



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/NGN.207 /2017
 Appellant : Sri Durgeswar Das
 Respondent : The SPIO, O/o the Circle Officer, Samaguri Revenue Circle,
 Nagaon, Assam
 Date of hearing : 20.11.2018
 Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
 State Information Commissioner, Assam

O R D E R
 20.11.2018

Sri Amar Hanse, Jr. Assistant, office of the Circle Officer, Samaguri Revenue Circle is present along with Sri Hemanta Hazarika, Lot Mandal as authorized by the SPIO/Circle Officer, Samaguri Revenue Circle. A Written Statement dated 17.11.2018 has been submitted by the SPIO.

A Written Statement dated 19.11.2018 has been submitted by the Deputy Commissioner, Nagaon/First Appellate Authority.

The Appellant has conveyed his apology for absence by phone.

Perused the case record. Through his RTI Application dated 28.06.2017 the Appellant had sought certain information relating to compensation for land acquired for widening of the National Highway (NH). In his Second Appeal, he had enclosed the copy of the First Appeal and stated that the same had not been heard by the FAA/DC, Nagaon. In his First Appeal, he had stated that he was deprived from the information he had sought for and that the same be provided to him free of cost.

Heard the deputees of the SPIO/Circle Officer and perused the Written Statements. The FAA has submitted that he had taken a hearing as regards the First Appeal in which the Circle Officer was present whereas the Appellant was absent. In his Written Statement, the Circle Officer stated that he had produced in the hearing all relevant records and apprised the Appellate Authority about the action taken by him to provide the information. However, the order of the FAA did not refer to this deposition and instead issued an order to the Circle Officer to furnish the information, 'if available' within 7 days. Thus, it is seen that the FAA's order practically ignored the facts stated to have been presented by the Circle Officer. The Circle Officer has submitted that part of the information was furnished to the Appellant

through a letter dated 28.07.2017 by Registered Post. It was also stated that the RTI Application was received on 03.07.2017. Thus, the action taken was within the stipulated time. One of the points of the Application namely, point number 9 related to PWD Building and therefore that point was transferred U/S 6 (3) of the RTI Act, 2005 to the Executive Engineer PWD (Building), Nagaon Division through a letter dated 10.07.2017 by Registered Post. The number of both the Registered Posts have been cited and copies thereof enclosed for evidence. To-the-point response to the RTI Application has again been prepared containing the copies of the relevant documents and the same produced during the hearing today. It was submitted that the said response along with the copies of the documents was to be handed over free of cost to the Appellant during the hearing.

Perusal of the said documents and personal deposition by deputies of the SPIO clearly indicated that they had taken timely action for furnishing the information and to seek the cost of photocopying documents. It is not understood as to why the Appellant did not mention this in his Second Appeal inspite of the same having been sent by Registered Post. The Commission notes that the Public Authority walked the extra mile by making copies of all the relevant documents for providing the same to the Appellant free of cost. Being voluminous it was not convenient and economic to send the same by Registered Post.

In view of the facts brought out above, **the Commission considered it just and appropriate that the Appellant collect the information along with the documents personally from the office of the SPIO and hereby orders that if he is still interested in the information he had sought for, he shall collect the same personally from the SPIO during office hours within 10 days of receiving this order.**

As regards the use of the inscription on his RTI Application, “Courtesy : Anti-Corruption, Information and Development Bureau, Joynagar Branch (Voluntary RTI Organization) Approved By- Assam State Legal Services Authority, Guwahati”, the order issued by this Commission in respect of the Second Appeal by the Appellant bearing case no. SIC/NGN.104/2018 dated 03.10.2018 shall apply to this case as well.

The Second Appeal case 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.207 /2017

Dtd.20.11.2018

Copy to:

1. The Deputy Commissioner, Nagaon, Assam for information and necessary action. A copy of the said order dated 03.10.2018 is also enclosed with this order.
2. The SPIO, O/o the Circle Officer, Samaguri Revenue Circle, Nagaon, Assam for information and necessary action. A copy of the said order dated 03.10.2018 is also enclosed with this order.
3. The Appellant, Sri Durgeswar Das, RO- 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