



**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : SIC/NLB.13/2016
Appellant : Md. Rupchand Ali.
Respondent : The SPIO, O/o the Sub-Divisional Agricultural Officer,
Barkhetri, Bartala, Nalbari
Date of hearing : 06.06.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
06.06.2016

Smti. Kiran Borah Rajbongshi, SPIO/Sub-Divisional Agricultural Officer, Barkhetri is present. Written Statements both dated 04.06.2016 have been received from the SPIO and the First Appellate Authority/District Agricultural Officer, Nalbari.

The Appellant present.

Perused the W/S from the SPIO. Through the W/S, the SPIO has mentioned the fact of seeking deposit of cost of photocopying and the inability to encash the bank draft. It has also been submitted that the message had been sent to the Appellant to withdraw the bank draft and to pay the amount of photocopying. Depositing personally, the SPIO submitted that she had conveyed the request to the Appellant through a messenger but not in writing and that the Appellant was requested to pay the cost of photocopying in cash but the information could not be provided as the Appellant had not complied with the request. She further added that the records for the years upto 2012-13 had been handed over to the CID, Assam and are not available in the office, and that the information relating to the subsequent years would be possible to be provided.

Perused the W/S from the First Appellate Authority. It has been submitted that on receipt of the First Appeal the SPIO/SDAO, Barkhetri was asked to provide the information to the Appellant and that the same could not be complied by the SPIO because of 'invalid bank draft' submitted by the Appellant. It is seen that the First Appellate Authority did not dispose of the First Appeal duly in accordance with the RTI Act, 2005.

Heard the Appellant. He stated that he has deposited the cost of photocopying as asked for by means of a bank draft dated 11.08.2015 but he has not been provided the information.

In view of the facts brought out above, the Commissioner hereby orders as follows –

1. The SPIO shall offer the relevant records/documents containing the information for inspection by the Appellant on any working day during office hours within 10 days of receipt of this order, whereupon the Appellant shall inspect the records take notes and indicate the documents whose photocopies would be required. The SPIO shall extend all cooperation in this regard and provide upto a maximum of 25 copies free of cost and the Appellant shall pay for any copies in excess of the said 25 pages at the rate of Rs.2/-page. The entire exercise shall be completed within 2 days;
2. The SPIO shall officially request the CID, Assam to return the documents related to the year 2012-2013 so that the information can be provided to the Applicant under the provisions of the RTI Act, 2005;

3. As there is no evidence of First Appellate Authority/District Agricultural Officer, Nalbari having disposed of the First Appeal in accordance with the RTI Act, 2005, he shall do so now, with a speaking order, within 21 days of receipt of this order.

With this, the Second Appeal is hereby disposed of.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Memo No. SIC/NLB.13/2016/15-A

Dtd. 06.06.2016

Copy to:

1. The SPIO, office of the Sub-Divisional Agricultural Officer, Barkhetri, Bartala, Dist- Nalbari, Assam, Pin- 781335 for information and necessary action.
2. The First Appellate Authority/District Agricultural Officer, Nalbari, Dist- Nalbari, Assam for information.
3. Md. Rupchand Ali, Vill- Damdama Pathar, P.O.- Rampur, Dist- Nalbari, Assam, Pin- 781312 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission