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AP.No.392/2007/SIC
File No.3436/SIC-Gen1/07

Shri.P.R.Ravikumar,
Thunduvilakathuveedu,
Thiruvallam.P.O.
Trivandrum-27.



Appellant

Vs

State Public Information Officer
Travancore Devaswom Board,
Thiruvananthapuram.



Respondent

ORDER

The questions that evolve in the second appeal before the Commission are (i) whether the appellant is entitled to have information regarding the thiruvabharanam kept in the Sreeparasuramaswami kshethram at Thiruvallom? (ii) whether he is entitled to get copies of stock register of gold ornaments of the deity? and; (iii) is there any delay caused in the disposal of the request u/s.6 of the RTI Act?

As a prelude to examination of the questions that are mooted above, taking a look at some facts leading to filing of the appeal are also necessary. The appellant Shri.P.R.Ravikumar had preferred a request u/s.6 of the RTI Act before the Public Information Officer, Travancore Devaswom Board on 29.3.2007. The request, in original, was marked as Ext A1. The contents are reproduced below:-

"XocphnXmwIqÀ tZhkzwt_mÀUnsâ IognÂ XncphÃs- ØnXnsN¿p¶
{io]cipcmakzmantf{X \nhmknbpw, t{X-nÂ ZÄi\w \S-p¶ Hcp
`à\pamWv Rm³. Sn t{XhIkz-p;fmbn]gbImes- kzÄ@m`cW§Ä

DÅXmbn]dbp¶Xv tI«n«p-v. Sn kzÀ@m`cW§Ä GsXms;bmsW¶v Adnbn³
XmÂ]cyap-v. BbXntebv;v hnhcmhImi\nba{]Imcw Xocphm`cW cPnÎÄ
]cntim[n;p¶Xn\pw Bhiyambnhcp¶ kzÀ@m`cW§fpsS cPnÎdnsâ tIm,n
Xcp¶Xn\v th- \S]SnkzoIcn;Wsa¶v hn\b]qÄÆw At]fn;p¶p."

After due consideration, the State Public Information Officer had rejected the request u/s.8(a) of the RTI Act. The copy of the rejection order dated 2.5.2007 was marked as Ext A2. The appellant had approached the Appellate Authority with a first appeal on 3.5.2007. The appeal petition before the Appellate Authority was marked as Ext A3. In the appeal petition, there was a specific prayer making it further clear that he wanted to see the thiruvabharanam which was an explanation of his earlier request before the Public Information Officer. The same was also rejected on 17.5.2007 *vide* Ext A4.

Question No.1 & 2: The request of the appellant was simple and, at the same time perplexing (as evidenced from records and from the hearing of the Public Information Officer) to the Public Information Officer and authorities of the Devaswom Board. The records produced in this case would show that this was a unique case with no precedence, whatsoever, in the Devaswom Board. Therefore, the matter was seen to have been taken up with the Law Section and after due consideration *vide* Ext A2, the information was denied u/s.8 of the RTI Act. The Public Information Officer did not make a speaking order. There was only a sweeping remark that the information had been rejected u/s.8 of the RTI Act. The first appellate authority was little bit specific, but yet made another non-speaking order that the request was rejected u/s.8(a) of the RTI Act. It was before the First Appellate Authority that the requester made it specific that he wanted only to see the thiruvabharanam. This was a addition to the earlier request or seen made by way of an explanation, to make his request to "see" the thiruvabharanam clearer.

The Public Information Officer and the Appellate Authority went wrong in this case because of two reasons. The first one was that they did not make a speaking order. A reference to Section 8 by the Public Information Officer ought to have been more specific and more materialistic in its analysis. Section 8, of course, is the exemption clause of the RTI Act which permits the Public Information Officer to with hold information from disclosure. There are sub-sections 8(1)(a) to 8(1)(j) making each category of information, disclosure of which could be denied. The reasons for denial should find a place in the rejection order. The appellate authority, by pronouncing Ext A 4 order, referred to Section 8(1)(a), disclosure of which would prejudicially affect the sovereignty and integrity of India, security , strategic, scientific or economic interest *etc.* Probably the appellate authority may be under the impression that the word "security" as appearing in the Section could be extended to the security of a temple or security of a deity. The RTI Act visualizes the security of the whole Republic of India, the security and integrity of our Nation, the supreme sovereign power of our Country and not that of limited interpretation regarding an

Institution. So Ext A4 was the product of the misinterpretation of Section 8(1)(a) of the RTI Act.

It may be possible that a requester may or may not be a devotee of the deity, may be a theist or an atheist. The Act does not distinguish and/or exclude any such category/s, who could employ the Act to receive information from Public Authorities. The exhibition of thiruvabharanam, sacred ornaments that adorn the idol of deity is of greater religious significance for the devotees and for the Devaswom. They are either contributed out of fervour or made by the Devaswom Board from out of the contributions made by the devotees. The custodian is the Devaswom Board. Therefore, it falls within the definition of 'information'. When we scan the entire statute of Right to Information, certain organizations are exempted from furnishing information. Section 24 and Schedule II thereto of the Act makes mention of such Organisations. Only the Intelligence and Security Organizations of the Nation mainly are thus exempted. On the basis of religious belief and on the basis of customs and precedents, no institution identified as a Public Authority is exempted from furnishing information even if it relates to the details of the sacred ornaments of the deity or copy of the record book of the valuables of a temple/religious institution. Therefore, there is no question of being taken aback by a person making a request u/s.6 of the RTI Act that he wanted to see the thiruvabharanam. The law permits the dissemination of the information as per Ext A1 request. So the first two questions are answered affirmatively and he is entitled to have a look at the thiruvabharanam and is also entitled to have a copy of the abharana register (stock register).

Question No.3: The request Ext A1 was dated 29.3.2007. It shows that the application was received in the Section on the next day *ie.*, on 30.3.2007. The reply was seen furnished on 2.5.2007. There was only a delay of two days. Even though the delay was negligible, the Commission had noticed it with much displeasure.

The Commission was very much alerted by the submissions of Smt.D.Rajeswari Devi, Dy.Devasom Commission (Admn) and Public Information Officer and Shri.P.S.Sureh Kumar, formerly Assistant Commissioner, Trivandrum Group and Public Information Officer. The security problem, safe custody of thiruvabharanam and also the sanctity attached to this gold ornaments of the deity are to be kept in high esteem and reverence. So the Commission, hereby makes it clear that copy of the register shall be furnished to the requester within 15 days of receipt of this communication. The darsan of the thiruvabharanam is also permitted and the time, place and date of the darsan and the manner how the same shall be exhibited to the requester shall be decided by the Public Information Officer without detriment to the religious rituals and security considerations..

Dated this, the 24th day of October, 2007.

Authenticated copy

Secretary to Commission