

**Case No.** : SIC/KP(M).10/2021  
**Complainant/ Appellant** : Shri Kishor Bej.  
**Respondent** : The SPIO, Assam Fisheries Development Corp. Ltd,  
VIP Road, Cachal, Guwahati, PIN Code 781036,  
Assam.  
**Date of Hearing** : 09-08-2021  
**Complaint/ Second**  
**Appeal heard by** : Shri Samudra G. Kashyap.  
State Information Commissioner, Assam

**O R D E R**  
**09-08-2021**

1. The appellant Shri Kishor Bej is absent without any intimation. Attempts to call him up through the phone number (8926397777) provided in his RTI application have produced no results as the particular number apparently does not exist.
2. Shri Safiqur Rahman, SPIO, Assam Fisheries Development Co. Ltd. (AFDCL) is present.
3. Since the RTI petition was filed on 11.11.2020 and since the SPIO AFDCL had submitted a written statement to this Commission in response to a hearing notice dated 13.04.2021 and since a lot of time had lapsed due to the pandemic situation, it is considered worthwhile to take up the hearing despite the absence of the petitioner.
4. On perusal of the written statement submitted by the PIO, AFDCL dated 26.04.2021, it is seen that though the informations sought were ready for providing to the appellant, the PIO has been waiting "approval" of the same from the "higher authorities" in the Corporation. While Section 7(1) of the RTI Act, 2005, provides for disposal of a RTI request within 30 (thirty) days of the receipt of the same, in this instant case the same has not been done. As such the appellant had submitted an appeal before the FAA on 01.02.2021, and on not receiving any response, preferred a 2<sup>nd</sup> Appeal before this Commission on 08.03.2021.
5. During today's hearing the PIO Shri Safiqur Rahman reiterated the position of the Public Authority that the information sought had been collected but could not be furnished to the applicant because "necessary approval" from the "higher authority" was still pending. The Commission would like to remind the PIO as well as the Public Authority that there is no such provision in the RTI Act, 2005 as to whether any "higher authority" can sit on a submission for "approval" of furnishing information sought by citizens. The Public Authority is duty bound under Section 7(1) of the RTI Act to dispose an RTI application or provide information within 30 (thirty) days of receipt of the request. The Act or the Commission is not concerned about any "permission" to be sought by the PIO from his/her higher authorities in furnishing informations. The Public Authority, including the "higher authority" of AFDCL is reminded that Section 20 of the RTI Act, 2005, provides for imposition of penalty and/or recommendation of disciplinary action in matters of non-furnishing of information.
6. **In the course of today's hearing, the PIO has said that the informations sought were ready. As such the PIO is hereby directed to furnish the information to the petitioner within 15 (fifteen) days from the date of receipt of this order and obtain a proof of delivery from the applicant. He is also directed to submit an Action Taken Report to the Commission at the earliest.**
7. **The Commission, on the basis of the written statement dated 26.04.2021 submitted by the PIO, AFDCL to the Commission, draws the attention of the Managing Director,**

AFDCL to the fact that he /she has been obstructing in timely disposal of the present RTI petition since 30.12.2020. The same was reiterated by the PIO during today's hearing. The Managing Director, AFDCL is hereby directed to take appropriate steps so that no "higher authority" stands in the way of timely and speedy disposal of RTI requests, and abide by the provisions of the RTI Act, 2005, so that citizens are not deprived of their right to access information. In the event of repetition of similar obstructions in disposal of RTI request the Managing Director, AFDCL shall be held responsible and he/she would attract provisions of penalty as defined in Section 20 of the RTI Act, 2005.

8. The PIO too is reminded that henceforth he should follow the provisions of the RTI Act, 2005 in general and provisions under Section 4(1) and 5(4) and Section 5(5) of the said Act in particular while disposing RTI requests. Section 4(1) clearly lays down procedure as to how and why Public Authorities are required to make all information available to the public *suo moto* at regular intervals through various means of communication including internet, so that the public has to resort to minimum use of the Act to obtain information. Moreover Section 5(4) provides for the SPIO to seek assistance of any other officer as he/she considers it necessary for proper discharge of his duties. Section 5(5) of the Act on the other hand clearly states that any officer whose assistance is sought by the SPIO/PIO for furnishing information shall be treated as SPIO. Hence the deemed SPIO will attract penalty provisions as defined under Section 20 of the Act in the event of failure in furnishing information or creating situation where information is denied or delayed.
9. With the above order this 2<sup>nd</sup> 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).10/2021**

**Dated: 09-08-2021**

Copy to:

1. The SPIO, Assam Fisheries Development Corp. Ltd, VIP Road, Cachal, Guwahati, PIN Code 781036, Assam, for information and necessary action.
2. The First Appellate Authority/ Assam Fisheries Development Corp. Ltd, VIP Road, Cachal, Guwahati, PIN Code 781036, Assam, for information.
3. The Managing Director, Assam Fisheries Development Corp. Ltd, VIP Road, Cachal, Guwahati, PIN Code 781036, Assam, for information and necessary action.
4. The petitioner, Shri Kishor Bej, S/o – Shri Manik Ch. Bej, Fotasil, Koilashpur, P.O. Bharalumukh, PIN Code 781009, Assam, for information.
5. Computer section for uploading in the website.
6. Office File.
7. Order Book.

  
Secretary & Registrar  
Assam Information Commission.