



The State Information Commission, Kerala
Punnen Road, Thiruvananthapuram-695 039.

Tel:0471 2335199, Fax:0471 2330920
Email: sic@infokerala.org.in

Complaint No.486/2007/SIC
(File No.4963/SIC-Gen3/2007)

Dr.Purushothama Bharathi,
President,
Kerala Lottery Agents Association,
Nandencode,
Trivandrum-3.

}
Petitioner

Vs

Public Information Officer and
Additional Secretary,
Taxes Department, Secretariat,
Thiruvananthapuram.

}
Respondent

ORDER

Ext A1 was a request u/s.6 of the RTI Act preferred by one Dr.Purushothama Bharathi, President, Kerala Lottery Agents Association, which was dated 8.5.2007. Ext A2 was yet another request dated 11.6.2007 for the same document, which was addressed to the Secretary (Taxes) Department. The requested document was copy of report to the Vigilance Wing of the Kerala Police on the working of State Lotteries of Sikkim and Bhuttan 2006 and 2007. The procedural formalities were as follows:-

On 18.1.2007, vide Ext A3, the Public Information Officer had given intimation to the requester to remit Rs.42/- towards the cost. Accordingly, the requester had remitted the amount vide Challan dated 22.6.2007. Photocopy of challan was marked as Ext A4.

Today when this matter was taken up for hearing, the Additional Secretary (Taxes) Department and present Public Information Officer Smt.S.Leela Devi are present. She had preferred a detailed affidavit.

The question before this Commission is whether the information was disseminated within the prescribed time limit? If not, what is the proper sentence to be awarded?

On going through the affidavit, it was seen that the original request was received on 9.5.2007 *ie.*, Ext A1 dated 8.5.2007 was received in the Section on 22.5.2007. The intimation for remittance of amount was on 18.6.2007. This may be probably after preferring of the second request dated 11.6.2007. But the second request was addressed to the Secretary (Taxes) Department and not to the Public Information Officer. There was a lot of confusion with regard to the request. However, two requests dated 8.5.2007 and 11.6.2007 were received in the Taxes Department. The amount was remitted *vide* intimation dated 18.6.2007 on 22.6.2007. If the Commission takes the first application as the original request, the information ought to have been furnished to the requester by 8.6.2007. But on going through the affidavit, it was furnished only on 9.7.2007. Of course, 5 days that is the period for remittance of the amount can be deducted from the period of delay in furnishing the information. In the affidavit preferred by the Public Information Officer, it was stated that she was designated as the Public Information Officer only on 28.9.2007. But even before her assuming the charge as Public Information Officer, the information was furnished. The requester who had appeared in response to the notice had also stated that, by this time, he has received copy of information and, was fully satisfied. The requester ought to have pursued the first application Ext A1 and in case of non-receipt of information within 30 days, his remedy was to approach the Commission under Section 18 with a complaint and not to repeat the application before the Departmental superiors with the same prayer. However, the second application proved to be fruitful and that was treated with every urgency. The delay caused was beyond the control of the present Public Information Officer. Therefore, the Commission finds that the file can be closed with a severe warning that the Public Information Officer is expected to strictly adhere to the time table prescribed by the provisions of the RTI Act. With this remarks, the complaint is disposed off.

Pronounced by the Commission on this, the 23rd day of October, 2007.

Authenticated copy

Secretary to Commission

