

Before the Registrar of Cooperative Societies-cum-First Appellate authority
Under the Right to Information Act, 2005.

First Appeal No.2/2021

Present: Thiru L.MOHAMED MANSOOR

Registrar of Cooperative Societies-cum-First Appellate Authority.

N. Nithyachandran
Block 29, No.28, Govt.Quarters,
Lawspet, Puducherry.

>>> Appellant

Vs

1. The Deputy Registrar (Audit)-cum-Public Information Officer,
Cooperative Department, Puducherry- 60009.
2. The Managing Director-cum-Public Information Officer,
Puducherry State Cooperative Bank Ltd., (PSCB)
No.204, East Coast Road, O.K.Palayam,
Mudaliarpet, Puducherry- 605004

>>> Respondents

ORDER

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

The appellant submitted an application dated **12-12-2020**, under Section 6 of the Right to Information Act, 2005, (hereafter "the Act") to the 1st respondent and sought for certain information in respect of the 2nd respondent-bank. The said application was transferred to the 2nd respondent-bank on 15-12-2020. The 2nd respondent-bank furnished reply dated **21-12-2020** to the appellant.

2. Aggrieved by the respondent's response, stating that the required information was not furnished, the appellant filed this first appeal dated **21-01-2021** (received on 25.01.2021).

3. The respondent-bank furnished a reply dated 21-12-2020 to the appellant. For convenience, the said reply is reproduced hereunder:-

“தகவலில் குறிப்பிடப்பட்டுள்ள தங்களின் தகவல் அறியும் உரிமைச் சட்ட விண்ணப்பத்தில் கோரப்பட்டுள்ள தகவல்கள் யாவும் இவ்வங்கியால் நன்கு பரிசீலனை செய்யப்பட்டது. இது தொடர்பாக தங்களுக்கு தெரிவித்துக் கொள்வது யாதெனில் இந்திய உச்சநீதிமன்ற ஆணை எண். SLP (C) No. 24291 of 2012, 13796 & 13797 of 2013 நாள் 07 அக்டோபர் 2013-ன்படியும், புதுச்சேரி கூட்டுறவுச் சங்கங்களின் பதிவாளர் அவர்களின் சுற்றறிக்கை எண். RCS/CLC/SFCS/2014/172 நாள் 23.12.2014-ன்படியும், கூட்டுறவு வங்கிகளின் செயல்பாடுகள் தொடர்பான தகவல்கள் யாவும் தகவல் அறியும் உரிமைச் சட்டம், 2005 பிரிவு 8 (1) (d) & (i)-ன்படியும் எங்களது புதுச்சேரி மாநிலக் கூட்டுறவு வங்கிக்கு விலக்கு அளிக்கப்பட்டுள்ள காரணத்தினால், தாங்கள் கோரும் தகவல்கள் யாவும் வழங்க இயலாது என்பதை தங்களுக்கு தெரிவித்துக் கொள்கிறோம்.”

4. Aggrieved by the said reply the appellant preferred this appeal, "citing the file No. CIC/CODEP/A/2017/184453/SD and No.RCS/Audit/RTI/III/19/2019-20/316, and in line with the provisions of Section 2(j) and 2(f) and claimed that, RCS need to get the information from the bank and pass on the same to the applicant who sought for information under RTI Act 2005.....".

5. The respondent-bank furnished its response vide letter dated **22-02-2021** (Copy forwarded to the Appellant), wherein respondent-bank reiterated its stand that, in line with the RCS circular No.RCS/CLC/SFCS/2014/172 dt. 23-12-2014 that the information sought for can't be furnished to the appellant. The 2nd respondent-bank also added that, in the present appeal the reference made by the appellant viz., file No. CIC/CODEP/A/2017/184453 SD, is entirely different. In the said referred file, CIC directed the bank to furnish only some of the particulars which can be furnished. Further, the 2nd respondent-bank adduced that the decision of the CIC pertains to that particular appeal only and it is not made in general. Accordingly, the 2nd respondent-bank stated that the bank does not fall under the definition of the "Public Authority" under Section 2 of the Act.

6. Firstly, it is evident that, the 2nd respondent-bank would not be a Public Authority in view of the RCS Circular No.RCS/CLC/SFCS/2014/72 dt.23.12.2014, which was issued based on the decision of the Hon'ble Apex Court, in Thalappalam Service Co-operative Bank Ltd., (Supra), whereby 260 Cooperative societies, which are substantially funded by the Government, were identified for coverage within the definition of the "Public Authorities" under Section 2(f) of the Act. It is found that the 2nd respondent-bank was not included in the said circular.

7. Secondly, it is also found that, the 2nd respondent-bank fortified that the decision of the CIC made in the CIC/CODEP/A/2017/184453 SD pertains to that particular appeal only and it is not made in general. However, it is relevant to bring out the provisions of Section 2(j) and 2 (f) of the Act which clearly stipulates that -

Section 2 (j).... "right to information means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to....."

Section 2 (f)...."information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force...."

8. Upon a conjoint reading of the aforesaid provisions it becomes essentially clear that the RTI application of the appellant has to be construed in the manner prescribed in the Act. It is emphasized that the appellant has sought information from a public authority and not directly from the 2nd respondent-bank. Therefore, the contention that the 2nd respondent-bank, i.e., it is not a public authority, will not apply to the merits of this case.

9. The cooperative department exercises regulatory control over the 2nd respondent-bank, and hence, it was not appropriate on the part of the 1st respondent to shift his onus to the 2nd respondent-bank without any express authority to do so under the Act. Similarly, the 2nd respondent-bank should provide due assistance to the 1st respondent to access the information sought by the appellant in the RTI application.

10. In view of the above, the 2nd respondent-bank shall furnish available and required information, other than clarifications, hypothetical queries, third party information, to the 1st respondent within fifteen (15) days from the date of receipt of this order. On receipt of the information from the 2nd respondent-bank, the 1st respondent shall immediately furnish the same to the appellant, at free of cost.

11. With the above instructions, this appeal is disposed of.

12. If aggrieved by this decision, a 2nd Appeal may be filed, under Section 19(3) of the Act, within 90 days, with the 2nd Appellate Authority, whose address is given below:

Central Information Commissioner
Room No.305.II Floor, "B" Wing, August Kranti Bhavan
Bhikaji Cama Place, NEW DELHI-110 066.

Dated at Puducherry on the 22nd day of April, 2021




(L. MOHAMED MANSOOR)
Registrar of Cooperative Societies-cum-
First Appellate Authority

To:

1. The Appellant (Along with a copy of the respondent's response dt.22-02-2021)
2. The Respondents.
- ✓ 3. The Web Editor, Cooperative Dept., Puducherry
4. Stock File 2021.