



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

Case No. : SIC/NLB.27/2016  
Appellant : Shri Nitul Chandra Deka.  
Respondent : The SPIO, O/o the Child Development Project Officer, Barkhetri  
ICDS Project Mukalmua, Nalbari  
Date of hearing : 26.08.2016  
Second Appeal heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**  
26.08.2016

The Appellant present.

The SPIO absent without information. He has not submitted any Written Statement on the status of furnishing of information which was sought for by the Commission through its hearing notice dated 26.07.2016. He has also not explained as to why penalty shall not be imposed on him/her under Section 20 (1) of the RTI Act, 2005 for his/her failure to furnish the information to the Applicant within the stipulated period of 30 days.

The First Appellate Authority/CDPO, Barkhetri ICDS Project has not apprised the Commission about the steps he may have taken to dispose of the First Appeal dated 20.01.2015 which he was asked to do through its aforementioned hearing notice.

Perused the case record. It is seen that the Appellant had submitted his Second Appeal dated 27.11.2015 after he failed to receive the information he had sought for. It is also seen that on receipt of the RTI Application, the CDPO had directed through a letter dated 11.11.2014 all the Anganwadi workers in her jurisdiction to furnish the information to her within 7 days for providing the same to the Applicant. Thereafter, a letter dated 13.01.2015 was written to the Applicant requesting him to deposit an amount of Rs.2,77,256/- as cost of photocopying stated to be based on submissions by Anganwadi Workers. In his response, the Applicant wrote to the SPIO stating that 1) he has not been informed as to where and how the cost of photocopying should be deposited, and 2) he ought to receive the information free of cost as a BPL person. In the meantime, the Appellant had filed a First Appeal dated 20.01.2015 to the FAA. In response to the Applicants letter dated 20.02.2015, the SPIO wrote to the Applicant explaining the reasons for asking for the cost of photocopying. It was stated that the Anganwadi Workers had sought for fund to provide photocopies of the relevant documents, and that the government had not provided any fund to meet expenditure in connection with the RTI Act, 2005. The Applicant had been informed that the information/documents would be possible to be provided to him on receipt of the fund required for photocopying.

Heard the Appellant. He stated that although he had received the aforementioned letter dated 13.04.2015 from the CDPO he had not responded to it. He added that he had made another Application to the DSWO, Nalbari which was forwarded to the CDPO and the latter to the Anganwadi workers.

In the absence of the SPIO and any Written Statement from him and also from the CDPO as FAA, it could not be ascertained as to whether they would be able to provide the information, free of cost, as requested for by the Appellant.

The Commission takes note of the fact that the cost of photocopying sought by the SPIO, namely, Rs.2,77,256/-, is a significant amount to be paid for by an RTI Applicant, and that too

by a BPL one. Further, the CDPO intimated this amount to the Appellant without providing detailed estimate, *i.e.* name of the documents, page numbers. The Commission recognizes the fact that the Anganwadi Centres do not have adequate resources to provide photocopies of documents free of cost as also the difficulty for the Appellant to bear the cost.

The Commission observes that, if the notice of the Commission dated 26.07.2016 about today's hearing was received by the SPIO, she has failed to demonstrate his/her diligence and compliance with the RTI Act, 2005 by her absence from today's hearing and failure to submit a Written Statement. The SPIO has also failed to submit her explanation as to why penalty should not be imposed on him/her under Section 20 (1) of the RTI Act, 2005 for his/her failure to furnish the information to the Applicant within the stipulated period of 30 days.

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

1. The SPIO, office of the CDPO, Barkhetri ICDS Project shall obtain detailed information relating to the documents to be photocopied, prepare the cost estimate and intimate the same to the Appellant, within 15 days of receipt of this order;

2. Within 10 days of receiving the above mentioned information, the Appellant shall either deposit the amount to the SPIO or submit a written request for inspection of the document;

3. The SPIO shall take appropriate action within 5 days of the Appellant having taken the above action; and

4. The SPIO shall submit an explanation as to why penalty shall not be imposed on her under Section 20 (1) of the RTI Act, 2005 for her failure to furnish the information to the Applicant within the stipulated period of 30 days, within 15 days of receipt of this order.

Fix another date of hearing based on the compliance report of the SPIO.

Sd/-

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar  
Assam Information Commission

Memo No. SIC/NLB.27/2016/ 24-A

Dtd. 26.08.2016

Copy to:

1. The SPIO, office of the Child Development Project Officer, Barkhetri ICDS Project, Mukalmua, Dist- Nalbari, Assam, Pin- 781335 for information and necessary action.

2. The First Appellate Authority/Child Development Project Officer, Barkhetri ICDS Project, Mukalmua, Dist- Nalbari, Assam, Pin- 781335 for information.

3. Shri Nitul Chandra Deka, S/o- Shri Amulya Deka, Vill- Bargasa, P.O.- Sanekuchi, Dist- Nalbari, Assam, Pin- 781350 for information.

4. Computer Section for uploading in the Website.

5. Office File.

Deputy Registrar

Assam Information Commission