



**OFFICE OF THE  
ASSAM INFORMATION COMMISSION  
JONAKKEE COMPLEX, PANJABARI, GUWAHATI-781 037**

Case No. : SIC/KMJ.6/2013  
Appellant : Md.Badrul Islam  
Respondent : The SPIO, Office of the Asstt. Registrar, Co-operative Societies (A.R.C.S), Karimganj  
Date of hearing : 13.05.2016  
Second Appeal heard by : Shri Pinuel Basumatary,  
State Information Commissioner, Assam

**O R D E R**

13.05.2016

Appellant absent without any information.

SPIO, Asstt. Registrar of Cooperative Societies, Karimganj is absent. However, one Md. Mashuk Ahmed, deemed SPIO, Secretary, South East Badarpur Co-operative Society Ltd. is present. He submitted a Written Statement dated 13.05.2016 which is taken on record. He has also submitted a W/S dated 12.05.2016 of Secretary, North West Badarpur Co-operative Society Ltd. which is also taken on record.

Perused the case record. It is seen that the Appellant had filed his Second Appeal with the Commission after he was not satisfied with the response of the SPIO and the deemed SPIOs as regards furnishing of information he had sought for through his RTI Application dated 07.04.2012. It is also seen that the First Appellate Authority (FAA)/Asstt. Registrar, Co-operative Societies, Karimganj had disposed of the First Appeal dated 14.05.2012 with an order dated 25.05.2012 directing the Secretary, North West Badarpur Co-operative Society Ltd. to furnish the information to the Applicant/Appellant free of cost.

Perused the W/S of the Secretary, North West Badarpur Co-operative Society Ltd.. It is seen that the information relating to that GPSS had been handed over to the Applicant/Appellant on 04.06.2012. A copy of the said document is enclosed with the W/S.

Perused the W/S of the deemed SPIO present. It has been submitted that as the document to be provided to the Applicant/Appellant relating to that GPSS was voluminous and it was a case of a BPL Applicant, the Appellant had been requested to inspect them in the office but he did not attend the office for the purpose of inspection.

Considering the legal status of the authorities who are the custodians of the information, namely Co-operative Society, it would be in order for the Commission to make the following observation on the action taken by the SPIO, office of the A.R.C.S Karimganj.

The fact of the case as on receipt of the RTI Application, the SPIO, office of the A.R.C.S, Karimganj transferred it under section 6 (3) of the RTI Act, 2005 to the Secretary, North West Badarpur Co-operative Society Ltd.. Further, the reminder/complaint letter dated 02.08.2012 received from the Applicant/Appellant was transferred by the SPIO to Secretary South East Badarpur, Co-operative Society Ltd. through a letter dated 03.08.2012. From the RTI Application, it is seen that out of the 4 items of information sought for therein, the 1<sup>st</sup> point, namely copies of resolutions/proceedings of the last A.G.M. of North West Badarpur Co-operative Society, Bhangabazar related to A.R.C.S, Karimganj and the other 3 points were about the PDS and therefore, the concerned appropriate authorities would be Food, Civil Supplies and Consumer Affairs Department in the district. As Co-operative Society is not covered by the definition of Public Authority under Section 2 (h) of the said Act, the SPIO, A.R.C.S, Karimganj ought to have acted as follows: a) Supply the information to the Appellant after obtaining the information on item 1 of the information, if necessary, from the Secretary, North West Badarpur

Co-operative Society Ltd. by seeking assistance under section 5 (4) of the said Act and b) transfer the rest of the Application, namely 2 to 4 to the appropriate SPIO in the District Food, Civil Supplies and Consumer Affairs Department.

However, as the information relating to item no. 1 of the Application had already been provided to the Appellant and Secretary, South East Badarpur Co-operative Society Ltd. had already offered the PDS related records for inspection by the Appellant, the Commission hereby orders that the Appellant, if he is still interested in the information, visit the Secretary of the said society during working hours with prior intimation within a period of 10 days of receipt of this order and complete the exercise within 2 days.

With this order, the Second Appeal case is hereby disposed of.

Sd/-

Pinuel Basumatary  
State Information Commissioner, Assam  
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar  
Assam Information Commission

Memo No. SIC/KMJ.6/2013/ 15 -A

Dtd. 13.05.2016

Copy to:

1. The SPIO/Assistant Director, Food, Civil Supplies and Consumer Affairs Department Karimganj, Assam for information and necessary action.
2. The SPIO, office of the Assistant Registrar, Co-operative Societies, Karimganj, Dist- Karimganj, Assam, Pin- 788710 for information and necessary action.
3. The SPIO/Secretary, South East Badarpur Co-operative Society Limited, Dist- Karimganj, Assam for information and necessary action.
4. The SPIO/Secretary, North West Badarpur Co-operative Society Limited, PO- Bhangabazar, Assam, Pin-788701 for information.
5. The First Appellate Authority/Assistant Registrar, Co-operative Societies, Karimganj, Dist- Karimganj, Assam, Pin- 788710 for information.
6. Md. Badrul Islam, S/o Md. Faizur Rahman, Vill- Kankalash, PO- Bhangabazar, Dist- Karimganj, Assam, Pin-788710 for information.
7. Computer Section for uploading in the Website.
8. Office File.

Deputy Registrar  
Assam Information Commission