

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

First Appeal No.8 /2021

Present: Thiru L.MOHAMED MANSOOR
Registrar of Cooperative Societies–cum-First Appellate Authority.

Thiru. K. Jayakandhan,
General Secretary,
Bharatha Makkal Sasana Unmai Iyakkam,
Thirukanchi street,
Pudu Nagar III, Kanuvapet, Villianur (Post),
Puducherry – 605 110.

> >>>> Appellant

Vs

The Deputy Registrar (Audit) -cum- Public Information Officer,
Cooperative Department,
Puducherry.

>>>>> Respondent

ORDER

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

The appellant submitted an application dated 19-02-2021, under Section 6 of the Right to Information Act, 2005, (hereafter “the Act”) to the respondent and sought for certain information. The respondent furnished the reply to the appellant on 18-03-2021.

2. Aggrieved by the respondent's reply, the appellant filed this first appeal dated 08-04-2021.

3. The response of the respondent was called for. The respondent furnished his response, vide letter dated 20.04.2021, stating that the reply received on 10.03.2021 from the administrative section concerned was furnished to the appellant on 18.03.2021 and reiterated his stand made earlier. For convenience, the reply furnished by the respondent on 18.03.2021 is reproduced hereunder:

“..... it is informed by the Handlooms Section of this Department that the required information may not be furnished as per Section 8 (1) (c) of the Act.”

4. Whereas, the appellant, aggrieved by the respondent's response, preferred this appeal on the following grounds:

- a) the Public Information Officer of the Public Authority did not discharge his burden under Sec.19(5) as he did not explain how the disclosure of report/recommendation submitted by the Expert Committee headed by Thiru.B.Vijayan, I.A.S., (Rtd) would cause breach of privilege of Parliament or State Legislature. A mere claim of breach of privilege under this Section is not enough without explaining it and justifying it ;
- b) the exemption claimed under Section 8(1)(c) will not apply ;
- c) not exempted by any provision of the Act ;
- d) there is no stay operating on disclosure ;
- e) request for information is not probe into advice ;
- f) the information is already known ;
- g) there is need for transparency in decision making process regarding the viability and financial health of Pondicherry Co-operative Spinning Mills Ltd., Puducherry and Jayapraksh Narayan Co-operative Spinning Mills Ltd., Karaikal in public interest ;
- h) there is neither executive privilege nor legislative privilege and
- i) there is nothing to show that disclosure would cause breach of parliamentary privilege.

With the above stated grounds, the appellant sought that direction may be issued to the PIO to provide the information, on free of cost, as per the Act as sought in Form-1.

5. The appellant sought the following information from the respondent in his application dt.19.02.2021. The same is reproduced hereunder :

“ the certified xerox copies of the Expert Committee reports submitted by the Thiru.B.Vijayan, I.A.S., (Rtd) appointed by the Finance Department, Chief Secretariat, Puducherry vide order No. G.O.Ms.No.17/12/2017-18 dt. 13-06-2017 to study the viability of restoring the viability and financial health of Pondicherry Co-operative Spinning Mills Ltd., Puducherry and Jayapraksh Narayan Co-operative Spinning Mills Ltd., Karaikal .The appellant also found stated that he was informed by the Finance Department that the reports submitted by the said Expert Committee have been forwarded to the concerned Secretaries to Government/Secretariat wing, Government of Puducherry.”

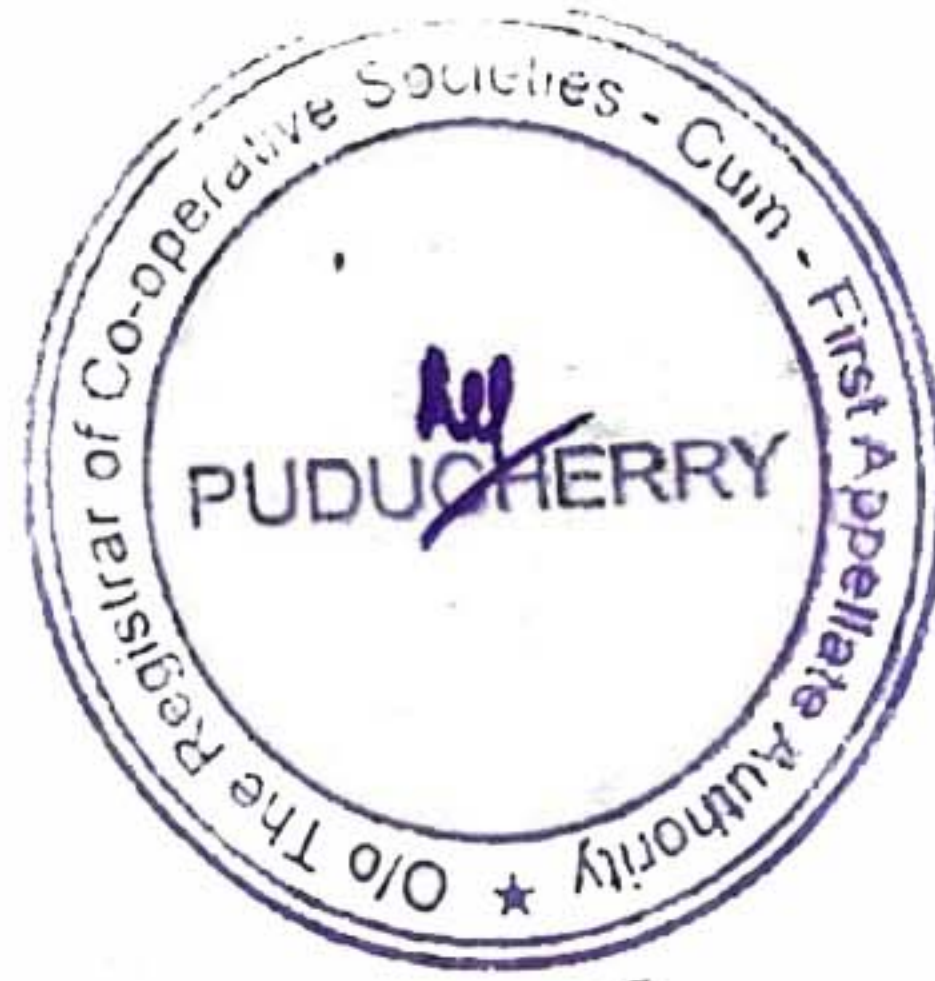
6. On perusal, it is observed that the respondent in his response dt.20.04.2021 did not fortify his stand against the grounds of appeal made by the appellant but it is found as a narration about the process of the application of the appellant with reiteration of stand made earlier. The PIO ought to have substantiated his stand, but merely quoted the exemption Section 8(1)(c) of the Act, for not providing the information sought for. While perusing the grounds of the appellant in the light of explanations made there under in his appeal, this appellate is satisfied with it and found that the grounds made by the appellant is found substantiated, since the disclosure of the information sought for could not be coloured with Section 8(1)(c) of the Act. Therefore, the respondent is directed to provide the information sought for to the appellant, within fifteen (15) days from the date of receipt of this order, at free of cost.

7. With the above directions, this appeal is disposed of.

8. 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 3rd day of May, 2021




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

To:

1. The Appellant.
2. The Respondent.
- ✓ 3. The Web Editor, Cooperative Dept., Puducherry.
4. Stock File 2021.

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