



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

Case No. : SIC/DMJ.23/2015
Appellant : Shri Manab Ch. Dutta.
Respondent : The SPIO, O/o the Executive Officer, Dhemaji Town Committee
Dhemaji
Date of hearing : 20.08.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
20.08.2016

The Appellant present.

The SPIO present along with a Written Statement dated 20.08.2016. A Written Statement dated 16.08.2016 received from the First Appellate Authority/D.C., Dhemaji.

Heard the Appellant. He submitted that he has neither received the information he had sought for nor any response to his First Appeal dated 24.12.2014.

Perused the W/S from the FAA to whom the First Appeal had been submitted. It has been submitted that the First Appeal was forwarded to the PIO, office of the Chairman, Dhemaji Town Committee, Dhemaji for its disposal.

Perused the W/S from the SPIO. It has been submitted that he had taken over as SPIO recently, and that he could not locate the record relating to the instant RTI Application and First Appeal. He further submitted that some documents relating to the information sought for by the Appellant could not be provided as they have been seized by the Police and copies of the seizure lists dated 15.11.2013 and 28.03.2014 have been enclosed as evidence. He further submitted that some information/documents can be provided to the Appellant whose cost of photocopying would amount to Rs.49,000/-, and that these can be provided to him if he (the Appellant) would pay the said cost on the plea that the said cost would be a financial burden to the Town Committee.

The Commission observes that timely action has not been taken by the SPIO either to provide the information or to communicate to the Appellant regarding the circumstances for not being able to provide the information as also the estimated cost of photocopying. On being pointed out that as the information was not provided to the Appellant within the specified period of 30 days, the Appellant could not be asked to pay the cost of photocopying, the SPIO submitted that documents relating to the information that can be provided now are voluminous.

In view of the facts brought out above, the Commission hereby orders that the SPIO, office of the Executive Officer, Dhemaji Town Committee, Dhemaji shall fix a convenient date in consultation with the Appellant and offer the relevant documents for inspection, within 7 days of receipt of this order. Upon appointment of such date, the Appellant shall visit the SPIO's office, inspect the records, take notes as appropriate and have the factual position as noted in those notes authenticated by the SPIO/concerned official of the Public Authority and specify the documents/pages whose photocopies would necessarily be required by him. The SPIO shall

provide photocopies upto 150 copies of documents free of cost and cost of photocopies beyond that number would be borne by the Appellant. Best efforts shall be made by both parties to avoid disproportionate demand of resources on themselves. The entire exercise for inspection of the records and furnishing of photocopies shall be completed within 5 days of its beginning.

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

Memo No. SIC/DMJ.23/2015/ -A

Dtd. 20.08.2016

Copy to:

1. The SPIO, office of Executive Officer, Dhemaji Town Committee, Dist-Dhemaji, Assam for information and necessary action.
2. The First Appellate Authority/Deputy Commissioner, Demaji, Dist-Dhemaji, Assam for information.
3. Shri Manab Ch. Dutta, Ward No. 2, Dhemaji Tiniali, Dhemaji, Dist-Dhemaji, Assam, Pin- 787057 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Deputy Registrar

Assam Information Commission