

100285 (A)
27/03/2024

SPEED POST

No. 06/2024/RTI

Dated 18.03.2024

To

The H.E. State Chief Information Commissioner, W.B.
11A, Mirza Ghalib Street, Khadya Bhavan,
Kolkata-700087

22

AV

Sub : Complaint under Section 18 of the Right to Information Act, 2005.

Hon'ble Sir,

Most humbly and respectfully I beg to draw your kind attention to the state that I have submitted an application dated 20.11.2023 addressed to the SPIO, Law Department who forwarded the application to the another SPIO namely the District Registrar, Murshidabad to provide the suitable reply for queries No. 15 & 16, vide Memo No. RTI-10-L/LW/O/RTI-84/2023, dated **11.01.2024**.

It may be mentioned here that I sought authenticated copy of Memo No. 772/DR(MSD), dated 22.07.2016 and attested copies of Register of Letters Issued since 01.06.2016 to 30.07.2016 of the office of the SPIO & District Registrar, Murshidabad.

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22/3/24

The SPIO & District Registrar, Murshidabad under his office Memo No. 168/DR(MSD), dated 05.02.2024 informed for question No. 15 & 16 stating inter alia that "**no such copy cannot be provided as a matter of official privacy.**" This reply is incorrect, illegal, contrary to provisions and spirit of the RTI Act.

22/3/24

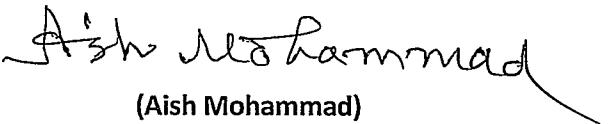
Thereafter, I submitted first appeal on 24.02.2024 before the Joint Inspector Genl. of Registration, W.B. who directed the SPIO to take necessary action for getting accessible information immediately, if the applicant approaches his office, on previous payment of requisite Government fees, vide Memo No. 649, dated **04.03.2024**.

It is to be noted that the first appellate authority has not commented regarding incorrect or misleading reply of the SPIO. The First appellate authority tactfully directed the SPIO to take necessary action, on previous payment of requisite govt. fees. I know nothing that how many pages will supply and the pages are A4 size or legal size. So, it is not possible to pay the fees of information at the time of applications. I will must pay the fees of information on demand by the SPIO.

Under the circumstances, I pray you to kindly take legal steps against the SPIO & the District Registrar, Murshidabad and also direct him to provide the correct information as early as possible.

Thanking you

Yours faithfully,



(Aish Mohammad)

Vill & P.O.-Mahisasthali

Dist-Murshidabad

PIN-742135

Mob No. 9647907524

Emil : samirmanasrin0603@gmail.com

Enclosed : Complaint in prescribed Form &
Relevant documents.

FORMAT FOR FILING COMPLAINT / 2ND APPEAL BEFORE WEST BENGAL

INFORMATION COMMISSION (Vide Circular No. 1522-WBIC/Admn-05/13

To

The Hon'ble State Chief
Information Commissioner,
West Bengal

dated 13.08.2014)

Complaint u/s 18(1)

2nd Appeal u/s 19(3)

(Tick relevant box)

1. Name of the Applicant: SA

2. Address:

Aish Mohammad, S/o Lt. Md. Sufai Ali,
Vill & P.O. Mahasashali, P.S. Bhagwongola,
Dist. Mymensingh, W.B. PIN 742135
M/S, No. 9647907524.

3. Date of filing of application for information under RTI Act

(A self attested copy of RTI application should be attached):

R.T.I application dated 20.11.2023 forwarded by the SPIO, Law Dept
to another SPIO namely Dist. Registrar, Mymensingh on 11.01.2024

4. Name of State Public Information Officer / State Assistant Public Information Officer to whom the application was made and address: (Annexure - 1 and 2)

The District Registrar, Mymensingh
P.O. Benhampte, Dist. Mymensingh, PIN. 742101
Ph. No. 03482-250582.

5. Gist of the information sought for:

I sought authenticated copy of Memo, No. 772/DR(MSD), dated 22.07.2016 and attested copies of Register of Letters issued since 01.05.2016 to 30.07.2016 from the office of SPIO and Dist. Registrar, (M) vide item 10, 15 and 16 of my

6. Have you received any response / information? application dated 20.11.2023,

If so, attach a self attested copy of the same. Yes.

The SPIO and the Dist. Registrar, Mymensingh under his Memo, No. 168/DR(MSD), dated 05.02.2024 ^{issued the} Cont.....
Reply which is misleading and contrary to the provisions of the RTI Act, 2005. (Annexure - 3)

-: 2 :-

✓ For Complaint u/s 18(1) only

1. Grounds for Complaint (strike off items not applicable)

- i) Unable to submit request for information because no SPIO / SAPIO has been appointed.
- ii) SPIO / SAPIO refused to accept the application / 1st appeal or refused to forward it to the SPIO / 1st Appellate Authority.
- iii) Refused access to information requested.
- iv) No response to the RTI application received within the time limit specified in the RTI Act.
- v) Fee demanded is unreasonable.
- vi) Information furnished is incomplete / misleading / false.
- vii) Any other (specify). *The reply is incomplete and contrary to provisions of the RTI Act, 2005. The SPIO did not demand fees of information.*

For 2nd Appeal u/s 19(3) only

1. Date of filing 1st appeal : 24.02.2021 (*Annexure - 4*)
(A self attested copy of 1st appeal should be attached)

2. Authority to whom the first appeal was made and address:

The Joint Inspector Genl. of Registration, u/s 23A, N.S. Road, Fortuna Tower, 9th Floor, Kolkata - 700 001,

3. Decision of the 1st Appellate Authority, if any, including number and date of the order:

(A self attested photocopy of the order of the 1st Appellate Authority should be attached)):

*Memo No. 649/DRSR-15/1/2023 ESTT SEC - DRSR
Dated 04.03.2021. (*Annexure - 5*),*

4. Grounds for 2nd appeal and the relief sought for (specify):

(1) *The*

Relief : I pray before the Hon'ble Commission to pass an order with direction to the SPIO and the Dist Registrar, Krishnabati for providing correct information giving Item No. 15 and 16 of the RTI application dated 24.02.2023, on payment of fees of information.

Cont.....3

5. If 2nd Appeal is filed after 90 days from the date on which the decision of the 1st Appellate Authority was received or after 135 days from the date of filing of the 1st appeal explain the reasons for the delay.

I, Aish Mohammad..... son / daughter of Late Md. Tafail Ali..... aged 76 yrs being an Indian citizen do hereby solemnly affirm that the statements made herein are true to my knowledge based on records and the rest are my submissions to the Hon'ble West Bengal Information Commission. Kindly pardon me from personal appearance due to old age and illness.

Place: Bhagwangs

Signature of the complainant / appellant

Aish Mohammad

Date: 19/02/2024

(Name of the complainant / appellant)

Index of self attested documents attached:

1. Self attested copy of RTI application dated 20.11.2023.
2. Self attested copy of forwarding letter dated 11.01.2024
3. Self attested copy of reply dated 05.02.2024
4. Self attested copy of First Appeal dated 24.02.2024
5. Self attested copy of Order of First Appeal dated 04.03.2024
- 6.

(Annexure-1)

EW460556162IN

On 22/11/2023

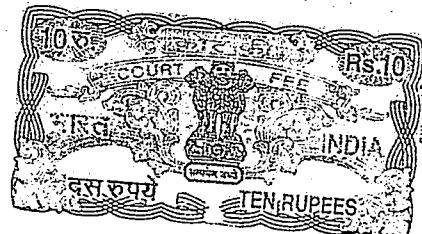
On 28/11/2023

~~Q.C.~~
No. 05/2023/RTI

Speed Post

Dated 20.11.2023

To
The State Public Information Officer,
(Under the RTI Act, 2005)
Law Department, Govt. of W.B.
Writer's Buildings,
Kolkata-700001.



Sub : Application for supplying information relating to
Muhammadan Marriage Registrar & Kazi.

Ref : Application under Section 6(1) of the Right to Information Act,
2005 (Central Act No. 22 of 2005).

Sir,

With reference to the subject noted above, I have required some information which are available in your Department and also in the O/O IGR, WB and Dist. Registrar, Murshidabad.

You are requested to supply information which are available in your Department and send the application to the IGR, WB and the Dist. Registrar, Murshidabad for rest of the information.

The application may kindly be treated as urgent.

Thanking you

Affixed : Court fee of Rs 10/- as
as fees of this application.

Yours faithfully,

(Aish Mohammad)
S/O-Lt. Md. Jafar Ali,
Vill & P.O.-Mahisasthali
Dist. Murshidabad 7421235
Mob No. 9647907524

Please supply the information mentioned below :-

1. Whether there is any provision under the Bengal Muhammadan Marriages and Divorces Registration Rules, 1929 published as Notification No. 620 Regn, dated 14th August, 1929 for the appointment of Muhammadan Marriage Registrar for Shia or Sunni Sect?
2. Who is the post creation authority of Muhammadan Marriage Registrar in terms of rule 3(a) of the aforesaid MMR Rules, 1929?
3. The rule 3(b) provides "District Registrar shall nominate a suitable person for each vacancy. The DR's nomination shall be submitted to the Government by the IGR who, if he disapproves of the DR's nominee, may recommend the appointment".

29/03/2024

Who is the "local Government"? Please supply the information as because there is no definition of "local Government" in the aforesaid Rules of 1929.

4. Whether the meaning of "local Government" indicates to the District Registrar in terms of Rules of 1929 or not?
5. Whether there is any division (Shia or Sunni Sect) in the form of application of Muhammadan Marriage Registrarship under rule 5 and form of license under rule 8 of MMR Rules, 1929 or not?
6. Whether there is any scope of the "State Government" to grant license of Temporary Muhammadan Marriage Registrar in terms of procedure laid down under rule 3(b) of MMR Rules, 1929?
7. Whether the State Government in Judicial/Law Department has any power or jurisdiction regarding Temporary appointment of Muhammadan Marriage Registrar?
8. Whether the Joint Commissioner of Stamp Revenue, West Bengal has any authority or role under the Bengal Muhammadan Marriages and Divorces Registration Act, 1876 and its Rule of 1929?
9. Whether Judicial Department's standing order No. 468-J/XIV/J4M-1/06, dated 15th May, 2007 issued by the Dy. Secretary to the IGR, WB regarding Temporary appointment of MMR is still in force or not? If yes, please supply the copy of the order.
10. Whether the Joint Secretary, Judicial Department had replied U.O. No. 547, dated 10.12.1998 to the IGR, WB in c/w his Memo No. 5266/IM-210/98, dated 13.11.1998 or not? If yes, please supply copy of the U.O. No. 547, Dated 10.12.1998.
11. Please send the application to the IGR, WB for supplying photo copy of Memo No. 1794/MMR-32/98, dated 4th July, 2006 issued by the Dy. Commissioner of Stamp Revenue (L), WB.
12. Please send the application to the IGR, WB for supplying photo copy of application No. 63, Dated 09.05.2006 of Aish Mohammad, MMR & Kazi of Bhagwangola Block-II in Murshidabad (on which basis the Dy. Commissioner of Stamp Revenue (L), WB issued the letter dated 04.07.2006.)
13. Please send this application to the IGR, WB for supplying photo with authenticated copy of his Register of Letters Received since 22.07.2016 to 30.09.2016.
14. Please send this application to the IGR, WB for supplying the information. Whether Circular being No. 2216(19)MMR19/01, dated 09.08.2006 issued by the IGR, WB regarding Temporary appointment of MMR, is still in force or not? If not, please provide copy of order in which the aforesaid Circular was/is cancelled.
15. Please send the application to the Dist. Registrar, Murshidabad for supplying photo with authenticated copy of Memo No. 772/DR(MSD), dated 22.07.2016 of District Registrar, Murshidabad.
16. Please send the application to the DR, Murshidabad for supplying photo with attested copy of his Register of Letters Issued (West Bengal Form No. 39) since 01.06.2016 to 30.07.2016.

Aish Mohammad
19/03/2021

(Annexure-V)

3/P

17. Whether the District Registrar, Murshidabad can allow his appointment as Muhammadan Marriage Registrar for 10 to 30 years in the name of Temporary appointment?
18. Please supply copy of Departmental Notifications regarding fees of Marriage Registration under the Bengal Muhammadan Marriages and Divorces Registration Rules, 1929, the Hindu Marriage Rules, 2010, the Special Marriage Rules, 2010 and the Christian Marriage Act, 1872 and the Parsi Marriage and Divorce Act, 1936.
19. Whether the Government of West Bengal cannot fix same fees for all kind of Marriage Registrars in the State of West Bengal?
20. Whether the Law Department has issued any letter to the Dist. Registrar, Murshidabad for arrangement of permanent appointment of Muhammadan Marriage Registrars in the vacant Police Station areas?
21. Whether Muhammadan Marriage Registrar can open branch MMR offices within his or beyond his jurisdiction?

Aish Mohammad

(Aish Mohammad)
S/O-Lt. Md. Jafar Ali,
Vill & P.O.-Mahisasthali
Dist. Murshidabad 7421235
Mob No. 9647907524

Aish Mohammad
19/03/2024

(Annexure-2)

Government of West Bengal
Law Department
Legislative Branch
Writers' Buildings, 'G' Block, 4th Floor, Kolkata-700 001

No. RTI-10-L
LW/O/RTI-84/2023

Date: 11.01.2024

From : The Assistant Secretary & S.P.I.O
Law Department

To : The District Registrar, Murshidabad,
Cantonment Road, P.O: Gora Bazar, P.S: Berhampore,
Dist: Murshidabad, Pin: 742101

Sub : Providing information under Right to Information Act.,2005.

Sir,

I am directed to forward herewith, in terms of Section 6(3) of the RTI Act.,2005, the copy of the RTI application dated 23-11-2023 followed by the 1st appeal dated, 24-12-2023 on the above subject from Aish Mohammad S/O-Late Md. Jafar Ali, Vill + P.O:- Mahisasthali, Dist:- Murshidab, Pin:-742135 to provide him with the suitable reply for queries No. 15 & 16 as deemed fit.

Yours faithfully,
Saj —
The Assistant Secretary & S.P.I.O
Law Department

No. RTI-10/1(2)-L

Date: 11.01.2024

Copy forwarded to:

✓ 1. Aish Mohammad S/O- Late Md. Jafar Ali, Vill + P.O:- Mahisasthali, Dist:- Murshidab, Pin:-742135 on the above address

2. Copy to the guard file of the S.P.I.O

Abul

The Assistant Secretary & S.P.I.O
Law Department

Aish Mohammad
17/03/2024

OFFICE OF THE DISTRICT REGISTRAR
MURSHIDABAD
mail id -
drmurshidabad.igr-wb@nic.in
drmsd12@gmail.com



ADDRESS :-
CANTONMENT ROAD
P.O. BERHAMPORE
DIST. MURSHIDABAD
PIN-742101

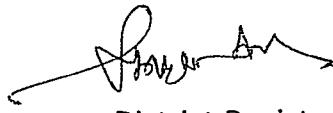
Memo No. 16 /DR(MSD)

Dated : 05 /02 /2024

To: Aish Mohammad
S/O-Lt. Md. Jafar Ali
Vill & P.O- Mahisasthali
Dist-Murshidabad
PIN-742135

Sub: Information regarding RTI Act 2005 for the petition received on
24.01.2024

The petitioner is hereby informed for question no.15 & 16 that no such copy cannot be provided as a matter of official privacy. You can also appear to the office of the District Registrar, Murshidabad for your queries.


District Registrar
Murshidabad

05.02.2024

Memo No. /DR(MSD)

Dated : / / 2024

Copy forwarded for information to:

1. The Assistant Secretary & SPIO Law Department, Legislative Branch, Kol-01
2. O/C.

Sd/-
District Registrar
Murshidabad


Aish Mohammad
19/02/2024

(Annexure-W)

REGISTERED POST

RW703184015IN

24/02/2024

R/On 28/02/2024
Dated 24.02.2024

No. 06/2024/RTI (Appl)

To

The Joint Inspector General of Registration, W.B.
&
(The Appellate Authority under the RTI Act, 2005)
Fortuna Tower, 9th Floor,
Kolkata-700001

Sub : Reply dated 05.02.2024 of DR, Murshidabad
is illegal and DR fail to supply correct information to
save some one.

Ref : First Appeal under Section 19(1) of the Right to Information Act, 2005

Sir,

I have the honour to state that I have submitted an application dated 20.11.2023 to the SPIO, Law Department who forwarded the said application to the DR, Murshidabad on 11.01.2024 for supplying information of item No. 15 & 16 of the application dated 20.11.2023 (Self-attested copy of RTI application dated 20.11.2023 and forwarding letter dated 11.01.2024 are collectively annexed herewith).

I have sought a photo copy of Memo No. 772/DR(MSD), dated 22.07.2016 and Register of Letters issued since 01.06.2016 to 30.07.2016 of the office of DR, Murshidabad in item No. 15 & 16 respectively (Photo copy of RTI reply dated 05.02.2024 is annexed herewith).

But the DR, Murshidabad under his Memo No. 168/DR(MSD), dated 05.02.2024 replied that "no such copy cannot be provided as a matter of official privacy." Pursuant to Section 22 of RTI Act, 2005 overriding effect from the official Secret Act, 1923 or other law for the time being in force. So, the DR, Murshidabad oblige to supply the information.

I, therefore request you to kindly pass an U/S 19(1) Of the RTI Act, 2005 to the SPIO for supplying information properly without more delay.

The appeal may kindly be treated as urgent sir.

Enclosed : As above.

Yours faithfully,

Aish Mohammad
(Aish Mohammad) 24.02.2024
S/O-Lt Md. Jafar Ali
Vill & P.O.-Mahisasthali
Dist-Murshidabad, PIN-742135
Mob 9647907524

No. 06/(2)/2024/RTI(Appl)

Dated 23.02.2024

Copy forwarded for kind information to :

1. The State Chief Information Commissioner, West Bengal
23A, Mirza Ghalib Street, Khadya Bhavan, Kolkata-700087 (Second Appellate Authority).

Aish Mohammad
19/03/2024

(Annexure-5)

Regd. Post

Government Of West Bengal
Directorate Of Registration & Stamp Revenue
Fortuna Tower , 9 th Floor, 23 A, N.S. Road , Kolkata – 700001
Name of the Applicant : Sri Aish Mohammad, Appeal No. 79 of F.Y.: 2023-2024
Ref : Appeal u/s 19(1) of the RTI Act , 2005

ORDER

Memo No. 649 / DRSR-16/1/2023-ESTT SEC-DRSR

Dated : 04.03.2024

In reply to the appeal dated 24.02.2024 filed on 27.02.2024 by Sri Aish Mohammad before the First Appellate Authority u/s 19(1) of the RTI Act , 2005, this is to inform that as per guideline No. 9 issued by the Department of Personnel & Training, Government of India vide OM No. 1/3/2008-IR dated 25.04.2008 on the RTI Act, 2005 (may be searched from Google), only such information is required to be supplied under the Act which already exists and is held by the public authority or held under the control of the public authority. It is beyond the scope of the Act to create information; or to interpret information; or to solve the problems raised by the applicants; or to furnish replies to hypothetical questions..

In reply to the application dated 20.11.2023 under the RTI Act , 2005 submitted by the applicant before the SPIO, Law Department , W.B., the said SPIO has then transferred the said application to SPIO & D.R. , Murshidabad vide his Memo No. RTI-10-L/LW/O/RTI-84/2023 dt. 11.01.2024. After that the SPIO & D.R. , Murshidabad has send his reply to the applicant under the RTI Act , 2005 vide his Memo No. 168/DR(MSD) Dated: 05.02.2024. But the applicant is not satisfied with the said information received from the said SPIO & D.R. , Murshidabad and being aggrieved , the applicant has made his appeal to the Jt. I.G.R., W.B. & First Appellate Authority.

However, the SPIO & D.R., Murshidabad is directed to take necessary action as per provisions of the RTI Act, 2005 only and to help the applicant for getting the accessible information immediately, if the applicant approaches his office, on previous payment of requisite government fees through proper procedure for the purpose.

With the above direction, the appeal stands disposed of.

However, if aggrieved, the party concerned may prefer second appeal before the State Chief Information Commissioner, West Bengal, Khadya Bhawan , 11A , Mirza Ghalib Street, Kolkata – 700087.

Enclo : Copy of the appeal with enclosures.

Sd/-

Jt. I.G.R., W.B. & First Appellate Authority

Memo No. 649 /(2)/ DRSR-16/1/2023-ESTT SEC-DRSR

Dated : 04.03.2024

Copy forwarded for information and taking necessary action to:

- 1.The SPIO & D.R., Murshidabad, Cantonment Road, P.O. – Berhampore , District – Murshidabad, PIN – 742101
- ✓ 2. Sri Aish Mohammad, S/o Lt. Md. Jafar Ali, Vill. & P.O. – Mahisasthali , District – Murshidabad, PIN – 742135

Jt. I.G.R., W.B. & First Appellate Authority

Aish Mohammad
19/3/2024

Hearing on 08-01-2026

< State Chief Information Commissioner West Bengal <scic-wb@nic.in> >

Mon, 29 Dec 2025 2:42:14 PM +0530

To "Sati Prasad Bandyopadhyay" <drmurshidabad.igr-wb@nic.in>, "Pawan Kadyan" <igrcsr-wb@nic.in>

Cc "samimanasrin0603" <samimanasrin0603@gmail.com>

Please find the attachment, for further details visit our website

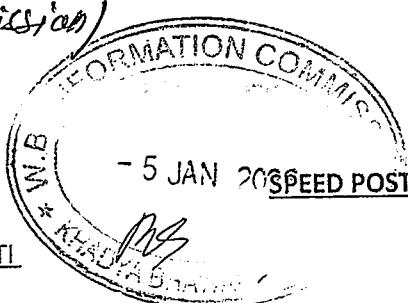
West Bengal Information Commission

1 Attachment(s)

WBIC-RTI-A-100285-797-2024...

16.1 KB

D.NO - 5243 (Commission)
05/01/25



EW27341412826
03/01/2026

OC
No. 01/2026/RTI

Link D.NO -
Dated, Murshidabad, 03.01.2026

To
The Honble State Chief Information Commissioner, W.B.
11A, Mirza Ghalib Street, Khadya Bhavan,
Kolkata-700087.

Sub : Application for withdrawal RTI appeal/complaint
dated 18.03.2024/19.03.2024 of Aish Mohammad.

Ref : WB Inf. Commission's Appeal No. 100285 of 2024, D.O.H. 08.01.2026.

Respected Sir,

I have the honour to state that I had submitted an application dated 20.11.2023 to the SPIO, Law Department who forwarded the another SPIO namely the Dist. Registrar, Murshidabad for supplying item Nos 15 & 16 from the aforesaid application.

I had not satisfied in the reply of the SPIO, District Registrar, Murshidabad, vide dated 05.02.2024. The SPIO had not given in spite of direction of the First appellate authority, vide, dated 04.03.24.

I, therefore submitted a complaint u/s 18(1) of the RTI Act, 2005 before you, vide my complaint No. 06/2024/RTI, dated 18.03.2024/19.03.2024.

However, I withdraw my complaint/2nd appeal due to long pending before the Commission. I pray you to kindly accept my withdrawal.

Thanking you

Yours faithfully,

Aish Mohammad
(AISH MOHAMMAD) 03/01/26
S/O-Late Md. Jafar Ali,
Vill & P.O.-Mahisasthali
Dist-Murshidabad 742135.
Mob 9647907524

SK
Hearing
08/01/25
No. 01/(2)/2026/RTI

EW27341424726
03/01/2026

Dated 03.01.2026

Copy forwarded for information to :-

1. The District Registrar, Murshidabad
P.O.-Berhampore, Dist-Murshidabad, PIN-742101.
2. The applicant's copy.

Aish Mohammad
(AISH MOHAMMAD) 03/01/26

Application for withdrawal RTI complaint/2nd Appeal of Aish Mohammad

SAMIMA NASRIN < samimanasrin0603@gmail.com >

Sun, 04 Jan 2026 8:47:38 AM +0530

To "scic-wb" <scic-wb@nic.in>

Respected Sir,

Kindly accept my withdrawal of complaint/2nd appeal being no,
100285 of 2024.

1 Attachment(s)

WB INFORMATION COM.pdf

555.3 KB