



The State Information Commission, Kerala
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Complaint No.383/2006/SIC

Shri.Mohammed Sherafudden,
15/337, Banglow Street,
Palakkad-678 001.



Petitioner

Vs

The Public Information Officer
Wakaf Board,
Ernakulam.



Respondent

ORDER

The requester in this case is one Mr.Mohammed Sherafudden. He had made a complaint before the State Information Commission on 31.10.2006. The allegations that are evident in the complaint could be detailed as follows:-

On 11.9.2006, he had preferred a request before the Chairman of Kerala State Wakaf Board, Kalur, Kochi-17 to obtain certain information. The requested information was not furnished to him till 31.10.2006 and hence the Wakaf Board had disobeyed the mandate of the RTI Act and that was his allegation. The report of the Secretary and Chief Executive Officer of State Wakaf Board Kerala was called for. It was stated that Mr.Mohammed Sherafudden had preferred a request but it was addressed to the Chairman. The Chief Executive Officer is the appellate authority of the Wakaf Board. The Wakaf Board had appointed a Public Information Officer by a resolution dated 17.11.2005 and that Public Information Officer was an officer designated in the Head Office. It was one Mr.Kottayi. Because the Chief Executive Officer was not responsible for furnishing the information, the explanation of the Public Information Officer was also called for.

The Public Information Officer had appeared and had preferred an affidavit before the Commission. He would say that it was true that a request was submitted on 15.9.2006. The application was addressed to the Chairman and hence it was not treated as a request under the RTI Act. The same was not addressed to the Public Information Officer. Moreover, the request was not signed by the requester and a reading of the request did not make out what were the documents reportedly demanded by the requester. Copy of the request forwarded along with the statement was marked as Ext A1. The statement furnished by the Public Information Officer was marked as Ext A2 and the statement given by the Chief Executive Officer, the Appellate Authority, was marked as Ext A3. However, it was stated in Ext A2 that the requested information was furnished to the informant on 22.11.2006.

The question that arises for consideration is whether the information was delayed and whether this was a proper request under the RTI Act?

Ext A1 was the photocopy of the request submitted by the requester. It was true that there was a mention of RTI Act 2005. It was not addressed to the Public Information Officer or addressed to the Appellate Authority. It was addressed to the Chairman of the Wakaf Board. The PIO would say that the post of the Chairman was an honorary post and he was not a regular visitor of the Wakaf Board Office. Therefore, the tapal and communications in the name of the Chairman were not ordinarily received by the Public Information Officer. The Public Information Officer was alerted only on receipt of a communication from this Commission that was received by him on 13.11.2006. Immediately, the request was traced out and a reply was furnished on 22.11.2006 *ie.*, within 10 days. The contention of the PIO was that it was not a request addressed to him nor it was brought to the notice by the Chairman of the Wakaf Board. Above all the request was not signed by the requester. By a strict scrutiny it was not a request u/s.6 of the RTI Act. Several readings of the request did not make out documents that are required. But certified photocopies of receipt from 1995 to 2005 was one document that was requested. Further, copies of certain letters addressed to the requester and one Adv.Sudheer were also demanded. However, the Public Information Officer had submitted that there was no delay in his part and he had taken immediate action as and when this matter was brought to his notice.

The complaint was more legally drafted by the requester Mr.Mohammed Sherafudden. He had also admitted in the complaint that what he had sent was a letter addressed to the Chairman of Kerala State Wakaf Board. There was no request for any document either from the PIO or from the Chief Executive Officer. Necessary action was requested against the Public Information Officer. It was true that the Public Information Officer was attached to the Office of the Wakaf Board, Kochi and the Wakaf Board had readily appointed a Public Information Officer and an Appellate Authority. If a penal action is to be taken against the Public Information Officer, it is the duty of the requester to establish that the

request was sent in the name of the Public Information Officer or entrusted to him and he was only responsible for the delay. The request must also be a perfect one as contemplated u/s.6 of the RTI Act. It was true that Rs.10/- court fee was affixed. But Ext A1 was not signed. It was not addressed to the Public Information Officer. As and when it was brought to the notice of the Public Information Officer, immediate action was taken on the same and information was furnished within 10 days. Therefore, the Commission finds that this is not a fit case in which S.20 can be invoked. However, the Commission views with much dis-pleasure the delay that has occurred in this matter. The Public Information Officer and the Chief Executive Officer of the Wakaf Board are directed to be more vigilant in RTI applications even though the same was addressed to the Chairman of the Wakaf Board.

Therefore, this petition is dismissed.

Pronounced by the Commission on this the 5th day of December, 2007.

Authenticated copy

Secretary to Commission