



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

Case No. : SIC/KP(M)35/2021
Complainant/ appellant : Joydeb Das
Respondent : SPIO, O/o the District Agriculture Officer, Bongaigaon
Date of hearing : 26.02.2021
Complaint/ Second : Dr. A.P. Rout, IPS (Retd.)
Appeal heard by : State Chief Information Commissioner, Assam

O R D E R
26.02.2021

1. The petitioner Sri Joydeb Das is present. The public authority to be represented by the SPIO of the District Agriculture Officer, Bongaigaon is absent. However, he has submitted a written statement vide letter No. DAO/BNGN/RTI/327/2020-21/1134 dated 23.02.2021 which is taken into records.

2. On perusal of the case records, it is found that the RTI petition dated 13.5.2020 of Sri Joydeb Das addressed to the PIO of Deputy Commissioner, Bongaigaon was intended to seek information as follows:-

Furnish list of beneficiaries APRs of ADO circle wise under District Agriculture Office, Bongaigaon for distribution of Seeds, Hybrid Paddy var. DRRH-3, Arize-6444 (Gold), US-312, DRH-775, NPH-8899, NPH-924-1 and PAC-835 under the scheme RKVY, BGREI, Disaster Management and NFSM during the period 2019-20.

The SPIO, O/o the Deputy Commissioner, Bongaigaon has transferred the RTI petition to the District Agriculture Officer, Bongaigaon vide letter No. BRTI.2/2017/Pt-IV/323 dated 21.5.2020.

3. Being aggrieved by non furnishing of information, the petitioner filed first appeal petition dated 3.12.2020 before the First Appellate Authority of District Agriculture Officer, Bongaigaon. Then the petitioner filed second appeal petition dated 30.1.2021 before the Commission.

4. Accordingly notices were issued both the parties and the second appeal petition is taken up for hearing today.

5. The information sought for was very specific and the petitioner had asked for the information on the list of beneficiaries APRs of different ADO circles under District Agriculture Officer of Bongaigaon for distribution of Seeds under various schemes during the year 2019-20.

6. The written statement dated 23.2.2021 submitted by the District Agriculture Officer is perfunctory and not to the point. This letter even does not mention on which date the District Agriculture Officer had given instruction to the SPIO of the Office of the District Agriculture Officer. He has also given lame excuse as follows

“ But due to over burden of work load, out of different ongoing enquiries like PM-KISAN etc. at that time timely follow up for the answer against the petitions count not be materialized”.

7. Section 7 of the RTI Act, 2005 clearly specify that the time available to the SPIO to furnish the information is within 30 days from the date of receipt of the RTI petition and another 30 days is available to the First Appellate Authority.

8. In this particular case enough time has been given to the SPIO and the First Appellate Authority. It appears that they have taken the things very casually and without any application of mind with utter disregard to the provision of the RTI Act, 2005, the District

Agriculture Officer has prayed for another two months time. He has also not furnished why two months time is required to furnish the information.

9. **This is a fit case to impose penalty under Section 20 of the RTI Act, 2005 on the SPIO of the Office of the District Agriculture Officer, Bongaigaon. The Commission therefore directs the SPIO of the Office of the District Agriculture Officer to submit a written affidavit explaining why penalty under Section 20 of the RTI Act, 2005 should not be imposed on him for blatantly violating the provision of the RTI Act, 2005.**

10. **Fix 26.3.2021 at 11.30 AM for next date of hearing.**

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

Authenticated true copy.

Sd/-
Joint Registrar i/c
Assam Information Commission

Memo No. SIC/ KP(M)35/2021

Dtd. 26.2.2021

Copy to:

1. The Deputy Commissioner, Bongaigaon, Dist- Bongaigaon, Assam PIN-783380 for information.
2. Sri Sanjay Sen Gupta, District Agriculture Officer, Bongaigaon Assam PIN-783380 for information and necessary action. (He is directed to remain present on the above mentioned date)
3. Sri Kumud Haloi, DIAO & SPIO of the Office of the District Agriculture Officer, Bongaigaon, PIN-783380 for information and necessary action. (He is directed to remain present on the above mentioned date)
4. Sri Joydeb Das, S/o- Late Karunamoy Das. H.No-16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil, Ghy-25 for information.
5. Computer Section for uploading in the Website.
6. Office File.
7. Order Book.

Joint Registrar i/c
Assam Information Commission