



**OFFICE OF THE
ASSAM INFORMATION COMMISSION
JONAKEY COMPLEX, PANJABARI, GUWAHATI-781037**

Case No. : SIC/KP (M).367/2020
Complainant/ appellant : Sri Joydeb Das.
Respondent : SPIO, O/o the District Agriculture Officer.
Date of hearing : 05.02.2021
Complaint/ Second : Dr. A.P. Rout, IPS (Retd.)
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R

05.02.2021

1. The petitioner Sri Joydeb Das is present. The petitioner Sri Joydeb Das has filed RTI petition dated 14.9.2020 seeking following information:-

(a) List of beneficiaries APRs of ADO circle wise under District Agriculture Office, Kamrup (M&R) for distribution of Soil Enricher & Growth Enhancer and Pheromone Trap & Heli Lure during the period 2016-17, 2017-18, 2018-19 and 2019-20 along with a copy of allotment.

(b) Furnish list comments of farmers and DAOs in respect of benefit in field level.

Being aggrieved by non furnishing of information the petitioner filed first appeal petition on 10.11.2020 before the First Appellate Authority of District Agriculture Officer. Then the petitioner filed second appeal petition dated 5.12.2020 before the Commission.

2. The public authority i.e. the SPIO of the Office of the District Agriculture Officer Sri Mukup Barman, Sr. ADO is present. He has also submitted a written statement dated 25.1.2021 which is taken into the case records.

3. In the written statement he has mentioned that due to the transfer of assigned SPIO, O/o the District Agriculture Officer, Kamrup information could not be furnished to the appellant within stipulated time period. He has also mentioned that the concerned Nodal Officer of RKVY, BGREI, NFSM schemes have been informed vide letter No. DAO(K)/Estt-46/RTI/19-20/4104 dated 12.11.2020 to furnish the required information to the District Agriculture Officer. As the information relates to four years, he prayed one month more time to complete the task. He also mentioned that part information sought by the petitioner has been prepared and for the remaining information he needs one more month time.

4. The Commission wants to enlighten the roles of SPIO by putting the recent Delhi High Court order dated 22.1.2021

The Delhi High Court vide WP(C) 900/2021 and CM Appeal 2395/2021 dated 22.1.2021 has pronounced the following principles :-

- (i) Government departments ought not to be permitted to evade disclosure of information. Diligence has to be exercised by the said departments, by conducting a thorough search and enquiry, before concluding that the information is not available or traceable;
- (ii) Every effort should be made to locate information, and the fear of disciplinary action would work as a deterrent against suppression of information for vested interests;
- (iii) PIO/SPIO cannot functioned merely as "post office" but instead are responsible to ensure that the information sought under the RTI Act is provided;
- (iv) A PIO/SPIO has to apply their mind, analyze the material and then direct disclosure or give reasons for non-disclosure. The PIO cannot rely upon subordinate officers;

- (v) Duty of compliance lies upon the PIO/SPIO. The exercise of power by the PIO/SPIO has to be with objectivity and seriousness the PIO/SPIO cannot be causal in their approach.

5. On questioning by the Commission, the SPIO i/c Sri Mukup Barman stated orally that he took the charge of SPIO in the first week of January, 2021, which means one month is already over and that is the time given to the SPIO to furnish the information as per Section 7 of the RTI Act, 2005.

6. On perusal of the written statement and oral submission of the SPIO, the Commission considers it to be fit case to impose the penalty as per Provision 20 of the RTI Act, 2005 for non furnishing of information to the petitioner within stipulated time period. However, taking a lenient view the Commission allows fifteen (15) days' more time to furnish the information to the petitioner.

7. With the above direction, the second appeal petition dated 5.12.2020 is conditionally disposed off.

Sd/-

(Dr. A.P. Rout)

Authenticated true copy.

Sd/-

Joint Registrar i/c
Assam Information Commission

Memo No. SIC/ KP(M).367/2020

Dtd. 5.2.2021

Copy to:

1. Sri Mukup Barman, Sr. ADO, SPIO, O/o the District Agriculture Officer, Kamrup(M &R), R.K. Mission Road, Ulubari, Guwahati-07 for information and necessary action.
2. The First Appellate Authority of District Agriculture Officer, Kamrup(M&R), K. Mission Road, Ulubari, Guwahati-07 for information.
3. Sri Joydeb Das, S/o Late Karunamoy Das, H.No-16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil, Ghy-25, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Joint Registrar i/c
Assam Information Commission