

**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : KP(M).485 /2014
Complainant/ Appellant : Shri Pradip Kalita
Respondent : Director of Agriculture, Govt. of Assam
Date of hearing : 18.6.2016
Date of order : 23.6.2016
Complaint/ Second : Shri H.S. Das, IAS (Retd)
Appeal heard by : Chief Information Commissioner, Assam

O R D E R
23.6.2016

The petitioner Shri Pradip Kalita is absent. However, he has sent a written request to allow Shri Dhiren Baishya, Joint Secretary of Assam Krishak Shramik Unnayan Parishad to represent his case before this Commission. His prayer is granted. The public authority is represented by:- (1) Shri Ananda Ch. Karmakar, Jt. Director of Agriculture (PP) & SPIO of the Directorate of Agriculture, Khanapara, (2) Shri M.P. Rownier, Jt. Director of Agriculture (C&F), Khanapara, (3) Shri Polashmoni Baruah, SDAO (Surveillance), and two others. The second appeal petition dtd 19.7.2014 is taken up for hearing in presence of both the parties.

The Jt. Director cum SPIO of the Directorate of Agriculture, Shri Ananda Ch. Karmakar has submitted a written statement dtd 14.6.16, which is entered into the case records.

From perusal of the case records it is seen that the petitioner Shri Pradip Kalita filed an RTI petition dtd 15.5.14 addressed to the SPIO of the Directorate of Agriculture seeking information on various aspects of implementation of RKVY and schemes relating to procurement and supply of chemical fertilizers and organic fertilizers in the State during the period 2010 to 2014.

It is seen from the enclosures with the written submission of the SPIO that the Deputy Director of Agriculture (ST&S), who was also the nodal officer of RKVY at that time, had vide letter dtd 12.6.14 requested the petitioner to deposit Rs. 10,000.00 towards photocopying cost of the sought for information, which was estimated to be 5000 pages. The petitioner did not deposit the required amount till date. Hence the information was not furnished.

As regards the information relating to chemical and organic fertilizer schemes, the Jt. Director of Agriculture (C&F), who is also incharge of Fertilizer Cell has vide letter dtd 15.6.16 informed the SPIO of the Directorate of Agriculture that the required information is available with him and he has requested for 30 days' time to furnish the information to Shri Pradip Kalita, the petitioner.

In view of the above, this Commission directs the Jt. Director & SPIO of the Directorate of Agriculture to allow the petitioner to inspect the relevant records and documents during office hours on any working day within 15 days from the date of receipt of this order and also allow him to take notes and photocopies of relevant admissible documents free of cost up to 100 pages and thereafter on payment of Rs. 2.00 for every additional page of photocopy.

In course of hearing of complaint and appeal cases by this Commission during the last one and half years, it has been observed that most of the public authorities of the Govt. of Assam, including the Directorate of Agriculture, as revealed in the instant appeal case, have failed to comply with the requirement of section 4 of the RTI Act, 2005 relating to maintenance and suo moto disclosure of information. They were required to do this within 120 days from the enactment of the RTI Act in 2005. Non-compliance with the provisions of section 4 of the RTI Act, 2005 causes avoidable delay in receipt of sought for information by the petitioners. Non-compliance with the provisions of the RTI Act, particularly with section 4, erodes the effectiveness of the Act, which is an important governance tool. Information delayed often amounts to information denied. This lapse on the part of most of the public authorities of the State Government has been d of avoidable RTI applications, appeal petitions and complaint petitions, which not only cause harassment to the information seekers, but also diverts the time, energy and effort of the public authorities, their SPIOs and of this Commission. This Commission is of the view that effective suo-moto disclosure of information by public authorities in compliance with section 4 of the RTI Act will reduce the number of RTI applications and subsequent appeal and complaint petitions substantially. Moreover, it has also been observed that coming to Guwahati to attend hearing of the appeal and complaint petitions in this Commission is also an expensive proposition for the appellants/complainants, particularly when they have to come from far-flung places seeking local field level information. This is a harrowing experience for many information seekers who can ill afford their expensive trips to Guwhati.

Suo-moto disclosure of information in compliance with Sec. 4 of the RTI Act at regular intervals through various means of communications, including internet is mandated by section 4(2) of the Act so that public's need to resort to the use of the RTI Act to obtain information is minimized. It is also likely to save the public authorities and their SPIOs the trouble of furnishing the same information repetitively to multiple information seekers, as it has been noticed that the volume of the same information frequently sought for by different applicants is quite large.

It has also been observed that many public authorities are yet to comply with the provisions of section 5 (1) and 5 (2) of the RTI Act, 2005 relating to designation of SPIOs in all administrative units and offices under them, including at sub-divisional and other sub-district levels. They were required to do this within 100 days of the enactment of the RTI Act in 2005.

Therefore, with a view to promoting transparency and accountability in the working of every public authority as well as to facilitating containment of corruption as envisaged by the RTI Act, this Commission, directs the Chief Secretary to the Government of Assam as the Head of the administrative machinery in the State to issue appropriate instructions to all defaulting public authorities under his administrative jurisdiction to comply with the requirements of section 4 of the RTI Act retrospectively at least with effect from 1.4.2014 and to comply prospectively with sections 5(1) & 5(2) of the RTI Act within 90 days from the date of receipt of this order.

1st April, 2014 is fixed for compliance with section 4 taking into account the pendency period of most of the RTI applications and subsequent appeal and complaint petitions.

It has also been the experience of this Commission that teachers of primary schools, secretaries of GPs and GPSS, etc. also appear before this Commission as SPIOs. As a result the number of SPIOs in the State seems to be

nearly 50,000, as against only about 2000 registered with the Central Information Commission.

This Commission, therefore, directs all public authorities and administrative Heads of Departments to designate SPIOs at the appropriate level of the administrative hierarchy and rationalize their number so that the total number of SPIOs in the State as a whole is not too large and unwieldy.

Besides public authorities directly within the administrative jurisdiction of the State Chief Secretary, there are also other public authorities, viz. Constitutional bodies, statutory bodies or authorities established or constituted by executive orders of the State Government, bodies owned, controlled or substantially financed by the State Government and NGOs substantially financed by the State Government which fall within the ambit of Assam Information Commission in terms of the provisions of section 2(h) read with section 15 (1) of the RTI Act, 2005. The above order shall apply, mutatis mutandis, to all such public authorities also.

With the above orders, the second appeal petition dtd 19.7.14 is disposed of.

Sd/
(H. S. Das)
Chief Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

sd/-
Registrar
Assam Information Commission

Memo No. SIC/ KP(M).485/2014/

Dtd. 23.6.2016

- Copy to:
1. The Chief Secretary to the Government of Assam, Dispur, Guwahati- 781 006 for information and necessary action.
 2. The Director of Agriculture, Govt. of Assam, Khanapara, Guwahati-22 for information and necessary action.
 3. The Joint Director (PP) & SPIO of the Directorate of Agriculture, Govt. of Assam, Khanapara, Guwahati-22 for information and necessary action.
 4. Shri Pradip Kalita, Lakhiminagar Tiniali, Hatigaon Road, Lord Enclave, Guwahati-38 for information.
 5. The Director of Information and Public Relations, Govt. of Assam, Dispur, Guwahati-6 for dissemination of this order for general information.
 6. Computer Section for uploading in the Website.
 7. Office File.
 8. Order Book.

Registrar
Assam Information Commission