

Case No. : SIC/DMJ.17/2022
Complainant/ Appellant : Sri Sanjib Tamuli
Respondent : The SPIO, O/o the Deputy Commissioner,
Lakhimpur, Assam, Pin-787001
Date of Hearing : 08/07/2022
Complaint/ Second : Dr. A.P.Rout,
Appeal heard by State Chief Information Commissioner, Assam

O R D E R
08/07/2022

1. The petitioner Sri Sanjib Tamuli has filed one RTI petition before the PIO, O/o the Deputy Commissioner, Lakhimpur District Assam on 20.1.2022 seeking following information as per enclosures.
2. Reportedly on not being satisfied with the information received, the petitioner filed 1st Appeal before the 1st Appellate Authority, O/o the Deputy Commissioner, Lakhimpur on 28.2.2022 and then he filed 2nd appeal before the Commission on 30.5.2022.

Accordingly, the matter was taken up for hearing.

3. The petitioner Sri Sanjib Tamuli is absent. However, he has sent an email dated 8.7.2022 wherein he has mentioned that due to his illness he is unable to attend the hearing, (but he has not attached any medical certificate relating to his illness) and on the other hand, the petitioner in his mail mentioned that the SPIO concerned of Lakhimpur district except Dhakuakhana Development Block has failed to furnish Bank Account Numbers of PMAY-G and their account statements.

Therefore, he has requested before the Commission to direct the SPIO concerned to furnish the sought for information.

4. The SPIO, O/o the Deputy Commissioner, Lakhimpur has sent an email dated 8.7.2022 wherein he has mentioned that since the matter relates to Block Development Officers of Lakhimpur District, the BDOs of Lakhimpur District will attend the hearing and hence he has requested before the Commission to kindly exempt him from attending the hearing.
5. The Public Authority is represented by Sri Dipul Chamuah, BDO, Lakhimpur Development Block accompanied by Sri Dibyajyoti Saikia, BDO, Nowboicha Development Block, S Hedayet Hussain, BDO Boginodi Development Block, Smti Rhea Mech, BDO Telahi Development Block, Sri Bhrigupati Ray, BDO, Bihpuria Development Block, Smti Kaberi Buragohain, BDO Karunabari Development Block, Sri Manabjyoti Das, ACS, i/c BDO, Dhakuakhana, Lakhimpur and Sri Lambit Hazarika, i/c BDO Ghilamora Development Block.
6. On perusal of the records, it is seen that all the eight Block Development Officers of Lakhimpur District i.e., Lakhimpur Development Block, Nowboicha Development Block, Boginodi Development Block, Telahi Development Block, Bihpuria Development Block, Karunabari Development Block, Dhakuakhana, Lakhimpur and Ghilamora Development Block have furnished the sought for information to the petitioner on 4.7.2022.

The Commission was informed by the SPIO of Ghilamora Development Block that he had furnished the information on 10.2.2022, the SPIO of Boginodi Development Block had furnished the information on 22.2.2022 and the BDO of Telahi Dev Block had furnished the information on 15.3.2022.

7. **From the above, it is seen that the information was given to the petitioner but he has blatantly lied before the Commission.**

8. The Commission would like to quote the extract of Commission earlier order SIC/DMJ.20/2020 dated 21.11.2020 which quote

1. The petitioner Sri Sanjib Tamuli is present.
2. The Public Authority is represented by Sri Rohini Kumar Das, ACF.
3. The petitioner says that he has not got any information on deduction and deposit of forest royalty in connection with construction of PNGSY scheme no. AS0446/2007/08 under Executive Engineer PWD Rural Division Silapathar.
4. The SPIO has stated vide letter no. FDMT/B/RTI/Sanjib Tamuli/2020/6869 dated 2.11.2020 that the information was collected after laborious and time consuming process from the concerned PWD Office and handed over the information to the petitioner with enclosures of deduction of forest royalty amounting to several lakhs of rupees. The same letter was received with acknowledgement by Sri Sanjib Tamuli on 23.10.2019.
5. On questioning by the Commission, the petitioner first denied receiving any information and then when his signature was shown, he initially tried to give evasive and misleading reply stating that it may be his signature/may not be his signature and later he admitted that it is his signature.
6. From the above it is crystal clear that intention of the petitioner is malicious and to misuse the RTI Act and to harass the SPIO.
7. The petitioner has filed as many as 16 numbers of 2nd appeal petition in the year 2020 till date, out of which 3 cases are ready for hearing. The Commission has so far heard 7 cases relating to different Public Authorities filed by Sri Sanjib Tamuli.
8. In earlier case No. SIC/DMJ.40/2019 dated 9.10.2020 (relating to Office of Dhemaji Dev. Block) heard by this Commission, the Commission observed: Quote the petitioner stated orally that some bank statements are further sought by him. The Commission viewed his request as vague and unjust when he himself has acknowledged that he has received all documents. When the petitioner has specifically signed that he has received all the documents after that filing of 2nd appeal petition is not only wasting time of the Commission as well as the Public Authority but also an act of mischief and misuse of RTI Act 2005 and harassment of the SPIO by making him present at the hearing, by travelling about 1200 km both ways and remaining absent from office for about three days. Unquote.
9. From the above two cases, the Commission is constrained to believe that the petitioner is misusing the provision of RTI Act, 2005 with misleading and malicious 2 nd appeal petitions being filed before the Commission with ulterior motive.
10. Delhi High Court in Shail Sahni Vs. Sanjeev Kumar and Ors. (W.P.(C)845/2014) with regard to misuse of the RTI Act had observed as follows: Quote 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 "Sun Shine 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 Defense 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 Unquote.
11. Further Supreme Court of India in CBSE Vs. Aditya Bandopadhyay(2011)7 SCC 497 has explained: Quote indiscriminate and impractical demands or directions under the RTI Act for disclosure of all the 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 execute getting bogged down with the nonproductive 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, 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 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 public authorities prioritizing “information furnishing”, at the cost of their normal and regular duties Unquote.

12. Again in Sh. Gurdeep Singh Dhingi r/o Dhuri District Sangrur vide Case No. AC 312 to 317 of 2017 dated 19.7.2017 decided in the Full Bench of the Chief Information Commission, Punjab in debarring the petitioner Sri Gurdeep Singh had stated Quote It has been observed by the Full Bench that the appellant’s act of running riot with filing repeated applications seeking inane and voluminous information has become counterproductive of public interest. It has been held that the appellant is misusing the RTI act with unsavory motives. Accordingly he has been disqualified from seeking information in future and Public Authorities in the Department of Food Civil Supplies and Consumer Affairs Punjab have been allowed to ignore his RTI applications in future, debarring him from seeking information from the Public Authorities of the said department Unquote.

13. Observation of this Commission in the instant case is as follows: Quote The SPIO has stated vide letter no. FDMT/B/RTI/Sanjib Tamuli/2020/6869 dated 2.11.2020 that the information was collected after laborious and time consuming process from the concerned PWD Office and handed over the information to the petitioner with enclosures of deduction of forest royalty amounting to several lakhs of rupees. The same letter was received with acknowledgement by Sri Sanjib Tamuli on 23.10.2019. On questioning by the Commission, the petitioner first denied receiving any information and then when his signature was shown, he initially tried to give evasive and misleading reply stating that it may be his signature/may not be his signature and later he admitted that it is his signature. From the above it is crystal clear that intention of the petitioner is malicious and to misuse the RTI Act and to harass the SPIO. The petitioner has filed as many as 16 numbers of 2nd appeal petition in the year 2020 till date, out of which 3 cases are ready for hearing. The Commission has so far heard 7 cases relating to different Public Authorities filed by Sri Sanjib Tamuli. In earlier case No. SIC/DMJ.40/2019 dated 9.10.2020 (relating to Office of Dhemaji Dev. Block) heard by this Commission, the Commission observed: the petitioner stated orally that some bank statements are further sought by him. The Commission viewed his request as vague and unjust when he himself has acknowledged that he has received all documents. When the petitioner has specifically signed that he has received all the documents after that filing of 2nd appeal petition is not only wasting time of the Commission as well as the Public Authority but also an act of mischief and misuse of RTI Act 2005 and harassment of the SPIO by making him present at the hearing, by travelling about 1200 km both ways and remaining absent from office for about three days. Unquote.

14. **In light of the above, decision of Chief Information Commission, Punjab, Delhi High Court and Honorable Supreme Court of India and observation of this Commission: The Commission is constrained to believe that that the petitioner is misusing the provision of RTI Act, 2005 with misleading information and filing of malicious 2nd appeal petitions before the Commission with ulterior motive. Hence, the Commission debars him from filing of 2nd appeal petition at the Commission for one year.** Unquote.

8. Even today the petitioner is not serious about getting the information rather he is more concerned in wasting the time of the system be it SPIO, be it 1st Appellate Authority or even the Commission.

9. The Commission also would like to quote the order of Delhi High Court order of **Har Kishan vs President Secretariat Through ... on 12 January, 2021** which quote whenever information is sought under the [RTI Act](#), disclosure of an interest in the information sought would be necessary to establish the bonafides of the applicant. Non-disclosure of the same could result in injustice to several other affected persons unquote.

10. It is also to be noted that lakhs of people are suffering from the grim flood situation in Assam especially in North Lakhimpur District, and relief and rehabilitation is in full swing, due to non-informing of receipt of information by the petitioner, these BDOs appeared before the Commission at the cost of public service.

11. **In considering the earlier order and present observation, the Commission would like to conclude that the petitioner is not interested in getting the information but to waste the time and resources of the field level officers and also to waste the time of the Commission and deprive many genuine petitioners who have either genuine cause of action or greater cause of public interest.**

12. **Therefore the Commission again orders why he should not be banned for six months and ask the petitioner to submit his representation in writing within fifteen days from the date of receipt of this order.**

Sd/-
(Dr. A.P. Rout)

Authenticated true copy.

Sd/-
Registrar
Assam Information Commission

Memo No. SIC/DMJ.17/2022

Dtd. 08.07.2022

Copy to:

1. The SPIO, Office of the Deputy Commissioner, Lakhimpur, Assam for information.
2. The petitioner Sri Sanjib Tamuli, S/o Jogeswar Tamuli, Vill. Tanganapara Ahom Gaon, P.O. Jamuguri Pachali, P.S. & Dist. Dhemaji, Assam, Pin 787057 for information and necessary action.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar
Assam Information Commission