

Case No. : SIC/NGN.32/2021
Complainant/ Appellant : Shri Akbar Ali.
Respondent : (i) The SPIO, O/o the Asstt. Registrar of Co-Operative Societies, Nagaon, Assam.
(ii) The SPIO, O/o the Rupahi Union Co-operative Fishery & Farming Society Ltd., Nagaon, Assam.
Date of Hearing : 24-03-2022
Complaint/ Second Appeal heard by : Dr. Samudra G. Kashyap.
State Information Commissioner, Assam

O R D E R
24-03-2022

1. The appellant Shri Akbar Ali is present.
2. Shri Bipul Hazarika, i/c Sub-Registrar, authorised by i/c Asstt. Registrar of Co-operative Societies vide letter dated 17.03.2022 and Shri Julhash Uddin, Secretary and SPIO, Rupahi Union Co-operative Fishery & Farming Society Ltd. are present. The i/c Asstt. Registrar of Co-operative Societies has also submitted a written statement dated 17.03.2022 comprising 5 (five) pages.
3. From records it is seen that the appellant Shri Akbar Ali submitted one RTI application to the SPIO, O/o the Asstt. Registrar of Co-operatives Societies, Nagaon, on 11.08.2021 seeking certain informations related to the Rupahi Union Co-operative Fishery & Farming Society Ltd. The written statement of the Asstt. Registrar of Co-operatives Societies stated that the RTI application dated 11.08.2021 was received by his office on 04.09.2021 and it was transferred to the Rupahi Union Co-operative Fishery & Farming Society Ltd. on the same day. The Rupahi Union Co-operative Fishery & Farming Society Ltd. received the transferred RTI application on 06.09.2021 and on 05.10.2021 the SPIO and Secretary of the Rupahi Union Co-operative Fishery & Farming Society Ltd. wrote to the appellant Shri Akbar Ali to deposit Rs. 1600 (one thousand six hundred) only as photocopying charges for the information which has approximately about 800 pages. On 06.10.2021 the appellant Shri Akbar Ali submitted a 1st Appeal before the FAA, O/o the Asstt. Registrar of Co-operative Societies, Nagaon, stating that he has not received the informations despite expiry of the stipulated time frame. On 21.10.2021 the appellant Shri Akbar Ali submitted a complaint to the Asstt. Registrar of Co-operative Societies, Nagaon, saying that he has been asked to deposit photocopying charges for informations after expiry of more than 2 (two) months and that he has felt harassed because of this and prayed for a hearing. On 29.10.2021 the Sub-Registrar of Co-operative Societies, Nagaon, issued a notice of hearing fixing 08.11.2021 as date of hearing on the complaint submitted by the appellant Shri Akbar Ali. While there is no record available about the said hearing, the appellant Shri Akbar Ali claimed that the SPIO of the Rupahi Union Co-operative Fishery & Farming Society Ltd. was verbally directed by the Sub-Registrar of Co-operative Societies to provide him the informations free of cost.
4. While the appellant Shri Akbar Ali had claimed that the application dated 11.08.2021 was definitely received earlier than 04.09.2021 as claimed by the Sub-Registrar of Co-operative Societies, Nagaon, he however could not produce any documentary evidence like post office tracking record to substantiate his claim. The Sub-Registrar of Co-operative Societies, Nagaon, however said that the RTI Application of 11.08.2021 was entered in the office

record on 04.09.2021 immediately upon receipt by post. There is however no documentary evidence to prove that the RTI application was received by post on the said date as claimed.

5. Shri Julhash Uddin, Secretary and SPIO, Rupahi Union Co-operative Fishery & Farming Society Ltd. during today's hearing however said that the informations are ready and his office was willing to provide the same to the appellant free of cost. But Section 7 (9) of the RTI Act, 2005 states that "An information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of the public authority or would be detrimental to the safety or preservation of the record in question." **Hence, the SPIO and Secretary of Rupahi Union Co-operative Fishery & Farming Society Ltd. is directed to provide the information by collecting photocopying charges for the first 100 (One Hundred) pages and the remainder free of cost to the appellant Shri Akbar Ali within 15 (fifteen) days from the date of receipt of this order. The appellant Shri Akbar Ali shall deposit photocopying charges for the first 100 (One Hundred) pages and collect the remaining pages free of cost.**
6. With the above order this 2nd Appeal is hereby disposed of.

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

Authenticated true copy.

Sd/-
Secretary & Registrar
Assam Information Commission

Memo No. SIC/NGN.32/2021/15-A

Dated: 24-03-2022

Copy to:

1. The SPIO, O/o the Asstt. Registrar of Co-Operative Societies, Nagaon, Assam, Pin Code 782001 for information and necessary action.
2. The SPIO, O/o the Rupahi Union Co-operative Fishery & Farming Society Ltd., Nagaon, Assam, for information and necessary action
3. First Appellate Authority/ O/o the Asstt. Registrar of Co-Operative Societies, Nagaon, Assam, Pin Code 782001 for information.
4. The petitioner, Md. Akbar Ali, S/o. Lt. Komedi Ali, Garematikhowa P.O. Borghat, Distt. Nagaon, PIN 782125, Assam, for information and necessary action.
5. Computer section for uploading in the website.
6. Office File.
7. Order Book.


Secretary & Registrar
Assam Information Commission.