

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

Case No. : SIC/NGN.41/2018
Appellant : Shri Durgeswar Das
Respondent : The SPIO, O/o the Block Dev. Officer, Batadrava Dev. Block,
PO- Dhing, Dist- Nagaon, Assam, Pin- 782 123
Date of hearing : 15.05.2018
Second Appeal heard by : Shri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R
15.05.2018

Md. Gazi Ziaur Rahman, SPIO, Batadrava Dev. Block, Nagaon is present. He submitted a Written Statement dated 09.05.2018 from the Block Dev. Officer, Batadrava Dev. Block, Nagaon.

The Appellant, Shri Durgeswar Das is present.

Heard the SPIO and perused the Written Statement. It has been submitted that the RTI Application dated 05.10.2017 was received on 12.10.2017 and transferred to the concerned Gaon Panchayat namely, Tuktuki GP office through a letter dated 13.10.2017. The First Appeal dated 18.11.2017 was received on 27.11.2017. The hearing was held on 17.01.2018 where the Secretary of the GP was present while the Appellant was absent. The GP Secretary submitted that the Appellant had been requested to deposit the cost of photocopying. In his order, the First Appellate Authority asked the GP Secretary to provide documents on payment of the cost of photocopying and to allow the Appellant to inspect the documents in the GP office. The BDO has pointed out that the Appellant's contention in the Second Appeal that First Appeal was not heard was not a fact. He requested not to impose penalty on the SPIO considering this, the action taken on the RTI Application and the pre-occupation with NRC duty. He also submitted that it was not possible to attend today's hearing owing to his pre-occupation with NRC duty.

Heard the Appellant. He submitted that he did not receive any communication from the GP Secretary and did not attend the hearing by the FAA as the same was held after he had filed the Second Appeal. He further submitted that the information sought for by him were held by the BDO's office and therefore it was wrong on the part of the BDO to transfer the RTI Application to the GP.

The Commission notes that the BDO has not enclosed copies of the written submission if any by the GP Secretary, or documentary evidence regarding cost of photocopying.

On perusal of the RTI Application, the Commission agrees with the contention of the Appellant that the BDO's office ought to hold the information sought for and that only a small part might be held by the concerned GP the same could be obtained and provided to the Appellant.

Regarding the FAA's order regarding inspection of records, the Appellant expressed his willingness to do the same, that is, to inspect records.

In view of the facts brought out above, the Commission **hereby orders that the SPIO, office of the BDO, Batadrava Dev. Block shall provide the information sought for by the Appellant including the documents that may have to be obtained from the concerned GP, within 21 days of receipt of this order free up to 50 copies of documents and on payment of the cost beyond that number by the Appellant.**

The Commission further directs the BDO of the Block to hear and dispose of First Appeals within the stipulated time of 30 days from the date of receipt in the future.

The Second Appeal is hereby disposed of.

Sd/-

Pinuel Basumatary IA & AS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-
Joint Registrar
Assam Information Commission

Memo No. SIC/NGN.41/2018/14-A

Dtd.15.05.2018

Copy to:

1. The SPIO, O/o the Block Dev. Officer, Batadrava Dev. Block, PO- Dhing, Dist- Nagaon, Assam, Pin- 782 123 for information and necessary action.
2. The First Appellate Authority/ Block Dev. Officer, Batadrava Dev. Block, PO- Dhing, Dist- Nagaon, Assam, Pin- 782 123 for information.
3. The Appellant, Shri Durgeswar Das, Residence of Christian Patty, PO- Nagaon, Dist- Nagaon, Pin- 782 001, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Joint Registrar
Assam Information Commission

