



**Before the State Information Commission, Kerala
Thiruvananthapuram-695 039.**

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Complaint Petition No.93/2007/SIC

PRESENT

Sri. P.Faziluddin, State Information Commissioner

Kumari Mega Jacob
Cantonment South Nagar
AGC Apartment
Kollam -1.

} Petitioner

Vs

1. Public Information Officer
General Education Department
Secretariat.
2. Public Information Officer
Directorate of Public Instructions
Thiruvananthapuram.
3. Public Information Officer
Pareeksha Bhavan
Thiruvananthapuram.
4. Public Information Officer
DIET, Kollam

} Respondents

ORDER

The Commission received a complaint from the Complainant on 19.01.2007. The causes leading to the complaint can be summarized as given below:

On 18.11.2006 the complainant submitted a request for some information to the Public Information Officer of the General Education Department of the Secretariat, Thiruvananthapuram. "All the files relating to the steps taken to award scholarships to winners of LSS

Scholarship 2005” was the information asked for. Even a minute-long analytical thinking would have convinced anybody with common sense that it is almost impossible to make available “all the files relating to LSS Scholarship” Yet, none of the Public Information Officers who handled the request is seen to have thought about the possibility or impossibility of furnishing the requested information. The long tragedy of errors started with the Public Information Officer (Respondent One) of the General Education Department. The Public Information Officer on 25.11.2006 gave a reply to the requester stating that the request is forwarded to the Director of Public Instructions for further action as the required details are not available with the Government”

The original request reached the Public Information Officer of the Director of Public Instructions office (Respondent two) on 05.12.2006. In spite of being the No.2 in the hierarchy of that office, he was not sure about who the custodian of the requested information was. Though it is amazing, she was really groping in the darkness. Finally she seems to have guessed that the requested information might be available with Pareeksha Bhavan. So she forwarded the original request to the Public Information Officer of Pareeksha Bhavan (Respondent Three) on 03.01.2007. But she took care to comply with the requirements of the RTI Act and informed the requester on the same date that her request is forwarded to the Respondent Three who may be contacted thereafter. The fact that she gave an account of what actually happened to the requester is a redeeming factor on her part.

The Respondent Three was one who solved the riddle about the custodian of the information. He who received the original request on 22.07.2007 sent it back to Public Information Officer, Director of Public Instruction's office on 31.01.2007 with the assertion that the requested information is available with concerned DIET.

The Public Information Officer of the Office of the Director of Public Instruction seem to have disposed of the case by intimating the requester within 30 days that the request is sent to the Public Information Officer, Pareeksha Bhavan, who is mistaken by thought to be the custodian of the requested information. The Public Information Officer of the Pareeksha Bhavan received it on 22.01.2007 and sent it back to the Public Information Officer Director of Public Instruction on 31.01.2007. with the clear direction as to where the information sought is available. There was no action on it till 20.02.2007. This delay on the part of the Public Information Officer in excusable and punishable. The Commission makes an allowance of 5 days for carrying out the work of forwarding the request to DIET, Kollam, Thus the punishable delay is reduced to 15 days. Hence the Commission decide to impose a penalty at the rate of Rs.250 per each day. It works out to Rs.(15x250) 3750 Thus the Commission hereby impose a penalty of Rs.3750/- in head of account "0070-60-800-36 Receipts under Right to Information Act, 2005" within 30 days of receipt of the copy of this order on the errant Public Information Officer, Smt. J. Beena to Additional Director of Public Instruction.

The Commission also hereby direct the Public Information Officer to furnish the requested information within 7 days of the receipt of this order.

Pronounced this, 27th day of April 2007.

Palat Mohandas
Chief Information Commissioner

P.Faziluddin,
State Information Commissioner

Authenticated Copy

Secretary to Commission