

**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : KP(M).566/2016
Complainant/ Appellant : Shri Joydeb Das
Respondent : Guwahati Municipal Corporation, Panbazar
Date of hearing : 22.9.2016
Complaint/ Second : Shri H. S. Das, IAS (Rtd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R

26.9.2016

The public authority is represented by :- (1) Md. Tasdiqur Rahman, Chief Engineer, GMC, (2) Shri Amalendu Nath, C.A. & A.O, GMC, and (3) Shri Ganesh Nath, Sr. Accountant, GMC. The petitioner Shri Joydeb Das is absent. However, he has sent a written submission dated 22.9.16 stating that he is unable to attend today's hearing on health ground. In his WS he has requested this Commission to pass appropriate order on his appeal petition dated 16.8.16 as per provision of the RTI Act, 2005. The second appeal petition dated 16.8.16 is therefore, taken up for hearing ex parte in absence of the appellant.

The PIO of GMC has submitted a written statement dated 22.9.16, which is entered into the case records. In the WS it has been mentioned that the PIO and the GMC authority has already furnished the sought for information to the petitioner vide their letter dated 17.9.2015, after collecting and compiling the same from several offices under GMC. Thereafter, the first appellate authority heard an appeal petition on 30.10.15 and passed orders on 2.11.15. This was followed by another complaint petition dated 21.11.15 by the petitioner, which was addressed by GMC vide their letter dated 21.12.15 requesting the petitioner to visit accounts branch of GMC during office hours with prior intimation for inspection of records and documents u/s 2(j) (i) of the RTI Act, 2005 mentioning that no fee will be charged for inspection of records. However, the applicant by a letter dated 19.1.16 refused to inspect the records as requested and insisted that he be furnished with the information sought for. Thereafter the PIO of GMC vide its letter dated 14.3.16 advised the Chief Accounts and Audit Officer of the GMC to furnish the remaining information to the petitioner as directed by the FAA i.e. the GMC Commissioner. This was followed by another complaint letter dated 9.5.16 from the petitioner to the FAA and Commissioner of GMC against the Chief Accounts and Audit Officer for failing to furnish the information as directed by the Commissioner, GMC. The Chief Accounts and Audit Officer informed the PIO of GMC vide his letter dated 2.7.16 that reply to serial number 1 & 2 of the petitioner's RTI petition dated 7.7.15 will involve 30 numbers of registers covering 300 pages each. This was followed by an order dated

4.8.16 by the first appellate authority and the Commissioner of GMC requesting the petitioner to inspect the relevant records in the accounts branch of GMC. In his order, FAA referred to section 7(9) of the RTI Act, 2005. It is also seen from the WS dated 22.9.16 that the accounts branch of the GMC reported that the information sought for by the applicant is not maintained separately. It is available along with all the other expenditures of the GMC, which are recorded in 30 numbers of registers covering about 300 pages in each register, thus running into 9000 pages of large size registers. They also produced one such register for perusal of this Commission today. It was seen that the register is large in size and quite heavy containing 300 pages recording the expenditure accounts for a period of six months. The officers of GMC produced before this Commission a copy of the information already furnished to the petitioner, which itself is also quite voluminous and required substantial amount of compilation of information received from different officers under GMC.

After perusal of the information furnished and seeing the sample expenditure register, this Commission is of the view that section 7(9) of the RTI Act is applicable in this case. The information sought for by the petitioner relates to details of all revenue collected by the GMC and details of all expenditure incurred by GMC for construction of all roads, drains and street lights as well as for their maintenance during the period 2005 till the date of RTI application i.e. 7.7.15. i.e. for a period of 10 years. He also wanted copies of audit reports for the years 2013-14 and 2014-15. The officials of the GMC deposed that audit for those two years have not been conducted, about which the petitioner was informed vide GMC's letter dated 17.9.15.

This Commission notes that the RTI Act, 2005 was enacted "to provide for setting out the practical regime of right to information for citizens.....". Huge volume of information sought for by the petitioner requiring compilation of the same from large number of registers and records covering a period of 10 years is not at all a practical proposition. The refusal of the petitioner to inspect the relevant records, (which is voluminous) as requested by the FAA and Commissioner, GMC, although inspection of records and documents is clearly listed as a mode of exercising the right to information u/s 2 (j) (i) of the RTI Act, 2005, and his insistence that the PIO of GMC should furnish him photocopies of the information sought for by him, which will run into nearly 9000 pages is found to be not only inconsistent with the provisions of section 7 (9) of the RTI act, 2005 but also impractical and vexatious. Hence the second appeal petition dated 16.8.16 is dismissed.

Sd/-

(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Registrar
Assam Information Commission

- Copy to:
1. The Public Information Officer of the office of the Commissioner, Guwahati Municipal Corporation, Panbazar, Guwahati- 781 001 for information.
 2. The Director of Information & Public Relations, Assam, Dispur, Guwahati- 781 006 for information and necessary action.
 3. Shri Joydeb Das, House No. 16, Kushal Konwar road, Near Mayur Krishna Cinema Hall, Ambari Fatashil, Guwahati-25 for information.
 4. Computer Section for uploading in the Website.
 5. Office File.
 6. Order Book.

Registrar

Assam Information Commission