

**Case No.** : SIC/DHR.7/2021  
**Complainant/ Appellant** : Shri Abdul Mannan Sarker  
**Respondent** : The SPIO, O/o the Child Dev. Project Officer,  
Mahamaya ICDS Project, Mahamaya, Dhubri,  
Assam, PIN Code.783349.  
**Date of Hearing** : 13-04-2021  
**Complaint/ Second**  
**Appeal heard by** : Shri Samudra G. Kashyap.  
State Information Commissioner, Assam

**O R D E R**  
**13-04-2021**

1. The appellant Abdul Mannan Sarker is present.
2. The SPIO, o/o the CDPO, Mahamaya ICDS Project, Distt- Dhubri is absent. But the Commission has received a letter No. CDPO(M)96/2013/RTI/Pt-1/48 dated 13.04.2021 praying for re-fixing the date of hearing due to inability of the i/c CDPO to attend today's hearing due to "serious illness". The Commission however rejects the prayer of the i/c CDPO, on the ground that his prayer for refixing the date of hearing does not appear to be very convincing, and has decided to go ahead with the hearing in the interest of the citizen who had sought some information under the RTI Act.
3. From perusal of records it is seen that the appellant Shri Abdul Mannan Sarker had submitted an RTI application to the SPIO, Bilasipara Civil Division on 29.09.2020. The SPIO, O/o the Sub Divisional Officer (Civil), Bilasipara, transferred the said RTI application to the SPIO, O/o the CDPO, Mahamaya, on 30.09.2020 vide letter No. BRTI2/2018/Pt-I/329, since the informations sought were related to the latter's office. The i/c CDPO, Mahamaya ICDS Project, Distt- Dhubri, vide letter No. CDPO(M)96/2013/RTI/Pt-I/499 dated 30.10.2020 requested the RTI petitioner to give him one month's time to furnish the information sought. On 01.01.2021 the i/c CDPO, Mahamaya ICDS Project, Distt- Dhubri vide letter No. CDPO(M)96/2013/RTI/Pt-I/536 asked the RTI petitioner to deposit Rs. 950 (Nine hundred fifty) rupees only as documentation charges @ Rs 3 (three) per page in order to provide him the information. The appellant Shri Abdul Mannan Sarker during today's hearing verbally submitted that though the i/c CDPO, Mahamaya ICDS Project, Distt- Dhubri, had sought one month's time from 30.10.2020 to furnish him the information in contravention to the provision of the RTI Act, 2005, he had agreed to it in good faith. The appellant however objected to charging documentation charges @ Rs 3 (three) per page for providing him the information. The fact remains that the standard rule for documentation charges is Rs. 2 (two), per page, which cannot be arbitrarily changed by any Public Authority as has been in this case. On 08.01.2021 the RTI petitioner wrote a letter to the i/c CDPO, Mahamaya ICDS Project, Distt- Dhubri, requesting him to provide the details of the account of head of Mahamaya ICDS Project, in order to deposit the documentation charges. Responding to this letter, the i/c CDPO, Mahamaya ICDS Project, Distt- Dhubri vide letter No. CDPO(M)96/2013/RTI/Pt-I/27 dated 19.02.2021 informed the RTI petitioner Shri Abdul Mannan Sarker that there is no account of head of the particular office to deposit documentation fees in respect of RTI matters through treasury challan, and requested the RTI petitioner to visit the CDPO's office

“in your own wish to look your required documents in the office or take photocopies in your own expense.”

4. The RTI Act, 2005, provides for disposal of request for information by citizens within a well-defined specific time-frame. In the instant case, the i/c CDPO, Mahamaya ICDS Project, Distt- Dhubri, has failed to maintain the time-frame as specified in the RTI Act, 2005, despite the immediate transfer of the original RTI application to his office by the O/o the Sub-Divisional Officer (Civil) Bilasipara, where the RTI application was originally submitted. He also failed to keep his own deadline of an extra one month which the RTI applicant had agreed to.
5. The Commission is of the view that, the i/c CDPO, Mahamaya ICDS Project, Distt- Dhubri, has not been given the authority or provision by the RTI Act, 2005, to ask a citizen seeking any information under the RTI Act., 2005, to visit his office “in your own wish” and to ask the RTI applicant to look for the required documents in the office or take photocopies.
6. **Given the above, the SPIO, O/o the CDPO, Mahamaya ICDS Project, Distt- Dhubri, is hereby directed to provide the informations sought by the appellant Shri Abdul Mannan Sarker through his RTI application dated 29.09.2020 within 21 (twenty-one) days from the date of receipt of this order, free of cost. He is also directed to submit an Action Taken Report on this order within 1 (one) week of furnishing the informations to the appellant. Failure to abide by this direction will attract penal provisions as specified in Section 20 of the RTI Act, 2005.**
7. **A copy of this order be sent to the Commissioner, Social Welfare Department, Govt. of Assam, Dispur, Guwahati, who may take note of the lackadaisical attitude of the i/c CDPO of Mahamaya ICDS Project, in handling an RTI application.**
8. With the above order this 2<sup>nd</sup> 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/DHR.7/2021**

**Dated: 12-04-2021**

Copy to:

1. The SPIO, O/o the Child Dev. Project Officer, Mahamaya ICDS Project, Mahamaya, Dhubri, Assam, PIN Code.783349, for information and necessary action.
2. The First Appellate Authority/ The Programme Officer, Divisional ICDS Cell, Kokrajhar, P.O. & Distt. Kokrajhar (BTR), PIN Code 783370, Assam, for information.
3. The Commissioner, Social Welfare Department, Govt. of Assam, Dispur, Guwahati, for information.
4. The petitioner, Shri Abdul Mannan Sarker, Advocate, Bilasipara Bar Association, P.O. Jomduar, via Bilasipara, Distt. Dhubri, Assam, PIN Code 783348, for information.
5. Computer section for uploading in the website.
6. Office File.
7. Order Book.



Secretary & Registrar  
Assam Information Commission