

Case No. : SIC/ KAN 61/2020
Complainant/ Appellant : Indra Rongphar
Respondent : SPIO of the Office of Transformation and
Development Department, Karbi Anglong
Autonomous Council, Diphu.
Date of Hearing : 24-12-2020
Complaint/ Second : Dr. A.P.Rout, IPS(Retd)
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
24-12-2020

1. The petitioner Sri Indra Rongphar is absent.
2. The petitioner filed his 1st RTI petition before the SPIO of the Office of Transformation and Development Council, Karbi Anglong Autonomous Council on 8/5/2019 seeking following information:-
 - (a) Subject Matter: Photocopies of approved Annual Action Plan under SOPD of the financial year 2019-2020 of all departments under the administrative council of KAAC,Diphu.
 - (b) The period to which the information relates: Financial year 2019-2020.
 - (c) Description: As mentioned above.
3. On failure to furnish the information within stipulated time the petitioner filed 1st appeal petition before the Principal Secretary, Karbi Anglong Autonomous Council on 25/6/2019. The 1st Appellate Authority/Principal Secretary has fixed the date of hearing vide letter no.KAAC/T&D-90/RTI/2018/54 dated 31/7/2019. It is seen that the appellant vide his letter dated 5/8/2019 wrote to the Principal Secretary that he is not able to attend the hearing due to his illness.
4. He again submitted a letter dated 24/10/2019 to the Principal Secretary stating that he has received reply from (14) fourteen departments and he is yet to received the information from (10) ten departments and he even marked a copy of this petition to the Joint Registrar of Assam Information Commission, Panjabari.
5. The petitioner then filed a complaint petition U/S 18(1) of the RTI Act,2005 before the Commission on 4/3/2020. Accordingly the date of hearing was fixed today by the Commission at 12:00 P.M.
6. The Public Authority is represented by Sri Pabitra Kumar Sarmah, AFS, Senior F.A & SPIO, KAAC,Diphu.
7. The appellant has sent an email dated 24/12/2020 stating that he has decided to withdraw his complaint petition dated 4/3/2020. On perusal of the above, the Commission feels that petitioner is making mockery of RTI Act by filing the RTI petition U/S 6(1) seeking information , then not attending the 1st Appellate Authority on the date of the hearing on the plea of physical illness, then filing a complaint petition before the 1st Appellate Authority and after that filing complaint petition U/S 18(1) of the RTI Act instead of filing 2nd appeal petition before the Commission and after that when the Commission fixes the date of hearing and the SPIO attends the same, he merely sends an email stating that he has decided to withdraw the complaint petition.
8. This is nothing but misuse of RTI Act and **the Commission decides to debar him from filing 2nd appeal petition/complaint petition for 1 year.**

9. Before the decision Commission would like to hear the petitioner's pleas on sudden withdrawal of the complaint petition. He is given 15 days time to reply why he will not be debarred from filling 2nd appeal petition for 1 year.

Sd/-
Dr. A.P.Rout

Authenticated true copy.

Sd/-
Joint Registrar i/c
Assam Information Commission

Memo No. SIC/KAN 61/2020

Dated: 24-12-2020

Copy to:

1. Sri Pabitra Kumar Sarmah SPIO, Office of Office of Transformation and Development Council, Karbi Anglong Autonomous Council, Diphu for information.
2. The petitioner Indra Rongphar, Vill.- Chirimokam, P.O- Donkamokam, Dist.- West Karbi Anglong for information(Over email/whatsapp) and necessary action as ordered above.
3. Computer section for uploading in the website
4. Office File
5. Order Book

Joint Registrar i/c
Assam Information Commission