



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/GLT.1 /2019
Appellant : Smti. Rita Hazarika
Respondent : The SPIO, O/o the Sub-Divisional Officer (Civil), Bokakhat,
Dist.- Golaghat, Assam, Pin- 785 612
Date of hearing : 22.04.2019
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R

22.04.2019

Sri Jitu Sarmah Rajkhowa, Secretary, Bokakhat Natya Mandir is present.

The Appellant, Smti. Rita Hazarika is present.

Perused the case record. The Appellant had submitted her RTI Application dated 16.11.2018 to the SPIO, office of the SDO (C), Bokakhat seeking certain information relating to Bokakhat Natya Mandir. The Election Officer of the Public Authority sought the information from the President/Secretary, Bokakhat Natya Mandir through a letter dated 19.11.2018. The Secretary of the organization responded to the Election Officer through a letter dated 12.12.2018 stating that the Appellant had made certain undesirable comments on the organization and that despite the allegations the information would be furnished on payment of Rs. 15, 000/- towards cost of photocopying etc. The First Appeal was disposed of by the First Appellate Authority/SDO (C), Bokakhat by recognizing that the response to the RTI Application was given to the Appellant within the stipulated time and that full information and documents should be provided to the Appellant following the order of the FAA. The President /Secretary of Bokakhat Natya Mandir gave the detailed estimate of the cost of photocopying etc. to the Appellant directly through a letter dated 03.01.2019. The Second Appeal dated 17.01.2019 was submitted to the Commission. The ground of the Appeal was not clearly stated. It was implied however that he had not received the information and there were serious irregularities in the management of the organization.

Perused the Written Statements dated 28.03.2019 and 30.03.2019 from the FAA/SDO (C), Bokakhat and President/Secretary, Bokakhat Natya Mandir respectively. It has been submitted that the First Appeal was disposed of with a direction to the President/Secretary of the organization to give the details of the estimate for the cost of photocopying and that the same had been provided to the Appellant. The President/Secretary of the organization have conveyed their preparedness to furnish the information.

Heard the Secretary. It has been submitted that Bokakhat Natya Mandir was a private body with its own financial resources, and it has received funds from the MLALAD and the public undertaking NRL for specific purposes and that the organization was not dependent on the Government funds for carrying out its normal business. He added that as an organization involving public interest the management was prepared to furnish the information sought for on payment of the cost of photocopying, the records and documents being voluminous.

Heard the Appellant. She submitted that she had not received the demand for cost of photocopying within the stipulated time and that was the reason for her not depositing the cost. She reiterated that there were serious financial irregularities and that she required the information in public interest.

From the submissions and material on record, the Commission observes that Bokakhat Natya Mandir cannot be termed as Public Authority as defined by Section 2 (h) of the Act, and that in respect of such private body information can be provided by a Public Authority which can access information under any law for the time being in force. In the instant case, the Appellant had done the right thing in seeking the information from the SDO (C), Bokakhat. The office of the SDO (C), Bokakhat too took the right steps to seek the information from the Natya Mandir. However, direct communication between the organization and the Appellant happened in conveying of the detailed cost of photocopying as an action taken on the direction of the FAA.

The Commission therefore directs the SPIO, office of the SDO (C), Bokakhat to furnish the information to the Appellant that can be accessed from the Bokakhat Natya Mandir by way of photocopies of relevant documents in accordance with applicable laws. However, should the relevant records/documents be found to be voluminous demanding deployment of disproportionate amount of resources of the Public Authority, the SPIO, office of the SDO (C), Bokakhat shall allow the Appellant to inspect the records, take notes etc. and provide upto 50 copies of authenticated documents, free of cost, and the rest on payment by the Appellant at the prescribed rate.

The Second Appeal is hereby disposed of with the above direction.

Sd/-

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

Authenticated true copy

Sd/-
Joint Registrar
Assam Information Commission

Memo No. SIC/GLT.1 /2019

Dtd.22.04.2019

Copy to:

1. The SPIO, O/o the Sub-Divisional Officer (Civil), Bokakhat, Dist.- Golaghat, Assam, Pin- 785 612 for information and necessary action.
2. The SPIO, the President/Secretary, Bokakhat Natya Mandir, Bokakhat, Dist.- Golaghat, Assam, Pin- 785 612 for information and necessary action.
3. The First Appellate Authority/office of the Sub-Divisional Officer (Civil), Bokakhat, Dist.- Golaghat, Assam, Pin- 785 612 for information.
4. The Appellant, Smti. Rita Hazarika, Bokakhat Town, Ward No. 1, Uday Nagar, PO- Bokakhat, Dist.- Golaghat, Assam, Pin- 785 612 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Joint Registrar
Assam Information Commission