



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

Case No. : KP(M).177/2018
 Complainant/ Appellant : Smti Aparna Devi.
 Respondent : SPIO of ARTFED, Assam.
 Date of hearing : 13/12/2018.
 Complaint/ Second : Shri H. S. Das, IAS (Retd)
 Appeal heard by : Chief Information Commissioner, Assam

O R D E R

13.12..2018

The petitioner Smti Aparna Devi is absent without any information. The public authority, i.e., the ARTFED is also absent. However, the Managing Director, ARTFED has sent a written statement dated 13.12.2018 which is entered into the case records. In his WS the MD, ARTFED has stated that the RTI petition of Smti Aparna Devi was rejected vide letter dated 25.5.2017 on the following grounds-

- i) That the ARTFED is a Cooperative Society registered under the Cooperative Societies Act, 1949. The Hon'ble Supreme Court in its order dated 7.10.2013 in Thalappalam Ser. Coop. Bank Ltd. & Ors. – Vs.-State of Kerela & Ors., held that the Cooperative Societies do not fall within the definition of "Public Authority" as defined under Section 2(h) of the RTI Act. Therefore, the ARTFED is also not a public authority for the purpose of the RTI Act 2005.
- ii) That the information sought for by the petitioner involves personal informations relating to service records of one Sri Nibaran Das, an employee of ARTFED. The MD,ARTFED has stated that disclosure of such personal information has no relationship to any public activity or interest and would cause unwarranted invasion of the privacy of the individual, unless the applicant is satisfied that the larger public interest justifies the disclosure of such information.

This Commission agrees with the submission that in terms of the Hon'ble Supreme Court's order referred to above ARTFED cannot be deemed to be a public authority. This Commission, would, however, like to refer to the last line of Section 2 (f) of the RTI Act,2005 under which, subject to relevant provision of the RTI Act 2005, information relating to any private body which can be accessed by a public authority under any other law for the time being in force is disclosable information under the RTI Act. The petitioner is, therefore, advised, if she is interested, to submit her RTI petition before the Registrar of Cooperative Societies, Government of Assam, who, if empowered under the Assam Cooperative Societies Act, 2007 and any other relevant law, to have access to such information and obtain the same from ARTFED and subject to the provision of sections 8 and 9 of the RTI Act,2005, furnish the same to the petitioner provided the petitioner can satisfy the concerned public authority that there is larger public interest involved, which will justify disclosure of personal information relating to the third party, and that such disclosure will outweigh in importance any possible harm and injury to the interest of the 3rd party.

With the above order the 2nd appeal petition dated 24.1.2018 is disposed of.

Sd/-
 (H. S. Das)
 Chief Information Commissioner, Assam
 Panjabari, Guwahati

Authenticated true copy.

Sd/-
Jt. Registrar
Assam Information Commission

Memo No. SIC/KP(M).177/2018/

Dated. 13.12..2018

Copy to:

1. The SPIO of ARTFED, Assam, Ambari, Guwahati for information. and necessary action.
2. The Registrar of Assam Cooperative Societies, Khanapara, Guwahati – 22 for information.
3. Smti Aparna Devi, wife of Sri Kanak Sarma, Kamakhya Gate, Near Durga Sorobor Vidyapeeth, House No.4, P.O. & P.S,Bharalumukh, Guwahati – 9.
4. Computer Section for uploading in the Website.
5. Office File.
6. Order Book.

Jt. Registrar
Assam Information Commission