

**c Case No.** : SIC/Biswanath.6/2020  
**Complainant/ Appellant** : Shri Ajay Ashwiyana  
**Respondent** : Shri Tarun Baruah, NOTARY, P.O- Biswanath  
Chariali, Distt. Biswanath, Assam, PIN-784176.  
**Date of Hearing** : 24-03-2021  
**Complaint/ Second**  
**Appeal heard by** : Shri Samudra G. Kashyap.  
State Information Commissioner, Assam.

**O R D E R**  
**07-04-2021**

1. The appellant Shri Ajay Ashwiyana is absent. But he has authorised one Shri Manoj Kr Shahni to attend the hearing on his behalf. Accordingly Shri Manoj Kr. Shahni is present carrying an authorization letter signed by the complainant.
2. Shri Tarun Baruah, Notary, Biswanath Chariali, who is the SPIO in this matter, is absent without any intimation. Post office's tracking records shows that the notice of this Commission dated 23.02.2021, directing Shri Tarun Baruah to appear in today's hearing was delivered on 20.03.2021. A copy of the tracking report is put on record.
3. From perusal of records it is seen that the complainant Shri Ajay Ashwiyana had submitted one RTI application to the SPIO, O/o the Deputy Commissioner, Biswanath on 17.09.2020 seeking certain informations related to a notarized agreement dated 11.05.2020 "as appears from the office record of Shri Tarun Baruah (at Serial No. 7529 dated 11.05.2020)"
4. The SPIO, O/o the Deputy Commissioner, Biswanath District, vide letter No. BNP-21/2019/Pt-V/407 dated 25.09.2020, transferred the said RTI petition to Shri Tarun Baruah, Notary, Biswanath Chariali on 25.09.2020, and directed him to provide the informations to the RTI applicant within a stipulated period, and inform him accordingly. The complainant has in his complaint enclosed copy of a reply sent to the applicant Shri Ajay Ashwiyana by Shri Tarun Baruah, Notary, Biswanath Chariali, on 29.09.2020, being a reply to his RTI application. From perusal of this letter it is seen that Shri Tarun Baruah, deemed PIO in this matter, had provided him pointwise information against his RTI application. While the informations to queries (i) to (iv) were provided, the deemed PIO Shri Tarun Baruah did not provide information relating to queries No. (vi), (vii), (viii), with the justification that there is no provision in the Notaries Act, 1952 and the Notaries Rules 1956, to keep copies of documents signed by the Notary. The deemed PIO Shri Tarun Baruah also informed the complainant that there is no Section 13(14) of the Notaries Act as claimed by the complainant wherein it is mentioned to furnish a copy of an agreement executed before a Notary to any government authority.
5. Going by the above-mentioned reply by the deemed PIO Shri Tarun Baruah, it is seen that all the informations which are available with the deemed PIO had been already provide on 29.09.2020. Regarding request for providing a copy of the said notarized agreement, the deemed PIO has clearly mentioned that there is no provision in the

Notaries Act, 1952 and the Notaries Rules 1956 for the Notary to keep copies of documents signed by the Notary.

6. The complainant representative Shri Manoj Kr Shahni however said that there are certain legal provisions, copies of which he claimed to possess, under which notarized documents are required to be preserved by the Notary. He also prayed for fixing another hearing during which he wants to furnish the relevant rules under which he claims that a Notary is required to keep for record notarized documents.
7. In view of the above, fix **27.04.2021** at **1:00 PM** as the next date of hearing. The complainant Shri Ajay Ashwiyana is directed to submit copies of whatever rules he has in possession as claimed by his authorised representative Shri Manoj Kr. Shahni in today's hearing,, on or before the next date of hearing.
8. Shri Tarun Baruah, Notary Biswanath and deemed PIO in this matter, is directed to personally appear on **27.04.2021** without fail to defend his position.
9. **This order shall constitute the notice of hearing.**

Sd/-  
(Samudra G. Kashyap)  
State Information Commissioner,  
Assam.

Authenticated true copy.

Sd/-  
Secretary & Registrar  
Assam Information Commission

**Memo No. SIC/Biswanath.6/2020**

**Dated: 07-04-2021**

Copy to:

1. Shri Tarun Baruah, Notary, P.O- Biswanath Chariali, Distt. Biswanath, Assam, PIN- 784176, for information. He is directed to present his case personally in the next date of hearing.
2. The petitioner, Shri Ajay Ashwiyana, Vill- Kumalia Centre, P.O.- Panibharal, Distt. Biswanath, Assam. PIN-784176, for information. He is directed to present his case personally in the next date of hearing.
3. Computer section for uploading in the website
4. Office File
5. Order Book

Secretary & Registrar  
Assam Information Commission