

Case No. : SIC/KP(M).38/2021
Complainant/ Appellant : Shri Joydeb Das.
Respondent : The SPIO, O/o the District Agriculture Officer,
Nalbari, Assam, PIN Code- 781335.
Date of Hearing : 23-03-2021
Complaint/ Second
Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam.

O R D E R
23-03-2021

1. The appellant Shri Joydeb Das is present.
2. The Public Authority is represented by Shri Jogeswar Rajmedhi, Asstt. Director of Agriculture, Nalbari. He has also submitted a written statement (bearing no official reference number) dated 23.03.2021, mentioning that while the SPIO of the office is currently undergoing treatment in Kolkata, most other officers are currently entrusted with election duty. He had also stated that he had joined in the particular office only on 04.03.2021. According to the written statement, those were the reasons for not furnishing the informations to the appellant so far. He has also submitted a letter No. DAO(N)/RTI/2020-21/6495 dated 22.03.2021 signed by the District Agricultural Officer, Nalbari, to the Commission providing a bunch of documents related to the RTI application of Shri Joydeb Das.
3. From perusal of records it is seen that the appellant Shri Joydeb Das had submitted an RTI petition to the PIO, O/o the Deputy Commissioner, Nalbari, on 13.05.2020, requesting for some information related to distribution of seeds under the District Agriculture Office, Nalbari during 2019-20. While the SPIO, O/o the Deputy Commissioner, Nalbari had transferred the said RTI petition to the District Agricultural Officer, Nalbari, on 29.05.2020, it is evident from records provided by the appellant that there was no response from the District Agriculture Office at all. The appellant Shri Joydeb Das had submitted an Appeal before the FAA, District Agriculture Office, Nalbari on 03.12.2020 and subsequently a 2nd Appeal in this Commission on 30.01.2021.
4. Though the Asstt. Director of Agriculture, Nalbari, today submitted a written statement in response to this Commission's notice dated 02.03.2021, citing the reasons for delay in responding to the RTI petition of Shri Joydeb Das, the Commission finds it difficult to understand from the written statement why the petition was kept pending without any response for more than 8 (eight) months now. The Asstt. Director of Agriculture, Nalbari, Shri Jogeswar Rajmedhi who is present in today's hearing, in his written statement has also prayed for extension of the date for submission of information to the appellant by 1 (one) month.
5. Ideally delay in acting or non-responding to RTI application amounts to denial of the request for information for and attracts penalty and or recommendation of disciplinary action against the SPIO under the service rules applicable to him/her. In the instant case the concerned SPIO attracts these penal provisions as mentioned in Section 20 of the

RTI Act, 2005. But considering Shri Jogeswar Medhi's written statement that the SPIO, O/o the District Agriculture Officer, Nalbari, is currently under treatment in Kolkata for kidney transplantation since December 2020, the and considering that the responsibility of the SPIO was handed over to Shri Kumud Haloi, SDAO(Horti), Nalbari, this is a fit case for imposition of penalty and/or recommendation of disciplinary action against Shri Kumud Haloi, SPIO, under the service rules applicable to him. The written statement submitted today has no mention about how the Department had handled the said RTI petition submitted by the appellant Shri Joydeb Das on 13.05.2020. This reflects the manner in which the District Agriculture Office has been handling a vital subject like right to information particular as enshrined in the RTI Act, 2005.

6. **Given the above, the Commission rejects the prayer of the Asstt. Director of Agriculture, Shri Jogeswar Rajmedhi for further extension of time and directs him to provide the informations to the appellant within 25.04.2021. Failure to provide informations as directed shall attract provisions of Section 20 of the RTI Act, 2005. He is also directed to submit an Action Taken Report on this order to the Commission within 25.04.2021.**
7. With the above order, the 2nd Appeal is hereby disposed of.

Sd/-
(Samudra G. Kashyap)
State Information Commissioner,
Assam.

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/KP(M).38/2021

Dated: 23-03-2021

Copy to:

1. The SPIO, O/o the District Agriculture Officer, Nalbari, Assam, PIN Code- 781335, for information and necessary action.
2. The Asstt. Director of Agriculture, Nalbari, Assam, Mobile No. 9101264895 for information and necessary action.
3. The First Appellate Authority/ District Agriculture Officer, Nalbari, Assam, PIN Code- 781335 for information.
4. The petitioner, Shri Joydeb Das, S/o- Late Karunamoy Das, H.N.-16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil, Guwahati-781025 for information.
5. Computer section for uploading in the website.
6. Office File.
7. Order Book.

Secretary & Registrar
Assam Information Commission