

TAMILNADU INFORMATION COMMISSION
No.2, Thiyagaraya Road, Teynampet, Chennai 600 018. Tel: 24357580

DATE OF ORDER – 20.09.2019

PRESENT

**Thiru. R.DAKSHINAMURTHY, B.Sc., B.L.,
STATE INFORMATION COMMISSIONER**

CASE NOs.SA-6971,6968,6969,6970 /SCIC/2018

Thiru M.S. Niranjhan

Appellant

/Vs/

The Public Information Officer/
District Registrar (Administration)
District Registrar's Office
Central Chennai,
Chennai 600 014

Public Authority

Order

The Appellant Thiru M.S. Niranjhan is present for today's enquiry. The Public Authority is represented by Tmt. K. K. Manjula, The Public Information Officer/ District Registrar (Administration), Central Chennai, Chennai

2. The appellant filed his RTI petition dated 25.04.2018 under Section 6(1) of the RTI Act to the Public Information Officer seeking the following information about Vishwakamal Residents Welfare Association (263/1989):

- i. Kindly furnish copies of the amendment to bye-laws submitted by the Society on 23.09.2016, 23.11.2016 and 15.12.2016.
- ii. Has the association filed/submitted any amended/modified bye-laws after 15.12.2016?
- iii. If answer to query No.2 is Yes, kindly furnish copies of such amendment to bye-laws submitted by the society.
- iv. Is a name Rajendran (alias) P. Rajendran appearing in the register of members of this association as on this date?

Vide Your office's letter No.471/E2/2018 dated 29.01.2018, You have asked for explanation from the association within 15 days, for the complaint send by me and Mrs. Lavanya R Niranjhan, While that being information available in records:

- v. Has the association furnished explanation for the above-sighted notice calling for explanation?
- vi. If answer to query No.5 is Yes, kindly furnish details/copy of the explanation received by you?
- vii. If answer to query No.5, is No, what further action has been taken by your office on the complaint dated 08.01.2018 received from me and Mrs. Lavanya R Niranjhan?

3. The Public Information Officer has sent item-wise reply dated 14.05.2018 to the petitioner. Not satisfied with the reply given by the Public Information Officer, the appellant has sent his first appeal to the First Appellate Authority on 31.05.2018. The Appellate Authority sent a reply dated 13.06.2018 to the appellant. Again not satisfied with the reply given by the First Appellate Authority, the appellant filed his second appeal to this Commission on 18.09.2018. Based on this, the case was taken up for enquiry today.

4. A Perusal of the available records would reveal that the Public Information Officer has furnished the information as per their records already on 14-05-2018 to the petitioner. The petitioner also during today's enquiry, requested this Commission to direct the Public Information Officer to furnish information for item No.3 only. To this, the Public Information Officer informed the Commission that they have already sent a reply to the petitioner refusing to furnish the copy of documents by quoting the Circular of IG Registration No.7/2011, RC.34579/11/2011 dated 27.07.2011, which read as follows:

“நிலுவையிலுள்ள எந்த ஒரு ஆவணத்திற்கும் எக்காரணத்தை முன்னிட்டும் சான்றிட்ட நகல் வழங்கக் கூடாது”.

5. The appellant informed the Commission that he didn't ask for any certified copies and requested the Commission to furnish information / documents for item No.3, since the Public Information Officer admits the possession of the documents with them.

6. On perusal of the documents placed before the Commission, the Commission is of the considered view that the circular mentioned by the public information officer as well as the appellate authority in their reply is a document maintained by the Public Authority and is a givable document as per the RTI Act. It is also to be pointed out that the above circular is not having any overriding effect as far as the RTI Act is concerned. The Commission also feels that the petitioner seeks the information on his behalf as well as on public interest. Admittedly, amendments mentioned in item No.1 were received by the public authority and the same was pending before them for approval.

7. Under these circumstances, the Public Information Officer is directed to furnish the amendment bye-laws submitted by the association (263/1989) dated 23.09.2016, 23.11.2016 and 15.12.2016 to the petitioner/appellant under RTI Act within 10 days from the date of receipt of this order under Section 7(6) of this RTI Act by RPAD and also directed to submit a compliance report to this Commission within 15 days from the date of receipt of this order.

(Sd/- (R. DAKSHINAMURTHY))
STATE INFORMATION COMMISSIONER

(BY ORDER OF THE COMMISSION)

ASSISTANT REGISTRAR

CASE NOS.SA-6971,6968,6969,6970 /SCIC/2018

To
PUBLIC AUTHORITY

The Public Information Officer/
District Registrar (Administration)
District Registrar's Office
Central Chennai, Barathi Salai, Royapettah,
Chennai 600 014

APPELLANT

Thiru M.S. Niranjhan
S/o. Shri. M. A. Srinivasan
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