

Case No. : SIC/JRT.3/2021
Complainant/ Appellant : Shri Monjit Baruah.
Respondent : The SPIO, O/o the CEO, Jorhat Municipal Board,
Jorhat, Assam.
Date of Hearing : 01-12-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
01-12-2021

1. The appellant Shri Monjit Baruah is present.
2. Shri Aditya Phukan, SPIO, Jorhat Municipal Board, is present. He is accompanied by Shri Ashim Kr. Bora, Accounts Assistant and Former SPIO. The Commission has received a written statement No. JMC/12/2021/RTI 1st Appeal/15 dated 25.11.2021 from the FAA.
3. From perusal of records it is seen that the appellant Shri Monjit Baruah had submitted one RTI application on 20.02.2021, to the SPIO, O/o the Deputy Commissioner, Jorhat, requesting for certain informations related to the Jorhat Municipal Board. The SPIO, O/o the Deputy Commissioner, Jorhat, on 26.02.2021 transferred the said RTI application to the PIO, Jorhat Municipal Board, with a request to directly furnish the informations to the applicant, with a copy to the SPIO, O/o the Deputy Commissioner, Jorhat. On 30.03.2021 the appellant submitted a 1st Appeal to the First Appellate Authority, O/o the Deputy Commissioner, Jorhat, stating that he had not received any response to his RTI application within the stipulated period. On 18.05.2021 the appellant submitted a 2nd Appeal in this Commission stating that he had not received any information from the Jorhat Municipal Board till that date. The FAA had held a hearing on the appellant Shri Monjit Baruah's Appeal on 10.08.202 and had passed an order in which it has been mentioned that the appellant was absent during the hearing. The appellant during today's hearing said he had received the notice for the 1st Appeal hearing one day after the date fixed for it.
4. During today's hearing Shri Aditya Phukan, SPIO, Jorhat Municipal Board, however stated that the appellant Shri Monjit Baruah had been furnished a portion of the informations on 11.05.2021 by hand, and that he had retained an acknowledgement receipt from the applicant Shri Monjit Baruah. On being asked, the appellant Shri Monjit Baruah admitted that he had indeed been furnished some informations as stated by the SPIO. The appellant Shri Baruah however has tried to suppress facts by way of not informing the Commission in his 2nd Appeal that he had been furnished with some information by the SPIO, Jorhat Municipal Board on 11.05.2021. The appellant Shri Monjit Baruah is hereby warned not to indulge in such act of concealing and suppressing facts in connection with a solemn piece of legislation like the RTI Act, 2005.
5. The SPIO Shri Aditya Phukan displayed photocopies of the informations furnished to Shri Monjit Baruah on 11.05.2021, on examination of which both parties have agreed that while informations related to query No. (1) and query No. (6) have been provided, information related to remaining queries have not yet been provided.
6. On examination of the order of the 1st Appeal hearing it is seen that the SPIO, Jorhat Municipal Board had stated that all informations sought by the appellant Shri Monjit Baruah would be provided only after completion of local audit which was going on during that time.

Accordingly the FAA, Deputy Commissioner, Jorhat had directed the SPIO, Jorhat Municipal Board to furnish the informations as soon as local audit was completed. A copy of the order of the 1st Appeal hearing which was provided by the SPIO, Jorhat Municipal Board has been put on record. The SPIO also verbally stated that they were now in a position to furnish all the information sought. The SPIO however said that the informations would be voluminous in nature estimated to run into 500 (five hundred) pages.

7. **In view of the above the SPIO, Jorhat Municipal Board, is directed to furnish all the informations sought by the appellant Shri Monjit Baruah which are not exempt under RTI Act, 2005, within 21 (twenty-one) days from the date of receipt of this order. Though the appellant is eligible to get the information free of cost in view of expiry of the stipulated period, the SPIO has pointed out that the information would run into approximately 500 (five hundred) pages. Since the information is voluminous in nature and since Section 7 (9) of the RTI Act, 2005, has clearly said that furnishing of informations should not disproportionately divert the resources of the Public Authority, hence the SPIO shall furnish the first 100 (hundred) pages to the appellant free of cost and furnish the remaining pages by realizing the photocopying charges as applicable.**
8. With the above order, this 2nd Appeal is hereby disposed of.

Sd/-
(Samudra G. Kashyap)
State Information Commissioner,
Assam.

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/JRT.3/2021

Dated: 01-12-2021

Copy to:

1. The SPIO, O/o the CEO, Jorhat Municipal Board, Jorhat, Assam, PIN Code 785001, for information and necessary action.
2. The First Appellate Authority/ O/o the Deputy Commissioner, Jorhat, Assam PIN Code 785001, for information.
3. The petitioner, Shri Monjit Baruah, Karangakhat Gaon, P.O. Na ali Dhekiyajuli, Jorhat, PIN Code 785009, Assam, for information and necessary action.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.


Secretary & Registrar
Assam Information Commission.