



**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781037**

Case No. : SIC/DRN.27/2021
Complainant/ appellant : Sri Bipul Ch. Sarma.
Respondent : SPIO, Board of Secondary Education, Bamunimaidam
Date of hearing : 14.09.2021
Complaint/ Second : Dr. A.P. Rout.
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R

14.09.2021

1. The petitioner Sri Bipul Ch. Sarma filed an RTI petition dated 22.12.2020 before the SPIO, Board of Secondary Education enclosing his ration card which does not show that he is a BPL cardholder.
2. The SPIO, Board of Secondary Education, Assam vide letter No. SEBA/RTI/307/2021/987 dated 04.02.2021 intimated the petitioner to deposit Rs. 200/- as the cost of photocopy charges for providing the available information.
3. Then the petitioner filed first appeal petition dated 8.2.2021 before the First Appellate Authority of Board of Secondary Education. After that the petitioner filed second appeal petition dated 26.4.2021 before the Commission. Accordingly the date of hearing is fixed today.
4. The petitioner, Sri Bipul Ch. Sarma is present. The public authority i.e. the SPIO, Board of Secondary Education Sri Harinarayan Das accompanied by Sri Golok Ch. Bora, Ex-SPIO is present. The Secretary of Board of Education, Assam has submitted a written statement dated 9.9.2021, which is taken into records.
5. The SPIO stated orally that RTI petition dated 22.12.2020 was received by their office on 7.1.2021, but there is no receipt stamp of their office on the RTI petition. After receipt of the RTI petition on 7.1.2021, it could not be understood how the SPIO took 27 days to write to the petitioner vide letter No SEBA/RTI/307/2021/987 dated 04.02.2021 to deposit Rs. 200/- as the cost of photo copy. Since the Act provides only 30 days time to furnish the information to the petitioner, it is not clear why 27 days had been taken just to write to the petitioner to deposit the cost. And in this letter, the SPIO had not mentioned anything about the claim of the petitioner that he is a BPL card holder which shows that the letter was causally sent to the petitioner.
6. In the mean time, the petitioner filed first appeal petition. The hearing of first appeal petition should have been taken within 30 days from the date of receipt of first appeal petition. But the Secretary, Board of Secondary Education vide letter No. SEBA/RTI/307/2021/136 dated 17.8.2021 fixed the date of first appeal hearing on 14.9.2021 i.e. on the same date as the hearing of second appeal petition. In the letter it was mentioned that it was proposed to hold a meeting in March, 2021, but the First Appellate Authority fails to mention when the copy of letter was issued to the petitioner in this regard. After March, 2021 also, there was enough time when there was no restriction on Covid-19 pandemic, in hearing the first appeal petition. However, the hearing was fixed on 14.9.2021 i.e. after the passage of stipulated time period as per Section 19(1) of the RTI Act.

7. The Secretary, Board of Secondary Education has mentioned in the written statement that the information as sought by the petitioner is related to third party information for which presently the Board does not address of the 3rd Parties to receive their consent. But neither in letter dated 4.2.2021 sent by the SPIO, Board of Secondary Education nor in the letter dated 17.08.2021 sent by the First Appellate Authority to the petitioner mentioned that the information sought by him is related to third party.

8. The petitioner sought information related to year of 1980, 1983, 1987, 1989, 1991 and 1992 i.e. much before the enactment of the RTI Act, 2005 and he was asked by the Commission why he needed that much old information, but, he could not give any reason for seeking the information which is in contradiction of the decision of the Hon'ble Delhi High Court in Har Kisan VS President Secretariat in WP(C) 7976/2020.

9. It is also seen that the SPIO and the First Appellate Authority, Board of Secondary Education have failed to comply with the provision of the RTI Act. However, the Commission orders that a date may be fixed by the First Appellate Authority giving prior notice to the appellant and necessary action be taken accordingly for furnishing the information.

10. With the above direction, the second appeal petition dated 26.4.2021 is disposed off.

Sd/-
(Dr. A.P. Rout)

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/ DRN.27/2021

Dtd. 14.09.2021

Copy to:

1. The SPIO, Board of Secondary Education, Bamunimaidam, Guwahati-21 for information and necessary action.
2. The First Appellate Authority/ Secretary, Board of Secondary Education, Bamunimaidam, Guwahati-21 for information and compliance as ordered above.
3. Sri Bipul Ch. Sarma, S/o- Late Bhuvan Ch. Sarma, Vill- Gharoa Sonapur, PO-Dhekipara, Dist- Darrang. PIN-784145 for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Secretary & Registrar
Assam Information Commission