

Case No. : SIC/KP(M).8/2021
Complainant/ Appellant : Dr. Nazrul Kazi
Respondent : The SPIO/Branch Manager, Assam Seeds Corporation Ltd., Golaghat, Dist. Golaghat, Assam, PIN Code- 785621.
Date of Hearing : 17-03-2021
Complaint/ Second Appeal heard by : Shri Samudra G. Kashyap.
State Information Commissioner, Assam.

O R D E R
17-03-2021

1. The appellant Dr. Nazrul Kazi is present.
2. Shri Gunjanan W. Shyam, ASPIO and Asstt. Manager (H.O.) Assam Seeds Corporation Ltd., is present. He is assisted by Shri Siranjit Saikia, Branch Manager, Assam Seeds Corporation Ltd., Golaghat. The ASPIO has also submitted a written statement No. ASC/GLP/SV-1/2020-21/704 dated 16.03.2021.
3. From perusal of records it is seen that the appellant Dr. Nazrul Kazi had submitted an RTI application to the Branch Manager, Golaghat Branch, Assam Seeds Corporation Ltd., on 29.09.2020, seeking various informations related to "Seeds Village Scheme" the Corporation had implemented in Golaghat during the year 2017-18, 2018-19 and 2019-20. While he had received certain informations, some of the informations were not provided, following which he submitted an Appeal before the FAA of the Assam Seeds Corporation Ltd., on 18.11.2020, and subsequently a 2nd Appeal before this Commission on 06.01.2021.
4. The ASPIO, Assam Seeds Corporation Ltd., in his written statement today informed that only one part of information of one of the queries made by the appellant Dr. Nazrul Kazi has remained to be furnished. The ASPIO also stated that he had written to the District Agricultural Officer, Golaghat, "several times" to provide the informations which are being held by him, but has received no response. While Section 5(4) and Section 5(5) of the RTI Act, 2005, provides for an SPIO to seek assistance of any other officer holding particular information sought by an RTI applicant, in this case the SPIO should have ideally informed the District Agricultural Officer, Golaghat, that under Section 5(5) of the Act the latter shall be treated as a deemed PIO for the particular context. Had the SPIO of Assam Seeds Corporation Ltd., mentioned this provision of Section 5(5) of the Act to the District Agricultural Officer, Golaghat, then the Commission could have directly held the Golaghat District Agricultural Officer responsible for non-furnishing of the informations sought. Nonetheless, on the strength of the letters written by Assam Seeds Corporation Limited to the District Agricultural Officer, Golaghat, copies of which have been submitted along with the written statement, the latter still stands to remain liable to attract penal provisions as defined in Section 20 of the RTI Act.
5. From the above it appears that the concerned officers holding charge as SPIO or are holding information and are to be considered as deemed SPIO, are either lackadaisical in carrying out their responsibility to a serious matter like right to information, or are ignorant about the vital provisions of a major legislation called RTI Act, 2005, – both of which are not acceptable.

6. In view of the above, the Branch Manager, Golaghat Branch, Assam Seeds Corporation Ltd., is directed to furnish the remaining portions of the informations as has been mentioned above, within 21 (twenty-one) days from the receipt of this order free of cost. He is also directed to apprise the Commission about action taken on this order at the earliest.
7. In view of the above this 2nd 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).8/2021

Dated: 17-03-2021

Copy to:

1. The SPIO/Branch Manager, Assam Seeds Corporation Ltd., Golaghat, Dist. Golaghat, Assam, PIN Code-785621, for information and necessary action.
2. The First Appellate Authority/ Managing Director, Assam Seeds Corporation Ltd., Khanapara, Guwahati, Assam, PIN Code. 785621, for information.
3. The petitioner, Dr. Nazrul Kazi, C/o Safiullah Ali Ahmed, Mother Teresa Path, Hatigaon, P.O. Hatigaon, Guwahati-781038 for information.
4. Computer section for uploading in the website.
5. Office File.
6. Order Book.

Secretary & Registrar
Assam Information Commission