



The State Information Commission, Kerala
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EP.No.01 /2007/SIC

File No.3419/SIC -G3/2007

Dated: 25.05.2007

Shri.D.B.Binu,
Advocate
Cochin Chamber of Lawyers
2nd Floor, Fathima Plaza,
Providence Road,
Kochi-682 018.

Appellant

Vs

The State Public Information Officer
Home Department,
Govt. Secretariat,
Thiruvananthapuram.

Respondent

ORDER

Smt.K.K.Ramani, the State Public Information Officer and Additional Secretary to Government, Home Department, *vide* letter dated 15.5.2007 (Ext A1) had requested for extension of time for a period of two weeks from 17.5.2007 to comply with the order of the State Information Commission Kerala dated 3.5.2007 in AP No.204/2006/SIC dated 3.5.2007. The order of the State Information Commission was to furnish an authenticated copy of the report of Smt.B.Sandhya, DIG of Police to the requester/appellant Adv.D.B.Binu within 10 days of the receipt of the order.

Adv.D.B.Binu, the appellant, had also moved this Commission to take contempt proceedings against the PIO and Appellate Authority for non-compliance of the order of SIC vide Ext A2 request dated 21.5.2007 and alleged that non-execution was a willful act on the part of the respondent. Furthermore, the appellant (decree holder) had sought for compensation under S.19(8)(b) of the RTI Act, 2005.

The Commission had scrutinized both these requests (Ext A1 and A2). The order of the Commission dated 3.5.2007 in AP No.204/2006 SIC is a self-explanatory order and the mode of execution and compliance of the order was given expressly in the last paragraph. In other words, the last paragraph is the operative portion of the order. An execution petition is absolutely unwanted because the order itself is the part of the execution order and operative in nature. So also the PIO or the Appellate Authority cannot seek extension of time for the execution of the order because there is no provision in the Act to concede to such a prayer. Further, the information sought was readily available with the public authority. Of course, by the inherent power of the Commission, the Commission on sufficient grounds, as raised by the Respondent/s can enlarge the period of compliance. The request made by the PIO (Ext A1) was already rejected on 16.5.2007 itself as found without merit, and, the same was communicated to her. The order referred to had already provided 10 days time to furnish the information *ie.*, Execution of the Order. Compensation as claimed by the requester/appellant under S.19(8)(b) is a claim maintainable in law, if the appellant requester succeeds in proving the fact that the non-receipt of the order has resulted in any loss or has caused any detriment to the interest of the appellant. The appellant as yet has not been granted an opportunity to adduce any evidence for the loss that he had suffered or to prove the nature of detriment suffered by him. That is the consequential process in entertaining a contempt application. This Commission, hereby, reserves its right to take contempt proceedings against the respondent. It is, however, ordered that the respondent shall furnish copy of the order referred in AP No.204/2006 SIC dated 3.5.2007 to the appellant positively within 7 days of the receipt of this order and intimate compliance to the Commission without fail.

The proceedings for contempt and for compensation as calimed by the appellant (decree holder) under Section 19 (8)(b) are posted on 7.6.2007 at 12.A.M. for further steps.

Dated this, the 26th day of May, 2007.