

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

Present: **Thiru. T. KARIKALAN,**
Registrar of Co-operative Societies-cum-
First Appellate Authority.

FA/6/2014

Thiru P. Ragupathy,
President,
Rajiv Gandhi Human Rights Awareness
Organization,
94-B, Eswaran Koil Street,
Puducherry – 605 001.

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Appellant

Vs.

The Public Information Officer,
The Pondicherry Co-operative Housing
Society Ltd., No. P. 56,
Kamaraj Salai, Ilango Nagar,
Puducherry – 605 011.

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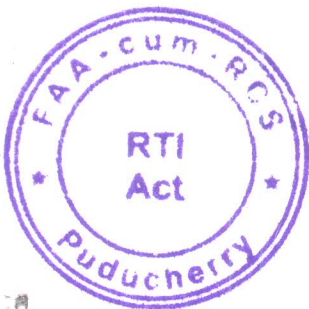
Respondent

ORDER

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

The short but interesting question that comes up for determination in this first appeal filed under Section 19 of the Right to Information Act, 2005 (hereinafter 'the Act'), is whether a co-operative housing society has to disclose the name and address of the tenants who reside in the houses constructed under rental housing scheme and the arrears of rent payable by them to the society.

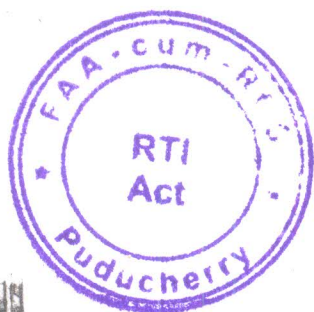
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2. Few facts leading to filing this first appeal may be stated in brief:-

- 2.1. The appellant / applicant is the President of Rajiv Gandhi Human Rights Awareness Organization. By his application, received by the society on 25.2.2014, he requested information on the houses constructed under rental housing scheme, the year in which such houses were constructed, the rent payable by the tenants, the name and addresses of the tenants, the arrears of rent payable by them and the details on repairs undertaken to the houses.
- 2.2. The respondent, vide his letter dated 24.3.2014, provided the information, except to the query on name and addresses of the tenants and the arrears of rent payable by them. The respondent relied on Section 8(1)(j) of the Act to deny the information.
- 2.3. Aggrieved by the denial of the information, the appellant preferred this first appeal on the ground that invoking Section 8(1)(j) is untenable for the tenants who are residing in the houses belonging to Co-operative Department.
- 2.4. The appellant requested to obtain the information from the respondent.

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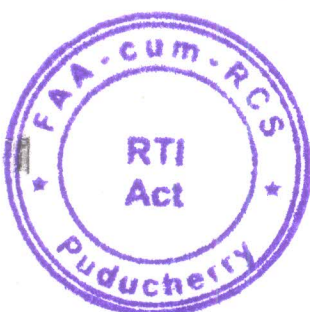


3. Taking the first appeal on file, the respondent was directed to file his response, a copy of which is forwarded to the appellant.
4. The respondent submitted that the information sought for by the appellant / applicant would be personal information and there is no public interest involved in seeking the information. If the information is divulged, it will cause unwarranted invasion of the privacy of the tenants and hence such information was denied under Section 8(1)(j) of the Act.
5. The disclosure of personal information came up for consideration before the Hon'ble Delhi High Court in W.P (C) No. 3444 of 2012, Union of India Vs. Hardev Singh, decided on 23.8.2013. The following view was taken in the aforesaid case:

"It would thus be seen that if the information sought by the applicant is a personal information relating to a third party, it cannot be disclosed, unless the information relates to any public activity of a third party who has provided the said information or it is in public interest to disclose the information desired by the applicant. It further shows that a personal information cannot at all be disclosed if its disclosure would cause unwarranted invasion of the privacy of the third party which has provided the said information, unless the larger public interest justifies such disclosure."

6. The above referred provision came up for consideration before the Hon'ble Delhi High Court in UPSC vs. R.K. Jain [W.P(C) No.1243/2011] decided on 13.7.2012 and the following view was taken:

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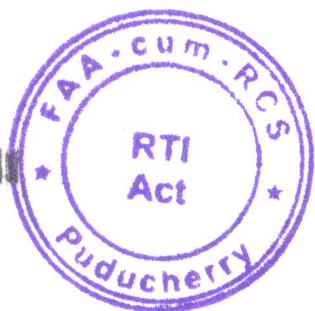
"22. Merely because information that may be personal to a third party is held by a public authority, a querist does not become entitled to access it, unless the said personal information has a relationship to a public activity of the third person (to whom it relates), or to public interest. If it is private information (i.e. it is personal information which impinges on the privacy of the third party), its disclosure would not be made unless larger public interest dictates it."

7. Whether the information such as date of birth and the residential address of the passport holder would constitute the personal information was decided by the Hon'ble Delhi High Court in the case of *Union of India Vs. Anita Singh* [W.P(C) No. 677 / 2013 and C.M.No. 1293 of 2013], decided on 31.10.2013. The following observations are relevant:

4. The passport of Mr. Ajeet Singh would have his personal information such as the address, date of birth and the name of his parents. The information such as date of birth and residential address of the passport holder would constitute personal information within the meaning of Section 8(1)(j) of the Act, which cannot be disclosed to the respondents. [Emphasis added]"

8. The aforesaid judgments make it manifestly clear that the residential address would constitute personal information. Just because the tenants are residing in the houses belonging to the respondent society, it would not disturb the proposition of personal information unless there is overwhelming public interest for disclosure. The appellant has not demonstrated any larger public interest warranting the disclosure of names and addresses of such persons who reside in the houses constructed by the society.

...5/-



9. This takes to the next question whether the appellant is entitled for the information relating to the quantum of rent payable by each defaulted tenant to the society. It is consistently held by various High Courts and by the Central Information Commission that the loan details of the customers cannot be divulged by financial institutions, as it would constitute personal information of the individuals and presence of fiduciary relationship between the parties. In tune with such decisions, it is to be held that the appellant is not entitled to get the information on the quantum of arrears payable by each of the defaulted tenants. This view is fortified by the *Central Information Commission in Mohan Singh Vs. Cement Corporation of India Limited, Delhi, No. CIC/SS/A/2012/001354 dated 14.8.2012.*

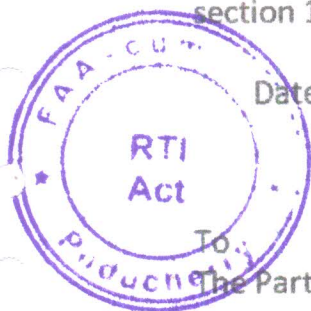
10. However, in the interest of transparency, the appellant is to be provided information on number of defaulted tenants and the arrears or rent payable by them as a whole without mentioning the names of such defaulters and dues payable by them individually. This would meet ends of justice.

11. The aforesaid information shall be provided by the respondent to the appellant within 10 days from the date of receipt of this order.

12. With the above observations and directions, the first appeal stands disposed.

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

Dated this 29th day of April, 2014.



To: The Parties.

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T. Karikalan
(T. KARIKALAN)

REGISTRAR OF CO-OPERATIVE SOCIETIES

Pr.