

**OFFICE OF THE ASSAM STATE INFORMATION COMMISSION: ASSAM
JONAKEE COMPLEX, PANJABARI, GUWAHATI-37**

Appeal Case No: KP(M) 463/2013

Appellant : Shri Ismail Hussain.

Public Authority: Sri Boloram Das, SPIO

Heard by: Shri Himangshu Sekhar Das,
Assam State Chief Information Commr.

**Appellant was
Represented by:** Self.

**Public Authority was
represented by** Shri Gias Ali, First Appellate Authority

O R D E R
12-2-2015

The petitioner/ appellant Sri Ismail Hussain is present. Shri Gias Ali, Asstt. Registrar, Cooperative Societies and the First Appellate Authority and Sri Boloram Das, SPIO in the office of ARCS, Guwahati are also present. Md. Attowar Rahman, Secretary, Janashakti Byabasai Samabai Samitee Ltd. is also present along with Md Basir Uddin Ali of the same Samabai Samitee.

From a perusal of the case records it is seen that the then State Information Commissioner had already passed an order on 22nd July, 2013, directing the ARCS to furnish the information relation to the Janashakti Byabasai Samabai Samitee Ltd. within 15 days from the date of receipt of his order.

The petitioner/ appellant submitted that he has not been furnished the information. The SPIO and the First Appellate Authority also admitted that they have not so far furnished the information to the petitioner/ appellant, as directed by the State Information Commissioner vide his order dated 22nd July, 2013. **The Commission takes serious note of this lapse on their part and directs them to furnish the information sought for by the appellant/ petitioner within 7 (seven) days from today.**

However, Sri Attowar Rahman submitted a written submission dated 12-2-2015, signed by the President, JBSSL contending that Cooperative Societies do not come under the purview of the RTI Act, 2005. **The Commission takes note of this position and various orders of Hon'ble Courts including that of the Hon'ble Supreme Court in this regard. However, the Commission is of the view that under Section 2(f) of the RTI Act, 2005, the ARCS can have access to the information sought for by the petitioner under the Assam Cooperative Societies Act, 2007. The Commission would therefore, like to address its order to the ARCS as the relevant Public Authority for information relating to the private body, viz., JBSSL, under the RTI Act,**

2005 for furnishing the information as defined under Section 2 (f) of the said Act.

The First Appellate Authority, the SPIO and the appellant will collect a copy of this order from the Commission Office today itself, after acknowledging receipt of the same.

2. The SPIO is also required to **Show Cause as to why penalty as per provisions of Section 20(1) of the RTI Act shall not be imposed on him for his failure to furnish the information within the stipulated time and for defiance of the order dated 22nd July, 2013, passed by the then State Information Commissioner. He is further directed to submit his written explanation so as to reach this office , latest by 10th March, 2015.**
3. No written submission has been received from Shrio Jagadish Sarma, SPIO in the office of ARCS, Guwahati at the time of passing of the order dated 22nd July, 2013 by the then SIC. **It is also noted that he continued to remain the SPIO in the ARCS Office till March, 2014, till he moved to the office of the Registrar of Cooperative Societies, Assam Khanapara, as Asstt. Registrar of Cooperative Societies.**
4. Since no clarification or submission has been received from Sri Jagadish Sarma, in response to this Commission's order dated 22nd July, 2013 regarding the **proposed imposition of penalty on him, this Commission now imposes a penalty of Rs. 10,000/- on Sri Jagadish Sarma, under Section 20(1) of the RTI Act, 2005** and directs to deposit the Penalty amount through a Treasury Challan under the Head- **"0070-Other Administrative Services"** with a copy of the same to this Commission..

With the above order the Second Appeal Petition is disposed of.

Sd/-

(H. S. Das, IAS) (Retd)
State Chief Information Commissioner, Assam
Panjabari, Guwahati-37

Authenticated True Copy

Sd/-
Secretary and Registrar,
Assam State Information Commission

Memo No.SIC/ KP(M) 463/2013/

12-2-2015

Copy to:

1. Sri Boloram Das, SPIO, Office of the Asstt. Registrar, Cooperative Societies, Guwahati for information and necessary action.
2. Shri Gias Ali, First Appellate Authority, Office of the Asstt. Registrar of Cooperative Societies, Guwahati, for information and necessary action.

3. Shri Jagadish Sarma, Asstt. Registrar, Cooperative Societies, Khanapara, Guwahati, for information and necessary action.
4. Shri Ismail Hussain, S/O Late Ibrahim Saikh, Jyotishree Nagar, (Jyotikuchi), Lakhra Road, Guwahati-34 for information.
5. Computer Section for uploading in the Website.
6. Office file.

**Secretary and Registrar
Assam State Information Commission
Panjabari, Guwahati-37**