



**STATE INFORMATION COMMISSION, KERALA
PUNNEN ROAD, THIRUVANANTHAPURAM 695 039**

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**Proceedings of the State Information Commission, Kerala in
Complaint Petition No.CP 466/2006/SIC.
(No.4286/SIC-Gen1/2006)**

Shri.K. Purushothaman,
HouseNo.42, ' VAISAKH',
Giri Nagar Colony,
N.S.S. Engineering College.P.O.,
Palakkad - 678 008.

Petitioner

Vs

1. The Secretary,
Thrikkakara Grama Panchayat,
Kakkanad.P.O.,
Cochin - 30.

2. Shri. Mohammed Nadir,
Narakkal Grama Panchayat,
Ernakulam.

Respondents

ORDER

The complaint dated 29.11.06 filed by Shri. K. Purushothaman was received by the Commission on 1.12.06 and was taken to file as CP 466/06/SIC.

2. The gist of the case is as follows:

The complainant had vide request dated 25.10.06 sought certain information from the Secretary, Thrikkakara Grama Panchayat, Kakkanad.P.O., under the RTI Act 2005. The information requested was copies of the plan approved by the Panchayat for the

construction of a building, application submitted for permission of construction etc. The complainant has filed this petition before the Commission, complaining that the request for information submitted by him was not disposed of even after the expiry of the prescribed time limit.

3. A copy of the complaint was forwarded to the first respondent with instructions to file a detailed report. Accordingly, the first respondent has filed a detailed report dated 17.1.07 before the Commission. It has been reported by the first respondent that the application was received on 25.10.06 and copies of the documents requested were sent by registered post on 5.12.06. He has also filed an affidavit stating that the 2nd respondent was the Secretary & PIO of the Thrikkakara Grama Panchayat who dealt with the request of the complainant.

4. Notice was issued to the 2nd respondent asking to explain reasons if any for not initiating penal action against him under section 20(1) of the RTI Act, for not providing the information within the prescribed time limit. Accordingly, the 2nd respondent appeared before the Commission on 18.9.07 and has given oral and written explanation for the delay in providing the information. According to the 2nd respondent, the application was received by the APIO and the delay was caused because there was no facility available in the Thrikkakara area for taking a photo-copy of the building plan of large size. He has also submitted that he is a chronic liver Cirrhosis patient and under treatment at Lake Shore Hospital.

5. The Commission had a detailed and meticulous examination of the complaint, the report of the first respondent and the explanation by the 2nd respondent. The Commission observed that the information requested was given to the complainant on 5.12.06 by registered post. The reasons for the delay in providing information as submitted by the 2nd respondent are not convincing. The Commission observed that the delay was caused without reasonable cause.

6. As the request was received by the APIO, the information should have been given within 35 days, ie before 30.11.06. There is a delay of 4 days in providing the information. Hence as per section 20 (1) of the RTI Act, the 2nd respondent is liable to be penalized at the rate of Rs.250/- for each day of the delay caused.

7. In the light of the above observation, the Commission hereby order as follows:

- (i) If the complainant is not satisfied with the information received, he may file appeal under section 19 (1) of the RTI Act before the Dy. Director of Panchayat, Ernakulam District. The Complainant is granted 15 days time for filing the first appeal.
- (ii) The 2nd respondent is responsible for the delay which was caused without reasonable cause. He is liable to be penalised for the 4 days of delay caused in providing the information. The Commission hereby impose a penalty of Rs.1000/- on the 2nd respondent for the delay of 4 days, as provided in section 20 (1) of the RTI Act. The 2nd respondent shall remit the amount in the head of Account " 0070-60-800-36 Receipts under Right to Information Act, 2005 " within 30 days of receipt of copy this order and inform the Secretary to the Commission with a copy of the treasury chalan, failing which the amount will be realized by attachment of movables of the 2nd Respondent.
- (iii) The Secretary of the Commission shall serve a copy of this order to the Director of Panchayats who shall ensure compliance of this order.

Dated this the 20th day of September, 2007.