

OFFICE OF THE  
**ASSAM INFORMATION COMMISSION**

**JONAKEE COMPLEX, SHILPGRAM ROAD, PANJABARI, GUWAHATI- 781037**

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**Case No.** : SIC/KPM 520/2022  
**Complainant/ Appellant** : Sri Joydeb Das  
**Respondent** : The SPIO, Assam Fisheries Development Corporation Ltd., Chachal, Guwahati  
**Date of Order** : 11/11/2022  
**Complaint/ Second Appeal heard by** : Dr. A.P.Rout,  
State Chief Information Commissioner, Assam

**O R D E R**  
**11/11/2022**

1. The petitioner Sri Joydeb Das has filed one RTI petition before the PIO, Assam Fisheries Development Corporation Ltd., Chachal, Guwahati on 2.8.2022 seeking following information:
  - (i) Please furnish whether Shri P.K.Hazarika, OSD cum Project Director has extended and reemployed in AFDCL after completion of one year w.e.f. 1.7.2019 as per order vide no. AFDC.2019/2019/5 dated 28.6.2019. if yes, please furnish a copy of the same.
2. Reportedly on not getting any information, the petitioner filed 1<sup>st</sup> appeal before the First Appellate Authority, Assam Fisheries Development Corporation Ltd. on 6.9.2022 and then he filed 2<sup>nd</sup> appeal before the Commission on 19.10.2022.

Accordingly, the matter was taken up for hearing.
3. The petitioner Sri Joydeb Das is present.
4. The Public Authority is represented by Shri Himangshu Bora, PIO & Project Manager, AFDC Ltd.
5. The petitioner pointed out that on 9.11.2022, the SPIO has sent him a copy of order of re-employment of Sri P.K.Hazarika.
6. The petitioner mentioned that SPIO in utter disregard to the provision of Section 6(1) of the RTI Act, 2005 did not furnish any information within 30 days and is liable to be penalised U/S 20(1) of the RTI Act, 2005 which *quotes* Where the Central Information Commission or the State Information Commission, as the case may be, at the time of deciding any complaint or appeal is of the opinion that the Central Public Information Officer or the State Public Information Officer, as the case may be, has, without any reasonable cause, refused to receive an application for information or has not furnished information within the time specified under sub-section (1) of section 7 or malafidely denied the request for information or knowingly given incorrect, incomplete or misleading information or destroyed information which was the subject of the request or obstructed in any manner in furnishing the information, it shall impose a penalty of two hundred and fifty rupees each day till application is received or information is furnished, so however, the total amount of such penalty shall not exceed twenty-five thousand rupees. *Unquote.*
7. The petitioner further stated that the information furnished to him is not in consonance with the RTI petition, as he has asked whether Shri P.K.Hazarika, OSD cum Project Director has extended and reemployed in AFDCL after completion of one year w.e.f. 1.7.2019.

This letter says about recommendation for three years but appointment for one year w.e.f. 1.7.2019 and extension may be extended yearly for the recommended year for three years.
8. On this, the SPIO stated that due to shortage of staff at the office, he could not furnish the information on time. When asked by the Commission, the SPIO says

that he is functioning as SPIO from April 2022, the Dealing Assistant who is keeping the file is available w.e.f. for last two years.

9. The Commission asked him to explain when SPIO was there and the Dealing Assistant was there, searching the copy of the letter does not take even one minute which is demonstrated to him by searching a letter of State Chief Information Commissioner, Assam from the concerned branch.

To this, the SPIO stated that he has some different field duties. The Commission asked him to submit his explanation with copy of his field duty i.e., Tour Diary, Hired Vehicle No., Bus Ticket, Train Ticket, Hired Vehicle KM reading and copy of TA Bill and approval to Tour by the Senior Officer and copy of report after tour.

10. Further, when he was asked that the RTI question was about re-appointment after one year w.e.f. 1.7.2019 and the information furnished by the SPIO does not cover that, the SPIO did not give any reply.
11. The Commission asked the SPIO if he has any language problem in understanding the questions, he mentioned that has done BFSc. where the medium is English.
12. The petitioner said that it was deliberate attempt to not give any information during the stipulated period of time as per the Act and at the same time, giving improper reply is also deliberate and malafide attempt on the SPIO Shri Himangshu Bora, PIO & Project Manager, AFDC Ltd.
13. After going through the above contention of the petitioner and submission of the SPIO, the Commission decides it to be a fit case to impose penalty of Rs. 250/- after expiry period of thirty days for non-submission of the information during stipulated time.

However, before imposing any penalty, the Commission asked the SPIO to submit a written explanation why no penalty to be imposed on him. Further, as observed (at point 9) above, copies sought by the Commission be enclosed with the explanation.

**14. Fix next date of hearing.**

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

Authenticated true copy.

Sd/-  
Registrar  
Assam Information Commission

Copy to:

1. The SPIO, Assam Fisheries Development Corporation Ltd., Chachal, Guwahati for information and necessary action. He is to remain present on the next date of hearing with written explanation as ordered above.
2. The petitioner Sri Joydeb Das, S/o Lt. Karunamoy Das, H.No.16, Kushal Konwar Road, Near Mayur Krishna Cinema Hall, Ambari Fatashil, Guwahati 25 Assam for information. He is to remain present on the next date of hearing.
3. Computer Section for uploading in the Website.
4. Office File.
5. Order Book.

Registrar  
Assam Information Commission