

Case No. : SIC/SSM.10/2020
Complainant/ Appellant : Shri Abdullah Sarkar
Respondent : The SPIO, O/o the Circle Officer and Asstt. Settlement Officer, Mankachar Revenue Circle, P.O. & P.S.-Mankachar, Distt. South Salmara Mankachar, PIN-783131, Assam.
Date of Hearing : 02-03-2021
Complaint/ Second Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam.

O R D E R
02-03-2021

1. The appellant Shri Abdullah Sarkar is present.
2. The SPIO, O/o the Circle Officer and Asstt. Settlement Officer, Mankachar Rev Circle, Distt. South Salmara Mankachar, is absent. But the Commission has received a statement from the SPIO and FAA of the Mankachar Revenue Circle bearing No. MKC-14/2020/85 dated 25.01.2020.
3. From perusal of records it is seen that Shri Abdullah Sarkar and Rakhidul Islam Mondal had submitted an RTI application to the SPIO, O/o the Circle Officer and Asstt. Settlement Officer, Mankachar Rev Circle, Distt. South Salmara Mankachar, on 03.02.2020, seeking three sets of informations related to issue of landless persons certificates and proposals related to providing government Khas land to landless people, and copies of applications along with affidavits and other documents of all the applicants who had submitted applications in the Circle Office for land allotment between 01.08.2019 and 20.10.2019. The SPIO vide letter No. MKC(S)-13/2015/38 dated 30.05.2020 informed the appellants that they can collect the information by paying cost of photocopying amounting to Rs 22050 (twenty two thousand fifty) only @ Rs. 5 per page. In the written statement the SPIO stated that since the appellants had not deposited the photocopying cost, hence the information could not be provided till date.
4. Shri Abdullah Sarkar, one of the appellants in this case who was present in today's hearing, stated that they were entitled to get the information free of cost because the response of the SPIO had come much after the stipulated one month period as mentioned in the RTI Act, 2005. He also pointed out that the photocopying charge should be Rs. 2 (two) and not as mentioned by the SPIO. The SPIO and FAA in his written statement however said that the informations or the responses of the RTI application could not be made within the stipulated period because of the pandemic situation and lockdown. However a reply was sent to the appellant through registered post after the office reopened.
5. While the Commission appreciates the fact that the pandemic situation and the lockdown had indeed affected normal functioning of government offices during most parts of the year 2020, the SPIO cannot ask for photocopying charges @ Rs 5 (five) per page as photocopying charges, which should be Rs. 2 (two) only per page as specified by the government under provisions of the RTI Act, 2005.
6. While the Commission also appreciates the fact that the appellants should get the informations sought through their RTI application of 03.02.2020 free of cost because of the

delay, it is seen that the information sought for runs into over 4400 (four thousand four hundred) pages. Section 7(9) of the RTI Act, 2005, clearly says “that the information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the Public Authority.” In the instant case where the information sought runs into over 4400 pages, the Commission considers this as voluminous enough to cause disproportionate diversion of resources of Public Authority, and hence the SPIO is directed to either (a) provide first 100 pages of the information free of cost and realize photocopying charges @ Rs. 2 (two) only per page from the petitioners for the remaining pages, OR b) facilitate inspection of the documents containing information on a date and time suitable to the Public Authority so that the petitioners can inspect the documents and select the pages and information they would require to collect; in the second case too, the first 100 pages shall be provided free of cost to the appellant, and Rs. 2 per page shall be collected as photocopying charge for every subsequent page. This order shall be carried out within 21 days from the date of receipt of this order with an intimation to the Commission at the earliest.

7. 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/SSM.10/2020

Dated: 02-03-2021

Copy to:

1. The SPIO, O/o the Circle Officer & O/o the Asstt. Settlement Officer, Mankachar Revenue. Circle, P.O. & P.S. Mankachar, Distt. South Salmara Mankachar, PIN-783131, Assam, for information and necessary action.
2. First Appellate Authority/ The Circle Officer, Mankachar Revenue. Circle, P.O. & P.S.- Mankachar, Distt. South Salmara Mankachar, PIN-783131, Assam, for information.
3. The petitioner, Md. Abdullah Sarkar, S/o- Nabuyat Ullah Sarkar, Add- Neoyajespur, P.O. Fulerchar, P.S. Sukchar, Distt. South Salmara Mankachar, PIN-783135, for information.
4. The petitioner, Shri Rakhidul Islam Mondal, S/o- Abdur Kader Mondal, Vill & P.O. Fulerchar, P.S. South Salmara, Distt. South Salmara Mankachar, PIN-783135, for information.
5. Computer section for uploading in the website.
6. Office File.
7. Order Book.

Secretary & Registrar
Assam Information Commission