

Public Authority യല്ലത്ത സ്ഥാപനങ്ങളിലുള്ള വിവരങ്ങൾ ആവശ്യപ്പെട്ടാൽ ആ സ്ഥാപനങ്ങളിൽ മേൽ നിയമാനുസൃതം നിയന്ത്രണമുള്ള Public Authority യിലെ SPIO ആ സ്ഥാപനങ്ങളിൽ നിന്നും വിവരം ലഭ്യമാക്കി അപേക്ഷകന് നൽകണം

Present:

**Dr. K. Rajagopal, Honourable State Chief Information Commissioner (i/c)**

**C.P. No. 281(3)/2010/SIC**  
**File No.2701/SIC-Gen 1/2010**

Sri. M. K. Murali Gopal,  
T. C. 27/930(1), Gowreeswom, Latha Timbers Lane,  
Vanchiyoor P.O., Thiruvananthapuram

Petitioner

**Vs**

1. State Public Information Officer,  
Vanchinadu Housing Co-Operative-  
Society Ltd. No. T.1088,  
Sreekandeswrom, Thiruvananthapuram.

Respondents

2. The Asst. Registrar of Co-Operative-  
Societies (General),  
Thiruvananthapuram

## **ORDER**

1. In this case, the petitioner Sri. M. K. Murali Gopal filed a complaint petition u/s. 18(1) of the Right to Information Act to the State Information Commission on 06.03.2010. His contention was that he was not provided information for an RTI application dated 21.01.2010 filed to the State Public Information Officer, O/o the Vanchinadu Housing Co-Operative Society, Thiruvananthapuram. He requested for information on 7 items regarding a letter sent by the Secretary of the Society to him dated 11.01.2010 and also regarding the letter dated 14.01.2010 sent to Smt. Vandana Gopal.

As there was no response from the SPIO of the Vanchinadu Housing Co-Operative Society, Thiruvananthapuram, the petitioner approached the Commission with a complaint petition.

2. The Commission called for the report of the State Public Information Officer of Vanchinadu Housing Co-Operative Society, Thiruvananthapuram on 27.03.2010 and 13.12.2010. But there was no response from the SPIO.

3. The Commission posted the case for hearing on 03.02.2011 and summoned the SPIO and Assistant Registrar of Co-Operative Societies (General), Thiruvananthapuram. The petitioner Sri. M. K. Murali Gopal was not present for hearing. The State Public Information Officer and Secretary, Vanchinadu Housing Co-Operative Society, Thiruvananthapuram Smt. S. Sandhyakumari and the SPIO of the Assistant Registrar of Co-Operative Societies (General), Thiruvananthapuram Sri. D. Krishnakumar were present; they were heard.

4. The SPIO submitted that she did not provide the information as she was under the impression that her Co-Operative Society was exempted from the provisions of the RTI Act by the Hon'ble High Court of Kerala. Her Co-Operative Society is not getting any financial aid from the Government.

5. The Assistant Registrar of Co-Operative Societies (General) submitted that the said Society was given share capital of Rs.200000/- and it was refunded by them and they are not getting any financial aid at present.

6. Therefore, the Commission observe that the Society cannot be considered as public authority u/s 2(h) of the RTI Act. But the petitioner has the right for information. U/s 2(f) of the RTI Act information means 'any information which can be held by any private body which can be accessed by the public authority under the prevailing law for the time being in force.' The Commission further observe that the information requested by the petitioner has not been provided yet.

7. In this circumstances, the Commission, order that the Assistant Registrar of Co-Operative Societies (General), Thiruvananthapuram should access the information from the said Co-Operative Society and provide the same to the petitioner within 15 days from the receipt of this order, free of cost and report compliance to the Commission. A copy of the RTI application is given to the SPIO, Assistant Registrar of Co-Operative Societies (General), Thiruvananthapuram.

The complaint petition is disposed off, accordingly.

Dated this, the 3<sup>rd</sup> day of February, 2011.