

**BEFORE THE REGISTRAR OF CO-OPERATIVE SOCIETIES-CUM-FIRST APPELLATE
AUTHORITY UNDER THE RIGHT TO INFORMATION ACT, 2005**

Present: **Dr. A.S. SIVAKUMAR,**
Registrar of Co-operative Societies-cum-
First Appellate Authority.

FA/16/2015

Thiru N. Ramesh,
Door No. 12, Middle Street,
Kalitheerthalkuppam,
Madagadipet Post,
Puducherry – 605 107.

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Appellant

Vs.

The Public Information Officer,
Pondicherry Co-operative Spinning Mills Ltd.,
Puducherry – Villupuram National High Way,
Thiruvandarkil Post, Thirubuvanai,
Puducherry – 605 102.

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Respondent

ORDER

(Issued under Section 19 of the Right to Information Act, 2005)

Inveighing and impugning the denial of information to his application filed under Right to Information Act, 2005 (for short 'the Act'), the respondent invokes his statutory remedy provided under Section 19 of the Act and filed this first appeal.

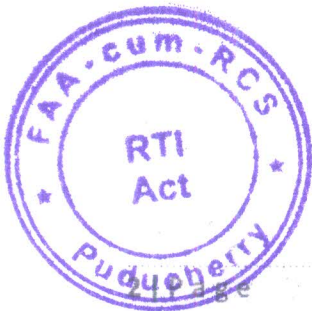
2. In a set of 7 queries, vide application dated 29.5.2015, the appellant / applicant sought details on the cash on hand, welfare expenses, expenses on kitchen equipments, customer service charges, amount spent on office equipments and maintenance, and closing cash balance month-wise, of the Pondicherry Co-operative Spinning Mills for a specified period.



3. To all the queries, the respondent, vide letter dated 26.6.2015, gave an identical reply that questions and explanation will not fall within the definition of "information" and evidence cannot be supplied under the Act.

4. On taking the appeal on file, the respondent was directed to file his response. In his response, the respondent submitted that the appellant has requested for income and expenditure statement of the Mills for the period from 10.1.2012 to 30.3.2015 and based on the information provided to him, he was seeking the details, vide application dated 29.5.2015. The respondent maintained that under the Act, the Public Information Officer is bound to provide only information which are available with him and is not duty-bound to provide explanation, reasons, basis, etc.

5. To give quietus to this matter, both the parties were directed to appear before me on 21.8.2015. The appellant sought for an adjournment as he was preoccupied. The respondent authorised Thiru S. Muthukumarasamy, Superintendent – Grade II (Incharge) to represent him. The respondent submitted that an applicant can seek only information under the Act, but the appellant sought for evidence of the expenses and hence the respondent denied information stating that the queries of the appellant do not qualify as "information" under Section 2(f) of the Act.



6. On going through the queries, I find that what the appellant sought was only details of various expenses along with the bills / vouchers. The respondent has taken a hyper-technical view stating that providing evidence will not fall within the purview of 'information'.

7. The respondent is quite aware about the nature of queries and it appears that only to deny the information, in the first instance, he has gone far and wide to state that providing evidence is not the responsibility of the Public Information Officer under the Act.

8. This kind of attitude of the Public Information Officer in hiding behind the technicalities is flawed by the Central Information Commission. In its decision in *R. Anand vs. BSNL, Chandigarh, CIC/LS/A/2011/004138/BS/0086 dated 30.4.2012* the Commission held thus :

"It is evident on a perusal of the aims and objects of the Act and its preamble that the Act seeks to promote transparency of functioning in public domain and all information has to be supplied with alacrity and without demure except those which are clearly exempt by the express terms of these statute. It is to be emphasized that in case of doubt or difficulty the deciding authority should lean in favour of the information seeker. This is not to dilute some of the provisions of Section 8 of the RTI Act which relate to sovereignty and integrity of India, etc. In view of the combined reading of section 6 read with section 8 of the RTI Act, the concerned authority is bound in law to provide all information sought by the information seeker without hiding behind technicalities except on items clearly exempt by different clauses of section 8 of the RTI Act."

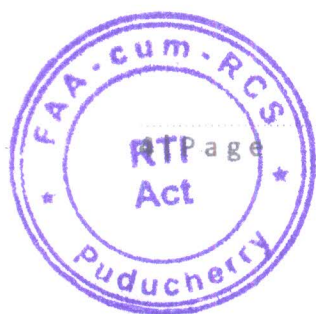
[Emphasis supplied]



9. Just because some requests are framed in the form of queries, it cannot be concluded that no information need to be disclosed. This view is fortified by yet another decision of the Commission in *Bimla Devi vs. Punjab National Bank, Shimla*, CIC/SM/A/2011/000480 dated 17.1.2012 :

"However, his conclusion that no information need be disclosed merely because some RTI requests are framed in the form of queries is totally wrong. How the RTI request is framed is not important; what is important is whether the information sought can be deduced unambiguously from the description given by the information seeker. As long as the content of the information is clear from the text of the RTI application, the CPIO cannot turn it down on the ground that it is in the form of a query. We hope the CPIO shall keep this in mind in future." [Emphasis added]

10. The respondent should be aware that the Right to Information Act marks a legislative milestone in the post independence era, to further democracy. It empowers citizens and information seeker to demand and be supplied with information about public records. After the Act has come into being, the citizens have been evincing interest to know about the life and living of even high Constitutional functionaries and therefore, from time to time, citizens have been asking a variety of information on the expenditure incurred in maintaining the infrastructure for such high functionaries. In the Right to Information era, information is disseminated to promote transparency and accountability in the working of the public authority. Any attempt to deny the

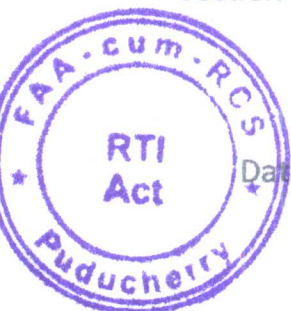


information beyond the four corners of the Act causes doubt in the minds of the citizens that all is not well with the authority.

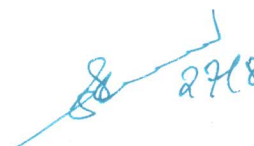
11. In the light of the above, I direct the respondent to provide details sought for by the appellant along with the copies of the bills, vouchers, etc., at free of cost within the period of 15 days from the date of receipt of this order. The respondent is cautioned not to drive the applicants to seek remedy by way of appeal under the Act and be meticulous in disposing the applications filed under the Act.

12. This first appeal stands allowed.

13. A second appeal against the decision shall lie with the Central Information Commission, Room No.305, 2nd Floor, B-Wing, August Kranthi Bhavan, Bhikaji Cama Place, New Delhi – 110 066 within ninety (90) days, as provided in sub-section (3) of section 19.



Dated this ^{27th} day of August, 2015.

 27/8

(Dr. A.S. SIVAKUMAR)
REGISTRAR OF CO-OPERATIVE SOCIETIES

To

The Parties.