

**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

JONAKKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037

Phone : (0361) 2332704, 2337900, 2331193 :: Fax : 2332704 :: email : secretary.sicassam@gmail.com

Case No.	:No. NGN.130/2018
Complainant/ Appellant	Md. Abdul Jalil Akand
Respondent	:District Agriculture Officer.
Date of Hearing	:24-09-2018
Complaint/ Second appeal heard by	:Shri H. S. Das, IAS (Retd) :State Chief Information Commissioner, Assam

O R D E R
24-09-2018

1. The petitioner Md. Abdul Jalil Akand is present. The public authority to be represented by SPIO of District Agriculture Officer (DAO) , Morigaon is absent without any information.
2. The second appeal petition dated 8-4-2018 is taken up for hearing ex-parte in the absence of the respondent.
3. It is seen from the case records that an earlier notice dated 24-7-2018 issued by this Commission was returned on 3rd August, 2018 by the Post Office with the remark – “Refused by Head Assistant of the District Agriculture Office.” Vide letter dated 9-8-2018 from Secretary of Assam Information Commission, the District Agriculture Officer, Morigaon was requested to cause an inquiry into the matter of refusal to accept this Commission’s notice by the Head Assistant of DAO’s office and submit a report to this Commission within 15 days. No report has also been received from the District Agriculture Officer, Morigaon till date.
4. From perusal of the RTI petition dated 27-12-2017 it also appears that the informations sought for by the petitioner are admissible under the RTI Act. 2005. Although nearly 9 (nine) months have since elapsed , no information has been furnished to the petitioner by the concerned SPIO so far.
5. In view of the above, this Commission passes the following orders :-
 - (i) The SPIO of the office of District Agriculture Officer , Morigaon shall furnish the sought for information to the petitioner without any cost within 15 days from the date of receipt of this order and report compliance.
 - (ii) The SPIO shall show cause withn 15 days from the date of receipt of this order as to why penalty under Section-20 shall not be imposed on him for his failure to take necessary action and furnish the information or an appropriate response to the petitioner within the stipulated period of 30 days from the date of receipt of the RTI petition dated 27-12-2017
 - (iii) The District Agriculture Officer , Morigaon is directed to show cause as to why appropriate action shall not be initiated against him for not taking any action against the person responsible for refusing to accept the notice from this Commission and also for the failure of the DAO , Morigaon to submit the inquiry report as was requested by the Secretary of this Commission vide letter dated 9-8-2018.
6. For further hearing of this second appeal case the DAO, Morigaon , being the head of office and in control of all informations pertaining to his office, is appointed as the deemed PIO under Section -19(8)(a)(ii) of the RTI Act, 2015.

7. Fix 26-10-2018 October, 2018 at 12.30 P.M for review of compliance of the above orders by all concerned.
8. Issue notices to :- (a) the DAO, Morigaon , (b) SPIO of the office of DAO, Morigaon and (c) the petitioner, for their appearance on the next date of hearing.

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

Authenticated true copy.
Sd/-
Registrar i/c
Assam Information Commission.

Memo No. SIC/ NGN.130/2018/

Dated 24-09-2018

Copy to :-

1. District Agriculture Officer, Morigaon , for information and necessary action as ordered above.
2. SPIO of the office of District Agriculture Officer, Morigaon for information and necessary action as ordered above.
3. Md. Abdul Jalil Akand, Islampatty , Seujnagar, P.O- Haiborgaon, PIN- 782 002
4. Computer Section for uploading in the Website.
5. Office file.
6. Order Book.

Joint Registrar
Assam Information Commission

