

**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/DMJ 20/2020
Complainant/ Appellant : Sri Sanjib Tamuli
Respondent : SPIO of Office of D.F.O., Dhemaji
Date of Hearing : 21-11-2020
Complaint/ Second : Dr. A.P.Rout, IPS(Retd)
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
21-11-2020

1. The petitioner Sri Sanjib Tamuli is present.
2. The Public Authority is represented by Sri Rohini Kumar Das, ACF.
3. The petitioner says that he has not got any information on deduction and deposit of forest royalty in connection with construction of PNGSY scheme no. AS0446/2007/08 under Executive Engineer PWD Rural Division Silapathar.
4. The SPIO has stated vide letter no. FDMT/B/RTI/Sanjib Tamuli/2020/6869 dated 2.11.2020 that the information was collected after laborious and time consuming process from the concerned PWD Office and handed over the information to the petitioner with enclosures of deduction of forest royalty amounting to several lakhs of rupees. The same letter was received with acknowledgement by Sri Sanjib Tamuli on 23.10.2019.
5. On questioning by the Commission, the petitioner first denied receiving any information and then when his signature was shown, he initially tried to give evasive and misleading reply stating that it may be his signature/may not be his signature and later he admitted that it is his signature.
6. From the above it is crystal clear that intention of the petitioner is malicious and to misuse the RTI Act and to harass the SPIO.
7. The petitioner has filed as many as 16 numbers of 2nd appeal petition in the year 2020 till date, out of which 3 cases are ready for hearing. The Commission has so far heard 7 cases relating to different Public Authorities filed by Sri Sanjib Tamuli.
8. In earlier case No. SIC/DMJ.40/2019 dated 9.10.2020 (relating to Office of Dhemaji Dev. Block) heard by this Commission, the Commission observed:
Quote the petitioner stated orally that some bank statements are further sought by him. The Commission viewed his request as vague and unjust when he himself has acknowledged that he has received all documents. When the petitioner has specifically signed that he has received all the documents after that filing of 2nd appeal petition is not only wasting time of the Commission as well as the Public Authority but also an act of mischief and misuse of RTI Act 2005 and harassment of the SPIO by making him present at the hearing, by travelling about 1200 km both ways and remaining absent from office for about three days.
Unquote.
9. From the above two cases, the Commission is constrained to believe that the petitioner is misusing the provision of RTI Act, 2005 with misleading and malicious 2nd appeal petitions being filed before the Commission with ulterior motive.
10. Delhi High Court in Shail Sahni Vs. Sanjeev Kumar and Ors. (W.P.(C)845/2014) with regard to misuse of the RTI Act had observed as follows:
Quote This Court is also of the view that misuse of the RTI Act has to be appropriately dealt with; otherwise the public would lose faith and confidence

in this “Sun Shine Act”. A beneficent Statute, when made a tool for mischief and abuse must be checked in accordance with law. A copy of this order is directed to be sent by the Registry to Defense and Law Ministry, so that they may examine the aspect of misuse of this Act, which confers very important and valuable rights upon a citizen *Unquote*.

11. Further Supreme Court of India in CBSE Vs. Aditya Bandopadhyay(2011)7 SCC 497 has explained:

Quote indiscriminate and impractical demands or directions under the RTI Act for disclosure of all the sundry information (unrelated to transparency and accountability in the functioning of public authorities and eradication of corruption) would be counterproductive as it will adversely affect the efficiency of the administration and result in the execute 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 their time in collecting and furnishing information to 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 of public authorities prioritizing “information furnishing”, at the cost of their normal and regular duties *Unquote*.

12. Again in Sh. Gurdeep Singh Dhingi r/o Dhuri District Sangrur vide Case No. AC 312 to 317 of 2017 dated 19.7.2017 decided in the Full Bench of the Chief Information Commission, Punjab in debarring the petitioner Sri Gurdeep Singh had stated

Quote It has been observed by the Full Bench that the appellant’s act of running riot with filing repeated applications seeking inane and voluminous information has become counterproductive of public interest. It has been held that the appellant is misusing the RTI act with unsavory motives. Accordingly he has been disqualified from seeking information in future and Public Authorities in the Department of Food Civil Supplies and Consumer Affairs Punjab have been allowed to ignore his RTI applications in future, debarring him from seeking information from the Public Authorities of the said department *Unquote*.

13. Observation of this Commission in the instant case is as follows:

Quote The SPIO has stated vide letter no. FDMT/B/RTI/Sanjib Tamuli/2020/6869 dated 2.11.2020 that the information was collected after laborious and time consuming process from the concerned PWD Office and handed over the information to the petitioner with enclosures of deduction of forest royalty amounting to several lakhs of rupees. The same letter was received with acknowledgement by Sri Sanjib Tamuli on 23.10.2019.

On questioning by the Commission, the petitioner first denied receiving any information and then when his signature was shown, he initially tried to give evasive and misleading reply stating that it may be his signature/may not be his signature and later he admitted that it is his signature.

From the above it is crystal clear that intention of the petitioner is malicious and to misuse the RTI Act and to harass the SPIO.

The petitioner has filed as many as 16 numbers of 2nd appeal petition in the year 2020 till date, out of which 3 cases are ready for hearing. The Commission has so far heard 7 cases relating to different Public Authorities filed by Sri Sanjib Tamuli.

In earlier case No. SIC/DMJ.40/2019 dated 9.10.2020 (relating to Office of Dhemaji Dev. Block) heard by this Commission, the Commission observed: the petitioner stated orally that some bank statements are further sought by him.

The Commission viewed his request as vague and unjust when he himself has acknowledged that he has received all documents. When the petitioner has specifically signed that he has received all the documents after that filing of 2nd appeal petition is not only wasting time of the Commission as well as the Public Authority but also an act of mischief and misuse of RTI Act 2005 and harassment of the SPIO by making him present at the hearing, by travelling about 1200 km both ways and remaining absent from office for about three days. *Unquote.*

14. In light of the above, decision of Chief Information Commission, Punjab , Delhi High Court and Honorable Supreme Court of India and observation of this Commission: The Commission is constrained to believe that that the petitioner is misusing the provision of RTI Act, 2005 with misleading information and filing of malicious 2nd appeal petitions before the Commission with ulterior motive.

Hence, the Commission debars him from filing of 2nd appeal petition at the Commission for one year.

Sd/-
Dr. A.P.Rout

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/DMJ 20/2020

Dated: 21-11-2020

Copy to:

1. D.C., Office of Deputy Commissioner., Dhemaji - 787057 for information.
2. SPIO of the Office of D.F.O., Dhemaji for information and necessary action.
3. The petitioner Sri Sanjib Tamuli, Vill.- Tanganapara, Ahomgaon P.O- Jamuguri Panchali, Dist. - Dhemaji for information.
4. Registrar, Assam Information Commission, Panjabari, Guwahati for information
5. Computer section for uploading in the website
6. Office File
7. Order Book

Secretary & Registrar
Assam Information Commission