

Case No. : SIC/GLP.13/2021
Complainant/ Appellant : Shoriful Islam.
Respondent : The SPIO, O/o the BDO, Kharmuza Development
Block, Goalpara, Assam.
Date of Hearing : 23-03-2022
**Complaint/ Second
Appeal heard by** : Dr.Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
23-03-2022

1. The appellant Shoriful Islam is present.
2. The SPIO, O/o the BDO, Kharmuza Development Block is absent without any intimation. The SPIO however sent 2 (two) persons namely Shri Benudhar Patgiri, (Asstt. Accounts Officer) and Shri Nirban Kr Patiri (Jr. Asstt) of the Block Office to attend the hearing. The two persons however did not carry any letter of authorization from the BDO. Moreover the two persons are not officers designated to handle RTI matter in the BDO's office. Hence they are not permitted to attend the hearing. The SPIO shall adhere to the procedures laid down in the RTI Act when handling RTI matters.
3. From records it is seen that the appellant Shoriful Islam had submitted an RTI application to the SPIO, O/o the BDO, Kharmuza Development Block, Dist. Goalpara on 13.8.2021, seeking certain informations related to the Block. The appellant Shri Shoriful Islam submitted photocopy of a letter written to him by the Secretary, O/o the Rowmari G.P. on 22.12.2021 asking him to deposit Rs. 2480 (Two thousand four hundred eighty) only as photocopying charges to provide him the information sought. It is however seen that while the appellant Shri Shoriful Islam had submitted his RTI application to the SPIO, O/o the BDO, Kharmuza Development Block, on 13.08.2021, the Secretary, Rowmari G.P. (who apparently transferred the RTI application) had requested him to deposit photocopying charges after more than 4 (four) months. Section 7 of the RTI Act, 2005 provides for furnishing information to an applicant within 30 (thirty) days of the receipt of the request, and photocopying charges can be collected only when information is provided within 30 (thirty) days. In the present case, the i/c Secretary, Rowmari G.P. had written to the appellant requesting for depositing photocopying charges more than 4 (four) months after the RTI application was submitted. Section 7(6) of the RTI Act, 2005, clearly says that a person making request for information shall be provided the information free of charge where a Public Authority fails to comply with the time limit specified in Sub-section 1 of Section 7 of the RTI Act.
4. **In view of the above, the SPIO and i/c Secretary, Rowmari G.P. is directed to furnish the information sought by Shri Shoriful Islam free of cost within 10 (ten) days from the date of receipt of this order. He shall also collect an acknowledgement receipt from the appellant Shri Shoriful Islam. The SPIO, O/o the BDO, Kharmuza Development Block, Distt. Goalpara shall ensure that this order is carried out without fail, and shall submit an Action Taken Report to the Commission within 21 (twenty-one) days of the receipt of this order.**
5. With the above order this 2nd Appeal is hereby disposed of.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No.SIC/GLP.13/2021

Dated: 23-03-2022

Copy to:

1. The SPIO, O/o the BDO, Kharmuza Development Block, Goalpara, Assam, Pin Code 783101 for information and necessary action.
2. The SPIO/Secretary, Rowmari G.P., Vill. Rowmari, P.O. Joypur Bazar, P.S. BaguanDistt. Goalpara, Assam, for information and necessary action.
3. First Appellate Authority/O/o the BDO, Kharmuza Development Block, Goalpara, Assam, Pin Code 783101 for information.
4. The petitioner, ShriShoriful Islam, S/o Abdul LatifVill. Rowmari, P.O. Joypur Bazar, P.S. BaguanDistt.Goalpara, Assam,for information.
5. Computer section for uploading in the website.
6. Office File.
7. Order Book.



Secretary & Registrar
Assam Information Commission.