

**OFFICE OF THE
ASSAM INFORMATION COMMISSION****JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**

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Case No. : SIC/KP(M)857/2019
Complainant/ Appellant : Sri Kritikamal Bora
**Respondent : SPIO of Directorate of Assam Institute of Management
Ghy-35**
Date of Hearing : 12-10-2020
Complaint/ Second : Dr. A.P.Rout, IPS(Retd)
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
12-10-2020

1. The petitioner Sri Kritikamal Bora is present.
2. The petitioner in his 2nd appeal dated 13.6.2019 has mentioned that he has applied before Assam Institute of Management vide his letter no. HA/0410/2/19 for information under RTI Act 2005. Due to non receipt of the information from the SPIO during the stipulated period, he vide his letter no. HA/0472/3/19 dated 25.3.2019 sent his 1st appeal petition. As the institute did not submit any information to him, he filed 2nd appeal petition.
3. The Public Authority has filed a detailed written statement vide letter no. AIM/01/45/2013/386 dated 12.10.2020 in pursuance to RTI petition of petitioner Sri Kritikamal Bora.
4. The petitioner vide his RTI petition no HA/0360/1/19 has asked for the following informations:
 - (i) Information regarding details of written examination for the vacancy related to various posts and date of those written examination and photocopies of the advertisement and the departments.
 - (ii) Information relating to name of examinations and post for conducting various recruitment tests for the Govt. of Assam and fund allocated to various department etc.
 - (iii) Information relating to utilization certificate of the funds allocated by the govt., and photocopy of bank statement, annual audit report, cash book.
 - (iv) Information relating to expenses incurred in printing of mark sheets and question papers.
 - (v) Information regarding the details of vehicles used in examination purpose by Assam Institute of Management.
5. The SPIO vide his letter no. AIM/01/45/2013/2551 dated 7.2.2019 had replied to the petitioner's question as follows:
 - (i) Information to question no.1- Year and department wise name of posts for which the Assam Institute of Management has conducted written examination for recruitment of persons are mentioned in the enclosed list from 2009 till date. Copies of advertisements are not available with Assam Institute of Management as these are published by the Govt. of Assam.
 - (ii) Information to question no. 2- There will be total 52 pages of documents relating to the name of the examinations and post, etc. for conducting various recruitment tests for Government of Assam by the Assam Institute of Management from 2009 to till date. Photocopy of these documents may be provided on payment of Rs 104/- only.
 - (iii) Information to question no. 3- Since these documents are voluminous running in quite a number of pages and difficult to get them photocopied , therefore these documents may be inspected at our institute.
 - (iv) Information to question no. 4- Matter being confidential cannot be furnished.

- (v) Information to question no. 5- Matter being confidential cannot be furnished.
6. The petitioner vide his letter no. HA/0410/2/19 dated 14.2.2019 filed another petition to the SPIO seeking information as to under what section the matter is confidential relating to his reply to question no. 4 & 5 of his previous petition.
 7. The petitioner again filed 1st appeal vide letter no. HA/0472/3/19 dated 25.3.2019 stating that he has not received the information within the stipulated time period.
 8. The Director of Assam Institute of Management vide letter no. AIM/01/45/2013/2755 dated 22.4.2019 has asked the petitioner to appear on 6.5.2019 for disposal of 1st appeal petition.
 9. The petitioner in his application no. HA/0558/4/19 dated 26.4.2019 intimated his inability to appear on 6.5.2019 because of preoccupation with other leading matter.
 10. Assam Institute of Management rescheduled the meeting on 27.5.2019 vide letter no. AIM/01/45/2013/2802 dated 17.5.2019 in which the petitioner was asked to appear personally on 27.5.2019.
 11. On 27.5.2019 on personal appearance of the petitioner, the 1st Appellate Authority disposed the case stating that information provided by the SPIO of Assam Institute of Management is correct and adequate.
 12. In his 2nd appeal petition, the petitioner enclosed the copies of following documents only:- (a) letter no. HA/0360/1/19 page 3A wherein the petitioner has asked 5 questions regarding Assam Institute of Management (b) letter no. AIM/01/45/2013/2551 page 3B wherein the reply was given to the petitioner by the SPIO of Assam Institute of Management. (c) letter no. HA/0410/2/19 page 3 wherein the petitioner has asked the SPIO of Assam Institute of Management to provide the photocopy of section wherein it is mentioned "Matter being confidential can't be furnished" according to RTI Act, 2005. (d) letter no. HA/0472/3/19 Page 2 wherein the petitioner has filed first appeal.
 13. It is surprising that petitioner did not mention about the letter & reply received from the 1st Appellate Authority.
This is in total disregard to the norm and transparency as envisaged in RTI Act 2005 and also hiding of information and misleading the Commission, which again speaks of the hidden intent of the petitioner.
 14. The SPIO in his written statement AIM/01/45/2013/386 dated 12.10.2020 referred to Central Information Commission order dated 22.8.2014 *Quote* "CIC/DS/A/2013/001734SA (Sh. Sudhir Kumar Vs. Dte. Of Education, GNCTD) has depreciated such attitude of harassing & repeated questions and misuse of RTI Act with strong words." *Unquote*.
 15. Further he referred to another case, *Quote* Vide another dated 24.4.2017 passed in CIC/ALDMU/A/2017/102135 (Dinesh Kumar Kesarwani v. PIO, Allahabad Museum) Hon'ble Central Information Commission has in clear terms observed that RTI Act will not become rendezvous for disgruntled elements. The Hon'ble CIC further held that the Citizen has no right to repeat and the repetition is itself be a ground for rejection of the request. *Unquote*.
 16. He has also prayed before Honorable Commission to dismiss the appeal relating to present case.
 17. In going through the details of the case, it is found that there are infact two RTI petitions, the 1st one being petition no. HA/0360/1/19 to which the SPIO has already replied vide letter no. AIM/01/45/2013/2551 dated 7.2.2019. In response to the reply of SPIO, the petitioner filed another RTI petition vide no. HA/0410/2/19 dated 14.2.2019 asking under which section it is confidential. From the written statement of the SPIO, it is seen that SPIO and 1st Appellate Authority have confined them to the 1st RTI petition dated AIM/01/45/2013/2551 dated 7.2.2019 and did not take 2nd one as separate RTI petition.

18. Since the petitioner wanted under which Section the matter is confidential, the Commission directs the SPIO to take recourse to such section under RTI Act if any and intimate the same to the petitioner.

19. With this, the instant 2nd appeal petition dated 13.6.2019 is disposed off.

Sd/-
Dr. A.P.Rout

Authenticated true copy.

Sd/-
Registrar i/c
Assam Information Commission

Memo No. SIC/ KP(M)857/2019

Dated: 12-10-2020

Copy to:

1. SPIO of the Directorate of Assam Institute of Management, Kamrup(M),Ghy-35 for information.
2. The petitioner, Sri Kritikamal Bora, H/No.40, Dr. Bhupen Hazarika Road, Opposite Kharguli P.O, Ghy-781004 for information.
3. Computer section for uploading in the website
4. Office File
5. Order Book

Registrar i/c
Assam Information Commission