

INFORMATION RELATING TO SOCIETIES REGISTERED UNDER SOCIETIES ACT 1960:

Information relating to Societies Registered under Societies Act 1960 cannot be sought directly from the societies unless they are declared as Public Authorities. It is the responsibility of the applicants to prove before the Information Commission that the society in question is receiving substantial grant in aid from the Government.

However as laid down under Section 2(f) of the Right to Information Act, 2005 “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”.

The District Registrar is also the Registrar of Societies where they are required to be registered. Further Societies are required to submit periodical returns viz., Annual Reports. Registration of societies is to be renewed annual by the Registrar of Societies. Registrar of Societies is the competent authority to enquire into any allegations against any particular society. Hence District Registrar can access to all types of information held by the societies.

Whenever information relating to any society is required an application is to be made before the Registrar of Societies viz., The District Registrar who is also the Registrar of Societies. Registrar of Society is empowered to issue directions to collect such information and supply it to the applicants.

The Delhi High Court in their Order in Writ Petition (CIVIL) No.7265 of 2007 dated 25.9.2009 has held as under :

“8. Information as defined in Section 2(f) means details or material available with the Public Authority. The later portion of Section 2(f) expands the definition to include details of material which can be accessed under any other law from others. The two definitions have to be read harmoniously. The term “held by or under the control of any public authority” in Section 2(j) of the RTI Act has to be read in a manner that it effectuates and is in harmony with the definition of the term “information “ as defined in Section 2(f). The said expression used in Section 2(j) of the RTI Act should not be read in manner it negates or nullifies definition of the term “information” in Section 2(f) of the RTI Act. It is well settled that an interpretation which renders another provision or part thereof redundant or superfluous should be avoided. Information as defined in Section 2(f) of the RTI Act includes in its ambit, the information relating to any private body which can be accessed by public authority under any law for the time being in force. Therefore, if a public authority has a right and is entitled to access information from a private body, under any other law, it is “information” as defined in Section 2(f) of the RTI Act. The term “held by the or under the control of the public authority” used in Section 2(j) of the RTI Act will include information which the public authority is entitled to access under any other law from a private body. A private body need not be a public authority and the said term “private body” has been used to distinguish and in contradiction to the term “public authority” as defined in Section 2(h) of the RTI Act. Thus, information which a public authority is entitled on access, under any law, from private body, is information as defined under Section 2(f) of the RTI Act and has to be furnished.