



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/DHR.104/2017
 Appellant : Md. Rakibul Islam
 Respondent : The SPIO, O/o the Superintendent of Police, Kokrajhar, Assam
 Date of hearing : 16.11.2018
 Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
 State Information Commissioner, Assam

O R D E R

16.11.2018

Md. Malbar Hussain, Advocate is present on behalf of the Appellant to represent the hearing.

The SPIO absent without information.

Heard the Appellant's Advocate. He submitted that the information sought for through RTI Application dated 17.02.2017 was not provided within the stipulated time and an amount of Rs. 25,356/- (Rupees twenty five thousand three hundred fifty six) was sought for on a lump sum basis towards cost of photocopying only through a letter dated 04.05.2017. After receipt of the First Appeal dated 11.04.2017, he objected not only in seeking the cost of photocopying after the expiry of the stipulated date but also for the payment being a lump sum amount without an estimate as required under the law. He further submitted that the fact of cost of photocopying was sought, information sought for must be available with the Public Authority. He prayed for an order to provide the information and also to impose penalty for the delay and negligence on the part of the SPIO.

Perusal of the case record indicates that the Second Appeal case was scheduled for hearing on 27.08.2018 in which the SPIO was absent although the Appellant was present. The Superintendent of Police, Kokrajhar has sent fax/W.T. message requesting for another date for hearing owing to "NRC and law and order situation". The Commission regrets that the SPIO is absent in today's hearing which was fixed on the request of his office. He has neglected to inform the Commission the reason for his absence and whether further action has been taken to provide the information after issuing the letter of 04.05.2017. He has also not explained as to why penalty U/S 20 (1) of the RTI Act, 2005 should not be imposed on him for his failure to furnish the information within the time stipulated.

In view of the facts brought out above, the Commission concludes that the SPIO had made an error in asking the Appellant to deposit the cost of photocopying more than six weeks after the expiry of the stipulated time for providing the information. Besides, the demand was for a lump sum amount and not an estimate as required by the Act.

In view of the facts brought out above, the Commission hereby orders that the SPIO, office of the SP, Kokrajhar shall provide the information to the Appellant, free of cost, within 15 days of receiving this order.

The Second Appeal case is hereby disposed of. However, the case will be reopened and the issue of invocation of the penal provisions of the Act shall be taken up by the Commission if any Complaint of non-compliance with this order by the SPIO is received from the Appellant.

Sd/-

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

Authenticated true copy

Sd/-

Registrar i/c
Assam Information Commission

Memo No. SIC/DHR.104 /2017

Dtd.16.11.2018

Copy to:

1. The SPIO, O/o the Superintendent of Police, Kokrajhar, Assam for information and necessary action.
2. The First Appellate Authority/Superintendent of Police, Kokrajhar, Assam for information.
3. The Appellant, Md. Rakibul Islam, S/o- Mozidul Islam, Vill- Bhabanipur, PO- Barkanda, PS- Bilasipara, Dist.- Dhubri, Pin- 783 348, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

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Assam Information Commission