

Case No. : SIC/DMJ.19/2021
Complainant/ Appellant : Shri Romen Buragohain.
Respondent : The SPIO, O/o the Principal, Jonai Girls' College,
Jonai, 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, Jonai Girls' College, Jonai, Distt. Dhemaji, Assam, is absent. But the Commission has received a letter from the SPIO and Principal, Jonai Girls' College, Jonai, Distt. Dhemaji, which has no mention of any date in it and also no reference number of issue of the College. The letter is also not written on the letter pad of the college
3. From records it is seen that the complainant Shri Romen Buragohain had submitted one RTI application on 27.10.2020 to the SPIO, O/o the Principal, Jonai Girls' College, Jonai, Distt. Dhemaji, seeking certain informations relating to the College. On not getting any response within the stipulated time period he had submitted a 1st appeal to the FAA, O/o the Principal, Jonai Girls' College, Jonai, Distt. Dhemaji, on 11.01.2021. When he received no response even to his 1st appeal, Shri Buragohain on 30.08.2021 submitted a complaint in this Commission. . 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, Jonai Girls' College, Jonai, Distt. Dhemaji under Section 20 (1) of the RTI Act, 2005, (ii) a direction to the SPIO to furnish the information sought, and (iii) a direction to the SPIO for payment of compensation of loss under Section 19(8)(b).
4. On perusal of the undated written statement received from the SPIO/Principal, i/c, Jonai Girls' College, Jonai, it is seen that the SPIO has cited certain reasons for not providing informations sought by the appellant Shri Buragohain. These are – (i) The RTI petition did not enclose an acknowledgement of application in “form A”, (ii) The RTI application was not filed in proper form of application or under proper Section or Rule of the RTI Act, 2005, (iii) Applicant had not mentioned whether he belongs to BPL category or not, (iv) The SPIO has no knowledge about the 1st appeal petition submitted by Shri Buragohain, and (v) Information could not be provided as those are exempted under Section 8 (1) of the RTI Act.
5. In view of the written statement of the SPIO/Principal, i/c, Jonai Girls' College, Jonai, it is necessary to examine the original RTI application submitted by Shri Buragohain on 27.10.2020. In this RTI application dated 27.10.2020, Shri Buragohain had sought the following informations, - (i) Photocopies of official records regarding number of RTI requests received by the Jonai Girls' College during 2015-2020, (ii) Photocopies of official records showing total amount of money collected as RTI application fee by the said College during 2015-2020, (iii) Photocopies of records about the amount of charges collected by the said College as photocopying charges for furnishing informations under the RTI Act, 2005, during 2015-2020, and (iv) List of Public Information Officers of the of the said College with official designations during 2015-2020.

6. The Commission is of the opinion that there is no exemption of the above-mentioned information under Section 8 (1) of the RTI Act, 2005 as claimed by the SPIO, O/o the Principal, Jonai Girls' College. Section 8 (1) in the last sentence clearly mentions that "information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person".
7. Regarding point No. (1) in the written statement of the SPIO/Principal, i/c, Jonai Girls' College, Jonai, nowhere in the RTI Act, 2005 is there any provision of annexing or enclosing any "acknowledgement of application in Form A" as stated by the SPIO. Regarding point no (2) of the written statement; there is no provision under RTI Act, 2005, of using any prescribed format of application; any application on a plain paper comprising (i) full postal address of application, (ii) SPIO or PIO's address, (iii) Specific details of information required, and (iv) application fee or BPL proof if the applicant is BPL with a statement are enough. Regarding point No. (3) of the written statement, since the RTI applicant has not claimed to be belonging to BPL category and since he had submitted a requisite application fee, as such the question of "clearly" mentioning as APL/BPL status does not arise. It is a matter of common sense that the applicant does not belong to BPL category. Regarding point No. 4 of the written statement, while the SPIO/Principal, i/c, Jonai Girls' College, Jonai, has claimed that he has no knowledge about the 1st Appeal, records show that the complainant Shri Buragohain had along with his complaint submitted photocopy of a tracking report of India Post clearly showing delivery to the College of the particular consignment containing the 1st appeal petition.
8. **In view of the above, the SPIO/Principal, i/c, Jonai Girls' College, Jonai, is directed to furnish the informations sought by the complainant Shri Buragohain vide his RTI application dated 27.10.2020 within 7 (seven) days from the date of receipt of this order without fail. The information shall be provided free of cost.**
9. **The complainant Shri Buragohain has submitted a bill claiming payment of compensation of loss that has occurred to him for travelling from Dhemaji to Guwahati to attend the hearing on 21.03.2022 in which the SPIO/Principal, i/c, Jonai Girls' College, Jonai, had remained absent without any intimation. Had the SPIO/Principal, i/c, Jonai Girls' College, Jonai, informed before hand to the Commission about his/her inability to attend the hearing on 21.03.2022, the same 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 and incur expenditure and spend valuable time and energy. In view of the complainant Shri Buragohain's prayer, the Commission directs the SPIO/Principal, i/c, Jonai Girls' College, Jonai, to make a payment of compensation to Shri Buragohain in the following manner, - (i) Dhemaji-Guwahati-Dhemaji Railway Class II sleeper fare, and (ii) his hotel stay and other expenditure incurred during his journey to Guwahati and back to attend the hearing on 21.03.2022 as submitted in the bill.**
10. **A photocopy of the prayer for compensation along with the bill submitted by Shri Buragohain be provided to the SPIO/Principal, i/c, Jonai Girls' College, Jonai. The compensation amount shall be paid to the complainant Shri Romen Buragohain within 15 (fifteen) days from the date of receipt of this order.**
11. Since this is a complaint matter, hence the Commission deems it fit to consider invoking provisions of Section 20 of the RTI Act, 2005, which the complainant has also prayed for. But the Commission would not like to pass an order on this prayer in the absence of the SPIO/Principal, i/c, Jonai Girls' College, Jonai. Instead the Commission considers it worthwhile to provide an opportunity to the SPIO/Principal, i/c, Jonai Girls' College, Jonai, of being heard before any decision is taken to consider imposition of any penalty on him/her as provided in Section 20 (1) of the RTI Act, 2005.

12. In view of the above, the SPIO/Principal, i/c, Jonai Girls' College, Jonai, is directed to submit a written statement to the Commission 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 05.08.2022
13. Fix 05.08.2022 at 11:40 AM as the next date of hearing on the written statement of the SPIO/Principal, i/c, Jonai Girls' College, Jonai. The SPIO/Principal, i/c, Jonai Girls' College, concerned shall remain physically present on the date of hearing without fail.
14. 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.19/2021

Dated: 20-07-2022

Copy to:

1. The SPIO, O/o the Principal, Jonai Girls' College, Jonai, Distt. Dhemaji, Assam, for information and necessary action. He/She is also directed to present his/her case personally in the next date of hearing.
2. The First Appellate Authority, O/o the Principal, Jonai Girls' College, Jonai, Distt. Dhemaji, Assam, for information.
3. President, Governing Body, Jonai Girls' College, Jonai, Distt. Dhemaji, Assam, for information and necessary action.
4. The Director, Higher Education, Govt. of Assam, Kahilipara, Guwahati, for information.
5. The petitioner, Shri Romen Buragohain, Vill Lachit Nagar, P.O. Khubalia, Distt Dhemaji, PIN Code 787057 Assam, for information.
6. Computer section for uploading in the website.
7. Office File.
8. Order Book.

Registrar
Assam Information Commission.