



The State Information Commission, Kerala
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AP.No.118/2006/SIC
File No.2939/SIC-Gen2/2006

Shri.R.Sidharthan
Kamala Nivas (Prayil)
Ward No.12, Cherthala Municipality
Cherthala,
Alapuzha..

} Appellant

Vs

The Public Information Officer
RDO Office,
Alapuzha.

} Respondent

ORDER

This is a second appeal preferred by one Shri.Sidharthan. The case in gist could be briefly detailed as follows;

On 7.7.2006, he had preferred a request before the Revenue Divisional Officer, Cherthala requesting for certain information. Copy of the request was marked as Ext A1. The information as requested for could be reproduced below:

"tNÄ`e hS;ip hn#ÄPnÄ kÄsÆ\¼Ä 271/14 B. 5, 1.671 BÄkv
hnkvXoÄ@hpapÄ Øew,]penb¶pÄ aT`nÄ tKm]n\mYtat\m³ aI³
Pbi|dnsâ t]cnepÄ]mSw (Icn\new) \nI`p¶Xn\v A§bpsS
B^oknÄ\n¶pw A\phmZw sImSp`n«pt-m? Ds-|nÄ AXnsâ icn]IÄ,v
hnhcmhImi\nba{]Imcw X¶p klmbn;Wsa¶pw At]fn;¶p.
hnhcmhImi\nba{]ImcapÄ ^okv 10 cq], 10 cq]bpsS tImÄ«v^okv
Ìm¼vv CXnÄ]Xn`n«p-v".

As the appellant failed to get the information within the stipulated time of 30 days, a formal appeal was preferred before the Appellate Authority again before the Revenue Divisional Officer on 8.8.2006. He did not receive the information even after preferring the first appeal and, therefore, he had approached the State Information Commission Kerala with the second appeal on 12.9.2006.

The report of the Revenue Divisional Officer was called for. On 28.9.2006, it was reported *vide* letter Ext A2 that an enquiry has been conducted through the Tahsildar, Cherthala and, accordingly a reply had been given on 18.9.2006. Copy of the reply was also furnished along with the report. The same was marked as Ext A3. The appellant was informed of the matter that no formal sanction was accorded to Mr.Jayasankar for filling up the land in survey no.271/14 B5. The appellant had come up with the appeal that the Public Information Officer had failed to furnish the information within the time limit prescribed by the RTI Act and hence was liable to be penalized.

The questions that arise for consideration are whether there was any delay caused in furnishing the information and, if so, who was responsible for causing the delay? and what is the proper penalty?

The concerned Public Information Officers were asked to furnish the explanation during the course of the pendency of the appeal petition. All of them had filed their remarks. It was an admitted fact that there was delay in furnishing the information. The date of request was 7.7.2006. The information was given at the time when Mr.U.Chandrasekharan Nair was the Revenue Divisional Officer at Cherthala. It was furnished on 18.9.2006. When calculating the delay the appellant was due for a reply on 7.8.2006. But he did receive the reply only on 18.9.2006. The delayed days are altogether 40 (excluding the date of despatch). This was an un rebuttable conclusion in this case.

The connected question that evolves from the finding was that whether the delay was caused by the Public Information Officer. When the matter was taken up originally for hearing one Mr.K.H.John was the Revenue Divisional Officer. But he had assumed charge only on 1.1.2007. Therefore, the predecessors in office were Mr.K.G.Raju and Mr.U.Chandrasekharan Nair. The detailed affidavits of Mr.K.G.Raju and Mr.U.Chandrasekharan Nair were also obtained. Mr.Raju was the Revenue Divisional Officer till 9.8.2006 *ie.*, during his tenure the application might have been received. Mr.U.Chandrasekharan Nair had retired from service on 31.12.2006 and had succeeded Mr.Raju from 17.8.2006. By the production of the orders designating the persons as Public Information Officers and Assistant Public Information Officers, it was also seen that *vide* proceedings of District Collector, Alappuzha No.45579/05 dated 13.2.2006, Revenue Divisional Officer, Alappuzha, Shri.K.G.Raju was designated as the Assistant Public Information Officer and the Senior Superintendent Smt.Chandramathy Amma was made responsible to receive applications under the RTI Act and take further necessary action thereto. Additional District Magistrate in the Collectorate was designated as the State Public Information

Officer of the District. This clearly showed a lack of understanding on the part of the Collector with regard to the provisions of the RTI Act. The appellant had preferred the original request before the Revenue Divisional Officer, Alappuzha and as the Assistant Public Information Officer. What was expected of him was to forward the same to the State Public Information Officer, the Additional District Magistrate in the Collectorate. Smt.Chandramathi Amma, Senior Superintendent was no where in the picture. What appeared to have happened was the RDO's office entertained the matter coming under the subject of Kerala Land Utilisation Order and proceeded to deal with it, as per that order, under which Revenue Divisional Officer concerned has the pivotal role. Due to this, as it is evident, the fact that the request was made under the RTI Act did not receive any consideration. This only went to show that the Officers in the Revenue District were not conversant with the Act and hence the delay had occurred for which any single officer cannot be held responsible. It was a collective failure. The Commission arrived at that conclusion after hearing the officers, the Revenue Divisional Officers of the period and the then Senior Superintendent Smt.Chandramathy Amma and perusing all the records before it. This might have happened as the Act was a newly introduced one, and Commission taking that charitable view exonerate the officers from further punitive proceedings.

The Commission would, however, caution the Officers to be more vigilant in future and also direct the Collector to amend the proceedings, designate officers as Appellate Authority, State Public Information Officer and Assistant Public Information Officer as contemplated under the Act; and, also cause to impart sufficient training to all of them most expeditiously and order accordingly.

Dated this the 9th day of October, 2007.

Authenticated copy

Secretary to Commission