



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

Case No. : SIC/KP(M).781/2019
Appellant : Sri Harinarayan Pathak
Respondent : The SPIO, O/o the Managing Director, Assam Fishery Dev. Corporation Ltd.
Date of hearing : 25.09.2020
Second Appeal heard by : Sri Kanak Ch. Sarma, ACS (Retd.)
State Information Commissioner, Assam

O R D E R
25.09.2020

Sri Ranjan Kumar Das, PIO, Assam Fisheries Dev. Corporation Ltd. is present.

The petitioner, Sri Harinarayan Pathak is present.

This case is taken up for hearing on a petition for review of an order in case no. SIC/KP(M).781/2019 dated 13.08.2019 as admitted by the State Chief Information Commissioner (SCIC).

Seen the case record. The appellant, Sri Harinarayan Pathak submitted one RTI petition dated 10.11.2018 before the SPIO, office of the Managing Director, Assam Fisheries Dev. Corporation Ltd. For non-receipt of the informations, the applicant submitted First Appeal petition dated 09.01.2019 before the Managing Director and the FAA, AFDC Ltd. Since no information was received and no action was taken upon his First Appeal petition, the petitioner finally submitted Second Appeal petition dated 02.03.2019 before the Commission. The Second Appeal was duly registered and notices were served upon the appellant as well as the SPIO of AFDC Ltd. fixing date of hearing on 13.08.2019. On the date of hearing, the appellant submitted one application before the State Information Commission seeking leave of absence owing to his illness. On the other hand, the SPIO was also absent. However, a written statement was submitted by the Managing Director, AFDC Ltd. informing the Commission that the sought for informations had been furnished to the appellant vide letter no. AFDC/RTI/32/2018/2260 dated 07.08.2019. The Commission, therefore, ordered that since information had been furnished, the Second Appeal is disposed of. On receipt of this order, the appellant submitted a petition dated 09.10.2019 for review of order of the Commission dated 13.08.2019. The contention of the appellant are as follows-

- (a) The letter enclosing the informations submitted by the FAA was dispatched on 10.08.2019 through Speed Post on 10.08.2019 from Baihata Chariali S.O. intentionally depriving him of receiving the informations before the hearing fixed on 13.08.2019 so that he cannot put forward his objection on the date of hearing if the informations are not satisfactory.

- (b) That the information was not furnished by the SPIO as mandatory U/S 7 of RTI Act, 2005.
- (c) The FAA has submitted that the Corporation was registered under Companies Act, 1956 without furnishing relevant documentary proof relating to such registration.
- (d) No information has been furnished in respect of the present FAA in terms of the given notification vide no. FISH.186/2018/4 dated 09.10.2018 on his joining in the public authority as Managing Director.
- (e) No copy of the rule/rules under the Act has been furnished stating as not applicable.
- (f) The informations furnished in respect of notification of the Board of Director of the Corporation w.e.f. 01.01.2000 till 10.11.2018 found to be incomplete i.e. names of its Managing Director of the Corporation w.e.f. 01.01.2000 till 10.11.2018 is incomplete. The informations in respect of its names of Chairman/Vice Chairman of the Corporation w.e.f. 01.01.2000 to 10.11.2018 is also incomplete. Copies of informations whatsoever received by him are not authenticated by the SPIO of the Corporation. Further, the Hon'ble Commission disposes of the Second Appeal of the applicant on the basis of the written statement of the FAA prior to receipt of the application by the appellant.

In view of the above facts, the appellant has submitted the petition for review of the order with hearing afresh. The review petition is admitted by the CIC and the case is remanded to me for disposal.

Seen the first RTI petition of the appellant dated 10.11.2018 and also seen the letter of FAA of AFDC Ltd. bearing no. AFDC/RTI /32/2018/2260 dated 07.08.2019 whereby informations in respect of RTI petition dated 10.11.2018 was furnished to the appellant. Also seen the letter of FAA and Managing Director of AFDC Ltd. bearing no. AFDC/RTI/32/2018/2259 dated 07.08.2019 addressed to the Registrar i/c of Assam Information Commission stating that informations had been furnished to the applicant as sought for by his application dated 10.11.2018. The Commission on the basis of written statement submitted by the FAA and Managing Director of AFDC Ltd. passed the order "as the information has been furnished, the Second Appeal is hereby disposed of".

The SPIO of AFDC Ltd. has shown photocopies of the informations that they have furnished to the appellant but he cannot explain which informations was furnished against which point. It is also observed that the copies of the informations are not authenticated by the SPIO. He submits that the letter was dispatched from Baihata Chariali S.O. as the peon who was given responsibility to post the letter hails from Baihata Chariali and as he forgot to post it in Guwahati, he took it along to his home place and when he came to know about the letter to be dispatched, he posted it from his home place post office.

In view of the above, allegations of dispatch of the letter along with its enclosures from Baihata Chariali intentionally cannot be established from oral submission of the SPIO.

That informations were forwarded by the FAA is definitely contravention of the RTI Act, 2005. The RTI Act, 2005 does not cast on the public authority any obligation to satisfy any applicant but to furnish informations as may be available by the specific public authority. However, in the instant case, informations stated to have been furnished to the applicant, the SPIO is not able to pinpoint which informations is provided against which point. He simply produced a bunch of letters/informations not authenticated by the SPIO.

In view of the above, **the Commission hereby directs the SPIO of AFDC Ltd. to minutely go through the RTI/review petition of Sri Harinarayan Pathak, compare with the informations already provided with and furnish authenticated complete informations pointwise within 10 (ten) days of receipt of this order, free of cost. If any information cannot be furnished under any clause of Section 8 of RTI Act, 2005, that should be specifically informed to the appellant.**

The appellant is at liberty to further move the Commission, if the informations as ordered are not furnished fully and properly.

Sd/-

Kanak Ch. Sarma, ACS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-

Registrar i/c
Assam Information Commission

Memo No. SIC/KP(M).781/2019

Dtd.25.09.2020

Copy to:

1. The SPIO, O/o the Managing Director, Assam Fishery Dev. Corporation Ltd. Six Mile, Express Highway, Guwahati- 36 for information and necessary action.
2. The First Appellate Authority/office of the Managing Director, Assam Fishery Dev. Corporation Ltd. Six Mile, Express Highway, Guwahati- 36 for information.
3. The Appellant, Sri Harinarayan Pathak, Padumpukhuri, Uzanbazar, Guwahati- 1, Assam for information.
4. Computer Section for uploading in the Website.
5. Office File.

Registrar i/c
Assam Information Commission