

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

FA/13 & 14/2014

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

Thiru A. Rajamohan,
No.444, Vazhudhavour Road,
Govindapet,
Muthiraiyarpalayam,
Puducherry - 605 009.

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Appellant

Vs.

The Public Information Officer / Deputy Registrar (Audit),
Co-operative Department,
Puducherry - 605 009.

>>>>>

Respondent

ORDER

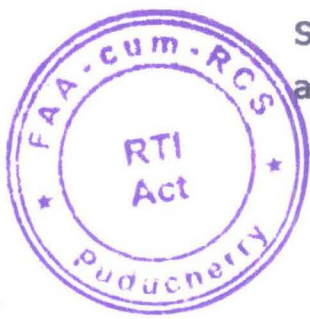
(Issued under Section 19 of the Right to Information Act, 2005)

Assailing the veracity of the reply furnished to his applications dated 30.6.2014 by the respondent, vide letters dated 5.8.2014, the appellant filed these first appeals invoking the statutory remedy provided to him under Section 19 of the Right to Information Act, 2005 (for brevity 'the Act'. His grievance is that the respondent knowingly furnished incorrect/incomplete / misleading information.

2. This order will dispose the two first appeals, namely First Appeal No.13 of 2014 and First Appeal No.14 of 2014, since they involve commonality of facts and issues raised therein.

3. In FA No.13/2014 the appellant / applicant sought to know the grounds on which the Administrator of Seliamedu PACCS and Ariyur PACCS were last modified, list of meetings held by the Registrar of Co-operative Societies, Puducherry, Deputy Registrar of Co-operative Societies (Credit), Co-operative Department, Puducherry and Pondicherry State Co-operative Bank Ltd., Puducherry and information related to the aforesaid meetings.

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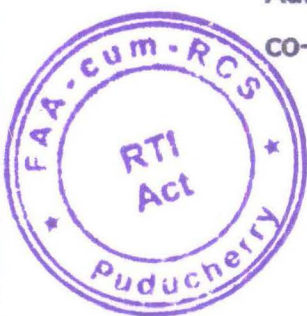


4. While furnishing the reply to the questions the respondent requested the appellant to collect the details of meeting conducted by the Pondicherry State Co-operative Bank from the said Bank. Challenging the reply the appellant contended that to his query on details of meeting convened by the PSCB, the respondent has not followed the procedure laid under Section 6 (3) of the Act. With regard to information to the meetings the appellant alleged that incorrect / incomplete / misleading information was furnished. On these allegation the respondent stated that to avoid delay in supply of information to the appellant / applicant, the applicant was informed to obtain the information directly from the Bank. Further the respondent submitted that all the available information was furnished and the grounds of appeal are vague.

5. In so far as FA No.14/2014, the petitioner's queries revolve around appointment of administrators to co-operative societies and the criteria / norms followed by in the matter of appointment of administrators. The appellant was informed that such appointment is made by the Registrar of Co-operative Societies invoking the provisions of Section 33 of the Puducherry Co-operative Societies Act, 1972 and other than this there is no specific guidelines or criteria or norms or procedure for the said appointments. Inveighing the information provided the appellant alleged that vague information was provided to avoid furnishing full information.

6. Another query is with regard to review of performance of Co-operative Department officials as Administrators of Co-operative Institutions in the last five years. To this the respondent furnished how the performance of Administrators of some co-operative institutions are reviewed by the Department. Challenging the reply the appellant alleged that the information provided was incorrect. Details of instances of review of the performance the Co-operative Department officials as Administrators were requested and not the performance of the co-operative institutions. To this averment the respondent submitted that

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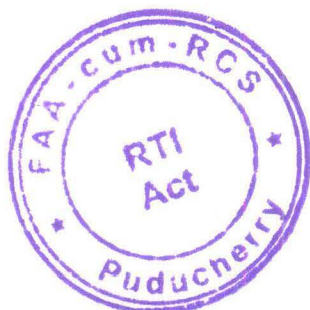
the appellant would have confused himself over the distinction between review of performance of co-operative institutions and review of performance of Co-operative Department officials as Administrators of co-operative institutions. The respondent added that such reviews are based on monthly report of performance of Administrators / Managing Directors.

7. I have given my thoughtful consideration on the applications submitted by the applicant / appellant, replies given by the respondent, grounds of appeal and response filed by the respondent. A copy of the responses filed by the respondent are forwarded to the appellant.

8. The appellant should be aware that the provisions of the Act can be invoked to obtain the information available with the public authority, subject to the exemptions provided under the Act. It is pertinent to quote a decision of the Full Bench of the Central Information Commission in *Shri Bhore Dileep Bor La Vs. Central Excise and Customs, Nasik*, Appeal No.CIC/AT/A/2006/00588 dated 30.11.2006, wherein it was held:

"RTI Act confers on all citizens the right to access information and this right has been defined under Section 2 (j) of the said Act. An analysis of the section would make it clear that the right relates to information that is held by or under the control of any public authority. If the public authority does not held information or the information cannot be secured by it under Section 2 (f) or if the information is non-exist the public authority cannot provide the same under the Act. The Act does not make it obligatory on the part of the public authority to create information for the purpose of dissemination.....information would mean any material in existence and apparently it cannot mean and include something that is not in existence or has to be created."

...4/-



9. In a recent decision in *R.C. Sharma Vs. ESIC Medical Hospital, New Delhi*, Appeal No.CIC/BS/A/2013/001901/5874 dated 29.8.2014 the Central Information Commission observed that :

"The CPIO under the RTI Act is requested to furnish the information / documents as available on record; however, eliciting answer to queries, redressal of grievance, reasons for non compliance of rules, contesting the actions of the public authority are outside the purview of the Act."

10. Guided by the above decisions it explicit that the information available with the respondent in material form alone can be provided to the applicant. The respondent has fairly given the information available with him to the queries asked by the appellant / applicant. The appellant has not taken any effort or made any endeavour to fortify as to how or which part of the information is incorrect or misleading or incomplete. A sweeping allegation cannot invite a pointed reply / response from the respondent.

11. I am at a loss to understand how the appellant has differentiated the performance of the Administrators vis-a-vis the performance of the society. The allegations levelled by the appellant are bald and too general and I find no compelling reason to entertain such grounds of appeals. However, the respondent ought to have forwarded that part of question related to the Pondicherry State Co-operative Bank to the said Bank to dispose the application by giving suitable reply to the appellant. The respondent's contention for not doing so cannot be countenanced. He is directed to forward the relevant part of the question to the Pondicherry State Co-operative Bank Ltd., Puducherry within 3 days from the date of receipt of this order.

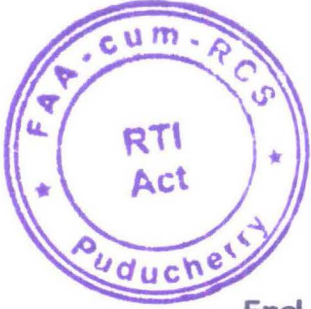
12. Except this direction no relief can be given to the appellant by entertaining these first appeals. These first appeals stand disposed accordingly.

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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 at Puducherry, on the 18th September, 2014.




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

Telephone : (0413) 2272007
Fax : (0413) 2272619

Encl.: As stated.

To
The Parties.