

Case No. : SIC/KP(M)302/2020
Complainant/ Appellant : Shri Harinarayan Pathak
Respondent : SPIO of Office of AIIDC, Bamunimaidam and District Industries & Commerce Centre, Industrial Estate, Bamunimaidam, Ghy-21
Date of Hearing : 11-1-2021
Complaint/ Second Appeal heard by : Dr. A.P.Rout, IPS(Retd)
State Chief Information Commissioner, Assam

O R D E R
11-1-2021

1. The petitioner Shri Harinarayan Pathak is absent.
2. The appellant vide his letter no 1429 dated 23/3/2020 has sought following information as follows:
3. The SPIO of District Industries & Commerce Centre vide his letter no.DICC/K(I)RTI/182/20/745 dated 4/5/2020 has submitted the information pertaining to query no.3,4 and 7 of the RTI application and requested to collect the information from office pertaining to query no.1 ,5 and 6 by depositing Rs 32/- as the cost of photocopy.
4. Accordingly the appellant deposited the cost and information was supplied to him vide letter no. DICC/K(I)RTI/182/2020/753 dated 20th May,2020. Regarding the transfer of RTI query no.2, the SPIO of AIIDC, Bamunimaidam has intimated to the petitioner vide letter no. AIIDC/1195/2012/619 dated 8th June 2020 that the information is not available with them.
5. In the meantime, the appellant filed 1st appeal petition before the 1st Appellate Authority on 16/6/2020. In response to that, 1st Appellate Authority *interestingly issued an ordinary letter to the appellant to appear at the hearing*. Seeing the repetitive queries by the appellant, it would have been appropriate and pertinent *on the part of 1st Appellate Authority either to issue registered letter or to issue by hand letter to be delivered to the petitioner*.
6. *However, the 1st Appellate Authority mentioned that appellant did not appear at the hearing. The 1st Appellate Authority in his order had specifically mentioned that appellant had been provided with the available information by the SPIO .*
7. It is equally interesting to note that the appellant had not mentioned about the notice of the 1st Appellate Authority and also the decision of the 1st Appellate Authority.
8. In the meantime the appellant has filed his 2nd appeal petition before the Commission vide his letter no. SAP/1/429/23032020/8 dated 28/8/2020 wherein he has mentioned that information provided to him is incomplete and unsatisfactory. However he has mentioned that larger public interest is involved.
9. On perusal of his RTI petition before the SPIO, *the Commission strangely finds that RTI petition centers around purely his personal interest i.e., Allotment of open space allotted to M/S Pathak Chemical Industry and other issues*.
10. It is pertinent to quote a few observations of CIC and Honorable Court in relation to filing of repetitive RTI petitions on personal/vested interest.

The CIC vide order dated 22/8/2006 in Amar Kumar Jha vs. Indian Army observed that *Quote* the larger issue then here is the repetitive nature of these RTI applications and the motivated attempt at putting the public authority as well as the Commission to test. To highlight this larger issue, it is imperative to refer to certain observations of the Commission in this regard. Some of these being:

File No.CIC/MA/A/2006/00374 & 375 decided on 28/8/2006:

The nature of queries and the information sought are such that the information seeker would never be satisfied because the promotion of self interest, rather than public interest, was dominant, as the appellant had sought redressal of grievances. *Unquote.*

In another case vide File No.CIC/SG/C/2011/000760, CIC/SM/A/2011/000926/SG,CIC/SM/A/2011/001111/SG, CIC/SG/A/2011/002909 decided on 17/10/2012, the Commission observed

Quote 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 filling similar RTI applications and appeals with the respondent public authority and this Commission is wasting public resources *Unquote.*

- 11.The Supreme Court in Central Board of Secondary Education & Anr. v. Aditya Bandopadhyay & Anr observed

Quote Supreme Court 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. *Unquote.*

- 12.Further the Honorable Punjab High Court vide LNIND 2012 PNH 2442 in S.K.Mohindru Versus Chief Information Commissioner, New Delhi & Ors observed that

Quote No public interest was established by the Appellate for disclosure of information and to what end was it required. The request made by the Appellant under the Act appears to us to be motivated by private interest or a personal grudge clearly in abuse of the process of law *Unquote.*

- 13.In light of it, the Commission being satisfied with the reply given by the SPIO and also the disposal of order of 1st Appellate Authority comes to the conclusion that appropriate and satisfactory reply has already been given to the RTI appellant Shri Harinarayan Pathak. The petitioner Shri Harinarayan Pathak is unnecessarily filing 2nd appeal petition and blatantly wasting the time of the Commission and thereby blocking the case of genuine information seekers.

- 14.Though it is a fit case which attracts debarring of the petitioner from filing 2nd appeal petitions, the Commission proposes to hear all his 2nd appeal petitions in full bench as many of his 2nd appeal petitions are already assigned to two other Information Commissioners.**

Sd/-
Dr. A.P.Rout

Authenticated true copy.

Sd/-
Joint Registrar i/c
Assam Information Commission

Memo No. SIC/KP(M)302/2020

Dated: 11-1-2021

Copy to:

1. Shri Kanak Ch. Sarma, ACS(Retd.), Hon'ble State Information Commissioner, Assam for kind information.
2. Shri Samudra Gupta Kashyap, Hon'ble State Information Commissioner, Assam for kind information.
3. Shri Anil Ch. Deori, ACS, Secretary & Registrar, Assam Information Commission, Guwahati for kind information.
4. SPIO of the Office of Assam Industrial Infrastructure Development Corporation, Industrial Estate, Bamunimaidan, Guwahati for information.
5. The petitioner Shri Harinarayan Pathak, Padumpukhuri, Uzanbazar, Guwahati for information.
6. Computer section for uploading in the website
7. Office File
8. Order Book

Joint Registrar i/c
Assam Information Commission