

OFFICE OF THE
ASSAM INFORMATION COMMISSION

JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

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Case No.	: SIC/DHR.24/2021
Complainant/ Appellant	: Shohidul Islam Mollah
Respondent	: SPIO, O/o the BDO, Jamadarhat Development Block, Chirakuti, Assam
Date of Hearing	: 26/11/2021
Complaint/ Second Appeal heard by	: Samudra Gupta Kashyap, State Information Commissioner, Assam

O R D E R
26-11-2021

1. The petitioner Sri Shohidul Islam Mollah is present.
2. Sri Kalyan Kumar Talukdar, ASPIO, Assistant Engineer, Jamadarhat Development Block is present. He has also submitted a written statement No. JDB.7/RTI/2020-2021/520 dated 8.11.2021 signed by the SPIO, Jamadarhat Development Block wherein it is mentioned that the sought for information had been sent to the appellant by post on 11.8.2021.
3. The appellant however stated that the information he has received vide letter no. JDB/2019-20/471 dated 11.8.2021 from the BDO of Jamadarhat Development Block did not pertain to this particular RTI application, but to another RTI application which he had filed before the same Public Authority on another date.
4. On perusal of records it is seen that the appellant Sri Shohidul Islam Mollah had in his RTI application dated 8.1.2021 requested for furnishing information under fifteen different heads pertaining to various schemes and projects implemented under Jamadarhat Development Block from 2015-16 to 2019-20 onwards.
5. While the SPIO of the office of the BDO, Jamadarhat Development Block has failed to dispose the RTI application within the stipulated time period, it is seen that the appellant Sri Shohidul Islam Mollah has sought a huge quantity of information covering a period from as early as 2013 till date and covering various schemes including SGSY, P1 BRGF, NREGA, AP Fund, 14th Finance Commission etc.
6. The ASPIO, Sri Kalyan Kumar Talukdar admitted that there was some error in furnishing the information sought by the appellant.
7. Considering the fact that the appellant has sought a huge quantity of informations, the ASPIO Sri Kalyan Kumar Talukdar said that it will take "quite some time" to collect the said information and furnish the same to the appellant. As such, he sought for some time so that the information can be gathered and furnished to the appellant.
8. In view of the fact that the appellant has sought a huge quantity of information pertaining to a long period of time and spread over several location under the same Jamadarhat Development Block, the Commission would like to quote from an order of the Supreme Court of India, CBSE Vs. Aditya Bandopadhyay and Ors on 9th August, 2011, which appears to be important in this respect. In the said order, the Apex Court had stated, "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. **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 prioritising 'information furnishing', at the cost of their normal and regular duties."

- 9. The information are quite voluminous in nature, but the appellant Sri Shohidul Islam Mollah has said that he wants the information because there is suspicion of and public resentment over some alleged irregularities. As such, the SPIO of Jamadarhat Development Block is directed to provide the information sought and dispose the RTI application within 21 (twenty-one) days from the date of receipt of this order. Since as it is already mentioned that the information sought are voluminous in nature, and since Section 7 (9) of the RTI Act, 2005, has clearly indicated that resources of the Public Authority should not be allowed to be disproportionately diverted while providing information, as such the appellant is directed to select only three or four of the Heads under which he has sought the information in his RTI application and submit it to the SPIO, who in turn shall provide those particular information to him.**
- 10. Since the stipulated period of disposing the RTI application has long expired, as such the appellant is entitled to receive the information free of cost. In case the information selected by the appellant continue to be voluminous in nature, then the SPIO shall provide first hundred pages free of cost and shall furnish the remaining pages by realizing the photocopy charges as applicable. The entire process should be completed within 21 days from the date of receipt of this order.**
- 11. The SPIO shall also submit an action taken report to the Commission on this order, immediately after expiry of the said 21 days.**
- 12. With this order, the 2nd appeal petition is disposed off.**

Sd/-
(Samudra G. Kashyap)
State Information Commissioner,
Assam.

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Copy to:

1. The SPIO, O/o the Block Development Officer, Jamadarhat Development Block, Chirakuti, P.O- Chirakuti, District – Dhubri, Assam 783330 for information and necessary action.
2. The First Appellate Authority/ O/o the Chief Executive Officer, Zila Parishad, Dhubri 783301 for information.
3. The petitioner Shohidul Islam Mollah, S/o Omar Ali Mollah, Vill. Chirakuti – Chatapara, P.O Chirakuti Bazzar, P.S Fakirganj, Dist. Dhubri, Assam 783330 for information and necessary action.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.



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Assam Information Commission