

CENTRAL INFORMATION COMMISSION
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Decision No.CIC/SG/A/2010/000770/7670
Appeal No. CIC/SG/A/2010/000770

Appellant : Mr. R. M. Prasad,
Flat No. 22, Prayag Apartments,
B-1, Vasundhara Enclave,
Delhi-110096

Respondent : Mr. M. L. Gupta
Public Information Officer &
Asstt. Registrar (East)
O/o the Registrar Cooperative Societies,
Govt. of NCT of Delhi,
Paliament Street, Old Court Building,
New Delhi-110001

RTI application filed on : 23/10/2009
PIO replied : 13/11/2009
First Appeal filed on : 15/12/2009
First Appellate Authority order : 05/01/2010
Second Appeal Received on : 25/03/2010
Date of Notice of Hearing : 01/04/2010
Hearing held on : 10/05/2010

Information sought:

Appellant sought following information regarding functioning of Neeraj Cooperative Group Housing's Society at B-1, Vasundhara Enclave Delhi-110096:

1. Whether annual audit of the accounts of the society has been done during the last three financial years? If yes, provide photocopies of audit accounts-income expenditure, receipts and payments, balance sheet etc. if not, give reasons and name of office bearers responsible for getting the audit done.
2. Minutes of the last 3 General Body Meetings and Management Committee Meetings duly signed and attested by the competent signatory.
3. Names, addresses and contact details of office bearers/ management committee members who are withdrawing money from the accounts of the society and are responsible for income-expenditure during last two years.
4. Names, addresses and contact details of office bearers and management committee members running the affairs of the society presently.
5. Total income received and expenditure incurred under various heads since April, 2009.

PIO's Reply:

“that desired information mentioned at S.No 02 to 05 pertains to society and RTI application can not sent to society, it being not a public authority. As per record of the society information is not available in this Zone. Appellant may obtain the information directly from the society ..”

Grounds for First Appeal:

Application was not forwarded to Audit Branch in time.

Order of the First Appellate Authority:

“As regards Point no. 2, 3 & 5, FAA tends to agree with contention of the SPIO/AR(E) that the desired information pertains to the Society and is not available with the public authority nor is it required to be maintained under any Act or law for the time being in force.”

Grounds for Second Appeal:

Appellant requested that the information could be collected from the society and provided to him.

Relevant Facts emerging during Hearing:

The following were present:

Appellant: Absent;

Respondent: Mr. M. L. Gupta, Public Information Officer & Asstt. Registrar (East);

The PIO shows that information on point-1 has been supplied to the appellant on 10/12/2009. It appears that information had not been provided on query-2, 3 & 4 and there appears to be no reason why this information could not have been provided. No exemption has been claimed by the PIO and this is certainly information which RCS must have as per the law.

The PIO states that information relating to query-2, 3 & 4 is not available on their records since the society has not submitted this. Section 2(f) of the RTI Act clearly states, *“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;*”

Thus information which can be accessed by the public authority under any other law for the time being in-force has to be supplied to a RTI applicant. Details sought at query-2, 3 & 4 must be with the RCS. If RCS does not obtain the information which the law expects it to routinely, the reason for the existence of the RCS itself becomes suspect. RCS and other public authorities of this nature are expected to monitor and regulate the working of those registered with them. If they do not perform this function they are only a drain on the public exchequer. Laws given them enough powers to enforce their writ to obtain the information which the law expects them to gather.

Decision:

The appeal is allowed.

The PIO is directed to provide the information to the appellant before 15 June 2010.

This decision is announced in open chamber.

Notice of this decision be given free of cost to the parties.

Any information in compliance with this Order will be provided free of cost as per Section 7(6) of RTI Act.

Shailesh Gandhi
Information Commissioner

(In any correspondence on this decision, mention the complete decision number.)^{REIJ}

10 May 2010