

Adv. T. Asaf Ali,
President,
People's Council for Civil Rights
Central Office, Nr. Dist. Court,
Thalasserry-670 101.

}
Requester

/s/

The Public Information Officer,
Home Department,
Government Secretariat,
Thiruvananthapuram

}
Respondent

ORDER

Mr. M. Somasekharan, Joint Secretary, Home Department, Government Secretariat, Thiruvananthapuram was present. The requester Mr. T. Asaf Ali was absent. No representation was made on his behalf. This complaint was filed by Adv. Asaf Ali under Section 18(1) of the Right to Information Act. The proper request of Adv. Asaf Ali under Section 6 of the Right to Information Act was marked as Exhibit A1. It was seen dated 9-2-2007 and was sent to the Home Department, Government of Kerala, Government Secretariat, Thiruvananthapuram. The questions for information were:

“1. സംസ്ഥാനത്ത് പുതിയ ഗവൺമെന്റ് അധികാരത്തിൽ വന്നതിനുശേഷം 2006 മെയ് 18 തൊട്ട് 2007 ഫെബ്രുവരി 17 വരെയുള്ള കാലയളവിൽ എത്ര ക്രിമിനൽ കേസുകൾ പിൻവലിക്കാൻ ഗവൺമെന്റ് അനുവാദം നൽകി? ഏതെല്ലാം വകുപ്പുകൾ അനുസരിച്ച് കുററുപുരം സമർപ്പിച്ചിട്ടുള്ള കേസുകളാണ് പിൻവലിക്കാൻ അനുവാദം നൽകിയിട്ടുള്ളത്? ജില്ലകൾ തിരിച്ചുള്ള കണക്കുകൾ അറിയിച്ചുതരിക.

2. പുതിയ ഗവൺമെന്റ് അധികാരമേറ്റതിനുശേഷം 2006 മെയ് 18 തൊട്ട് 2007 ഫെബ്രുവരി 17 വരെയുള്ള കാലയളവിൽ ഗവൺമെന്റ് എത്ര അഡ്വക്കേറ്റ് പരാൾ അനുവദിച്ചു? ഏതെല്ലാം കുററങ്ങൾക്ക് ശിക്ഷിക്കപ്പെട്ടവർക്കാണ് പരാൾ നൽകിയത്? എത്രകാലം ജയിൽ ശിക്ഷയനുഭവിച്ചവർക്കാണ് പരാൾ അനുവദിച്ചത്. പരാൾ കാലാവധി കഴിഞ്ഞിട്ടും തിരിച്ചു വരാത്തവർ ആരൊക്കെ? അപകാരം തിരിച്ചുവരാത്ത അഡ്വക്കേറ്റുടെ പേരും, ജയിലും ശിക്ഷിക്കപ്പെട്ട കുറ്റവും, അനുഭവിക്കാൻ ബാക്കിയുള്ള ശിക്ഷാകാലാവധിയുടെ വിവരണവും അറിയിച്ചു തരിക.

3. പരാൾ കാലാവധി കഴിഞ്ഞിട്ടും തിരിച്ചുവരാത്തവർക്കെതിരെ വല്ല ക്രിമിനൽ കേസും വിചാരണയിലിരിക്കുന്നുണ്ടോ? വല്ല കേസും F.I.R. രജിസ്റ്റർ ചെയ്ത് അന്വേഷണത്തിലിരിക്കുന്നുണ്ടോ? എങ്കിൽ അവയുടെ പുരസ്കൃതവിവരം സ്റ്റേഷൻ, കോടതി എന്നിവ”

Sri Asaf Ali had preferred an affidavit at the time of hearing.

The simple question before this Commission is whether the required information was furnished within the time frame of the Right to Information Act?

Mr. Somasekharan, the present Public Information Officer had filed the detailed remarks. The then Public Information Officer was Mr. E. Sudheer. Remarks filed and the documents produced would prove the following fact.

With regard to the question No. 1 of the request the reply was furnished on 24-2-2007. It was a detailed study of the question and district-wise details of cases withdrawn by the Government were collected and furnished to the requester. There was absolutely no delay in this matter.

Question No. 1 was prepared by Home (I) Department and it seems that the reply was furnished within 12 days of the receipt of Exhibit A1 (Photocopy of Exhibit A1 is marked as Exhibit A2.) The same was seen received in the Secretariat only on 12-2-2007. Question No. 2 and 3 are further details furnished by Home (B) Department. All the information were furnished in very specific manner. Especially with regard to Question No. 3, the name of the convict, the name of the Jail, the section of offences etc. were also narrated. This was the explanatory answers given by Home (B) Department.

The answers to the questions were furnished within 1 month. *There was no delay in furnishing the information. It was promptly furnished.*

The questionnaire seems to be irrational. Each question was sub divided into many questions, and the same do not have any reasonable relationship. With regard to question No. 1 the details would be available only with the Criminal Courts rather the consolidated statements from the High Court of Kerala or from the Home Department. The second question was one connected with the Department of Prison and not directly by Home Department. The 3rd question was also related to the prison. The fourth question that whether criminal cases pending against the sitting Ministers etc. were very vague and there was no department dealing with such information. Probably the information ought to have been from the Public Information Officer of the Legislative Assembly. Therefore there was no relationship between each question and the questions were not specific and the requester was not demanding any readily available information held by the public authority. The nature of the question was collection of data. Information refers only to information readily available, records readily available with the Public Authority. Data collection was beyond the preview of Right to Information Act and much time was wasted upon this exercise. This sort of questionnaire will have to be discouraged. The absence of the requester on the date of the personal hearing was conspicuous.

There is no merit in the complaint and the complaint is therefore dismissed.

Dated this the 3rd day of December, 2007.