

DESPATCHED
On 08/06/2020



STATE INFORMATION COMMISSION, KERALA
PUNNEN ROAD, THIRUVANANTHAPURAM 695 001

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Proceedings of the AP. No.1476(6)/2015/SIC, 1478(6)/2015/SIC
(File No.9513/SIC-Gen5/2015, 9515/SIC-Gen5/2015)

PRESENT

Vinson M. Paul, Chief Information Commissioner

Mrs. Geetha R.,

D/o Raghavan

Kappukunnu House, Konnachal P.O.,

Erumad-1 Village, Pandalur Taluk,

Nilgiris – 643 239.

} Appellant

- 1) The State Public Information Officer &
Village Officer,
Village Office, Thrikkaipetta,
Vythiri Taluk, Wayanad Dist.

- 2) Appellate Authority &
Additional Tahasildar,
Taluk Office, Wayanad.

} Respondents

Date of application u/s 6(1)	09/02/2015
Date of reply furnished	16/02/2015
Date of 1 st appeal	16/03/2015
Date of decision on the 1 st appeal	16/04/2015
Date of filing 2 nd appeal	31/05/2015
Date of receipt of 2 nd appeal in the Commission	05/06/2015
Date of report called for by the Commission	18/06/2015
Date of receipt of report in the Commission	04/07/2015

ORDER

Appeal Petitioner Smt. Geetha R., represented before the Commission that the 1st Respondent gave false, baseless and incorrect statement on her application. Hence an appeal was filed before the 2nd Respondent. Subsequently the 2nd Respondent fabricated one letter for dismissing her appeal. It was an

intimation letter directing the Appellant to appear before the Appellate Authority for hearing on 16/3/2015 and the above letter was signed on 4/4/2015. The Appellant requested the Commission to direct the concerned for furnishing the correct information sought by her.

2. In her application submitted before the 1st Respondent, the Appellant stated that she was born on 15/3/1972 at Uppupara Colony, Thrikkaipetta, Vythiri Taluk, Wayanad District and her father Sri. Raghavan had given an application for getting a certificate to prove her place of birth. However, the above certificate was not issued him purposefully. In the above context, the Appellant sought the following information:

- i. Reason for rejecting the application given by the father of Appellant for getting a certificate to prove her birth(SR No. 37/2015)
- ii. The authority to give the above certificate
- iii. Reason for not receiving her application by the Tahasildar, Vythiri for getting the above certificate.
- iv. Whether the Appellant is entitled to get a certificate from the Village specifying that her place of birth is Thrikkaipetta, Vythiri Village, Wayanad District and so on numbering to 8 items.

Reply to the above application was furnished by the 1st Respondent stating that report was furnished to the Tahasildar as the person in respect of whom the certificate was sought was found residing outside the State. With regard to item 2, it was stated that the officer concerned of the place of residence of the applicant is the authority to issue the certificate. It was also notified that information relating to item 3 & 7 would be furnished by the SPIO of Taluk Office, Vythiri. The information sought in item 8 was furnished.

3. The Appellant filed her first appeal before the 2nd Respondent stating that the 1st Respondent furnished false, baseless and incorrect statements. She requested the Appellant to furnish correct information sought by her. The

above appeal was disposed of by the 2nd Respondent stating that the Appellant was directed to appear for hearing on 16/3/2015. However, the Appellant failed to turn up for the hearing. On scrutinising the information furnished by the 1st Respondent, it was found that there were no lapses in it and hence her appeal was rejected.

4. In the report furnished to the Commission by the 2nd Respondent, it was stated that the father of the Appellant requested for issuing a certificate to the effect that his daughter Smt. R. Geetha was born at Thrikkaipetta Village in Wayanad District. In the enquiry conducted it was disclosed that Smt. Geetha was born at Thrikkaipetta Village, but staying in Tamil Nadu for the last 12 years after her marriage. The person in respect of whom the certificate was required was found staying in Tamil Nadu for the last 12 years and hence a report was furnished to the Tahasildar, Vythiri. The above information was communicated to the Appellant in response to her application under the RTI Act.

5. On scrutinizing the appeal petition and connected documents, the Commission finds that the information relating to item 1 was furnished to the Appellant. The Commission also finds that correct information was furnished with regard to item 2 in the application. The information sought in item 3 was to be provided by Tahasildar Vythiri and hence her application was forwarded to the above office for furnishing the information. The above action on the part of the 1st Respondent is found in order. In items 4, the Appellant sought clarification /legal interpretation. The above does not come under the purview of 'information' as defined in section 2(f) of the RTI Act. In item 5 also, the Appellant sought clarification/opinion which does not come under the purview of 'information'. In item 6, the Appellant sought any information which is not available in any files/registers of the Respondent office. In this item also the Appellant has sought clarification/opinion. The same does not come under the

purview of 'information' as defined under the Act. In item 7, the Appellant again sought clarification/opinion from the 1st Respondent and the same does not qualify as information to be answered under the Act. Information sought in item 8 is seen furnished by the 1st Respondent.

6. The 2nd Respondent is seen to have furnished incorrect date with regard to hearing on her appeal. The same appears to be a clerical error. The Commission does not find that the above error was deliberate or intentional.

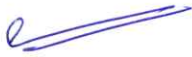
7. The Commission finds that information as was available in the office of the 1st Respondent was furnished to the Appellant. As such, the Commission does not find any lapse on the part of 1st Respondent. Hence the Commission dismisses the above appeals on the 8th day of May, 2020.

Sd/-

Vinson M. Paul

Chief Information Commissioner

Authenticated Copy



Additional Secretary(law)

