

Case No. : SIC/NLB.15/2021
Complainant/ Appellant : Shri Brajen Barman.
Respondent : The SPIO, O/o the Project Director, DRDA, Nalbari, P.O. &
Dist. Nalbari, PIN 781335, Assam.
Date of Hearing : 16-11-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
16-11-2021

1. The appellant Shri Brajen Barman is present.
2. The Public Authority is represented by Shri Tupul Sarma, SPIO, DRDA, Nalbari, Smti Niva Rani Haloi, SPIO and Asstt. BDO (P) Paschim Nalbari Dev. Block, Chamata, Smti Mira Goswami, SPIO and Asstt. BDO (EO/WSC), Barbhag Dev. Block, Kumarkuchi, Smti Anju Mani Das, SPIO and Asstt. BDO (W&C), Pub-Nalbari Dev. Block, Digheli, Smti Padumi Dutta, SPIO and Asstt. BDO, (W&C), Borigog Banbhag Dev Block, Shri Binod Talukdar, Asstt. Accounts Officer and SPIO, Tihu Dev. Block, Nalbari and Smti Basanti Deka, Asstt. BDO, Madhupur Dev. Block, Kaithalkuchi, Nalbari.
3. From perusal of records it is seen that the appellant Shri Brajen Barman had submitted one RTI application to the SPIO, O/o the Project Director, DRDA, Nalbari, on 18.12.2020 seeking certain informations related to various schemes of funds allocated thereof to all G.Ps. of Nalbari District pertaining to the period 2001 to 2020. The SPIO, DRDA, Nalbari on 23.12.2020 transferred the RTI application to all the 7 (seven) Development Blocks of Nalbari District which comprise of 65 G.Ps.
4. The SPIOs of Pub-Nalbari Dev. Block, Digheli, Madhupur Dev. Block, Kaithalkuchi, Nalbari, Borigog Banbhag Dev Block, Paschim Nalbari Dev. Block, Chamata, Barbhag Dev. Block, Barbhag Dev. Block, Kumarkuchi, had submitted written statements separately on the status of disposal of the RTI application. The SPIOs of all the Development Blocks present today also stated that they have transferred or forwarded the RTI application to all the G.P. Secretaries under their respective jurisdiction. They also stated that some G.Ps have already provided the information to the appellant. The appellant Shri Brajen Barman also admitted that 6 (six) G.Ps have already furnished him the information.
5. From perusal of records it is seen that the appellant has requested for a large amount of information covering a period of 20 long years. The Commission observes that furnishing of such large amount of informations covering a long period of time is not physically possible particularly at the G.P. level. It is also seen that some RTI applicants are in the habit of requesting for a large number of information in a single RTI application. This does not generally lead anywhere because the primary duty and functions and responsibilities of a Public Authority particularly of the nature of G.P. is not to receive RTI application and provide informations. In this connection the Commission would like to refer to an order from the Supreme Court of India order dated 09.08.2011 (**Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors.**). In the said order the Supreme Court of India had in para 37 observed that **“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 the staff of public authorities spends 75% of their time in collecting and furnishing information to applicants instead of discharging their regular duties.”**
6. The present case may not be a case of misuse or abuse of the RTI Act, 2005. But then, looking at the period (20 years) for which the appellant has sought information relating to as many as 65 Gaon

Panchayats, there is enough scope to consider it a classic case where, in the process of collecting and furnishing information, the staff of the GPs will have to spend a lot of time and energy at the cost of discharging their regular duties.

7. In view of the above, the Commission directs the SPIO, DRDA, Nalbari, to take necessary steps to ensure that all the informations sought by the appellant Shri Brajen Barman are furnished to him within 15 (fifteen) days from the receipt of this order. The informations may be furnished to the appellant by way of directing him to visit any official website which contains those information or furnish to him in the form of photocopies. In case the information are voluminous in nature, then the SPIOs shall arrange for inspection of the documents on a given date convenient to the Public Authority and invite the appellant to inspect them on. On inspection, the appellant shall select certain pages of the documents and hand over a list of the documents to SPIO/SPIOs. Following this the SPIO/SPIOs shall furnish him the photocopies of the selected pages. In case they are voluminous in nature, then the first 50 (fifty) pages shall be given free of cost and the remaining pages shall be given on realization of photocopying charges. Since the SPIOs of the Nalbari, DRDA, and all the SPIOs of the respective Blocks have said that the informations sought are being held by the Secretaries of the 65 G.Ps. of the District, as such it is humanly impossible to organize an inspection of all the documents related to the RTI query within 15 (fifteen) days. Moreover in view of the Supreme Court's above-mentioned order and observation, the Commission here by directs the SPIO, O/o the Project Director, DRDA, Nalbari, to randomly select one G.P. from each Block and organize an inspection and follow the above procedure. At the end of 15 (fifteen) days the SPIO, O/o the Project Director, DRDA, Nalbari, shall send an Action Taken Report to the Commission.
8. With the above order, this 2nd Appeal is hereby disposed of.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/NLB.15/2021

Dated: 16-11-2021

Copy to:

1. The SPIO, O/o the Project Director, DRDA, Nalbari, P.O. & Dist. Nalbari, PIN 781335, Assam, for information and necessary action.
2. First Appellate Authority/ O/o the Project Director, DRDA, Nalbari, P.O. & Dist. Nalbari, PIN 781335, Assam, for information.
3. The petitioner, Shri Brajen Barman, C/o. Lt. Dasarath Barman, Vill. Belsor (Nadirpur), P.O. Belsor, Dist. Nalbari, PIN Code 781304, Assam, for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.


Secretary & Registrar
Assam Information Commission.