



**OFFICE OF THE
ASSAM INFORMATION COMMISSION**

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Case No. : SIC/KP(M).1375 /2018
 Appellant : Sri Dulal Bora
 Respondent : 1. The SPIO, Department of Agriculture, Government of Assam, Dispur, Guwahati- 6
 2. The SPIO/Managing Director, Assam Seeds Corporation Ltd., Khanapara, Guwahati- 22
 Date of hearing : 18.04.2019
 Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
 State Information Commissioner, Assam

O R D E R
18.04.2019

Sri Nabin Ch. Ingty, Deputy Secretary to the Government of Assam/SPIO, Agriculture Department is present along with Sri Gunjanan W. Shyam, ASPIO, Assam Seeds Corporation Ltd. and Sri Biju Deka, Senior Administrative Assistant. A Written Statement dated 17.04.2019 has been received from the Managing Director, Assam Seeds Corporation Ltd.

The Appellant absent without information.

Heard the SPIO. He submitted that the RTI Application dated 02.04.2017 was received on 07.04.2017 and information was sought from the Assam Seeds Corporation through a letter dated 17.04.2017. However, no information was received U/S 5 (4) of the RTI Act, 2005. The First Appeal dated 24.07.2017 was received on 25.07.2017. A reminder was sent to the Corporation through a letter dated 02.08.2017 for the information. On receipt of the notice of the Commission for today's hearing the information was sought again from the Corporation through a letter dated 17.04.2019 and the Managing Director of the Corporation requested to attend today's hearing. No information was received. However, the ASPIO of the Corporation is present to apprise the Commission about the action taken on the matter.

Perused the Written Statement. On the plea that the letter from the Department was received only yesterday and there was a need for time to prepare a report on the matter, thirty day's time has been requested to prepare a report and appear before the Commission. The ASPIO submitted that the status of furnishing of the information could not be ascertained in the absence of the concerned officer of the relevant Branch which is the custodian of the information.

From the submissions as above, it is evident that neither the Agriculture Department nor the management of the Corporation have paid the required attention to the RTI Application and the First Appeal, the time stipulated by the Act for furnishing the information to an RTI Applicant being 30 days from the date of receipt. The Department did not follow up with the

Assam Seeds Corporation after their first letter which is now two years old. Likewise the Corporation appears to have not responded to the Department. In view of this failure, the request of the MD of the Corporation for another 30 day's time for furnishing the status report to the Commission is not acceptable. Based on the submissions by the Respondents, the Commission observes that it is the SPIO, office of the MD, Assam Seeds Corporation who is the custodian of the information and therefore the SPIO of the Corporation will have to furnish the information directly to the Appellant.

In view of the facts brought out above, **the Commission hereby orders that the SPIO, Managing Director, Assam Seeds Corporation shall furnish the information directly to the Appellant, free of cost, within 15 days of receipt of this order under intimation to the SPIO of the Agriculture Department.**

Further, the Commission directs the SPIO, office of the Commissioner & Secretary to the Government of Assam, Agriculture Department to monitor the matter and ensure that this order of the Commission is complied with.

Furthermore, both the SPIOs of the Department of Agriculture and Assam Seeds Corporation are hereby directed to deal with RTI matters more diligently and take action in accordance with the provisions of the said Act.

The Second Appeal is hereby disposed of.

Sd/-

Pinuel Basumatary IA & AS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-
Joint Registrar
Assam Information Commission

Memo No. SIC/KP(M).1375 /2018

Dtd.18.04.2019

Copy to:

1. The SPIO/Managing Director, Assam Seeds Corporation Ltd., Khanapara, Guwahati- 22 for information and necessary action.
2. The SPIO, Commissioner & Secretary to the Government of Assam, Department of Agriculture, Dispur, Guwahati- 6 with a request to ensure that the above order is complied with.
3. The SPIO, Department of Agriculture, Government of Assam, Dispur, Guwahati- 6 for information and necessary action.
4. The First Appellate Authority/ Department of Agriculture, Government of Assam, Dispur, Guwahati- 6 for information.
5. The Appellant, Sri Dulal Bora, Kainadhara Tiniali, House No.- 118, Khanapara, Guwahati- 781 022 for information.
6. Computer Section for uploading in the Website.
7. Office File.

Joint Registrar
Assam Information Commission