

**OFFICE OF THE  
ASSAM INFORMATION COMMISSION**

**JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**

Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

<b>Case No.</b>	<b>:No.DBR.9/2018</b>
<b>Complainant/ Appellant</b>	<b>Sri P.Bezbaruah</b>
<b>Respondent</b>	<b>:Revenue &amp; Disaster Management Department, Govt. of Assam</b>
<b>Date of Hearing</b>	<b>:01-10-2018</b>
<b>Complaint/ Second appeal heard by</b>	<b>:Shri H. S. Das, IAS (Retd) :State Chief Information Commissioner, Assam</b>

**O R D E R**  
**01-10-2018**

1. The petitioner Sri P.Bezbaruah, is again absent. He was absent on the last date of hearing also on 11-6-2018 Due to some unavoidable circumstances he could not attend today's hearing , as stated by him vide his written statement dated 29<sup>th</sup> September, 2018. This petitioner has been filing a number of RTI petitions relating to the same land dispute and grievances followed by second appeal petitions. However, he has never attended any of the hearings before this Commission either in person or through authorized representative.

*This Commission would like to place on records that filing of appeal petitions by information seekers and then remaining absent on hearing dates even after receipt of notice does not help or facilitate disposal of appeal petitions by this Commission. Ex-parte hearing and disposal of complicated RTI appeal cannot be the rule of disposal on vague grounds that the petitioners/ appellant is unable to attend the hearing due to unavoidable circumstances repeatedly. In spite of clear instructions to the petitioner in paragraph-6 of this Commission's earlier order dated 11-6-2018 in his second appeal case that - if for any reason he himself is unable to attend hearing of this Commission , then he should depute his authorized person so as to facilitate effective and expeditious disposal of his RTI petition. The RTI applicant does not appear to have paid any heed despite clear instructions from this Commission.*

2. Anyway, his written statement dated 29<sup>th</sup> September, 2018 is entered into the case records. The gist of the W/S is that he has not received the sought for by him vide his RTI petition dated 20-09-2017 even after this Commission's order dated 11-6-2018.
3. The public authority is represented by Sri Nirhandra Thaosen, Sr. Sub Registrar, Kamrup (Metro) and Sri Nitul Ch. Das of Sr. Sub-Registrar's office, Kamrup (Metro).
4. Meanwhile copy of a detailed report vide letter No. KRN.36/2010/1619/-23 dated 27-9-2018 from the Deputy Commissioner, Kamrup (Metro) District, Guwahati addressed to the SPIO and Deputy Secretary, Govt. of Assam, Revenue and Disaster Management (Registration) Department, Guwahati has been received in response to Revenue and Disaster Management letter No.58/2014/145 dated 25<sup>th</sup> June, 2018. The inquiry report submitted by the Deputy Commissioner refers to the petitioner's petition dated 5-6-2017 also, besides a few more petitions and complaints filed by the same petitioner substantially on the same matter

5. The appellant may know that other than the grievances denial of his right to information this Commission is not competent to redress his other substantive grievances, that might have arisen due to land and other disputes. In this Connection, Hon'ble Supreme Court's order in Civil Appeal No. 6454/2011 may be referred to :-

**Quote** “ Indiscriminate and impractical demands or directions under RTI Act for disclosure of all and sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counter-productive as it will adversely affect the efficiency of the administration and result in the executive getting bogged down with the non-productive work of collecting and furnishing information . The Act should not be allowed to be misused or abused, to become a tool to obstruct the national development and integration, or to destroy the peace, tranquility and harmony among its citizens. Nor should it be converted into a tool of oppression or intimidation of honest officials striving to do their duty. The nation does not want a scenario where 75% of the staff of public authorities spends 75% of their time in collecting and furnishing information to the applicants instead of discharging their regular duties. The threat of penalties under the RTI Act and the pressure of the authorities under the RTI Act should not lead to employees or public authorities prioritizing ‘information furnishing’ at the cost of their normal and regular duties.” **Unquote.**

6. In the instant case the informations sought for by the petitioner were :-

- (a) What follow-up action was taken by the Revenue Department on the applicant's petition dated 5-6-2017 addressed to the Hon'ble Chief Minister, Assam, and
- (b) What is the present status of the matter.

7. The SPIO and Deputy Secretary of Revenue and Disaster Management Department also sent a separate W/S dated 26<sup>th</sup> September, 2018 praying for re-fixation of the date of hearing due to his pre-occupation with the on-going State Assembly session. His W/S dated 26<sup>th</sup> September 2018 is dated one day before the Deputy Commissioner's report dated 27-9-2018. Apparently the SPIO and Deputy Secretary of Revenue and Disaster Management Department did not receive the detailed report of the Deputy Commissioner, Kamrup (Metro) at the time of submitting his W/S.

8. In view of the report dated 27-9-2018 of Deputy Commissioner, Kamrup (Metro) as aforesaid further hearing of this matter is not considered necessary. The SPIO and Deputy Secretary of Revenue and Disaster Management Department is directed to furnish a copy of the Deputy Commissioner's report along with a report of action taken , if any, on the report to the RTI applicant on or before 30<sup>th</sup> October, 2018 by Registered Post.

9. With the above order the second appeal petition dated 14-2-2018 is disposed of.

**Sd/-**

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

**Authenticated true copy.**

**Sd/-**

**Joint Registrar**  
**Assam Information Commission.**

**Memo No. SIC/DBR.09/2018/**

**Dated 01-10-2018**

**Copy to :-**

1. SPIO and Deputy Secretary to the Govt. of Assam, Revenue and Disaster Management Department, Dispur, Guwahati-6 for information and necessary action as ordered above.
2. Sri Nirhandra Thaosen, Sr. Sub Registrar, Kamrup (Metro), Panbazar, Guwahati-1 for information.
3. Director, Information and Public Relations, Last Gate, Dispur, Guwahati-6 for information.
4. Sri P.Bezbaruah, B.R.Path, P.O- Dibrugarh, PIN-786 001-12 for information.
5. Computer Section for uploading in the Website.
6. Office file.
7. Order Book.

**Joint Registrar**  
**Assam Information Commission**