri Romen Buragohain is present.
2. The SPIO, O/o the Principal, Simen Chapari College, P.O. Simen Chapari, Distt Dhemaji, Assam, is absent. But one Shri Gopal Tamuli, Asstt. Prof. Simen Chapari College has come to attend the hearing. He has however not produced or submitted any authorization letter issued by the SPIO, O/o the Principal, Simen Chapari College, to attend the hearing today. Despite that, Shri Tamuli has been permitted to attend today's hearing as a special case because the appellant/complainant Shri Romen Buragohain has come for the hearing in the same case for the second time after the SPIO, O/o the Principal, Simen Chapari College, had failed to attend the previous hearing without any intimation.
3. From records it is seen that the complainant Shri Buragohain had submitted one RTI application to the SPIO, O/o the Principal, Simen Chapari College, on 27.10.2020 seeking certain informations. When he did not get any response from the SPIO within the stipulated 30-days period, he submitted a 1st Appeal in the O/o the Principal, Simen Chapari College, on 11.01.2021. On not getting any response to his 1st Appeal too, Shri Buragohain submitted a complaint petition in this Commission on 08.09.2021 stating the above facts. In his complaint petition he alleged that there was lack of response and negligence to his RTI application as well as 1st Appeal petition, because of which he has been not only deprived of the information sought, but has also felt harassed. In view of the above, Shri Buragohain has prayed for (i) imposition of penalty on the SPIO, O/o the Principal, Simen Chapari College under Section 20 (1) of the RTI Act, 2005, (ii) a direction to the SPIO to furnish the information sought, (iii) and a direction to the SPIO for payment of compensation of loss under Section 19(8)(b).
4. **In view of the above, the Commission directs the SPIO, O/o the Principal, Simen Chapari College, to furnish the informations sought by the appellant Shri Buragohain vide his RTI application dated 27.10.2020 within 5 (five) days from the date of receipt of this order, free of cost.**
5. **Since the complainant prayed for imposition of penalty to the SPIO, O/o the Principal, Simen Chapari College, under Section 20 (1) of the RTI Act, 2005, the Commission deems it fit to invoke the provisions of the said Section of the RTI Act, 2005, in this matter. But since the SPIO, O/o the Principal, Simen Chapari College, is absent without any intimation and has also not submitted a written statement as was called for in the Commission's original notice of hearing dated 25.02.2022, hence the Commission deems it fit to (i) give an opportunity to the SPIO despite his/her absence in two consecutive hearing – on 21.03.2022 and on 24.05.2022 – without any intimation, and (ii) once again direct the SPIO to submit a written statement explaining why penalty under Section 20 (1) shall not be imposed on him/her for his/her failure to furnish the sought for information within the**

stipulated time period. The written statement should reach the Commission on or before the next date of hearing.

6. In view of the above, fix **05.08.2022** at **11:20 AM** as the **date of hearing on the written statement of the SPIO, O/o the Principal, Simen Chapari College**. The SPIO, O/o the Principal, Simen Chapari College shall have to remain present in the hearing without fail.
7. Mark a copy of this order to the FAA, O/o the Principal, Simen Chapari College, Distt. Dhemaji, for submission of written statement on the disposal of the 1st appeal Shri Romen Buragohain had submitted to his/her office on 11.01.2021.
8. The complainant Shri Buragohain has submitted a prayer for compensation of loss he had to incur for travelling from Dhemaji to Guwahati to attend the hearing on 21.03.2022 in which the SPIO, O/o the Principal, Simen Chapari College, had remained absent without any intimation. Had the SPIO, O/o the Principal, Simen Chapari College, informed before hand to the Commission about his/her inability to attend the hearing on 21.03.2022, the same information could have been conveyed to the complainant Shri Buragohain so that he would not have required to travel all the way from Dhemaji to Guwahati and back to attend that hearing.
9. This matter of compensation will be taken up on the next date of hearing.
10. This order shall constitute the notice of hearing.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/DMJ.18/2021

Dated: 20-07-2022

Copy to:

1. The SPIO, O/o the Principal Simen Chapari College, P.O. Simen Chapari, Distt Dhemaji, Assam, PIN Code 787061, for information and necessary action. He/She is directed to present his/her case personally in the next date of hearing.
2. The First Appellate Authority/ O/o the Principal, Simen Chapari College, P.O. Simen Chapari, Distt Dhemaji, Assam, PIN Code 787061, for information and necessary action.
3. The petitioner, Shri Romen Buragohain, Vill Lachit Nagar, P.O. Khubalia, Distt Dhemaji, PIN Code 787057 Assam, for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.

Registrar
Assam Information Commission.