



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

Case No. : SIC/KP (M)2227/2019  
Complainant/ appellant : Shri Harinarayan Pathak  
Respondent : SPIO of Office of the Assam Legislative Assembly,  
Dispur, Guwahati-06  
Date of hearing : 25.9.2020  
Date of order : 05.10.2020  
Complaint/ Second : Sri Kanak Ch. Sarma, ACS(Retd.)  
Appeal heard by : State Information Commissioner, Assam

**O R D E R**  
5.10.2020

The appellant Sri Harinarayan Pathak is present. Sri Pradip Handique, SPIO of Assam Legislative Assembly (ALA) and Sri Samir Das, APIO of ALA are also present. The SPIO of ALA has submitted one written statement. The written statement is entered into the case record.

The second appeal of Sri Harinarayan Pathak was received by the Commission on 25.11.2019 along with his RTI Application dated 1.8.2019 which are taken up for hearing in presence of both the parties.

The contention of the appellant in this second appeal petition are summarized as below:-

- (a) In response to his RTI application No 1320 dated 1.8.2019 the SPIO of ALA furnished information vide letter No. LARTI.3/2019/540 dated 26.8.2019 which were found to be unsatisfactory.
- (b) On not being satisfied, first appeal petition bearing No. FAP/1320/01082019/04 dated 30.8.2019 submitted before the First Appellate Authority of ALA was returned by the First Appellate Authority on the plea that required fees with the appeal petition was not submitted. It was returned vide letter No. LARTI.3/2019/545 dated 09.09.2019.
- (c) The First Appellate Authority did not respond and took illegal decision on the first appeal which is contrary to the RTI Act, 2005 in letter and spirit.

On perusal of the written statement of the SPIO, it is seen that the first appeal hearing was not conducted as there was no fee which was required under Rule 5 of the Assam Legislative Secretariat RTI ( Regulation of fees and Cost) Rule, 2007 and that is why the first appeal petition was returned to the applicant. However, by the Assam Gazette notification No LLE.6/2007/6319 dated 3.1.2020 the Rule 5 of the Assam Legislative Secretariat, Right to Information ( Regulation of fees and Cost) Rule, 2007 have been amended and the provision of imposition of fee for first appeal has been omitted.

The decision to impose appeal fee of Rs. 20 was notified in the Assam Gazette by the notification dated 21<sup>st</sup> May, 2007 vide No LLE.6/2007/6319 by the Assam Legislative Assembly Secretariat and the first appeal of Mr. Harinarayan Pathak was returned by the First Appellate Authority for non receipt of fee. Instead of returning the first appeal petition the First Appellate Authority would have taken actions as per the provision of RTI Act, 2005 and the required fee could have been collected in time of delivery of information. However, the said notification is amended and the provision for application fee on first appeal petition has been deleted. As such Sri Harinarayan Pathak is advised to submit his appeal petition a fresh. The First Appellate Authority of ALA is directed to dispose first appeal petition as per the provision of RTI Act, 2005.

With the above direction, the second appeal petition is disposed of. However, the appellant shall be at liberty to submit fresh second appeal/complaint if action as ordered is not taken within stipulated time.

Sd/-

(Sri Kanak Ch. Sarma, ACS(Retd.))  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar i/c  
Assam Information Commission

**Memo No. SIC/ KP(M)2227/2019**

**Dtd. 5.10.2020**

Copy to:

1. The SPIO of the Office of the Assam Legislative Assembly, Dispur, Ghy-06 for information.
2. The First Appellate Authority, Office of the Principal Secretary & Assam Legislative Assembly Secretariat, Dispur, Ghy-06 for information and necessary action.
3. The Petitioner, Sri Harinarayan Pathak, Padumpukhuri, Uzanbazar, Ghy-1 for information.
4. Computer Section for uploading the order in the Website.
5. Office File.
6. Order Book.

Registrar i/c  
Assam Information Commission