



**STATE INFORMATION COMMISSION, KERALA  
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Proceedings of the State Information Commission, Kerala in Appeal petition  
No. AP.335/2007/SIC  
(No.4069/SIC-Gen2/2007)

P.P. Unnikrishnan,  
PULARI,  
Killikkurussimangalam,  
Lakkidi - 679 301,  
Palakkad District.



Appellant

Vs

The State Public Information Officer,  
Office of the Inspector of Factories & Boilers  
(Grade - I ),  
Civil Station, Palakkad.



Respondent

**ORDER**

This second appeal dated 11.6.2007 filed by P.P. Unnikrishnan under section 19 (3) of RTI Act 2005, was received by the Commission on 13.6.2007 and was admitted as AP 335/07/SIC.

2. The gist of the case is as follows:-

The appellant had made a request under Section 6 (1) of the RTI Act asking for certain information relevant to the Steel Industries of Palakkad District. The

application was submitted before the respondent on 15.3.2007. The respondent replied on 11.4.2007, giving certain information to the appellant. Not satisfied with the information received, the appellant again wrote to the respondent on 19.4.2007 complaining that the information requested was not given in full. On the basis of this letter, the respondent gave some more information on 22.5.2007. The appellant was

still not satisfied and made the first appeal under section 19(1) of the RTI Act. The first appeal was filed in the office of the respondent. The appellant who is the Public Information Officer also decided the first appeal and replied the appellant informing that certain information requested by the appellant cannot be given. This reply was given on 29.5.2007.

3. The Commission called for a report of the respondent and the respondent has filed a detailed report dated 25.7.2007.

4. The Commission had a detailed examination of the appeal petition, report of the respondent and all other connected records. The Commission made the following observations:

The appellant has filed the first appeal under section 19(1) of the RTI Act before the first appellate authority. The first appeal was filed in the office of the respondent ie. the office of the Inspector of Factories & Boilers (Grade-I). The respondent Public Information Officer disposed of the first appeal also and intimated the appellant by a letter dated 29.5.07. As per section 19(1) of the RTI Act, the first appeal against the decision of the Public Information Officer shall be decided by the appellate authority who shall be an officer senior in rank of the PIO. In the present case, Public Information Officer whose action was challenged by way of an appeal, himself decided the first appeal. The decision of the respondent deciding the first appeal was not lawful.

5. On the basis of the above observation the Commission hereby order as follows:-
- (i) the decision of the respondent vide communication dated 29.5.07 in the first appeal filed by the appellant, is hereby set aside.
  - (ii) the Secretary to the Commission shall forward a copy of this order together with a copy of the first appeal to the Director of Factories & Boilers, who shall arrange to dispose of the first appeal by the designated appellate authority of the respondent. The designated appellate authority shall note that the 'information' as defined in section 2 (f) of the RTI Act includes information relating to any private body which can be accessed by a Public Authority under any other law for the time being in force.
  - (iii) This order is issued without prejudice to right of the appellant to appeal before the Commission again under section 19(3) of the RTI Act, if he is not satisfied with the decision of the appellate authority as ordered above.

The appeal petition is disposed of as above.

Dated this the 7th day of September 2007.