



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

Case No. KP(M)734/ 2018
 Complainant/ Appellant Sri Dulal Bora – present.
 Respondent : SPIO of Finance Deptt., Govt. of Assam – present as
 Represented by Sri Fulbar Ali, Deputy Secretary & SPIO
 Accompanied by Sri Akhil Sarma, Deputy Secretary, Fin.(EC-I)
 Department.
 Date of hearing 09.05.2019
 Complaint/ Second : Shri H. S. Das, IAS (Retd)
 Appeal heard by Chief Information Commissioner, Assam

O R D E R
 09.05.2019

1. The second appeal petition dated 4.12.2017 read with RTI petition dated 9.1.2017 and first appeal petition dated 25.8.2017, is taken up for hearing in presence of both the parties.
2. The SPIO of Finance Department submitted a written statement dated 7.5.2019 which is entered into the case records. It has been mentioned in the WS that necessary information was already furnished to the petitioner vide letter dated 3.2.2017 in response to his RTI petition dated 9.1.2017.
3. From the perusal of the letter dated 3.2.2017, it appears that the petitioner submitted 73 nos. of RTI petitions on the same date, i.e., 9.1.2017 and the ASPIO & Nodal Officer of Finance Department disposed of all the 73 RTI petitions by informing the petitioner that all the informations sought for by him are exempted under Section 8 of the RTI Act, 2005. This Commission is of the view that while submission of a large number of RTI petitions in one lot by the same information seeker before the same public authority is likely to overburden the concerned public authority, thereby disrupting the rhythm of their normal work, it is also likely to disproportionately divert the resources of public authority in terms of time and manpower. The public authority disposed them of by a blanket statement that all the sought for informations are exempted under Section 8 of the RTI Act, 2005. Section 7(1) of the RTI Act clearly states that if for any reason information is to be rejected, then the SPIO can do so for any of the reasons as specified in Section 8 and 9 of the RTI Act, 2005. Obviously, reasons for rejection have to be specified separately against each RTI petition. In the instant case, the SPIO did not do so. This Commission takes serious note of the disposal of the RTI petitions by Finance Department in such a cavalier manner. It is to be noted that the right to information is also recognized as a fundamental right under Articles 19 and 21 of the Constitution of India. The SPIO is directed to bring this to the notice of the senior-most Secretary of the Finance Department so that he can issue appropriate instructions to the officials and staff dealing with RTI matters in the department.

4. The SPIO of Finance Department submitted orally that the concerned ASPIO and Nodal Officer of RTI Cell of Finance Department who signed the letter dated 3.2.2017 was Sri Bharat Thakuria. At that time he was working as Under Secretary in the Finance Department. Now he is working as Deputy Secretary of GA Department of Govt. of Assam. **He is directed to show cause as to why one or more penal actions shall not be taken against him for his failure to comply with the provisions of Section 7 of the RTI Act, 2005. His written statement should reach this Commission on or before the next date of hearing.**

5. Fix **03.06.2019 at 1 P.M** for next date of hearing. Issue notice to Sri Bharat Thakuria, Deputy Secretary, GAD, Govt. of Assam for his personal appearance and for making his submissions either by way of written statement or orally, or both.

6. Coming back to the instant second appeal petition dated 4.12.2017, it is seen that the corresponding RTI petition dated 9.1.2017 was with reference to the complaint petition dated 29.9.2015 which was addressed to the Principal Secretary of Finance Department, Govt. of Assam. The subject matter of the RTI petition was regarding educational qualification of one Syed Rafiqul Manan, the then DTO of Dibrugarh District. The petitioner submitted that he has meanwhile received the sought for information from the SPIO of Transport Department, Govt. of Assam. The appellant has also submitted a written statement dated 9.5.2019 to that effect.

7. In view of the above, personal appearance of the SPIO of Transport Department and Finance Department are dispensed of.

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

Authenticated true copy.
Sd/-
Registrar i/c
Assam Information Commission

Memo No. SIC/ KP(M)734/2018

Dated 09.05.2019

Copy to:

1. The SPIO of Finance/Transport Department, Govt. of Assam, Dispur, Guwahati 6 for information and necessary action.
2. Sri Bharat Thakuria, Deputy Secretary, Govt. of Assam, GA Department, Dispur, Guwahati – 6 for information and necessary action.
3. Sri Dulal Bora, Kainadhara Tinial, House No.118, Khanapara, Guwahati 22.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Registrar i/c
Assam Information Commission