

**Case No.** : SIC/DRN.17/2021  
**Complainant/ Appellant** : Shri Mukul Ch. Deka.  
**Respondent** : The SPIO, Assam Legislative Assembly, Assam, Dispur,  
Guwahati, PIN Code 781006, Assam.  
**Date of Hearing** : 23-09-2021  
**Complaint/ Second**  
**Appeal heard by** : Shri Samudra G. Kashyap.  
State Information Commissioner, Assam

**O R D E R**  
**23-09-2021**

1. The appellant Shri Mukul Ch. Deka is present.
2. The Public Authority is represented by Shri Pradip Handique (PIO) OSD (Joint Secretary) Assam Legislative Assembly and Shri Samir Das, APIO, and Under Secretary, Assam Legislative Assembly. The PIO has submitted a written statement in which it has been stated that the appellant Shri Mukul Ch. Deka had submitted one RTI petition on 03.10.2020, which was returned to him as it was not in the appropriate format and with a request to submit it under provisions of Section 6 of the RTI Act, 2005. It has been also stated that the appellant Shri Mukul Ch. Deka instead of resubmitting the petition directly submitted a 2<sup>nd</sup> Appeal in the Commission on 11.02.2021, without filing a petition with the FAA under Section 19 of the RTI Act, 2005.
3. On perusal of records it is seen that the appellant Shri Mukul Ch. Deka had indeed not honoured the request of the Public Authority to resubmit an RTI petition as had been officially intimated to him. The Public Authority had indeed given him an opportunity to resubmit RTI petition instead of rejecting it outright.
4. While the appellant Shri Mukul Ch. Deka, preferred a 2<sup>nd</sup> Appeal in the Commission, it could have been very well rejected by the Commission on the grounds that he had not followed the procedure and had ignored the office of the FAA at which level the matter could have been easily resolved. This would have saved valuable time and resources of the Public Authority as well as the Commission. The appellant is warned not to repeat the same.
5. During today's hearing the PIO Shri Pradip Handique said both in writing and verbally that the RTI petition was not in the appropriate format. There is however no specific/appropriate format in submitting an RTI application and only certain primary requirements like the name and full address of the applicant, contact No., and the specific informations sought and the prescribed application fee are enough for considering an RTI request. But the RTI Act, 2005, in Section 6(1) specifically mentions that the RTI request shall be made to a SPIO of the concerned Public Authority, specifying the particulars of the informations sought by him/her. In the instant matter the PIO, Assam Legislative Assembly, is right when he had returned the RTI petition of the appellant saying, it was not addressed to the particular officer as defined in the law.
6. From perusal of records it is also seen that the appellant first resorted to bypassing the provisions of filing 1<sup>st</sup> Appeal within 30 days from the date of submission of the petition. He then also faltered in submitting the 2<sup>nd</sup> Appeal within 90 days from the date on which the decision should have been made or was actually received, as provided in Section 19(3) of the RTI Act, 2005.
7. On perusal of records it is seen that the appellant had asked for huge amount of informations in single RTI petition. The petitioner is advised to preferably seek less information in single RTI petition so that it does not become a burden in the Public Authority and helps in speedy disposal of RTI requests.. In this connection the Commission would like to quote 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.”**

8. **The Registrar of the Commission is directed to minutely scrutinize appeals before admitting it for hearing.**
9. In view of the above, the 2<sup>nd</sup> Appeal is hereby dismissed and the matter disposed of.

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

Authenticated true copy.

Sd/-  
Secretary & Registrar  
Assam Information Commission

**Memo No. SIC/DRN.17/2021**

**Dated: 23-09-2021**

Copy to:

1. The SPIO, Assam Legislative Assembly, Assam, Dispur, Guwahati, PIN Code 781006, Assam, for information.
2. The petitioner, Shri Mukul Ch. Deka, Vill & P.O. Dahi Nagaon, Distt. Darrang, Assam PIN Code 784529, for information.
3. Computer section for uploading in the website.
4. Office File.
5. Order Book.

  
Secretary & Registrar  
Assam Information Commission.