



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

Case No. : SIC/NLB.22/2018
Appellant : Sri Chandmahammad Pradhani
Respondent : The SPIO, O/o the Secretary, Pub Barkhetri Samabay Samiti Ltd., Loharkatha, PO- Loharkatha, Dist.- Nalbari, Assam

Date of hearing : 26.06.2018
Second Appeal heard by : Sri Pinuel Basumatary, IA & AS (Retd.)
State Information Commissioner, Assam

O R D E R
26.06.2018

Md. Firodur Rahman, Secretary, Pub Barkhetri BSS Ltd. is present.

A Written Statement dated 12.06.2018 has been received from the SPIO, FCS & CA, Nalbari.

The Appellant, Sri Chandmahammad Pradhani is present.

Perused the case record. The information on eight points has been sought for by the Appellant through his RTI Application dated 11.11.2017 from the SPIO/Secretary, Pub Barkhetri BSS Ltd. He submitted a Second Appeal dated 04.05.2018 after he did not receive the information inspite of his First Appeal dated 18.01.2018. The information sought for related to management and affairs of the SS Ltd. excepting for one point on Mid Day Meal.

Perused the Written Statement. It has been submitted that the First Appeal had been transferred to the Secretary of the BSS Ltd. being related to it. On 29.02.2018 the Secretary of the BSS Ltd. informed the Appellant that according to the order of the Cooperation Department, Government of Assam in pursuance of an order of Hon'ble Gauhati High Court in connection with a writ petition. The earlier an order of the Department appointing as SPIOs and First Appellate Authorities has been suspended.

Heard the Secretary of the SS Ltd. He submitted that the information sought for related to the management and affairs of the Co-Operative Societies and that Co-Operative Societies have been instructed by the Department of Cooperation that, being bodies of share holder, these were not Public Authorities as defined by the RTI Act, 2005 and therefore were outside the scope of the said Act.

Heard the Appellant. He submitted that the information he had sought for pertained to Mid Day Meal operation which is managed by the SS Ltd. as an agent of the Government in public interest. It would be appropriate for the Secretary of the SS Ltd. to furnish the information he had sought for on this point.

Considering the RTI Application and the submission of the parties, the Commission determines that it would be obligatory on the part of the Secretary of the SS Ltd. to provide the information on Mid Day Meal scheme which is the fourth point of the information sought for. As regards, the remaining seven points, the Commission agrees with the view taken by the Public Authority and the same has been explained to the Appellant. The Appellant agrees that he has the option of seeking the rest of the information from appropriate regulatory authorities in the Cooperation Department.

In view of the facts brought out above, **the Commission hereby orders that as the fact that the SS Ltd. manages the Mid Day Meal scheme as an agent of the FCS & CA of the State Government, the Secretary, Pub Barkhetri SS Ltd. shall furnish the information relating to the operation of the Mid Day Meal scheme, free of cost, within 10 days of receipt of this order. As regards, the remaining information, the Appellant shall be at liberty to seek the same from the appropriate Public authority in the Coopeartion Department which can provide such information as can be accessed as a regulatory authority under any other law for the time being in force as provided for by Section 2(f) of the said Act.**

The Second Appeal is hereby disposed of.

Sd/-

Pinuel Basumatary IA & AS (Retd.)
State Information Commissioner, Assam
Panjabari, Guwahati

Authenticated true copy

Sd/-
Joint Registrar
Assam Information Commission

Memo No. SIC/NLB.22/2018/19-A

Dtd.26.06.2018

Copy to:

1. The SPIO, O/o the Secretary, Pub Barkhetri Samabay Samiti Ltd., Loharkatha, PO- Loharkatha, Dist.- Nalbari, Assam, Pin- 781 126 for information and necessary action.
2. The SPIO, O/o the Cooperation Department, Government of Assam, Dispur, Guwahati- 6 for information and necessary action.
3. The First Appellate Authority/FCS & CA, Nalbari, office of the Deputy Commissioner, Nalbari, Dist.- Nalbari, Assam, Pin- 781 335 for information.
4. The Appellant, Sri Chandmahammad Pradhani, S/o- Sirajul Haque, Vill & PO- Bonpura, PS- Mukalmua, Dist.- Nalbari, Assam, Pin- 781 138 for information.
5. Computer Section for uploading in the Website.
6. Office File.

Joint Registrar
Assam Information Commission