

**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. : **KP(M) 659/2016**
Complainant/ Appellant : **Sri Joydeb Das**
Respondent : **Assam Seeds Corporation Ltd.**
Date of Hearing : **21-08-2017**
Date of order : **06-09-2017**
Complaint/ Second : **Shri H. S. Das, IAS (Retd)**
appeal heard by : **State Chief Information Commissioner, Assam**

O R D E R
06-09-2017

1. The petitioner/appellant Sri Joydeb Das is present. The public authority is represented by –(1) Sri Pradip Buragohain, SPIO and G.M (Farm & Production) and (2) Sri Gunjanan Shyam , ASPIO of Assam Seeds Corporation Ltd.
2. Seen the Inspection Report dated 19-8-2017 submitted by Sri Jatindra Lahar, Registrar i/c in compliance with this Commission's order dated 25-07-2017.
3. It is revealed from the report that the SPIO, Assam Seeds Corporation Ltd. has not yet transferred the part of the RTI application relating to copies of Administrative Approval/ Sanction letters, copies of Utilization Certificates and production records , information about which are held by the Directorate of Agriculture, Assam.
4. The SPIO of Assam Seeds Corporation Ltd. is directed to transfer the relevant parts of the RTI petition u/s 6(3) of the RTI Act, 2005 to the Directorate of Agriculture, Assam within 5 (five) days from the date of receipt of this order to furnish the information regarding Administrative Approval/ Sanction , Utilization Certificates and production records to the RTI petitioner. The SPIO of the office of the Directorate of Agriculture will furnish the same to the petitioner within stipulated time.
5. Also it is revealed from the Inspection report that the Assam Seeds Corporation could not produce the following records for inspection :-
 - a) Copies of road permit submitted by contractor firms for the year 2014-15 and 2015-16.
 - b) Seed Testing reports of the following suppliers for the year 2014-15;
 - i) Pusa Mahek variety of Mustard seed supplied by Srikrishna Enterprise;
 - ii) T.S-36 and T.S-38 variety of Mustard seed supplied by Lakshmi Agency;
 - iii) Pusa Mahek variety of Mustard seed supplied by Sunghilla Enterprise;
 - iv) Pusa Mahek , TS-36 and TS-38 variety of Mustard seed supplied by Balaji Enterprise;
 - v) Pusa Mahek variety of Mustard seed supplied by Trinetra Enterprise;

- vi) TS-36 variety of Mustard seed supplied by Shivam Enterprise;
- vii) T.S-36 and T.S-38 variety of Mustard seed supplied by Mahamaya Enterprise; and
- viii) TS-36 variety of Mustard seed supplied by Ananta Kalita.

c) Seed Testing reports of the following suppliers for the year 2015-2016 :-

- i) Pusa Mahek and TS-38 variety of Mustard seed supplied by Ruby Enterprise;
- ii) T.S-36 and T.S-38 variety of Mustard seed supplied by Lakshmi Agency;
- iii) T.S 36 variety of Mustard seed supplied by Nilimoy Bora;
- iv) TS-38 variety of Mustard seed supplied by Pranoy Enterprise

- d) Minutes of the Bid Evaluation Committee for the year 2015-2016
- e) Work orders to the Contractor Firms for the year 2015-16 except Nilimoy Bora and Lakshmi Agency.
- f) Seed Analysis report supposed to be conducted after arrival of the seeds in the districts and before actual distribution to the farmers for the years 2014-15 and 2015-16 , except Ruby Enterprise.

6. The Assam Seeds Corporation Ltd . has failed to provide certain vital documents like road permit, Seed Testing Report, Minutes of Bid Evaluation Committee, etc. as mentioned above despite several opportunities given by this Commission.

7. It is also revealed from the report dated 05-09-2017 of the Registrar I/c of this Commission that payment of the bills against supply of mustard seeds for the year 2014-2015 and 2015-2016 have already been made by Assam Seeds Corporation, although it could not be made out from the available records whether the mustard seeds in question were actually supplied by the suppliers or if there were short supplies.

8. In view of the position stated above, the Managing Director of Assam Seeds Corporation Ltd. is directed to issue necessary instructions to the Records officer of his office to take immediate action in accordance with the provisions of Section 7(1) of the Assam Public Records Act, 2002 for recovery or restoration of the missing records as listed at paragraph 5 and 6 above, and report outcome thereof to this Commission within 60 days from the date of receipt of this order. The Managing Director, ASCL is directed also to refer to Section 4, and Section -8 of the Assam Public Records Act, 2002 as also the penal provisions under Section 9 of the same Act which provides for imprisonment up to a period of 5 years or with fine up to Rs. 10,000/- or with both, for contravention of any provisions of Section-4 or Section 8 of the Act.

9. In course of deliberations at the time of hearing of this case it transpired that although nearly 15 (fifteen) years have elapsed since notification of the Act, no Rules have been framed by the State Govt. under Section 17 of the Assam Public Records Act, 2002. It is apprehended that non-existent of the rules may adversely affect implementation of the Act itself, which may , in turn, affect the proper implementation of the Right to Information Act, 2005 also.

Attention of :-

- i. Chief Secretary to the Govt. of Assam
- ii. Principal Secretary to Hon'ble Chief Minister, Assam
- iii. Commissioner & Secretary, Sectt. Administration Department
- iv. Commissioner & Secretary, Administrative Reforms & Trg. Department

are therefore, drawn for expeditious framing of appropriate rules under the Assam Public Records Act 2002 as may be deemed necessary by the competent authority.

10. Fix **4-10-2017 , 12.30 P.M** for review of action taken

Sd/-

(H. S. Das)

**State Chief Information Commissioner,
Assam**

Authenticated true copy

Sd/-

Registrar

Assam Information Commission

Memo No SIC/ KP(M).659/2016/

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Dated 06-9-2017

Copy for information and necessary action to:-.

- 1) Chief Secretary to the Govt. of Assam, Dispur, Guwahati-6
- 2) Additional Chief Secretary to the Govt. of Assam, Department of Agriculture.
- 3) Principal Secretary to Hon'ble Chief Minister, Assam
- 4) Commissioner & Secretary , Sectt. Administration Deptt, Dispur, Guwahati-6
- 5) Commissioner & Secretary, Administrative Reforms & Training Department, Dispur, Guwahati-6.
- 6) The Director of Agriculture, Govt. of Assam., Khanapara, Guwahati-22
- 7) The Managing Director, Assam Seeds Corporation Ltd. Khanapara, Guwahati-22.
- 8) .SPIO, Assam Seeds Corporation Ltd., Khanapara, Guwahati-22
- 9) Sri Joydeb Das, S/O Late Karunamoy Das, House No.-16, Near Mayur Krishna Cinema Hall, Ambari Fatashil, Guwahati-25
- 10) Computer Section for uploading in the Website.
- 11) Office file.
- 12) Order Book.

Registrar

Assam Information Commission.