



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

Case No. : SIC/KP(M).770/2016
Appellant : Shri Hari Narayan Pathak
Respondent : The SPIO, O/o the Under Secretary, Co-operation Deptt.,
Assam Secretariat, Dispur
Date of hearing : 28.02.2017
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
28.02.2017

The Appellant, Shri Hari Narayan Pathak is present.

The SPIO is absent but has sent a Written Statement dated 09.02.2017 from the SPIO, O/o the Under Secretary to the Government of Assam, Co-operation Department, Dispur.

Heard the Appellant. He submitted that he could not pay the cost of photocopying the documents he had sought for, for want of detailed calculation in the demand letter received from the SPIO.

Perused the case record. It is seen from the W/S dated 09.02.2017 that the Appellant was asked to deposit an amount of Rs. 60 (Rupees sixty) towards cost of photocopying the documents to be furnished to him and that the latter did not deposit the amount and wanted detailed cost estimates. His First Appeal on the ground of lack of proper detailed estimates was rejected by the First Appellate Authority/Commissioner & Secretary, Co-operation Department through an order dated 23.11.2016.

Not having been satisfied with the decision of the FAA, the Appellant submitted the Second Appeal.

The Commission observes that the SPIO did not deal with the RTI Application in a manner in which he ought to have. It is seen that while asking for cost of photocopying, he merely indicated the lump sum amount and the demand by the Appellant for a detailed estimate too. He did not indicate the number of pages, page numbers etc. to justify the cost of estimates. This issue may not have been adequately addressed by the FAA in rejecting the First Appeal.

The Commission is of the view that the delay in furnishing the information is not on account of the Appellant's action but on account of the improper demand for depositing the cost of photocopying etc. as required U/S 7 (3) of the RTI Act, 2005.

In view of the facts brought out above, the Commission hereby orders that the SPIO, O/o the Under Secretary to the Government of Assam, Co-operation Department, Dispur shall furnish the information sought for by the Appellant, free of cost, within 10 days of receipt of this order.

The Second Appeal is hereby disposed of.

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Sd/-
Dy. Registrar
Assam State Information Commission

Memo No. SIC/KP(M).770/2016/

Dtd. 28.02.2017

Copy to:

1. The SPIO, O/o the Under Secretary to the Govt. of Assam, Dispur for information and necessary action.
2. The First Appellate Authority/ Commissioner & Secretary, Co-operation Deptt., Assam Secretariat, Dispur, Assam for information.
3. Shri Hari Narayan Pathak, Padumpukhuri, Uzan Bazar, Guwahati- 781 001, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Registrar
Assam State Information Commission