

Case No. : SIC/DHR.4/2022
Complainant/ Appellant : Shri Barkat Ali Tarafder.
Respondent : The SPIO, O/o the BDO, Nayeralga Dev. Block, Distt. Dhubri, Assam.
Date of Hearing : 06-05-2022
Complaint/ Second Appeal heard by : Dr. Samudra G. Kashyap.
State Information Commissioner, Assam.

O R D E R
06-05-2022

1. The appellant Shri Barkat Ali Tarafder is present.
2. The SPIO, O/o the BDO, Nayeralga Dev. Block, Dhubri District, Assam, is absent without any intimation. The Commission however has received a written statement No. DAE-108/Appeal/Nay/2017-18/190 dated Nil/May, 2022 from the FAA & Project Director, DRDA, Dhubri.
3. From records it is seen that while the appellant Shri Barkat Ali Tarafder had submitted one RTI application to the SPIO, O/o the SDO (C), Bilasipara, on 13.09.2021 seeking certain informations related to the Dubachuri G.P. under Nayeralga Development Block, the said RTI petition was forwarded to the Secretary, Dubachuri G.P. on 22.09.2021. On not getting any response, the appellant submitted a 1st Appeal. On 10.12.2021 the FAA held a hearing on the Appeal of Shri Barkat Ali Tarafder and directed the SPIO/Asstt. BDO, Nayeralga Dev. Block to furnish the information directly to the appellant within 7 (seven) days from that date. From the written statement of the FAA submitted to this Commission it is seen that the Secretary, Dubachuri G.P. wrote to the appellant Shri Barkat Ali Tarafder to deposit Rs. 8650 (eight thousand six hundred fifty) only within 7 (seven) days as photocopying cost for providing him the informations. This letter requesting for photocopying charges was written by the Secretary, Dubachuri G.P. on the same day when the 1st Appeal was heard.
4. Section 7 (6) of the RTI Act, 2005, clearly says that the person making a request for information shall be provided the information free of cost when a public authority fails to comply with the time limits specified in sub-section 1 of Section 7 of the Act. In the instant case, while the appellant Shri Barkat Ali Tarafder had submitted his RTI application on 13.09.2021, which was forwarded to the concerned public authority on 29.09.2021, the Secretary, Dubachuri G.P. requested him to deposit photocopying charges on 09.12.2021, which is clearly much after expiry of the time limit specified in Section 7 (1).
5. **In view of this, the SPIO/Asstt. BDO, Nayeralga Dev. Block, is directed to furnish the informations sought by the appellant Shri Barkat Ali Tarafder free of cost within 7 (seven) days from the date of receipt of this order. In case the informations sought are voluminous in nature and is likely to disproportionately divert the resources of the Public Authority as mentioned in Section 7 (9) of the RTI Act, 2005, then the SPIO shall provide the first 100 (one hundred) pages of informations free of cost and furnish the remaining pages by realizing photocopying charges from the appellant.**
6. **The SPIO/Asstt. BDO, Nayeralga Dev. Block, was clearly directed by the FAA vide order dated 10.12.2021 to furnish the informations to the appellant within 7 (seven) days from that date. In view of this, the SPIO/Asstt. BDO, Nayeralga Dev. Block, Distt.**

Dhubri, is directed to submit a written statement to the Commission explaining why penalty under Section 20(1) of the RTI Act, 2005, shall not be imposed on him/her for his/her failure to furnish the sought for information within the stipulated time period. The written statement should reach the Commission within 10 (ten) days from the date of receipt of this order.

7. The First Appellate Authority, O/o the Project Director, DRDA, Dhubri shall also inform the Commission what action was taken against the SPIO/Asstt. BDO, Nayeralga Dev. Block, for his/her failure to comply with the FAA's order dated 10.12.2021.

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

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/DHR.4/2022

Dated: 06-05-2022

Copy to:

1. The SPIO, O/o the BDO, Nayeralga Dev. Block, Dhubri, Assam, PIN Code 783348 for information and necessary action.
2. First Appellate Authority/ O/o the Project Director, DRDA, Dhubri, Assam for information and necessary action.
3. The petitioner, Shri Barkat Ali Tarafder, S/o Baharuddin Tarafder, Vill. Kathaldi PT-I, P.O. Bilasipara, Dist. Dhubri, Assam, PIN 783348, for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.


Registrar
Assam Information Commission.