

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

Case No. : SIC/DHR.67/2014
Appellant : Md. Abdul Khaleque Ahmed
Respondent : The SPIO, O/o the Assam Higher Secondary Education Council.
Date of hearing : 03.06.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
03.06.2016

The Appellant present.

The SPIO absent. However, he has sent a Written Statement dated 27.05.2016 which is taken on the case record.

Heard the Appellant. He submitted that he had filed an RTI Application before the SPIO dated 04.06.2014 seeking certified copy of answer scripts of 2 subjects of Higher Secondary Final Examination, 2013 in respect of one candidate. He had received a letter from the Council dated 19.06.2014 asking him to deposit certain amount per answer script for providing photocopy of evaluated answer scripts as fixed by the Council. In response, he submitted First Appeal to the Secretary, AHSEC, Assam appealing against the demand for money for photocopies of answer scripts on the ground that he was a BPL card holder and that information to a BPL card holder should be provided free of cost. During the deposition, the Appellant became agitated stating that justice have been denied to him.

Perused the W/S. It has been submitted that the answer scripts would not be provided to him as he had not deposited the amount towards the fee for provide such copies. The SPIO submitted that the fee of Rs. 500/- per scripts is being charged for providing copies of answer scripts in accordance with the Council's resolution dated 24.07.2007. A copy of the resolution has been enclosed with the W/S. It has further been submitted that the answer scripts in question were disposed of after four months of declaration of results in accordance with the resolution of the Council in the same meeting.

In view of the facts brought out above, the Commission concludes that the Council's action in asking for the cost of photocopying of answer scripts is in order as it is in accordance with the rate fixed to be charged on any candidate seeking photocopies of evaluated answer scripts and it will not be governed by the rate for photocopying fixed under the RTI Act, 2005. Thus, the Appellant's action in seeking the copies of the answer scripts free of cost resulted in the delay and this delay in turn resulted in the expiry of the preservation period for the answer scripts. However, the Commission observes that the Assam Higher Secondary Education Council has erred in not disposing of in time the First Appeal dated 22.07.2014 submitted before it by the Appellant wherein he had prayed for waiver of the said fee for providing photocopies of evaluated answer scripts. Had the FAA/Secretary of council disposed of the First Appeal within the stipulated time and clarified the policy of the Council to charge the said fees, the Appellant would have been at liberty to decide as to whether to pay the requisite fee within the preservation period of four months. The Commission hereby directs the SPIO and First Appellate Authority henceforth to attend to RTI Applications and First Appeals within the stipulated time in accordance with the provisions of the RTI Act, 2005.

With this, the Second Appeal Petition is disposed of.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-
Deputy Registrar
Assam Information Commission

Copy to:

1. The SPIO, Office of the Assam Higher Secondary Education Council, Bamunimaidam, Guwahati, Pin- 781021 for information and necessary action.
2. The First Appellate Authority/Secretary, Assam Higher Secondary Education Council, Bamunimaidam, Guwahati, Pin- 781021 for information and necessary action.
3. Md. Abdul Khaleque, S/o- Lt. Hafiz Uddin Ahmed, Vill- Poravita, P.O.- Jamadarhat, Dist- Dhubri, Assam, Pin-783330 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar
Assam Information Commission