

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

FA/26/2014

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

Thiru R. Magesh,
No.7-8, Moovendar Street,
Mullai Nagar,
Puducherry - 605 005.

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Appellant

Vs.

The Public Information Officer,
Pondicherry Co-operative Milk Producers' Union Ltd., No.P.1,
Vazhudavoor Road,
Kurumampet,
Puducherry - 605 009.

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Respondent

ORDER

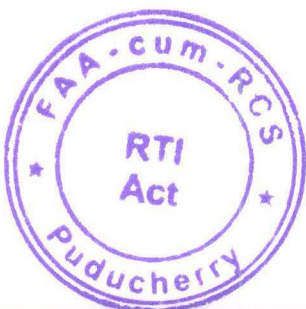
(Issued under Section 19 of the Right to Information Act, 2005)

The appellant herein in the earlier round of litigation, questioned the complete denial of information by the respondent to his 13 queries. The first appeal was disposed vide No.FA/15/2014 dated 29.9.2014. In the said order the respondent was directed to provide the information to the appellant / applicant, subject to the provisions of the Right to Information Act, 2005 (for brevity 'the Act') in a week's time.

2. In compliance of the said order, the respondent provided information vide letter dated 4.10.2014. Finding the said information inadequate the appellant sent a letter dated 10.10.2014 to the respondent with a request to provide the missing links. The said letter fetched no response and hence the appellant was constrained to file the present appeal.

3. While submitting the response, the respondent furnished details, attending to the queries of the appellant vide letter dated 10.10.2014.

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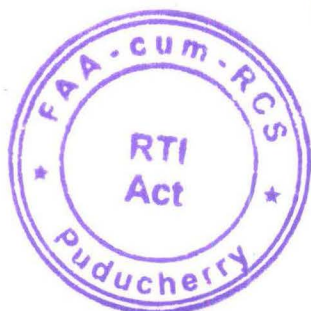
4. On going through the Information provided by the respondent to the appellant vide letter dated 4.10.2014 and the follow-up letter of the appellant dated 10.10.2014, I find that the respondent has not comprehensively disposed of the application dated 23.7.2014 of the appellant. In spite of the instructions contained in my order dated 29.9.2014, that the applications received under the Act should not be dealt in a casual manner, the respondent requested the appellant to peruse some records during office hours. When the request of the appellant is for copies of documents, the respondent has no justifiable reason to request the appellant to inspect the documents, that too when the documents are not voluminous in nature. The appellant has every reason to feel aggrieved that he has been driven from pillar to post. Further the documents sent were not attested by the respondent and this was another infirmity pointed out by the appellant in his letter dated 10.10.2014.

5. Deprecating such a practice of inviting the appellant for inspection of records, the Central Information Commission, New Delhi in its recent decision in '*R.K.Nain vs. Deen Dayal Upadhyay Hospital, GNCTD*', CIC/SA/C/2014/000260 dated 31.12.2014, observed that:

"The Commission considers that the respondent authority is not correct in asking the complainant to have prior appointment and come to inspection, as the relevant information is available with them and it is only two pages that is required by the complainant, which made him to make application before the Commission. The respondent authority should have avoided this practice."

6. With regard to furnishing of documents authenticated by the Public Information Officer, the Kerala High Court in '*John Numpeli Vs. The Public Information Officer / Assistant Executive Engineer-I of the Town Planning Officer Corporation, Ernakulam and others*', reported in 2014 (1) KLT 1010 ruled that:

...3/-



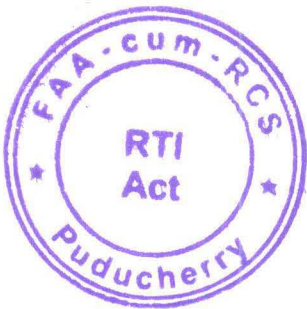
"From the definition of terms of 'information' and 'right to information' occurring in Sections 2(f) and 2(j)(ii) respectively, the Act contemplates issue of certified copies."

7. This is more evident by the definition of 'right to information' under Section 2 (j) which states that '*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 taking notes, extracts or certified copies of documents or records*'. [Emphasis added]

8. It appears that the information sought for is now provided in full to the appellant. A copy of the response filed by the respondent is forwarded to the appellant. The respondent shall take note of the above decisions while disposing the applications in future. The respondent shall bear in mind that perfunctory disposal of applications under the Act compels the appellant/applicant to invoke the statutory remedy of appeal which costs the time and energy of all concerned. As the information is now provided nothing survives in this appeal and the same is disposed with the above observations.

9. 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 at Puducherry, on the 7th January, 2015.



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

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Encl.: As stated.

To

The Parties.