

Case No. : SIC/SSM.13/2020
Complainant/ Appellant : Shri Abdullah Sarkar
Respondent : The SPIO, O/o the Deputy Commissioner, Distt.
South Salmara Mankachar, PIN-783135, 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 Deputy Commissioner, Distt. South Salmara Mankachar, is absent. But the Commission has received a written statement No. HFS-2/2016/Pt/277 dated 06.02.2021 from the Deputy Commissioner.
3. From perusal of records it is seen that Shri Abdullah Sarkar had submitted an RTI application to the O/o the Deputy Commissioner, Distt. South Salmara Mankachar, on 10.07.2020. On not receiving any response, he submitted a 1st Appeal to the FAA, O/o the Deputy Commissioner, Distt. South Salmara Mankachar, on 12.08.2020. The appellant on 18.08.2020, received a letter No. HRS-1/2016/67 dated 18.08.2020, from the Additional Deputy Commissioner, Distt. South Salmara Mankachar, asking him to submit a sum of Rs. 50,400 (fifty thousand four hundred) only as photocopying charges for 10,080 (ten thousand eighty) pages of documents @ Rs. 5 (five) per page.
4. The appellant however pointed out that he was entitled to getting the information free because the stipulated time of 1 (one) month for furnishing information from the date of submission of RTI application had expired when the Public Authority responded to his petition. The Deputy Commissioner in his written statement however said that while Shri Abdullah Sarkar submitted his RTI petition on 10.07.2020, the Revenue Branch of the Deputy Commissioner's Office took some time to check all records and collect the informations. The Deputy Commissioner in his written statement also said that while the petitioner neither deposited money for photocopying charges nor visited his office for inspection of documents free of cost, but, submitted a 2nd Appeal in the Commission instead of submitting a 1st appeal before the FAA i.e. Deputy Commissioner, Distt. South Salmara Mankachar. The 2nd part of the statement of the Deputy Commissioner does not appear to be correct because the appellant has provided a copy of his 1st Appeal dated 12.08.2020, containing seal and signature of receipt in the Deputy Commissioner's Office (Revenue Branch) on 12.08.2020. Regarding delay in providing information, the Deputy Commissioner in his written statement also submitted that the delay had occurred in providing the information as the Branch Assistant of the RTI branch of the Deputy Commissioner's Office was engaged in COVID-19 duty at Hatsingimari College; a copy of the office order dated 05.05.2020, engaging the Branch Assistant of the RTI Branch in COVID-19 duty has been enclosed in the written statement.
5. From the records it is seen that the informations sought are voluminous in nature running into more than 10,000 pages. While the Commission appreciates the fact that the appellant Shri Abdullah Sarkar should have been provided the informations within the stipulated

period against payment of photocopying charges of over 10,000 pages, the same could not be done because of the pandemic situation as has been submitted by the Deputy Commissioner. The Commission also appreciates the fact that following expiry of stipulated period of 1 (one) month, the appellant should have been provided the informations free of cost under provisions of the RTI Act, 2005. However Section 7(9) of the RTI Act, 2005, says that "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 view of the fact that the information sought runs into more than 10,000 pages, the Commission considers this as voluminous enough to disproportionately divert the resources of the Public Authority. The SPIO, O/o the Deputy Commissioner, Distt. South Salmara Mankachar, is hereby directed to either (a) Provide the first 100 pages of the information free of cost and realize photocopying charges @ Rs. 2 (two) only per page from the petitioners, OR (b) facilitate inspection of the documents containing information on a date and time suitable to the Public Authority so that the petitioner can inspect the documents and select the pages and information he would want to collect; in this case 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.

6. 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.13/2020/22-A

Dated: 02-03-2021

Copy to:

1. The SPIO, O/o the Deputy Commissioner, Distt. South Salmara Mankachar, PIN-783135, Assam, for information and necessary action.
2. First Appellate Authority/ The Deputy Commissioner, Distt. South Salmara Mankachar, PIN-783135, 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. Computer section for uploading in the website
5. Office File
6. Order Book

Secretary & Registrar
Assam Information Commission