



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

Case No. : SIC/NLB.72/2016
Appellant : Shri Amulya Sarma
Respondent : The SPIO, O/o the President, Secretary, Tihu Mouza BSS Ltd.,
Nalbari
Date of hearing : 21.12.2016
Second Appeal heard by : Shri Pinuel Basumatary,
State Information Commissioner, Assam

O R D E R
21.12.2016

Shri Niranjana Patgiri, President, Tihu Mouza Bahumukhi Samabay Samity and Shri Hitesh Haloi, Secretary, Tihu Mouza BSS Ltd. are present.

Joint Written Statement dated 20.12.2016 have been received from the President and Secretary, Tihu Mouza BSS Ltd.

The Appellant, Shri Amulya Sarma is present.

Heard the Appellant. He submitted that he had not received the information he had sought for.

Perused the Written Statement. It has been submitted that being a Co-Operative Society of share holders the general body meeting of the Society had decided against furnishing the information. The Appellant been invited to discuss the matter. However, the Appellant did not respond.

Perused the case record. It is seen that the Appellant had sought through his RTI Application dated 09.06.2016, copies of the proceedings of the AGM of the Co-Operative Society for the years beginning 2012-13 and those of the meetings of all the Board of Directors for the years beginning with 2013. In its response, the Society informed the Appellant about this decision through a letter dated 10.09.2016. The decision of the 2014-15 AGM not to provide the information.

In the meantime, the Appellant had filed his First Appeal dated 08.08.2016 before the Asstt. Registrar of Co-Operative Society, Nalbari as the First Appellate Authority. Instead of disposing of the First Appeal by hearing the parties and issuing an appropriate order, the ARCS merely forwarded the First Appeal to the Secretary of the said Society with the direction to provide the information treating it as an "RTI Application".

The Appellant submitted that he was also a share holder in the said Society and that it was registered under the Co-Operative Societies Act.

Considering the submission of the President and Secretary of the said Co-Operative Society and the action taken by them to inform the legal status to the Appellant, the Commission determines that the Society did not constitute a Public Authority as defined by the RTI Act, 2005 U/S 2 (h) and therefore its management is not obliged to furnish information to information seekers under the said Act. However, the Appellant is free to seek information under the said Act from any authority who may have access the information from such a body exercising their regulatory authority.

The Commission is constrained to observe that the Asstt. Registrar of the Co-Operative Society, Nalbari had failed to discharge his responsibility under the RTI Act, 2005 in forwarding the First Appeal of the Appellant dated 08.08.2016 to the said Co-Operative Society without disposing it of as the FAA as indicated above. It is seen that in forwarding the First Appeal he has wrongly termed it as "RTI Application". Had he performed his duty as FAA under the Act, the fact of the Society being outside the purview of the said Act would likely have come to be recognized and the Appellant spared from the trouble of having to submit the Second Appeal to the Commission unnecessarily.

With the above observation, the Commission hereby dismiss the Second Appeal as not sustainable under the RTI Act, 2005.

Sd/-
Pinuel Basumatary
State Information Commissioner, Assam
Panjabari, Guwahati

Sd/-
Dy. Registrar
Assam State Information Commission

Memo No. SIC/NLB.72/2016 / 18-A

Dtd. 21.12.2016

Copy to:

1. The SPIO, O/o the President, Secretary, Tihu Mouza BSS Ltd., Nalbari, Pin-781 371 for information and necessary action.
2. The First Appellate Authority/Assistant Registrar of Co-Operative Societies, Nalbari, Distt-Nalbari, Assam, Pin-781 338 for information and necessary action.
3. The Appellant, Shri Amulya Sarma, Vill-Natun Haldhibari, Po-Tihu Dist., Nalbari, Assam, Pin-781 371 for information.
4. Computer Section for uploading in the Website.
5. Office File.

Dy. Registrar
Assam State Information Commission