

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

Case No. : SIC/NGN.4/2013
Appellant : Shri Chandan Sengupta.
Respondent : The SPIO, O/o the Assam Co-operative Jute Mills Ltd., Nagaon
Date of hearing : 02.07.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
02.07.2016

The Appellant present.

Smti. Narindra Pal Kour, Labour Welfare Officer, Assam Co-operative Jute Mills Ltd. is present on behalf of the Managing Director, ACJM Ltd., Nagaon. She has submitted a Written Statement dated 02.07.2016 from the Managing Director.

Perusal of the case records indicate that the Appellant had sought certain information relating to the Assam Co-operative Jute Mills Ltd., Silghat through his RTI Application dated 01.06.2012 submitted to the S.D.O. (Civil), Kaliabor, Nagaon. The said Application was transferred under Section 6 (3) of the RTI Act, 2005 by the S.D.O. to the Managing Director of the said Co-operative Jute Mill through a letter dated 08.06.2012. The Appellant had submitted his Appeal to the Commission after he failed to receive specific, to-the-point information with reference to his Application dated 01.06.2012.

In view of the facts of the case as above, the Commission observes that it would be inappropriate for the Commission to issue any direction directly to the management of the Co-operative Jute Mill as the same is in the Co-operative sector and does not constitute a Public Authority as defined by the Section 2 (h) of the said Act. However, the Public Authorities who exercise regulatory authority over the Co-operative can access information and provide it to an RTI Applicant. It was in fact in order that the Appellant had filed his Application under the Act before the S.D.O. (Civil) and not directly to the management of the Co-operative. Transferring the said Application to the Managing Director of the Assam Co-operative Jute Mill Ltd., Silghat by the SPIO was therefore not in order.

Considering the facts brought out above, the Commission hereby orders that the Appellant shall write to the SPIO, office of the S.D.O. (Civil), Kaliabor, Nagaon, within 10 days of receipt of this order, about the shortcomings/deficiencies in the information he had received. Within 15 days of receipt of such communication, the SPIO, office of the S.D.O. (Civil), Kaliabor, Nagaon shall obtain such information as he/she can legally obtain and provide to the Appellant.

Should the Appellant not be satisfied with the response of the SPIO in terms of this order, he may, at his discretion, file a fresh First Appeal with the S.D.O. (Civil), Kaliabor, Nagaon which the latter shall consider and dispose of, with a speaking order, within the time stipulated by the said Act.

Sd/-

Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy.

Sd/-

Deputy Registrar
Assam Information Commission

Copy to:

1. The SPIO, office of Sub-Divisional Officer (Civil), Kaliabor, Nagaon, Dist- Nagaon, Assam for information and necessary action.
2. The First Appellate Authority/Sub-Divisional Officer (Civil), Kaliabor, Nagaon, Dist- Nagaon, Assam for information and necessary action.
3. The Managing Director, Assam Co-operative Jute Mills Ltd., P.O.- Silghat, Dist- Nagaon, Assam, Pin- 782143 for information.
4. Shri Chandan Sengupta, Vill & P.O.- Silghat, Dist- Nagaon, Assam, Pin- 782143 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Deputy Registrar
Assam Information Commission