



Jammu and Kashmir State Information Commission

(Constituted under The Right to Information Act, 2009)

Wazarat Road, near DC Office Jammu, 0191-2520947, 2520937

Old Assembly Complex, Srinagar, 0194-2506660, 2506661

www.jksic.nic.in

File No. SIC/CO/SA/490/2017

Decision No. SIC/CO/SA/490/2017/**1016**

Final Order:

Appellant : Sh. Bilal Ahmad Kar, S/o Lt. Mohammad Maqbool Kar,
R/o Noor Bagh, Baramulla.
Respondent : FAA/PIO, O/o Registrar Co-operative Societies, J&K.
Date of decision : **25-10-2017**
Decision : Appeal disposed of.

Brief Facts:

Briefly, the facts of this case are that the appellant Sh. Bilal Ahmad Kar S/o Late Mohammad Maqbool Kar R/o Noor bagh, Baramulla, J&K while exercising his right to information filed an RTI application with the Public Information Officer (PIO) Deputy Registrar, Co-operatives Baramulla on 27-09-2016 seeking information regarding construction of double storied shopping complex within the premises of Co-operative land at N.C Sopore during the year 2014-15 and 2015-16. Aggrieved with the response of the PIO, he filed 1st appeal before the First Appellate Authority, (FAA), Registrar Cooperative's Government of J&K. The FAA disposed of the appeal and upheld the order dated 03-10-2016 and held that the cooperative society in question does not fall within the ambit purview of J&K RTI Act.

Not satisfied with the order of FAA, the appellant filed 2nd appeal dated 01-05-2017 before the State Information Commission (SIC).

Proceedings before the State Information Commission(SIC):

1. The instant 2nd appeal came up for hearing before the SIC on 25-10-2017.
2. The hearing was attended by Sh. M.R Gassi Additional Registrar/First Appellate Authority (FAA), Sh. Tariq Ahmad Sheikh, Deputy Registrar/Public Information Officer (PIO) Co-operative Society i.e Baramulla, Kashmir and the appellant.
3. The appellant submitted that the requisite information sought for by him has not been provided to him till now.
4. The PIO contended that the Co-operative Society is not a public authority as defined under section 2(f) of the J&K RTI Act, 2009.
5. The PIO further submitted that the information sought for by the appellant does not lie with them but is lying with Sopore Marketing Society.
6. SIC enquired from the PIO, whether the said Society is aided by them to which the PIO replied that it gets managerial subsidy and special assistance of Rs 25000/- per year respectively. However, this amount cannot be considered substantial considering the total budget/expenditure per year.
7. The appellant submitted that Registrar Co-operative Societies, J&K has given approval for construction works of the Sopore Marketing Society, which was conceded by the respondents.
8. SIC enquired from the PIO whether the said Marketing Society about which the information is sought is regulated by the Registrar Co-operatives, the PIO replied in affirmative.

Both the parties were heard at length.

Decision:

The SIC observed that under section 6(4) of the J&K Co-operative Societies Act, 1989, the Registrar has powers to have access to the books, accounts,

documents, papers, cash and other properties belonging to or in the custody of the Society.

The Hon'ble Supreme Court in Thallapalm Ser. Coop. Bank Ltd and others Vs State of Kerala and others (2013) has also held that Registrar of the Co-operative Society is a Public Authority . The Hon'ble Supreme Court has further held that Registrar Co-operative Societies is obliged to provide the information about the Co-operative Societies which he can access and obtain under the provisions of the Co-operatives Societies Act under which the Co-operative Societies are registered. Further under section 2(d) of the J&K RTI Act, 2009 "information" means any information relating to any private body which can be accessed by a Public Authority under any law for the time being in force.

In view of the above, the SIC observes that Registrar Co-operative Societies has the mandate to collect the information from the Cooperative Marketing Society Sopore for furnishing the same to the appellant.

The PIO O/o Registrar Cooperative Societies, J&K is therefore, directed to obtain the information sought for by the RTI applicant (now appellant) from the concerned Cooperative Society, in terms of powers under the J&K Cooperative Societies Act, if not already held and provide the said information to the appellant in terms of the J&K RTI Act and the Rules. The needful be done within 15 days from the date of receipt of this order.

The 2nd appeal is accordingly disposed.

Copy of the order be provided free of cost to the parties.

-sd/-

(Khurshid A. Ganai) **IAS Retd.,**
Chief Information Commissioner,
J&K State Information Commission.
/imi/

No. SIC/CO/SA/490/2017

Dated: / /2017.

Copy to the:

1. First Appellate Authority (FAA) Additional Registrar, Cooperatives Societies, Kashmir for information.
2. Public Information Officer (PIO) Dy. Registrar Cooperatives Societies, Baramulla Kashmir for information and compliance.
3. PS to CIC for information of HCIC.
4. Sh. Bilal Ahmad Kar, S/o o Lt. Mohammad Maqbool Kar R/o R/o Noor Bagh, Baramulla
5. Guard file.

(Dr. Ghulam Mohi-ud-din)
Joint Registrar,
J&K State Information Commission.