



The State Information Commission, Kerala

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CP.No. 370/2006/SIC

File No. 3368/SIC-G1/2006

Shri. Thomas
Mookanthottathil
Edamaruku P.O
Melukavu Village
Kottayam - 686 652.



Requester

Vs

Public Information Officer
& DySP, Administration
Kottayam.



Respondent

ORDER

On 11.10.2006 one Mr. Thomas, S/o Joseph, Mookanthottathil, Edamaruku P.O, Melukavu, Kottayam had preferred a complaint before the State Information Commission stating that he had preferred a request before the Public Information Officer, Erattupetta Police Station on 9.10.2006 and the same had been refused. Since the refusal to receive the request under section (6) of the Right to Information Act was an offence contemplated under

section 20, the complaint was entertained by the State Information Commission under section 18 of the Right to Information Act.

The matter was taken up for hearing on 12.12.2007 both the Public Information Officer of the Office of the District Superintendent of Police, Pathanamthitta and the requester were summoned. The requester was absent on that day. It was realized that the concerned Public Information Officer was the Deputy Superintendent of Police, Kottayam, since Erattupetta was a Police Station within the territorial jurisdiction of the Superintendent of Police, Kottayam. Accordingly the matter was adjourned and was taken up for further hearing on the 21st day of December 2007.

When the case was taken up, the requester was again called and was absent. The Public Information Officer-cum Deputy Superintendent of Police, Administration was present. He had preferred a very detailed affidavit together with supporting documents.

The question that arises for consideration is whether there was any refusal of a request made by the requester before the Public Information Officer, Erattupetta Police Station?

The Public Information Officer in his report has stated that on his enquiry, no such request was preferred by the requester before the Sub Inspector of Police or Station House Officer of Erattupetta. The statement of the Public Information Officer was supported by Ext. A1 another statement

given by the present Station House Officer, Erattupetta Police Station. In Ext A1 statement the Sub Inspector would say that Shri. Thomas, Mookanthottathil, Edamaruku P.O, Melukavu, Kottayam had not preferred any request before the Police Station on 26.8.2006 or any other connected days. Therefore, the Commission has no reason to come to a conclusion that the request had been refused by the Station House Officer, Erattupetta. There was no reason for the Commission to disbelieve the statement furnished by the Public Information Officer, DySP, Kottayam.

It is to be noticed that the Sub Divisional Officers were designated as Public Information Officers originally at the time of implementation of the Right to Information Act. But for effective implementation, further decentralization for the administrative cadre was effected designating the Station House Officers as Public Information Officers. This total change in designating Public Information Officers was brought out by circular dated 8.8.2007 of the Director General of Police, Thiruvananthapuram. It is to be noticed that, there was no Public Information Officer in a Police Station prior to 8.8.2007. If the requester wanted to prove that he had actually offered a request before the Station House Officer, it was his primary duty to adduce evidence before the Commission. In spite of two chances offered to him on 12.12.2007 and on 21.12.2007, he had absented himself and his absence was to be read as a conspicuous one. He had failed miserably to convince the

Commission that he had preferred a complaint before the Station House Officer or before the Public Information Officer of Kottayam District.

Therefore, the complaint is without any merit and is, therefore, dismissed.

Dated this the 21st day of December 2007.

Authenticated copy

Secretary to Commission