

**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

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Case No. : SIC/AE.83/2020
Complainant/ Appellant : Shri Dulal Bora
Subject : Pending 2nd appeal petitions of Shri Dulal Bora
Reference : CID HQ. Letter No. CID.PS Case No.27/2020/737 dated 21/7/2020
Date of Hearing : 16/12/2020
Date of Order : 24/12/2020
Appeal heard by : Full Bench of the Commission

O R D E R
24/12/2020

1. That the Commission has considered the aspect of speedy disposal of the appeals and complaints pending before this Commission and as well the appeals / complaints which would be filed before the Commission in the future.
2. That while considering the said aspect, the first and foremost part was to find out the number of appeals and complaints pending before this Commission and to devise a mechanism for speedy disposal of the same to uphold the mandate of the RTI Act.
3. That it was seen from the details available with the Commission, that majority of the appeals and complaints are filed by only a few persons and only a few, as compared to the majority of appeals are filed by the rest of the citizenry. The number is not definitive or exhaustive but indicative in nature.
4. Be that as may be, during the period such consideration, the CID, Assam had written to this Commission and had informed that one Shri Dulal Bora, son of Shri Deben Bora has been indicted in as many as 31 criminal cases relating to extortion etc. and in most of them the weapon of extortion or any illegality has invariably been an application filed under Right to Information Act, 2005.
5. That it has also came to knowledge of this Commission that there are instances where Shri Bora had submitted more than 110 petitions on a single given day under RTI Act, 2005, to different public authorities.

6. That after receipt of such a report against Shri Dulal Bora, the Commission decided to find out and dig in to the appeals and complaints of Shri Bora pending before this Commission and came to know that Shri Dulal Bora had preferred a total of **2173** Second Appeals which are pending before this Commission till December 31, 2019.
7. Whereas out of the above, in 944 cases, the appellant filed various appeals to the First Appellate Authorities after expiry of the stipulated time limit. The First Appellate Authorities have been requested to inform the Commission if the first appeals of Shri Dulal Bora were rejected on grounds of inordinate delay in submission or admitted.
8. That while considering the aspect of Shri Bora filing indiscriminate numbers. appeals, it is seen that he has devised a mechanism whereby he first submits a complaint to any of departments and thereafter he follows up the same by submitting an application under the RTI Act, 2005, seeking information about action taken by the concerned department on his complaint/application submitted earlier and so on.
9. That having seen such (mis)use of the Right to Information Act, the Commission has *suo moto* decided to convene a Full Bench to decide as what be the course of action against such indiscriminate use of the Act of 2005, causing delays in disposal of appeals / complaints filed by other citizens, more so, when the CID has written to this Commission, complaining about the conduct of Shri Bora and having further been corroborated by the records about his conduct of filing indiscriminate numbers of appeals, the Commission found it deem to convene the present Bench to decide the future course of action with regard to the appeals and complaints pending before this Commission as such the appeals and complaints are causing huge delays in the disposal of other appeals and complaints.
10. That after having decided to convene the Full Bench, the Commission, had issued a notice vide letter no. SIC/AE.83/2020/1 dated 27.11.2020 to Shri Bora to be present before this Commission on 16.12.2020 at 3:00 P.M.
11. That on 16.12.2020 Shri Dulal Bora was present before this Commission in pursuance to the above notice.
12. The full bench of the Commission told him about the CID's report on him for allegedly misusing the RTI Act for extortion of money, filing of huge

number of RTI petitions and thereby delaying the hearing process of urgent cases. To this the petitioner Shri Dulal Bora replied that the CID's Inquiry Officer is biased against him as he (Shri Dulal Bora) had, filed complaint against the Inquiry Officer. At this point the full bench Commission pointed out to him that the report is received from the CID Hqrs, not from the Investigating Officer of the case and also about the various other cases registered at other Police Stations, and also about huge transaction of money including heavy cash amounting to several crores of rupees as pointed out in the report of CID Hqrs. Apart from the said statement, he could not state anything to substantiate his statements that the CID investigation is biased.

13. That this Bench had also sought to know the reason for such a high volume of appeals and complaints and to which Shri Bora had stated that appeals are preferred against the non-furnishing of information. On a deeper scrutiny of records made available before this Commission, it is seen that the appeals and complaints are preferred mostly by being aggrieved by the quality of information, so as to say, the being not satisfied by the information provided to him.
14. That in fact days before sitting of this Bench, the Commission considered the volume of appeals / complaints filed by Shri Dulal Bora between 1.12.2020 – 15.12.2020 and we were surprised to see that Shri Bora had submitted 100 nos. of 2nd appeals and whereas the total number of 2nd appeals/complaints submitted by different appellants of the entire State of Assam stands at 72 for the same fortnight. Considering the said ratio, it can well be said that Shri Bora prefers about 200 second appeals in a month.
15. That to file an appeal under RTI Act, the cause of action arises on filing of an application under RTI Act before SPIOs and with 200 second appeals, Shri Bora ought to file at least 400 applications under the RTI Act, before SPIOs (Presuming generously that 200 applications are replied to satisfactorily). For about 400 RTI applications in a month means about 13 applications every day, including Sundays and holidays.
16. Unfortunate to see seasoned applicants, the Act of 2005 never intended to create professionals but to provide access to information to common citizens.
17. That the Bench had also informed him that this indiscriminate numbers of appeals and complaints come in a way of speedy disposal of many urgent

appeals which remain pending for want to their turn. Shri Bora, however, made no comments about the same.

18. That now having heard Shri Bora on the issue of his appeals and the complaints pending before this Commission, the Bench has arrived at a decision to keep all the appeals and complaints filed by Shri Bora before this Commission in abeyance until further orders. However, appeals and complaints, of urgent nature would be heard on causes being shown and also providing clarification that disposal of such appeals would not traverse in the direction of the extortion of any office or officer and there is public interest involved in the said appeals.
19. Before passing such a decision to restrict a statutory right of a citizen, the Full Bench of this Commission found it deem fit to discuss the reasons for such a finding in details.
20. That the Right to Information is a fundamental right flowing from the Article 19(1)(a) of the Constitution of India. It is touted to be one of the most important rights of the citizens of India, as, it is believed that to express or to enjoy the freedom of expression, one must have information. To put it lamely, “deaf being dumb” or without information, one cannot express to the fullest.
21. That the Right to Information stands codified as a statutory right in the Right to Information Act of 2005, wherein in the preamble itself it was made clear that the Act of 2005 has been passed to set out a practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. The preamble further enumerates that there would likely be conflict of with other public interests including efficient functioning of the Government, optimum use of fiscal resources and for preservation of confidentiality of certain information.
22. That while the law-makers having envisaged the conflict between the other public interest and right to information of citizens and deemed it to state that it is necessary to harmonize such conflicting interests and at the same time to uphold the democratic ideals.
23. That the Information Commission, being the appellate authority and the final adjudicating body under the Act of 2005 is vested with the duty to harmonize any conflicting situations, wherein the greater public interest is at

threat due conduct of a information seeking citizen and at the same time to uphold the democratic ideals.

24. That at this juncture, while this Bench has *suo moto* taken up the task to harmonize the conflicting interest between (i) the right of other appellants / complainants to have a timely hearing before the Commission of their pending appeals and complaints barring Shri Bora, (ii) the smooth functioning of the Departments wherein Shri Bora filed similar applications seeking information of similar nature and also (iii) the Right of Shri Bora to access such information.
25. That it may be noted that indiscriminate filing of RTI applications by Shri Bora has caused different public authorities to spend most of their time in submitting/ preparing information as reply to his applications, in the process leaving little time for them to address other RTI applications and other important matters of public interest.
26. That as stated earlier, huge number of second appeals/complaint cases filed by Shri Bora has in fact put a road block in disposing of the other important cases by this Commission, which are filed seeking information regarding loss of certificates, pension, medical, service matters etc.
27. That due to the road block caused due to indiscriminate filing of large number of second appeals / complaints in this Commission by Shri Dulal Bora, several second appeals related to pension etc. submitted by other citizens (individual Government employees) have remained pending for several years at a stretch. For example, one such second appeal was submitted by one Shri Maharam Ali Laskar (Case No. SIC/CCR.48/2019) on 27.07.2019, while another appeal was submitted by one Smti. Saleha Begum Mazumdar (Case No. SIC/CCr.6/2020) on 20.01.2020.
28. That the instance before this Commission is not of first of its kind and had in a similar situation in Punjab, The Punjab State Information Commission has had Citizens either debarred from submitting applications under the RTI Act, 2005, or the Public Authorities were directed to ignore or not to entertain such applications submitted by those persons. The Punjab State Commission while disposing of the Appeal Case Nos. 217, 218, 219 and 220 of 2017, had in its order dated 05.04.2017 stated as follows-

“The Commission finds that it is the duty of the Commission to see that such blatant misuse of RTI Act should not be allowed further and

such situation need to be appropriately dealt with to secure the faith of the public in this 'Sun Shine Act' and remove obstacles in functioning of public authority which would have eventually prevent public authority from focusing on transparency. His act of running riot with filing repeated applications seeking inane and voluminous informations has become counter-productive of public interest. The Commission cannot allow such fishing operations of the appellant. We see his acts as a misuse rather abuse of the RTI Act with unsavoury motives."

29. That it is seen in numerous occasion that the Hon'ble Supreme Court, several High Courts and the Information Commissions had passed observed or passed judgments on indiscriminate and impractical demands under the RTI Act, 2005. The following are few such observations;

(i) **Central Board of Secondary Education & Anr. V. Aditya Bandopadhyay & Anr.**

Hon'ble Supreme Court in Central Board of Secondary Education & Anr. v. Aditya Bandopadhyay & Anr.[2011 STPL (Web) 685] has rightly held that "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."

(ii) **Satish Tiwari v. I.O.C.L**

CIC in Satish Tiwari v. I.O.C.L (CIC Digest (Vol-IV) 3685 (2849) case observed that it is indeed very unfortunate that a large number of persons who themselves are not so clean in so far as their conduct and behaviour, including economic integrity is concerned and it is they who have been misusing the provisions of the RTI Act for promotion of personal interest at the heavy cost of public expenditure which are incurred in processing the RTI applications.

(iii) **Hardev Arya v Chief Manager (Public Information Officers) & others**

In *Hardev Arya V Chief Manager (Public Information Officers) & others* (AIR 2013 Raj 97) case, the petitioner sought information regarding details with regard to opening of bank account of an institution named Arya Kanya Gurukul Chhawani, Sheoganj (District Sirohi) which was a registered society running educational schools etc. The petitioner having doubt about the legality of the said institution sought information allegedly for safeguarding public interest at large. The Bank refused to disclose information claiming exemption under Section 8(j) of the RTI Act and Section 13 of the Banking Companies Act, 1970, and informed the petitioner that it being a third party information, cannot be imparted to him because it was not in public interest. Disposing of the writ petition, the High Court of Rajasthan held that the petitioner was neither a member of Arya Kanya Gurukul, Chhawani, nor had he disclosed in his petition how he was interested with the functioning of the said institution and that there appeared no relationship of the information sought with any public activity or interest. Therefore, it was evident that the purpose of obtaining information was to misuse or threaten the institution and it is for this reason that the petition deserves to be dismissed. The Court warned that RTI Act had been enacted to bring transparency in administration and strengthen the faith and trust of the people in the governance of the country. Therefore, the RTI law is a vital weapon in the hands of the citizens, but at the same time, it cannot be allowed to be wielded unlawfully so as to be abused or misused by unscrupulous information seekers. The conduct of the petitioner in this case was far from fair and therefore, the writ was dismissed with a cost of Rs 10,000/- which the petitioner was directed to deposit with the Free Legal Aid Board of the High Court, Jodhpur within one month.

- (iv) **The Central Information Commission in case No.:CIC/SG/C/2011/000760,CIC/SM/A/2011/000926/SG,CIC/SM/A/2011/001111/SG, CIC/SG/A/2011/002909**

The CIC while passing the order on the above cases had opined that though the right to information is a fundamental right of the citizens, it cannot be used indiscriminately to fulfil the demands of one individual. "The Commission is also conscious of the fact that it is financed by the poorest man in this country who may be starving to death. The complainant, by repeatedly filing similar RTI applications and appeals with the respondent public authority and the

Commission, is wasting time of the public authorities,”- the CIC had said.

(v) **Shail Sahni vs. Valsa Sara Mathew and Ors.**

In Shail Sahni v. Valsa Sara Mathew and Ors. (05.07.2013 – DELHC) MANU/DE/1897/2013 case the petitioner states that he is a financier who gives advances to various contractors working with Director General, Defence Estates. Disposing the case, the Hon’ble Delhi High Court had observed: “Keeping in view the width and amplitude of the information sought by the petitioner, it is apparent that the prayers in the writ petition are nothing short of an abuse of process of law and motivated if not an attempt to intimidate the respondent. In fact, even two days ago, this Court had dealt with a writ petition filed by the present petitioner being W.P.(C) 784/2014 wherein equally wide information had been asked for under the RTI Act.”

In this case the Hon’ble Delhi High Court has also observed that “Indiscriminate and impractical demands or directions under the 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 counterproductive 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, tranquillity 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 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 a public authorities prioritizing “information furnishing”, at the cost of their normal and regular duties.”

It further observed that:

“This Court deems it appropriate to refuse to exercise its writ jurisdiction. Accordingly, present petition is dismissed. 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 “Sunshine 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 Defence 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.”

“Since, despite the aforesaid judgment the petitioner is still filing general, irrelevant and vague queries, this Court dismisses the present writ petition with costs of Rs.25, 000/- to be paid by the petitioner to the Lok Nayak Hospital, New Delhi within a period of three weeks.” (Emphasis our’s)

30. The Hon’ble Supreme Court while hearing an application filed by Ms Anjali Bhardwaj and retired Commodore Lokesh Batra on December 16, 2019 about the lack of transparency in the appointment process of Information Commissioners despite a Judgement from the Supreme Court on February 15, the Hon’ble Chief Justice of India Sharad Arvind Bodbe said.. **“the time has come to lay down guidelines on the use of the RTI and that guidelines should be put in place to check the locus of the RTI Applicant and put a filter on the kind of requests made under the 2005 Act.”** (Emphasis ours) The Hon’ble CJI also said that the Court was not against the exercise of the Right to information, but it could not be an unrivalled right. He also observed that there is a serious problem of people filing RTI requests with malafide intention, people set up by rival and that the RTI Act had become a source of criminal intimidation by people with an axe to grind. He said, **“Criminal intimidation is a nice word for blackmail.”People who call themselves RTI Activists and were in no way concerned with the issues on which they file RTI requests had impeded government functioning.**
31. Apart from the fact of filing the appeals in huge numbers, causing road blocks in upholding the ideals of the RTI Act of 2005, it was also from the report submitted by CID, Assam, Ulubari, Guwahati, that there are 31 criminal cases registered at various police stations of the State of Assam against Shri Dulal Bora on complaints of extortion, conspiracy, cheating etc. In the above 31 cases the allegations had been of demanding money by Shri Bora or his aides after having filed an application under RTI Act. The *modus operandi* has been to file application seeking information, then asking

money for not pressing for the required information and / or for not pursuing such application further.

32. While this Commission takes note of the conduct of the Public Authorities with regard to their desperate attempts not to disclose information and saves it for another day to deal with, but at the same time would like state that the conduct of Shri Bora in filing an application, though might serve a purpose in hindsight but cannot be allowed to continue as the act is marinated with *mala fide* intentions and is therefore impressible in law.
33. The police report further indicates possession and deposit of huge sums of money amounting to several crores in different bank accounts of Shri Bora and that the sources of said incomes remain to be ascertained. The report further mentions amassing of landed properties, which fails to match with I.T. returns filed by Shri Bora. It even mentions about advance payment of Rs. 85, 00,000(Rupees eighty five lakhs only) in cash for purchase of landed property in October, 2018 that is long after demonetisation. This has been revealed in the statement of the seller of land recorded u/s 164 Cr.P.C.
34. As per the report submitted by the CID, Assam Ulubari, Guwahati, the following thirty-one cases have been registered at various police stations of the state against the petitioner namely Shri Dulal Bora for his alleged illegal activities some of which were already chargesheeted and some pending trial in the Hon'ble Courts:

List of cases:-

1. CID PS Case No. 0002/2016 U/S 211/203 IPC, C.S. submitted vide C.S. No. 26/17 Dtd. 22.5.2017
2. CID PS Case No. 0027/2019 U/S 120(B)/500/206/387, Added Sec 389 IPC, the case is under investigation
3. Basistha PS Case No. 48/2008 U/S 406/420/506 IPC, C.S. submitted vide C.S. No. 16/2009 Dtd. 15.12.2009
4. Basistha PS Case No. 05/2009 U/S 406/420/506 IPC, C.S. submitted vide C.S. No 05/2009 Dtd. 31.3.2009
5. Basistha PS Case No. 507/2012 U/S 323/347/34 IPC, the case is under investigation
6. Basistha PS Case No. 811/2012 U/S 342/294/325/307/379 IPC, C.S. submitted vide C.S. No 05/2013 Dtd. 30.1.2013
7. Dispur PS Case No. 2487/2013 U/S 448/353/294/506/509 IPC, C.S. submitted vide C. S No. 112/14 Dtd. 28.3.2014

8. **Basistha PS Case No. 733/2014 U/S 387/420/511 IPC, the case is under investigation.**
9. **Basistha PS Case No. 395/2016 U/S 342/354/406/294(B)/379/505 IPC, the case is under investigation.**
10. **Basistha PS Case No.2116/2019 U/S 120(B)/420/465/467/468/478 IPC, the case is under investigation.**
11. **Basistha PS Case No.2154/2019 U/S 387/506 IPC, case is under investigation**
12. **Basistha PS Case No. 13/2020 U/S 120(B)/386/387468/471/506 IPC, the case is under investigation**
13. **Basistha PS Case No. 279/2020 U/S 420/465/467/468/471 IPC, the case is under investigation**
14. **Dispur PS Case No. 2747/2014 U/S 120(B)/406/420 IPC, the case is under investigation.**
15. **Dispur PS Case No. 1630/2015 U/S 120(B)/380 IPC, R/W Sec. 5 of Official Secret Act. The case is under investigation.**
16. **Dispur PS Case No. 1666/2015 U/S 120(B)/380 IPC, the case is under investigation**
17. **Dispur PS Case No. 1461/2016 U/S 506/420 IPC, the case is under investigation**
18. **Dispur P.S. Case No 1450/2016 U/S 420/506 IPC, the case is under investigation**
19. **Dispur PS Case No. 3654/2019 U/S 120(B)/109/385/294/506/507/500 IPC, the case is under investigation.**
20. **Hatigaon PS Case No. 905/2019 U/S 385/389/511 IPC, Part C.S submitted vide CS No. 15(A)/2020 Dtd. 04.02.2020**
21. **Bhangagarh PS Case No. 0438/2019 U/S 189 IPC, , the case is under investigation**
22. **Silchar PS Case No 2562/2016 U/S 468/211/195A/193/188/167/166/120(B) IPC, , the case is under investigation**
23. **Silchar PS Case No. 2426/2016 U/S 120(B)/166/167/193/195/195A/211/500/501/502 IPC, , the case is under investigation**
24. **Diphu PS Case No. 327/2019 U/S 120(B)/387/506 Added Sec. 379 IPC, the case is under investigation.**

25. **Kokrajhar PS Case No 403/2017 U/S 120(B)/193/195/197/211/34 IPC, the investigation of the case is stayed as per order of Hon'ble Gauhati High Court dated 09.11.2017**
 26. **Kokrajhar PS Case No. 0624/2019 U/S 120(B)/211/384/420/468/471/499/500/506 IPC, the case is under investigation**
 27. **Kokrajhar PS Case No. 0104/2020 U/S 66 (B)/72 IT Act, the case is under investigation.**
 28. **Dergaon PS Case NO 78/2020 U/S 120(B)/420/468/472 IPC, the case is under investigation**
 29. **Dergaon PS Case No. 79/2020 U/S 120(B)/420/468/472 IPC, the case is under investigation**
 30. **Dergaon PS Case No 80/2020 U/S 120(B)/420/468/472 IPC, the case is under investigation**
 31. **Dergaon PS Case No 81/2020 U/S 120(B)/420/468/472 IPC, the case is under investigation**
35. That out of the above cases, 14 cases were registered under the head of Cheating, 5 (five) cases were registered under the head of Extortion, 11 cases were registered under the head of other Sections of Law and remaining 1 (one) case was registered under I.T. Act as reported.
36. That out of above list of cases, two cases need to be specially mentioned herein :-

(i) Kokrajhar PS Case No. 624/2019 U/S 120(B)/211/384/420/468/471/499/500/506 IPC:

The brief of the case is that on 19.12.2001, the complainant Shri Raj Kumar Prithviraj Narayan Dev Mech, Director, North East Heritage Foundation, Ward No. 8, Kokrajhar, lodged an FIR, to the effect that, he has come to know that one Shri Dulal Bora, S/O Shri Deben Bora of Rajib Gandhi Path, Kainadhara, H/No-8, P.S. Basistha, Guwahati, who rather claims to be an RTI activist, allegedly possesses disproportionate amount of assets/properties in comparison to his known sources of income. It undoubtedly raises a question as to how being an RTI activist he could posses such enormous mass of economical assets. It would apparently indicate two facts; one- the source of income by alleged blackmailing/extortion in the name of withdrawing RTI petition, and two- unrevealed source of income. Shri Dulal Bora, apart from being an RTI activist, is a proprietor of D.B.P. Enterprise

and possesses another firm namely D.B.P Associates, for showing the source of his income, in order to legalize the capital earned from extortion etc. His wife Smti Barnali Dutta Bora is a contractual worker under the Social Welfare Department. But despite being of such background he and his family have multiple bank accounts in several banks with hefty amount of cash and fixed deposits. He also possesses a three-storied building at Kainadhara, landed property at Rukminigaon near Down Town Hospital and at Sonapur. As per information Shri Dulal Bora has been allegedly filing multiple RTI petitions in various departments and Government agencies and in the name of withdrawing the petitions he used to subsequently threaten and thereafter extort huge amount of money from the concerned officers/authorities of the department. The complainant came to know that with the motive of extortion Shri Dulal Bora even threatened the Revenue Circle Officer, Kokrajhar Shri Dipen Barman, ACS. But upon denial, he has lodged an FIR against the concerned officer at CID, Assam Guwahati and also filed RTI petition before the D.C. Kokrajhar against the appointment of the concerned officer made by the APSC, Hence the case.

The case is under investigation.

(ii) Basistha P.S. Case No 13/2020 U/S 120(B)/386/387468/471/506 IPC

The brief of the case is that, on 02.01.2020 the complainant Shri Iftikar Alam, S/O Islam Uddin Laskar of Rupnagar Housefed Complex, Bhangagarh, Guwahati lodged an FIR at Basistha P.S. to the effect that his father Md. Islam Uddin Laskar is a Government employee and serving as a Stenographer in the office of the Director of Medical Education, Khanapara, Guwahati, and attached to the Director of Medical Education as P.A. In the first week of September, 2019, on return from office he informed the complainant that one Shri Bhigendra Nath Nobis went to his office and asked him as to why he had not responded the call of Shri Dulal Bora. In reply his father told him that he receives a number of calls from unknown mobile numbers every day and responds almost all of the calls but sometimes few calls may be left out. But Shri Nabis warned his father, if he did not meet Shri Dulal Bora shortly, then he will face serious consequences. Thereafter, he (Shri Nobis) handed over his mobile phone and asked him (Shri Laskar) to talk directly with Shri Dulal Bora. Accordingly, he spoke with Shri Dulal Bora who firstly identified himself as an RTI activist and then asked his father to meet him at the earliest. After that as per their discussion, on 16.09.2019 the complainant made a phone call from the

mobile no. 7002147080 to mobile no. 9101369535 and fixed time with Shri Dulal Bora as per the latter's instruction. Accordingly, the complainant along with his mother went to the house of Shri Dulal Bora and met him. **Shri Dulal Bora threatened his father, in his father's absence, by name that "Islam Uddin Laskar will be in jail very soon" and alleged that his father has committed many irregularities by misusing his official power. Shri Dulal Bora demanded rupees 3 lakhs from him but finally came to negotiation of Rs. 2 lakhs. But Shri Dulal Bora also informed him that a case has been registered in a police station and amount will be required for advocate's fees and also to stop the Police from making any enquiry.** Then Shri Dulal Bora again stated that a case has been registered at Dispur P.S. and also in the Chief Minister's Vigilance Cell and needed extra money to clear the cases and directed him to make payment of Rs. 1 lakh and the rest amount of Rs. 1,30,000/- in the name of his firm namely M/S DBP Associates. **On 17.09.2019 evening the complainant visited Shri Dulal Bora's office and handed over the amount of Rs. 1 lakh in presence of his lawyer and a cheque of Rs. 1,30,000/- in favour of Shri Dulal Bora's firm namely M/S DBP Associates. Again, on 10th October, 2019 he handed over in cash Rs. 50,000/- and told him that due to Durga Puja, he could not manage the rest amount of Rs. 80,000/-. Then Shri Dulal Bora told him that he will keep the cheque with him till the remaining amount is cleared. Shri Dulal Bora runs a racket with his associates and a few advocates in a very organized manner and commits cheating, extortion, forgery etc. by collecting information from unscrupulous Government employees etc. and has allegedly accumulated a huge property with this extortion money. Hence the case.**

The case is under investigation.

The report further says:

“From the study of the above noted cases, it is very much pertinent to say that Dulal Bora, in the guise of a so called RTI Activist, has adopted a nasty technique of extortion money from the govt. officials and others under the threat of accusing them of being involved in serious offences and corruption. Thereby he has amasses huge property illegally and has been leading a lavish life style. He is also found to be involved in various cases of cheating, forgery, threatening and other cases. “

As regards disproportionate Assets, the report after elaborations and analysing his moveable and non movable properties says:

“From the quantum of his bank transactions, it appears that he might have invested huge amount outside Assam and is likely to have many properties outside Assam. During discrete enquiry, source inputs revealed that he has acquired immovable properties in NCR Region and other areas outside Assam. Proper enquiry is needed to unearth his entire immovable property network. He has developed an extortion network with the help of some conduits, Govt officials and fake RTI workers.”

The report further says:

“ In nutshell, Shri Dulal Bora has modus operandi of amassing huge amount of wealth by cleverly extortion money from Govt. employees/officers by threatening them with malicious prosecution and lodging of false complaints. Thereafter, he converts the illegally earned money into assets by money laundering by using his dubious business enterprises which operate for generating fictitious income. Many of his properties are benami as per reliable information.”

37. As regards the **Modus Operandi** of illegal activities of Shri Dulal Bora, the report says:
- (i) Information collection about government officials through RTI using his conduits in various departments.
 - (ii) Lodging complaints/allegations against officials accusing of committing serious offences either before law enforcing agencies or concerned Departments of the officials.
 - (iii) Establishing contacts with such officials through his conduits & agents.
 - (iv) Start negotiating with the officials for demanding money in return of withdrawal of such allegations and then by applying extortion techniques.
 - (v) If he reaches to any settlement, he refrains from pursuing such allegations or complaints and even withdraws such complaints and allegations.
 - (vi) When he does not reach to any settlement with such parties, he keeps on pursuing the allegations or complaints and even published the same in both print and electronic media as a means of putting pressure

tactics on the officials. He even resorts to holding press conferences against the officials.

- (vii) If paid or promised to be paid, he either withdraws the allegations made by him or does not pursue such allegations.
- (viii) If not paid or refrained to meet promises, he either creates pressure on concerned Departments and agencies or take the shelter of some Media houses to publish or broadcast about such Government officials.
- (ix) The investigation made against him established his modus operandi of filing allegations and later withdrawing them if his demand is met. When his intensions are not fulfilled, he again makes allegations and publishes in newspapers and broadcast through TV channels.
- (x) To fulfil his design, he even dared to call Government officials to his place to create pressure in order to meet his demands.
- (xi) In targeting and extorting particular Government officials he is helped by various aides within and outside of Departments, who established regular contacts with such Government officials on his behalf.”

As reported, he has been continuing this method under the veil of an RTI activist with the motto of amassing huge wealth through extortions.

- 38. That further it came to light that Shri Dulal Bora was arrested on 10.01.2019 and forwarded to judicial custody in connection with the CID PS case No. 27/2019 u/s 1209B0/500/506/387 IPC read with section 389 IPC, The cases so registered against him at different police stations across the state are still under investigation.
- 39. That from the above paragraphs of the CID report, it can be safely presumed that the RTI appellant Shri Dulal Bora has been indulging in mischief and misuse of RTI Act, 2005 for his personal gain by filling numerous petitions under RTI Act. All his second appeal petitions are heard at the Commission and Government officers/SPIOs are called for hearing on his second appeal petitions. But the involvement of the petitioner in extortion through RTI petition is somehow creating an impression that through the authority of the Commission and misuse of the RTI Act, he has indulged in extortion.

40. That it may also be stated that the Commission has also received complaints against the appellant alleging demand of money in lieu of withdrawal of RTI applications seeking certain information from public authority.
41. The RTI Act, 2005 under Section 7 and Section 19 has specified time limit for the SPIO and the FAA to dispose the petitions/appeals. However, no time limit has been prescribed by the act for disposal of the second appeals by the Commission.
42. With the reports of the CID and the relying on the mandate of the Right to Information Act, 2005, having seen the conduct of Shri Bora, in misusing the RTI Act, this Commission decides to keep all second appeals / complaints in abeyance until further orders. However, it is stated that in cases which are of urgent nature may be listed for hearing on being causes shown for such urgency along with a clarifications that delivery of orders in such appeals do not traverse in the direction of the extortion of any office or officer and there are public interests involved in the said appeals.
43. It is also made clear that the right of Shri Bora to file second appeals is not being curtailed by this Commission, however, his right to have a hearing before this Commission is limited and / or reasonably restricted, in as much as, with the allegations in backdrop, Shri Bora, must prove his *bona fide* in approaching this Commission.
44. We part with the observation, that the Public Authorities must be proactive in disclosing information suo moto under section 4 of the RTI Act, so that incidents of misuse of RTI Act by unscrupulous persons could be prevented and at the same time the mandate of the Act be upheld. The norm should be maximum disclosure and minimum exemptions.

Sri Samudra Gupta Kashyap
State Information
Commissioner, Assam

Sri Kanak Ch. Sarma, ACS (Retd.)
State Information Commissioner,
Assam

Dr. A.P. Rout, IPS(Retd.)
State Chief Information
Commissioner, Assam

Authenticated true copy.

Joint Registrar i/c
Assam Information Commission

Memo No. SIC/AE.83/2020

Dated: 24-12-2020

Copy to:

1. The Petitioner, Sri Dulal Bora, C/O- Mrs. Khiru Bora, Rajib Gandhi Path, Kainadhara Tiniali, Khanapara, Guwahati-22 for information.
2. Computer Section for uploading in the Website.
3. Office File.
4. Order Book.

Joint Registrar i/c
Assam Information Commission