

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

FA/8/2014

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

Thiru B. Arockiadass,
S/o. Sengol,
No.42, Anthoniyar Koil Street,
Melaoduthurai,
Neravy,
Karaikal – 609 604.

>>>>>

Appellant

Vs.

The Public Information Officer,
Jayaprakash Narayan Co-operative Spinning Mills Ltd., No.P.545,
Keezhamanai, Neravy,
Karaikal – 609 604.

>>>>>

Respondent

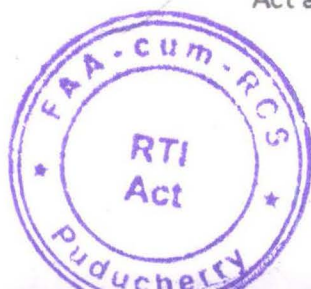
ORDER

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

Assailing the denial of information to his application seeking information about Jayaprakash Narayan Co-operative Spinning Mills Ltd., the appellant herein filed this first appeal under the Right to Information Act, 2005 (for short 'the Act') initially before the District Collector, Karaikal. This appeal was forwarded to this First Appellate Authority vide letter No.DCK/A1/RTI/2013/35/A6 dated 5.5.2014 in accordance with Order No.5/SECY(COOP)/PA/2007 dated 4.1.2008.

2. The appellant has requested information on 18 queries for which the respondent stated that 15 queries will not come under the purview of 'information' and for the remaining 3 queries information was denied under Section 8 (d) of the Act and hence this first appeal.

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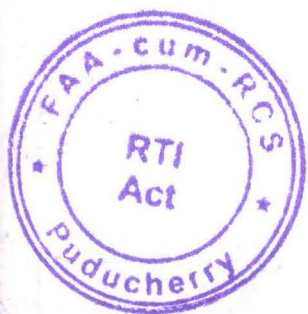
3. The respondent was directed to file his response on the first appeal filed by the appellant. The respondent, in his letter dated 18.6.2014 has verbatimally reproduced what was given earlier and there is no justification worth its name as to how the denial was justified.

4. The respondent should be aware that once an applicant seeks information as defined in Section 2 (f) of the Act, the same cannot be denied to the information seeker except on any of the ground mentioned in Sections 8 or 9 of the Act. The CPIO cannot add or introduce new reasons or grounds for rejecting furnishing of information. However, it may be noted only such information can be supplied under the Act that is available and existing and is held by the Public Authority or is held under the control of the Public Authority. This view is expressed by the Central Information Commission in *Paras Nath Singh vs. Department of Electronics and Information Technology, New Delhi*, No.CIC/BS/2013/000883/5140 dated 9.5.2014.

5. The respondent has not taken any pain to state how the information asked for does not fall within the definition of 'information' under Section 2 (f) of the Act or how denial of information is justified under Section 8 (1) (d) of the Act. Mere quoting the Section number will not amount to justification for denial. The provisions of the Act are, *per se*, to enable an applicant to seek information which is considered to be valuable right from the Public Authority. If information is denied it should be for strong and compelling reason, as provided under the Act. A sweeping denial, as in the present case, amounts to unjustified denial and unsupported by reasons.

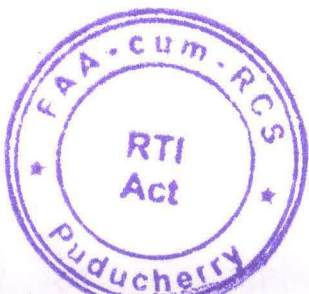
6. Bringing the laudable objective of the sunshine Act, the Hon'ble Delhi High Court in *Indian Olympic Association Vs. Veeresh Malik & Ors.*, 2010 (2) ID 129 observed that :

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"The Act marks a legislative milestone, in the post independence era, to further democracy. It empowers citizens and information applicants, to demand and be supplied with information about public records; Parliamentary endeavour is to extend it also to public authorities which impact citizens daily lives. These documents and processes are such as to which the people previously had no access. The Act mandates disclosure of all manner of information, and abolishes the concept of locus standi, of the information applicant; no justification for applying (for information) is necessary; indeed, Section 6 (2) enjoins that reasons for seeking such information cannot be sought – (to a certain extent, this bar is relieved, in Section 8). Decisions and decision making processes, which affect lives of individuals and groups of citizens are now open to examination. Parliamentary intention apparently was to empower people with the means to scrutinize government and public processes, and ensure transparency. At the same time, however, the needs of society at large, and governments as well as individuals in particular, to ensure that sensitive information is kept out of bounds, have also been accommodated, under the Act.

The object of the Act is to ensure that information with bodies which are "public authorities" are open to scrutiny to those seeking such information. One may well ask why this is necessary, when courts exist to guarantee enforcement of fundamental and other rights. The answer to this is not in the remedy available to a citizen against wrong-suffered or perceived- but in the value of transparency in decision making and general information dissemination to the people at large, in our knowledge based, and information driven millennium. As our society progresses, its goals of achieving equality, social justice and furthering democratic principles remain constant – indeed current levels of wealth disparities underline the criticality of achieving those goals for all citizens as an urgent objective."



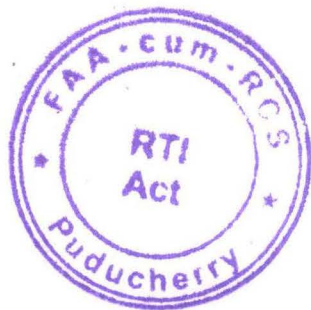
7. Guided by the dictum of the Hon'ble High Court, the respondent is directed to revisit the queries of the appellant consciously and with open mind. He shall provide information to those queries which do not fall under the exempted category under Section 8. Wherever information is denied it shall be supported with reasons. Even where the respondent is of the view that the queries will not fall within the definition of 'information' the reason therefor should be enunciated. The respondent shall invariably follow the command of the Act, contained in Section 7 (8) of the Act while rejecting an application.

8. This exercise should be completed within a period of 15 days from the date of receipt of the order. It is open to the appellant to challenge the order of the respondent, if aggrieved.

9. This first appeal stands disposed on the above terms.

10. 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 3rd July, 2014.



(T. KARIKALAN)

REGISTRAR OF CO-OPERATIVE SOCIETIES

Telephone : (0413) 2272007

Fax : (0413) 2272619

To

The Parties.